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Conjugal Visit Policy In The Perspective of Indonesian Criminal Law: Between The Fulfillment of Human Rights And The Limits of Islamic Morality

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Abstract: This study explores the legal and moral dimensions of conjugal visits within Indonesia's criminal justice system by examining their position under national law and the potential influence of Islamic morality on correctional policy. It highlights the existing gap between constitutional guarantees of human rights—specifically the right to family life and the satisfaction of biological needs—and the absence of explicit legal provisions allowing conjugal visits for prisoners. Employing a normative legal methodology, this research utilizes legislative, conceptual, comparative, and philosophical approaches, drawing upon sources such as the 1945 Constitution, Correctional Law, Criminal Code, international human rights instruments, and Islamic jurisprudence. The findings indicate that conjugal visits may be recognized as a conditional right aligned with humanitarian principles and rehabilitation objectives, provided that implementation follows strict ethical and procedural safeguards consistent with Islamic teachings that confine sexual relations to lawful marriage. Thus, the regulation of conjugal visits remains possible if framed as a limited privilege integrating human rights with Islamic moral principles. The study's novelty lies in proposing a reconciliatory policy model that merges socio-psychological, juridical, and human rights perspectives, offering a framework for humane, religiously compliant, and socially appropriate correctional reform in Indonesia.

Keyword: Conjugal Visit, Criminal Law, Islam.

INTRODUCTION

The phenomenon of conjugal visits for prisoners has been a long-standing discourse in the development of the modern correctional system.(Hidayat dkk., 2023) This discourse is

not only related to the fulfillment of prisoners' basic rights, but also sparks serious debate from legal, social, moral, and religious aspects, especially in the Indonesian context. The concept of conjugal visits essentially provides prisoners with the opportunity to engage in intimate interactions with their legal spouses as a form of respect for family rights, sexual rights, and reproductive rights.(Pratama, 2021) These rights are recognized as inherent human rights, which are not automatically lost even if a person is serving a prison sentence. In a number of countries, such as Mexico, Brazil, Canada, and several states in the United States, this policy has long been implemented with fairly strong arguments.(Agoff dkk., 2020) Conjugal visits can reduce the incidence of sexual violence in correctional institutions, help maintain prisoners' mental health, strengthen emotional bonds with family, and ultimately facilitate the process of social reintegration after prisoners return to society.(Martvina Sapii dkk., 2023)

However, when this discourse is presented in the Indonesian context, the debate becomes much more complex. Indonesia is indeed a country based on the rule of law that normatively upholds human rights as stipulated in the 1945 Constitution and derivative legislation, including Law Number 22 of 2022 concerning Corrections.(Desy Maryan, 2020) However, Indonesia is also a country with a Muslim majority, where Islamic moral values and Sharia law still play a dominant role in shaping public opinion on ethical and social issues.(Rohim, 2024) Thus, the discussion of conjugal visits cannot be separated from two dimensions that intersect but sometimes clash: on the one hand, the need to respect the basic rights of prisoners; on the other hand, the necessity to uphold the moral norms and religious values held by the majority of society.

This normative conflict gives rise to a complex dilemma. Indonesian criminal law in principle allows for the development of correctional policies as long as they are in line with the principles of humanity, rehabilitation, and justice.(Syafari dkk., 2025) However, sociologically speaking, there is resistance to policies that are considered to have the potential to normalize the fulfillment of biological needs in correctional institutions.(Taufik, 2011) In a society steeped in religious values, conjugal visits risk being viewed as a controversial policy, even deviating from general morality. A fundamental question then arises: can conjugal visits be categorized as a basic right of prisoners that must be fulfilled by the state, or should they be restricted by Islamic moral norms that guide the lives of the majority of society? This dilemma shows that the formulation of conjugal visit policies in Indonesia is not merely a technical matter, but rather a question of how to negotiate the space between individual rights and socio-religious interests.

The urgency of discussing conjugal visits is becoming increasingly apparent because, to date, this policy has not been explicitly formulated within the Indonesian legal framework. The Correctional Law and its derivative regulations do regulate a number of basic rights of prisoners, such as the right to worship, the right to health services, the right to education, the right to communicate with family, and the right to humane treatment. However, the fulfillment of prisoners' biological needs in the form of conjugal visits is not explicitly regulated.(Bramandita, 2023) This legal vacuum creates vulnerability: correctional institutions do not have a clear normative basis for regulating or rejecting conjugal visits, and the academic community does not have a clear direction in examining the pros and cons of this policy. In addition, the absence of regulations on conjugal visits also has the potential to perpetuate informal or even illegal practices that create new problems in terms of morality, security, and health.(Desy Maryan, 2020)

Upon closer examination, the idea of conjugal visits has strong justification from a human rights perspective. Prisoners, despite serving their sentences, are still human beings with biological, emotional, and social needs. Ignoring these needs not only violates the principle of human dignity, but can also lead to sexual deviance, violence among prisoners,

and the breakdown of family ties.(Goetting, 1982) From a rehabilitation perspective, conjugal visits can be seen as an important tool to ensure that prisoners remain motivated to change, maintain harmonious relationships with their partners, and prepare themselves for reintegration after release. This view is in line with the principles adopted in modern correctional systems, which emphasize guidance and resocialization rather than mere punishment.(Hikmah dkk., 2024)

However, this human rights-based approach cannot be readily accepted in Indonesia without considering the moral dimension of Islam. In Islam, sexual relations are only permissible within the bonds of marriage, and the fulfillment of biological needs is part of the rights and obligations of husband and wife. From this perspective, conjugal visits can actually be viewed as consistent with Islamic values as long as they are carried out within the framework of a valid marriage. However, debate arises when considering the context of correctional institutions.(Summa, 2005) Some people are concerned that the implementation of conjugal visits will be difficult to monitor, leading to abuse of the facility and undermining the dignity of correctional institutions as institutions of rehabilitation. This is where a more progressive interpretation of Islamic values is needed, viewing conjugal visits not merely as a matter of biological satisfaction, but as part of efforts to maintain family harmony, prevent prisoners from sexual deviance, and maintain mental health, which is in line with maqashid al-shari'ah, namely protecting religion, life, reason, lineage, and property.(Taufik, 2011)

Syafiqoh (2021) emphasizes the importance of the socio-psychological aspects of conjugal visits, arguing that prisoners' emotional and sexual needs should not be ignored because they are directly related to mental health, rehabilitation motivation, and the continuity of family relationships. The strength of this study lies in its focus on the psychological dimensions of prisoners, which are rarely touched upon in legal discourse. She successfully positions conjugal visits as a preventive instrument against deviant behavior as well as a means of maintaining family harmony. However, a notable weakness is the absence of discussion regarding legal regulations and technical aspects of implementation. Thus, the ideas offered are still idealistic without concrete strategies for implementation in the Indonesian correctional system.

Landrawan (2024) provides a different perspective by emphasizing the legal-technical aspects, particularly the idea of providing love rooms as a means of conjugal visits. The strength of this study is its practical and concrete suggestions, which provide a clear picture of how conjugal visits can be implemented. Landrawan also highlights the importance of regulation and supervision as key instruments to prevent abuse of these facilities. However, this study has weaknesses in that it does not give enough space to the socio-psychological aspects of prisoners and ignores the human rights dimension. As a result, his ideas appear legalistic and formalistic and have the potential to cause moral and social resistance if not complemented by a more humanistic approach.

Pasaribu (2024) places conjugal visits within a normative framework by affirming them as part of the human rights guaranteed by the constitution, specifically the right to family life and reproductive rights. The strength of this study lies in its strong constitutional basis and clear normative argumentation regarding the position of conjugal visits as a basic right of prisoners. However, this study also has weaknesses because it does not offer realistic implementation mechanisms, making it more conceptual than operational. The absence of technical strategies makes this study difficult to use as a practical reference in the formulation of correctional policies.

This study differs from the three previous studies in that it attempts to overcome the separation of these three dimensions by combining socio-psychological, legal-technical, and human rights aspects into a more comprehensive framework. This approach aims to ensure that conjugal visits are not only debated in theory, but also have the opportunity for real

implementation in the Indonesian correctional system. From a socio-psychological perspective, conjugal visits will be seen as a means of maintaining the mental health of prisoners and strengthening family ties. From a legal perspective, this study encourages the creation of specific regulations governing the mechanism of conjugal visits, including requirements, procedures, supervision, and restrictions. From a human rights perspective, conjugal visits are positioned as part of respecting human dignity in line with the principle of rehabilitation. With this framework, conjugal visits are expected to no longer be understood merely as a biological issue, but as an instrument for rehabilitating prisoners that is contextual with positive legal values and Islamic morality.

The novelty of this research lies in this synthesis. While previous studies have emphasized only one dimension, this study attempts to address the gap by offering an ideal conjugal visit policy model for Indonesia. The model is designed to be balanced: recognized as a fundamental right inherent to prisoners, facilitated by clear technical regulations, and aligned with Islamic moral values to gain social legitimacy. With this reconciliatory approach, conjugal visits can be transformed from a controversial issue into a humane, realistic correctional policy that is appropriate to the Indonesian socio-cultural context.

Based on the above description, the purpose of this study is to analyze the position of conjugal visits in the perspective of Indonesian criminal law, examine the extent to which Islamic morality can provide a framework for legitimizing their regulation, and offer a model for conjugal visit policy that balances the fulfillment of prisoners' human rights, the principle of rehabilitation, and Islamic moral values.

METHOD

The research method used in this study is normative legal research with a legislative, conceptual, comparative, and philosophical approach. (*Pengantar metode penelitian hukum*, 2020) This study focuses on literature review by examining primary legal materials such as the 1945 Constitution, Law No. 22 of 2022 concerning Corrections, the Criminal Code, Law No. 39 of 1999 concerning Human Rights, international human rights instruments, and Islamic legal sources such as the Qur'an, hadith, and maqāṣid al-sharī'ah; secondary legal materials such as academic literature, journals, and previous studies; and tertiary legal materials such as legal dictionaries. The technique of collecting legal materials was carried out through literature searches, while the analysis was conducted qualitatively using deductive reasoning and normative interpretation to determine the position of conjugal visits in Indonesian criminal law, their relevance to Islamic morality, and the formulation of norms that harmonize the fulfillment of prisoners' rights with religious values in national law.

RESULTS AND DISCUSSION

The Position of Conjugal Visits in the Perspective of Prisoners' Human Rights According to Indonesian Criminal Law

The position of conjugal visits in the perspective of prisoners' human rights under Indonesian criminal law is a controversial topic because it is directly related to fundamental aspects of human rights, the correctional system, national moral values, and the orientation of applicable criminal law. (Lestari dkk., 2025) In Indonesian law, prisoners do not lose all of their fundamental rights, but only some of them as a consequence of a court decision that has permanent legal force. This principle is in line with the idea that punishment should not exceed the limits of humanity and must still respect the dignity of prisoners as human beings. (Panjaitan & Chairijah, 2009) Therefore, the discourse on conjugal visits, which give prisoners the opportunity to have intimate relations with their legal spouses, raises an interesting question: should this right be recognized as part of prisoners' rights, or should it be

restricted on the grounds of morality, security, and the values held by Indonesian society (Pramadhani & Subroto, 2022)

Within the normative framework, Law No. 22 of 2022 on Corrections stipulates that every prisoner has the right to health care, adequate food, spiritual and physical guidance, and communication with family. However, the law does not explicitly regulate prisoners' sexual rights, including the right to have intimate relations with their legal spouse. (Hidayat dkk., 2023) This legal vacuum has led to ambiguity in implementation, because on the one hand there is recognition of the basic rights of prisoners, while on the other hand there are no concrete rules on how to fulfill the biological needs of prisoners that are legally and religiously valid. This is where conjugal visits emerged as an idea that attempts to fill this gap based on human rights arguments. (Utami Larasati dkk., 2023) The right to form a family, continue one's lineage, and fulfill biological needs is a natural right recognized in the Indonesian constitution, specifically Article 28B paragraph (1) of the 1945 Constitution. The question is to what extent this right can be realized behind prison walls. (Bina KUA dan Keluarga Sakinah, 2017)

In international practice, conjugal visits have been implemented in a number of countries with different considerations. The United States, Canada, Mexico, Brazil, and several European countries allow conjugal visits with various models of regulation. The reasons given are generally to prevent sexual misconduct in correctional institutions, strengthen family ties, and support the social reintegration of prisoners after their release. In Mexico, for example, conjugal visits are not only considered a right but also an important means of rehabilitation. (Gane & Mackarel, 1997) This is different from many Muslim countries, including Indonesia, which are still debating its legality. The main conflict usually lies in how to reconcile sexual rights with prevailing moral and religious values. Therefore, discussing the position of conjugal visits in the context of Indonesian criminal law cannot be separated from two things: first, how Indonesian positive law positions the rights of prisoners, and second, how moral principles and legal culture influence the acceptance of this policy. (Putri & Adha, 2024)

Doctrinally, Indonesian criminal law is based on the paradigm that imprisonment is not intended to punish, but to rehabilitate. Since the reform of the correctional system in 1964, Indonesia has adopted a more humanistic philosophy of correctionalism compared to the colonial concept that emphasized imprisonment alone. The principle that prisoners are human beings who must be treated with dignity has become the spirit of correctional policy. (Panjaitan & Chairijah, 2009) Thus, if conjugal visits are viewed from the perspective of rehabilitation, they can be considered part of fulfilling prisoners' rights to continue their family life. Harmonious family relationships have been proven to have a positive influence on prisoners' behavior, reducing stress and supporting the psychological rehabilitation process. In addition, conjugal visits can prevent the emergence of non-heteronormative sexual relationships in prisons, which are often accompanied by violence or coercion, which in turn adds to health and moral problems. (Hasri dan Saleh Ridwan, 2023)

However, in Indonesia's positive legal system, the fulfillment of prisoners' sexual needs is not yet considered a basic right that must be fulfilled by the state. The rights that are explicitly recognized are still limited to those that are essential for survival, health, education, guidance, and communication. Arguments against conjugal visits are usually based on moral and technical concerns, such as the possibility of abuse of conjugal visit facilities for drug transactions, circulation of prohibited goods, and security violations. (Nurul Ramadhani Sangker, 2024) In addition, Indonesia, as a country with a Muslim majority, faces major challenges in formulating policies related to sexuality. Islamic morality places sexual relations within the framework of legal marriage, and even though conjugal visits are intended for legally married couples, some people believe that prison is a place to serve a

sentence, not a place to enjoy private rights. This rejection usually emphasizes the philosophical aspect of punishment, which is considered to have a deterrent effect.(Ardani & Jarodi, 2023)

The tension between the human rights paradigm and the morality and deterrence paradigms in Indonesian criminal law is what makes conjugal visits problematic. Theoretically, prisoners' sexual rights can be included in the category of non-derogable rights as long as their fulfillment does not have an impact that is contrary to the public interest. However, sociologically, Indonesian society still considers prisons to be spaces that must restrict almost all aspects of prisoners' lives. The discourse on conjugal visits is often met with public rejection because it is considered to violate the public's sense of justice. This phenomenon illustrates how the law is not only about the text of the law, but also the social legitimacy that supports it. A correctional policy will not be effective if it does not have the moral support of society.(Hidayat dkk., 2023)

From a human rights perspective, completely denying conjugal visits can be considered a violation of prisoners' rights to a full family life. The right to have sexual relations with one's lawful spouse is an extension of the right to form a family, the right to continue one's lineage, and the right to reproductive health. Neglecting these rights has the potential to cause psychological stress, increase divorce rates among prisoners' families, and disrupt the process of social reintegration after release.(Sukardi dkk., 2023) Thus, arguments in favor of conjugal visits generally hold that the state should not close the door completely, but rather should design clear, strict, and secure mechanisms. For example, by providing special supervised facilities, limiting the frequency, and ensuring that conjugal visits are only granted to legally married couples as proven by legal documents. This approach allows conjugal visits to remain in line with the principle of rehabilitation without compromising security and morality.(Prasetio dkk., 2023)

The position of conjugal visits in Indonesian criminal law, therefore, lies at the intersection between the recognition of prisoners' human rights and the limitations of existing regulations. Constitutionally, conjugal visits have a basis because they are related to the right to form a family and the right to reproductive health. However, in positive law, to date there is no regulation that provides explicit recognition. This creates a status quo in which conjugal visits cannot be demanded as a legal right, but only as a policy issue that is still under debate. This position is certainly different from countries that have regulated conjugal visits in detail and made them an integral part of their correctional systems. Therefore, a more in-depth normative review is needed to determine whether conjugal visits can be accommodated within the framework of Indonesian criminal law without conflicting with the values embraced by society.(Desy Maryan, 2020)

If we look further, the problem of conjugal visits actually reflects the limitations of the Indonesian criminal law paradigm in accommodating private rights. The legal system tends to be cautious in regulating sexual rights because this issue is closely related to morality and religion. However, the development of human rights discourse demands a revision of this perspective. Modern criminal law no longer emphasizes solely retributive aspects, but must also pay attention to basic human rights, which are not lost even when a person is serving a sentence.(Fathurrahim, 2023) Thus, conjugal visits can be positioned as a conditional right: a right that can be granted as long as legal, security, and moral requirements are met. This concept of conditional rights allows for a meeting point between the demand for the fulfillment of prisoners' rights and the need to maintain order and societal values.(Hikmah dkk., 2024)

The debate over conjugal visits in Indonesia also highlights the gap between normative law and empirical reality. On the one hand, studies show that fulfilling prisoners' sexual rights can reduce the incidence of sexual violence in prisons and support mental health. On

the other hand, existing regulations do not allow for this because there has not been the political courage to adopt policies that are considered sensitive. This gap is evidence that Indonesia's criminal justice system is still in a transitional phase towards a more humanistic paradigm. If conjugal visits can be designed within a clear legal framework, this will actually be an innovation in correctional policy that will put Indonesia in a more advanced position in terms of protecting the rights of prisoners.(Desy Maryan, 2020)

From this description, it can be concluded that the position of conjugal visits in the perspective of prisoners' human rights under Indonesian criminal law is still in a gray area. The constitution and the principle of rehabilitation open up space for the fulfillment of this right, but the absence of normative regulations means that it does not have binding legal force. As a consequence, conjugal visits cannot yet be considered a legal right, but only a discourse that requires further study. The debate that has arisen shows a tug-of-war between the orientation of human rights and the values of morality and security. A possible middle ground is to formulate a conjugal visit policy as a conditional right that can only be exercised within certain limits, with strict monitoring mechanisms, and only for legal spouses recognized by law and religion. In this way, conjugal visits can find their proportional place in Indonesian criminal law, not merely as an absolute right but also not completely rejected.

Islamic Moral Restrictions May Influence Conjugal Visit Policies in the Indonesian Correctional System

The issue of implementing conjugal visits, or the right of spouses to visit prisoners, is one topic that has sparked debate in Indonesia's legal and correctional systems (Hasri dan Saleh Ridwan:2023). On the one hand, conjugal visits are seen as a human right inherent to prisoners, particularly in relation to the right to family life and the right to run a household. However, on the other hand, this policy cannot be separated from the moral values of the Indonesian people, which are greatly influenced by Islam as the majority religion (Umar Abdul Aziz dkk, 2023).

Islamic morality not only governs the relationship between humans and God, but also relationships between individuals in society, including family life, sexuality, and social etiquette. Thus, any policy that touches on the private sphere, such as conjugal visits, must inevitably take into account the limits of Islamic morality in order to remain in harmony with the national legal identity and values of Indonesian society.(Handayani, 2020)

The understanding of Islamic morality in the context of conjugal visits can be traced back to the basic principles of Islamic teachings, which regard marriage as a sacred institution. Islam emphasizes that sexual relations are only permissible within the framework of a marriage that is valid both religiously and legally. Therefore, conjugal visits cannot be freely interpreted as a form of sexual gratification for prisoners with anyone, but can only be carried out within the framework of a valid marriage.(Putri & Adha, 2024) This restriction also serves as the main filter to ensure that the conjugal visit policy does not conflict with the basic principles of Islamic law. Furthermore, Islamic morality emphasizes the sanctity of the family as the smallest social unit that serves as the moral foundation of the nation. By providing space for married couples who are separated due to imprisonment to maintain their emotional and biological bonds, conjugal visits can actually be seen as an instrument for maintaining family resilience, while reducing the risk of sexual deviance within correctional institutions.(Daud dkk., 2021)

However, in the Indonesian context, the implementation of conjugal visits faces not only technical challenges, but also ideological challenges. Islamic morality does not only concern the validity of marital relations, but also modesty, ethics, and propriety in public spaces. Prisons, although closed institutions, are part of public institutions regulated by the state. Therefore, conjugal visits must be regulated in such a way that they do not give the

impression that the state legitimizes sexual behavior that is detached from moral values. From an Islamic perspective, sexuality is not taboo, but it has clear rules and must be treated with respect. Therefore, if conjugal visits are implemented, they must not be conducted in a vulgar manner or without strict regulations, but must be carried out through mechanisms that guarantee decency, privacy, and the continuity of the rehabilitative function of correctional institutions.(Aziz dkk., 2023)

Furthermore, it is important to understand that Islamic morality is not static. It evolves according to the surrounding social and legal context. In the history of Islamic criminal law, there has been a long discourse on the rights of prisoners, including in terms of family relationships. Some classical fiqh literature mentions the importance of maintaining marital ties even if one of the parties is serving a sentence. This is based on the principle of maqasid al-shariah, specifically the protection of offspring (hifz al-nasl) and the protection of honor (hifz al-'ird). Thus, conjugal visits can be seen as a form of actualization of maqasid al-shariah in a modern context, where the state, through the correctional system, seeks to protect the basic rights of prisoners while also protecting the stability of families and society.(Harahap & Omara, 2012)

However, not everything can be adopted immediately. Islamic morality also provides restrictions that individual rights, including the rights of prisoners, should not harm the public interest. In the context of conjugal visits, for example, their implementation must take into account the security aspects of correctional institutions, the potential for abuse of the policy for covert prostitution, and the possibility of discrimination between married and unmarried prisoners (Pramadhani dan Subroto, 2022). Islam places justice as the main principle in every policy. Therefore, conjugal visits should not cause social jealousy or excessive special treatment. Instead, they should be designed based on the principle of distributive justice, where the rights of married prisoners can be fulfilled without neglecting the rights of other prisoners.(Hidayat dkk., 2023)

Within the framework of Indonesian positive law, Islamic moral principles are often used as the basis for the formulation of legislation. This is in line with Article 29 of the 1945 Constitution, which states that the state is based on belief in One God.(Muslich, 2005) Thus, the implementation of conjugal visits must not conflict with religious values, especially Islam. Conjugal visit arrangements that are in accordance with Islamic morality can be seen as a form of harmonization between human rights and the religious values of the nation. The right of prisoners to maintain family life must be recognized, but its implementation needs to be carried out proportionally by emphasizing the sanctity of marriage, privacy, and respect for norms of decency.(Kusmaryanto, 2021)

In practical terms, Islamic moral restrictions can affect the technical implementation of conjugal visits. First, conjugal visits can only be granted to couples who are legally and religiously married. This means that the state must verify the marital status of prisoners to prevent abuse of the policy. Second, conjugal visits must be conducted in a private space, but still under supervision that does not violate decency. In Islam, although marital relations are halal, they remain a private matter that should not be exposed in public. Therefore, the state needs to prepare special facilities that meet moral and health standards, and ensure that conjugal visits do not give rise to potential scandals or abuse. Third, conjugal visits can be combined with family development programs, such as counseling, religious education, and skills training, so that the function of conjugal visits is not merely sexual, but also strengthens the role of the family as a supporter of the social reintegration of prisoners.(Bramandita, 2023)

On the other hand, Islamic morality also emphasizes the social responsibility of prisoners. The right to conjugal visits should not be viewed as an absolute right, but rather as a conditional right that depends on the behavior of prisoners in correctional institutions. The

principles of repentance and self-improvement in Islam teach that everyone who has committed a sin is given the opportunity to improve themselves. Therefore, conjugal visits can be used as a moral incentive and guidance, whereby prisoners who behave well and show sincerity in their rehabilitation are entitled to this facility. Thus, conjugal visits not only serve to fulfill the biological rights of prisoners, but also form part of a guidance strategy based on Islamic moral values.(Millah, 2017)

The next question is to what extent Islamic morality influences society's acceptance of conjugal visits. In Indonesia's religious society, any state policy related to sexuality will always be viewed as sensitive. If conjugal visits are perceived as an attempt by the state to legitimize sexual freedom, they will certainly be rejected. However, if conjugal visits are framed as a means of preserving the sanctity of marriage, protecting families, and preventing immoral acts in prisons, then this policy can be accepted as an implementation of Islamic values. In other words, the key to public acceptance of conjugal visits lies in the moral framing used. If conjugal visits are linked to maqasid al-shariah and Islamic moral principles, this policy can be considered a positive step in line with the identity of the Indonesian nation.(Pratama, 2021)

Furthermore, Islamic morality can influence how conjugal visits are regulated in Indonesian criminal law. Islamic morality provides a framework of values that every legal policy must be oriented towards the protection of religion, life, reason, lineage, and property.(Summa, 2005) Conjugal visits can contribute to the protection of offspring by maintaining the continuity of the prisoner's household, protection of life by reducing stress and psychological disorders among prisoners, and protection of honor by preventing deviant sexual behavior in prison. However, if conjugal visits have negative effects such as abuse of facilities, spread of disease, or violation of norms, then they contradict the maqasid al-shariah and must be reevaluated. Thus, Islamic morality not only provides legitimacy, but also serves as an instrument for evaluating conjugal visit policies(Hasri dan Saleh Ridwan:2023).

It is at this point that we see that Islamic moral boundaries are not restrictive, but rather provide ethical guidance for the formulation of conjugal visit policies in Indonesia. Islamic values can ensure that conjugal visits are carried out not merely to satisfy biological desires, but also to maintain human dignity, strengthen families, and support the social rehabilitation of prisoners. This is important because one of the criticisms of the correctional system is its failure to rehabilitate prisoners into better individuals. If conjugal visits can be integrated with moral values-based guidance, then they have the potential to become an important instrument in the process of prisoner resocialization.

Ultimately, the role of Islamic morality in influencing conjugal visit policies can be summarized in several fundamental aspects. First, Islamic morality determines who is entitled to conjugal visits, namely only legally married couples. Second, Islamic morality determines how conjugal visits are carried out, namely by maintaining modesty, privacy, and honor. Third, Islamic morality determines the purpose of conjugal visits, which is not merely to fulfill biological needs, but also to strengthen families and rehabilitate prisoners morally. Fourth, Islamic morality determines the limits of conjugal visits so as not to cause harm to the public interest, with the principles of justice and benefit as the main foundations.

With this understanding, it is clear that Islamic moral boundaries have a very significant influence on the formulation and implementation of conjugal visit policies in Indonesia. A country based on Pancasila and which places belief in One God as a fundamental principle cannot ignore religious values, especially Islam, in policies concerning sexuality and family. Conjugal visits will only be accepted and successfully implemented if they are in line with the Islamic morality that exists in society. Therefore, any regulations regarding conjugal visits must be designed with an emphasis on conformity with Sharia

principles, so that they are not only legally valid, but also morally and religiously valid in the eyes of the majority of Indonesian society.

CONCLUSION

Based on the research objective of analyzing the position of conjugal visits in the perspective of Indonesian criminal law and the influence of Islamic morality on its formulation, the results of this study indicate that conjugal visits can be viewed as a conditional right of prisoners in line with the principle of humanity and the objectives of rehabilitation. However, its implementation must be strictly limited so as not to conflict with the values of Islamic morality that exist in society. The novelty of this research lies in the synthesis between the dimensions of human rights, juridical-technical aspects, and Islamic morality, resulting in an ideal conjugal visit policy model for Indonesia: recognized as a human right, regulated through clear normative mechanisms, and remaining in line with the principles of maqāṣid al-sharī'ah. This study recommends that lawmakers formulate conjugal visit regulations in positive law with strict verification and monitoring mechanisms, that the Ministry of Law and Human Rights prepare facilities that meet moral and health standards, and that religious and community leaders be involved in building an understanding that conjugal visits are not merely a biological fulfillment, but rather an instrument for family development and the social reintegration of prisoners. With this approach, conjugal visits have the potential to become a humane, fair, and contextual correctional policy in line with the nation's culture.

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