


Analysis of Chemical Castration Sanctions in the Positive Legal System in Indonesia

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Article Info	ABSTRACT
<p>Keywords: Chemical Castration, Human Rights, Child Sexual Abuse</p>	<p>This study analyzes the application of chemical castration as a form of punishment for perpetrators of sexual crimes against children in Indonesia's positive legal system, as well as its relation to human rights principles. Chemical castration is regulated in Government Regulation No. 70 of 2020 as an additional punishment to suppress the sexual urges of perpetrators, but it has sparked controversy regarding violations of the right to bodily integrity and the potential for cruelty that is contrary to the constitution and international conventions. This study uses a normative legal research method with a descriptive qualitative approach to examine regulations, court decisions, and the views of various parties such as Komnas HAM, IDI, and international human rights institutions. The results of the study show that chemical castration has not been proven effective in preventing repeat offenses and focuses more on the theory of revenge than rehabilitation. In addition, there are more humane alternatives, such as a therapy program in Germany that emphasizes a rehabilitative approach and the protection of the rights of both perpetrators and victims. This study recommends a review of the chemical castration policy to bring it in line with the values of justice, humanity, and the supremacy of human rights in Indonesia.</p>
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INTRODUCTION

Children are gifts from God Almighty to human couples known as parents. Children are still classified as weak beings, vulnerable to physical and psychological influences, and often become victims of crimes, including sexual crimes against children committed by adults. Crimes against children encompass various matters concerning children and their protection that will never cease throughout their lives. Children are the future generation of the nation, the successors of development, the generation prepared to be the main actors of sustainable development as well as the controllers of a country's future (Avelia Rahmah Y. Mantali dkk., 2024).

Pedophilia, as a form of deviant sexual behavior involving children as victims, has come under scrutiny due to alarming statistics. In addition to violating children's rights to protection, pedophilia also contravenes the law. Indonesia implements its constitutional mandate by providing legal certainty through the enforcement of laws and regulations on child protection (Mohamad Rizky Alhasni dkk., 2019). One of the aspects regulated therein is criminal

sanctions for perpetrators of sexual violence against children to provide a deterrent effect and to stop the act. Chemical castration is stipulated as a form of criminal sanction for pedophiles. Therefore, the government issued Government Regulation Number 1 of 2016 concerning the second amendment to Law Number 23 of 2002 concerning child protection. This Perpu was then passed into law as Law No. 17 of 2016 concerning the stipulation of Perpu No. 1 of 2016. This Perpu regulates the special punishment for perpetrators of sexual crimes against children. In this case, the author focuses on the actions that are sanctioned in the Perpu, namely chemical castration, which is regulated in Article 81 paragraph 7, which reads: Perpetrators as referred to in paragraphs (4) and (5) may be subject to chemical castration and the installation of electronic detection devices. The procedures for these measures are further specified in Government Regulation No. 70 of 2020.

It should be noted that the application of sanctions for a criminal act does not lie in the severity of the statutory sanctions, but rather in the effectiveness of the punishment, which aims to deter perpetrators from committing such criminal acts. Castration, also known as castration or sterilization, is a medical procedure involving surgery and/or the use of chemicals with the aim of removing the function of the testicles in males or the function of the ovaries in females, which can be applied to animals and humans.

Chemical castration is a procedure performed by introducing an anti-androgen chemical (MPA) into a part of a person's body. The substance aims to suppress testosterone hormones in a person, with the purpose of the castration being to render an organ dysfunctional. The implementation of chemical castration is a new development in our country, and it has sparked various debates, as the application of chemical castration is seen as a violation of human rights (Kartika dkk., 2020).

Human rights are essentially the most fundamental rights possessed by every individual simply because they are human beings and are the highest gift from God Almighty (Lisnawaty W. Badu, 2012). Through these rights, humans are regarded as dignified beings. Human rights must be protected by the state, especially a state governed by the rule of law. That is why one of the purposes of recognizing and upholding the rule of law is to protect human rights, meaning that individual rights and freedoms are recognized, respected, and upheld (Lisnawaty W. Badu, 2010).

Our country's constitution states that the state may not punish its citizens in a manner that degrades human dignity and human rights. However, chemical castration is considered an act of violence and is deemed inconsistent with the Constitution of the Republic of Indonesia, namely the right not to be subjected to torture, the right to be free from treatment that degrades human dignity, and the right to be free from torture. Furthermore, chemical castration focuses only on retribution against the perpetrator rather than rehabilitation, which is less effective than the purpose of punishment. In this case, there are two different approaches to understanding the application of severe sanctions within the framework of human rights, namely retentionism and abolitionism.

Retentionists argue that in order to maintain public order and provide a deterrent effect, the state can impose severe sanctions as long as they are carried out in accordance with legal procedures. In this context, chemical castration is seen as a form of protection for victims and

society. Conversely, the abolitionist school of thought, which prioritizes humanism and respect for basic human rights, rejects the application of sanctions that damage human physical integrity, such as chemical castration, because it is considered incompatible with the principle of non-derogable rights, or rights that cannot be reduced under any circumstances.

The author is more in line with the abolitionist approach, because chemical castration not only causes physical and psychological suffering to the perpetrator, but also exceeds the limits of modern criminalization objectives, namely rehabilitation and social reintegration. This sanction treats the human body as an object of medical punishment that can cause long-term suffering, even after the prison term has ended. In this case, the medical suffering caused during the chemical castration process includes bone loss (osteoporosis) and muscle mass reduction, which increases the body's tendency to store fat, thereby increasing the risk of heart disease.

Human rights organizations' rejection of castration is essentially based on several reasons, namely: First, castration as a punishment has the potential to violate human rights as stipulated in various international conventions that have been ratified in national law. In this case, Indonesia has ratified international conventions that reject and oppose all forms of torture as a form of punishment, such as the ICCPR (International Covenant on Civil and Political Rights) and CAT (Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). Second, all forms of violence against children, including sexual violence, are essentially manifestations of the desire to control and dominate children. Therefore, castration does not address the root cause of violence against children. On this basis, human rights organizations demand that the government focus on the overall interests of children. In this context, the state is obliged to ensure that victims receive protection, physical and mental recovery, and other measures that prioritize the interests of child victims, such as restitution.

The National Human Rights Commission's view on the application of chemical castration to perpetrators of sexual violence is as follows: (Widnyana dkk., 2020)

- 1) The application of punishment through castration can be categorized as a cruel and inhumane form of punishment, which is not in line with the constitution or Indonesia's commitments in the field of human rights. Article 28G paragraph
- 2) of the Indonesian constitution states that "everyone has the right to be free from torture and treatment that degrades human dignity." Therefore, this right has constitutional standing and efforts to promote, protect, and fulfill it are also constitutional commitments. The imposition of additional punishment in the form of castration can be seen as a violation of rights, namely the right to give consent to medical procedures and the right to protection of one's physical and mental integrity.
- 3) The opinions of doctors, legal experts, and criminologists confirm that the causes of sexual violence are not only medical, but also psychological and social. Sexual violence is not limited to genital penetration alone. In this case, in addition to punishment in accordance with applicable laws, what needs to be provided is recovery through comprehensive rehabilitation, medically, psychologically, and socially, while still referring to human rights principles.

- 4) Addressing sexual crimes against children and women requires comprehensive and consistent measures, not solely focused on punishment, but also through rehabilitation and prevention efforts such as strengthening social protection systems for children (e.g., child- and women-friendly communities, disclosure of information about perpetrators) or through education and awareness-raising about reproduction. These efforts can be realized through the implementation of Presidential Instruction No. 5 of 2014 on the National Movement Against Sexual Crimes Against Children, the utilization of other available instruments, and the strengthening of their implementation. This should be a primary concern.

In comparison, Germany has implemented a therapy program for individuals with pedophilia. One such initiative is the Dunkelfeld Prevention Project, which was launched in 2005 at the Institute for Sexology and Sexual Medicine, Charité-Universitätsmedizin Berlin. This project aims to help individuals with pedophilia as defined by ICD-10 or pedophilic disorder according to ICD-11 by providing anonymous therapeutic services for self-motivated individuals who are not under criminal investigation. Both offenders who are unknown to law enforcement and who want to avoid repeating their crimes, as well as individuals with pedophilic sexual preferences who have not committed a crime, are eligible. Participants undergo an assessment to evaluate sexual preferences, psychological distress, comorbidities, and risk of committing crimes. The therapeutic goal is to improve behavioral control and mental health using a modular program that includes behavioral therapy, sexual medicine interventions, pharmacological options, and family involvement, rather than attempting to change sexual preferences.

Although Article 73 of Law Number 39 of 1999 (hereinafter referred to as the Law on Human Rights) contains restrictions on rights and freedoms in order to respect the rights of others, morality, public order, and the interests of the nation, restrictions on human rights must remain proportional and not violate the principles of humanity. Chemical castration, although considered an effort to protect society, can violate the right to bodily integrity and protection from inhuman or degrading treatment. Restrictions on human rights must be carried out in a manner consistent with human rights values, whereas chemical castration can be considered a form of torture that is contrary to the Convention Against Torture mentioned above.

In a legal system that respects human rights, restrictions must not conflict with the principles of justice and rehabilitation. Chemical castration tends to focus on retribution and does not consider the possibility of rehabilitating the perpetrator. This concern becomes even more relevant when looking at its implementation in Indonesia. For example, in Banjarmasin District Court Decision Number 858/Pid.Sus/2022/PN Bjm, the defendant Agung Saputro was sentenced to 2 years of chemical castration. Banjarmasin District Court Decision Number 859/Pid.Sus/2023/PN Bjm also imposed a similar punishment. One of the decisions that is the focus of discussion in this study is Banjarmasin District Court Decision Number 5/Pid.Sus/2022/PN Bjm.

In the verdict, the panel of judges sentenced the defendant to 15 years in prison, plus a fine of Rp100,000,000.00 (1 billion rupiah) with the provision that if the fine is not paid, it will

be replaced with 6 months imprisonment. In addition, the panel of judges also imposed an additional penalty of chemical castration for one year, to be carried out after the defendant has served his main sentence.

This ruling is important because it shows how chemical castration is beginning to be applied in practice in the Indonesian criminal justice system, even without strong medical evidence or consideration of mental disorders or repeated pedophilic tendencies or recidivism on the part of the perpetrator.

This reality shows that chemical castration is not just a controversial legal policy, but has become a real criminal justice practice. Therefore, it is important to conduct a critical review of the legitimacy and proportionality of chemical castration as a form of punishment. In particular, it is important to examine how this sanction is considered to be contrary to basic human rights principles, and whether it is effective and fair to apply in the Indonesian legal system, which upholds the values of justice and humanity.

In this case, the defendant Muhammad Hadian Noor alias Hadi was found guilty of committing sexual intercourse with his stepdaughter, who was still a minor. The crime was committed four times from 2019 to 2021, since the victim was 13 years old. The defendant took advantage of his position of power as a stepfather and threatened the victim not to report the crime.

The defendant's actions became known after the victim told her mother about the incident. After going through the legal process, the defendant was charged under Article 81 paragraphs (1), (3), and (7) of Law No. 35 of 2014 concerning Child Protection, as amended by Law No. 17 of 2016. The panel of judges decided to impose a prison sentence of 15 years, a fine of Rp1,000,000,000.00, a subsidiary 6 months' imprisonment, and chemical castration for 1 year as an additional punishment.

METHOD

This study uses a normative legal research approach that aims to analyze and describe the applicable legal rules and legal concepts relevant to the research theme (Amirudin & H. Zainal Asikin, 2017). This method focuses on the study of legislation, legal doctrines, and legal principles that underlie the application of chemical castration sanctions in the positive legal system in Indonesia.

The data in this study is secondary data obtained from primary sources such as national legislation, such as the Child Protection Law, Government Regulations, and relevant court decisions. In addition, data was also obtained from legal literature, books, scientific journals, research articles, and other relevant documents (Mukti Fajar & Yulianto Achmad, 2010).

Data analysis was conducted qualitatively using descriptive techniques, namely describing, explaining, and evaluating existing legal norms and their relevance and implementation in relation to child protection and human rights aspects related to chemical castration sanctions (Amirudin & H. Zainal Asikin, 2017). A hermeneutic approach was used to understand the content and intent of legal provisions, and a comparative approach was used when necessary to compare legal practices in Indonesia with those in other countries.

RESULTS AND DISCUSSION

Legal Regulations on Chemical Castration in the Positive Law System in Indonesia

The rape of children in Indonesia is a serious crime categorized as sexual violence and a violation of decency. The 2014 Child Protection Law provides for severe criminal penalties of a minimum of 5 years to a maximum of 15 years in prison, as well as fines, in order to deter perpetrators and protect victims. These penalties are intended to uphold justice and ensure the protection of children from the dangers of sexual violence, which not only causes physical harm but also deep psychological trauma (Zhakila Salsabila Rizky Imani Pulubuhu dkk., 2023).

Rape is a primitive form of violence that has occurred in various societies from the past to the present. Not only is it a form of sexual violence, rape is also influenced by certain power systems that make it a tool of control and domination. As an act that goes beyond mere individual crime, rape reflects complex socio-political dynamics, in which the use of sexual violence not only harms victims physically and psychologically, but also becomes an instrument of oppression in a broader social context.

Rape is not only a violation of personal honor and property rights, but also a very serious violation of moral norms. Sexual violence, including rape of children, is a form of crime that degrades and tarnishes human dignity, and can be classified as a crime against humanity. This act damages the physical and moral dignity of the victim, so the law imposes severe penalties to protect victims and uphold justice.

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Sexual violence against children, especially in the form of pedophilia, continues to increase every year in Indonesia. Pedophilia falls under the category of child abuse, which is a repeated act that causes physical and psychological suffering to children, including forms of erotic aggression commonly perpetrated by guardians, caregivers, or individuals who are responsible for the care of children. These cases of sexual violence are widespread and often involve adult perpetrators who take advantage of their position to exploit children, making legal protection and public awareness crucial to addressing this issue (Syakinah Hamid Alamri dkk., 2024).

Adult sexual attraction to children can be caused by two main factors. First, childhood experiences that are not conducive to psychological development, including experiences of sexual abuse or unhealthy emotional relationships with parents or caregivers. Second, experiences of childhood pedophilia, which can cause trauma and repeated patterns of violent

behavior in adulthood. These factors are interrelated and often form the basis for the emergence of sexual disorders such as pedophilia.

Sexual violence against children includes various forms of unwanted behavior, such as touching, groping, kissing, or other sexual acts performed without the victim's consent. This form of violence also includes forcing children to watch pornography, sexual jokes, degrading and harassing remarks based on gender, and forcing sexual intercourse without the victim's consent. This sexual violence has a serious impact on children's physical and psychological well-being and violates their human rights, making it a major concern in child protection in Indonesia.

Article 287 of the Criminal Code regulates sexual intercourse outside of marriage with a woman who has not reached the age of fifteen, or who is not physically and psychologically ready for marriage. Perpetrators who engage in sexual intercourse with victims under the age of fifteen are subject to a maximum prison sentence of nine years. However, legal sanctions against perpetrators of sexual violence against children, such as pedophilia, are not only regulated by the Criminal Code, but must also be supported by specific regulations such as the Child Protection Law, which provides stronger protection and more severe sanctions for perpetrators of such crimes. Thus, legal protection for child victims of sexual violence in Indonesia is regulated by a combination of general criminal law and child protection law, which is *lex specialis*.

A number of regulatory instruments in Indonesia outside the Criminal Code also contain provisions on the punishment of perpetrators of sexual crimes against children, particularly as stated in the Child Protection Law: (Diaz Riady Bukoting dkk., 2024)

- 1) Article 81 paragraph (1) stipulates that: "any person who deliberately commits violence or threatens violence to force a child to have sexual intercourse with him or her or with another person shall be punished with imprisonment of at most 15 years and at least 3 years, as well as a fine of between Rp 60 million and Rp 300 million".
- 2) Article 81 paragraph (2) also regulates the penalties applicable to those who use deception, lies, or persuasion to force a child to engage in sexual intercourse. In addition,
- 3) Article 82 paragraph (1) extends this provision to criminal acts with similar modes, such as deception and persuasion, to cause a child to engage in sexual intercourse. This sanction provides strong legal protection for children and punishes perpetrators of sexual crimes severely in accordance with the provisions of the law.

The enactment of the Child Protection Law aims to reduce sexual crimes against children, but because the number of such crimes has not decreased, the government has made revisions by introducing Law No. 35 of 2014 as an amendment to the Child Protection Law. The amendments are as follows: (Taha Oponu dkk., 2022)

- a) Article 81 Paragraph (1) states that: "any person who violates Article 76D shall be punished with a minimum imprisonment of 5 years and a maximum of 15 years and a maximum fine of five billion rupiah".
- b) Article 81 Paragraph (2) expands the scope of legal provisions governing criminal sanctions for parties who use cunning tricks, false statements, or seduce minors with the intention of engaging in sexual relations.

- c) Article 81 Paragraph (3) also adds penalties for perpetrators who are parents, guardians, caregivers, educators, or educational personnel, with an additional one-third of the maximum penalty.
- d) Article 82 Paragraph (1) regulates sanctions for perpetrators who violate Article 76E with imprisonment and a maximum fine of five billion rupiah.

Chemical castration in Indonesia is an additional punishment imposed on perpetrators of sexual crimes against children, aimed at suppressing the perpetrator's sexual urges through the use of chemicals. This punishment is regulated in Government Regulation No. 70 of 2020 and Perppu No. 1 of 2016, which regulate the procedures for its implementation, including clinical assessment, rehabilitation, and the installation of electronic detection devices. Chemical castration is carried out for a maximum of two years after the perpetrator has served their main sentence, with the hope of providing a stronger deterrent effect and protecting children from repeat offenses (Rohmy dkk., 2022).

According to Sigmund Freud, libido is a natural sexual drive within humans that is very strong and ever-present. Because this drive is intense and difficult to control, chemical castration is considered an appropriate punishment to reduce this drive in perpetrators of sexual violence against children, thereby preventing them from repeating their actions.

The provisions governing castration are set forth in Government Regulation in Lieu of Law Number 1 of 2016 as follows: (Setiawan & Wibowo, 2019)

1. Article 81 Paragraph (1) Any person who violates the provisions referred to in Article 76D shall be punished with a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp5,000,000,000.00 (five billion rupiah).
2. Article 81 Paragraph (2) The criminal provisions referred to in Paragraph (1) shall also apply to any person who deliberately deceives, lies, or persuades a child to have sexual intercourse with him or her or with another person.
3. Article 81 Paragraph (3) In the case of a criminal act as referred to in Paragraph (1) committed by a parent, guardian, family member, caregiver, educator, educational staff, child protection officer, or committed by more than one person jointly, the penalty shall be increased by 1/3 (one-third) of the penalty referred to in Paragraph (1).
4. Article 81 Paragraph (4) In addition to the perpetrators referred to in Paragraph (3), an increase of one-third of the penalty shall also be imposed on perpetrators who have been convicted of committing a criminal act as referred to in Article 76D.
5. Article 81 Paragraph (5) In the event that the criminal act referred to in Article 76D causes more than one (1) victim, results in serious injury, mental disorder, infectious disease, impaired or loss of reproductive function, and/or death of the victim, the perpetrator shall be punished by death, life imprisonment, or imprisonment for a minimum of 10 (ten) years and a maximum of 20 (twenty) years.
6. Article 81 Paragraph (6) In addition to the penalties referred to in Paragraphs (1), (3), (4), and (5), the perpetrator may be subject to an additional penalty in the form of disclosure of the perpetrator's identity.
7. Article 81 Paragraph (7) The perpetrator as referred to in paragraphs (4) and (5) may be subject to chemical castration and the installation of an electronic detection device.

8. Article 81 Paragraph (8) The measures referred to in Paragraph (7) shall be decided together with the principal punishment, including the period of implementation of the measures.
9. Article 81 Paragraph (9) Additional punishment and measures shall be exempted for perpetrators who are children.
10. Article 81A Paragraph (1) The measures referred to in Article 81 Paragraph (7) shall be imposed for a maximum period of 2 (two) years and shall be carried out after the convicted person has served the principal punishment.

Government Regulation No. 70 of 2020 regulates the procedures for implementing chemical castration for perpetrators of sexual violence against children. Article 1 Paragraph (2) explains that chemical castration is the administration of chemicals through injection or other methods to perpetrators who have been convicted of sexual violence against children, especially if their actions resulted in more than one victim and serious consequences such as severe injury, mental disorder, infectious disease, loss of reproductive function, or death of the victim. This action aims to suppress the perpetrator's excessive sexual desire (Saadah & Aisah, 2023).

Government Regulation No. 70 of 2020 regulates the procedures for chemical castration of perpetrators of sexual violence against children with the following provisions (Hotan & Jeferson Kameo, 2024):

- a. Chemical castration shall be imposed for a maximum period of 2 years (Article 5 paragraph 1).
- b. The implementation process consists of three stages, namely clinical assessment, conclusion, and implementation (Article 6).
- c. Clinical assessment is carried out by a team of competent medical and psychiatric professionals (Article 7 paragraph 1), beginning with notification to the prosecutor no later than 9 months before the end of the prison term, after which the prosecutor coordinates with the Ministry of Health for assessment within 7 working days after notification (Article 7 paragraph 3).
- d. The conclusion of the clinical assessment determines the perpetrator's eligibility for chemical castration and must be submitted to the prosecutor within a maximum of 14 working days (Article 8).
- e. Castration is carried out after the main prison term has been completed, in a government or designated hospital, in the presence of the prosecutor and representatives of the ministries of law, social affairs, and health (Article 9).
- f. The implementation aspects are recorded in an official report, and the public prosecutor is obliged to convey information regarding the castration to the victim or their family.

When viewed, the application of chemical castration is an implementation of the objective of punishment based on the absolute theory (retribution). In Indonesia, the chemical castration system can only be applied to adult perpetrators. If the sexual offender is a minor, it cannot be applied in accordance with the provisions of Article 4 of Government Regulation Number 70 of 2020, which states that minors cannot be subjected to chemical castration or the installation of electronic monitoring devices.

Analysis of Chemical Castration Sanctions from a Human Rights Perspective in Indonesia

After the end of World War I and II, there was a global awareness of the importance of respecting human rights. This awareness was manifested in the declaration of the Universal Declaration of Human Rights on December 10, 1948, by the member states of the United Nations (UN). This declaration became an important milestone as an international standard for the protection of human rights, which stipulates the basic rights of every human being to be guaranteed and respected by all UN member states. This declaration was born in response to the atrocities and gross human rights violations that occurred during World War II, with the aim of preventing similar tragedies from recurring in the future.

Article 5 of the Universal Declaration of Human Rights explicitly states that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. This provision is one of the fundamental human rights that guarantees the protection of every individual from torture and other ill-treatment, affirming that every human being must be treated with respect and dignity without violence or humiliation.

The international legal instrument that regulates the right not to be tortured is CAT. Through these provisions, Article 1 defines torture as an act that deliberately causes severe physical and psychological suffering, with specific objectives such as obtaining information, imposing punishment, intimidating, or discriminating, and is carried out or approved by public officials. In Indonesia, human rights, including the right not to be tortured, are also regulated in Article 1 of the Law on Human Rights, which states that human rights are inherent to every human being as a gift from God and must be respected by the state and every person for the protection of human dignity.

The elements of torture according to CAT are : (Ibnu Pamungkas, 2022)

- 1) Acts or actions that intentionally cause physical or mental suffering;
- 2) For a specific purpose, namely to obtain information or a confession, to punish a person, either for events involving themselves or others, to intimidate or coerce that person or others, or also carried out for reasons of discrimination.
- 3) Committed by or with the consent of a public official. Indonesian positive law in Article 1 of Law Number 39 of 1999 explains that human rights are a set of rights inherent in the nature and existence of human beings as creatures of God Almighty and are a gift that must be respected, upheld, and protected by the state, the law, the government, and every person for the sake of honor and protection of human dignity.

The Director of the Indonesian Institute for the Empowerment of Children and Women, Ninik Rahayu, expressed her opinion that chemical castration is not the most appropriate sanction for responding to sexual crimes. In her view, this sanction is merely a repressive response to the offense, and she and 32 participants from other community alliances are urging the government to review the application of this sanction. They recommend that castration penalties be replaced with alternative sanctions that deter repeat offenses, while also involving efforts to restore the well-being of both offenders and survivors of sexual violence. This approach is considered more humane and focuses on rehabilitation and long-term prevention.

Komnas Perempuan does not agree with the imposition of chemical castration

sanctions on the grounds that sexual violence is not limited to rape. Komnas considers that by focusing on the criminalization of rape cases, this has the potential to narrow the understanding and handling of various forms of gender-based coercive acts. Furthermore, gender-based coercive acts are not always rooted in biological desire, but can also be influenced by power relations, aggression, or personal grudges. Therefore, castration punishment that only suppresses libido is considered ineffective in addressing the root of the problem and preventing violence (Zhara Zamira & Syaiful Munandar, 2023).

The National Commission on Violence Against Women does not approve of the imposition of chemical castration sanctions on the grounds that sexual violence is not limited to rape. The Commission considers that focusing on the criminalization of rape cases has the potential to narrow the understanding and handling of various forms of gender-based coercive acts. Furthermore, gender-based coercive acts are not always rooted in biological desire, but can also be influenced by power relations, aggression, or personal vendettas. Therefore, castration, which only suppresses libido, is considered ineffective in addressing the root of the problem and preventing repeated sexual violence. Komnas Perempuan also highlights the high cost of castration and victim recovery, which is not fully covered by the state, as well as the potential for human rights violations through cruel and inhumane punishment (Sujasmin Sujasmin, 2025).

The Indonesian Medical Association (IDI) refuses to play a role in implementing chemical castration sanctions against individuals who commit indecent acts against minors. The IDI states that castration is not in line with the Indonesian Medical Code of Ethics and the Doctor's Oath, which require medical personnel not to use their knowledge for purposes that violate humanitarian principles. IDI Secretary General Adib Khumaidi emphasized that doctors are professionals who are trained to heal and provide assistance, not to become executioners who carry out punishments. Furthermore, based on research, chemical castration does not guarantee the elimination of sexual urges and violent behavior. Therefore, the IDI is only willing to be involved in the rehabilitation of victims and perpetrators, not in the implementation of chemical castration as an executor.

IDI Chairman Daeng M. Faqih expressed IDI's disapproval of chemical castration on the grounds that it is a form of punishment, not medical treatment. Therefore, chemical castration is not in line with the duties of doctors and medical personnel, who focus on providing health services and ensuring patient safety. According to Daeng, the involvement of doctors as executors could lead to a conflict of norms, especially in relation to medical ethics, which prohibit doctors from performing actions that cause harm or punishment. In addition, the World Health Organization (WHO) and the Health Law also prohibit chemical castration. Therefore, the IDI emphasizes that chemical castration must be carried out by officials who are not medical or health personnel.

Wimpie Pangkahila, Head of the Andrology and Sexology Department at the Faculty of Medicine, Udayana University, explained that castration today is not carried out by removing male reproductive organs, but rather using a chemical approach through the consumption of tablets or injections of anti-androgen substances. Chemical castration has adverse consequences, including accelerated aging and reduced bone density, which increases the

likelihood of osteoporosis. The effects of chemical castration are temporary, so that if the use of anti-androgen substances is discontinued, the sexual function of prisoners will recover, including sexual desire and erectile function.

The consequences and long-term implications of chemical castration related to the use of drugs such as medroxyprogesterone acetate, cyproterone acetate, and LHRH agonists, which reduce testosterone and estradiol levels. Estradiol, as one of the estrogen hormones, plays a crucial role in bone density, cardiovascular health, and brain performance. A decrease in these hormones correlates with an increased risk of osteoporosis, heart disease, and diabetes. In addition, chemical castration has the potential to cause additional consequences such as infertility, hot flashes, anemia, psychological disorders, and the risk of gynecomastia, which is the enlargement of breast tissue in men.

Following the enactment of Government Regulation No. 70 of 2020 concerning Procedures for the Implementation of Chemical Castration, Placement of Electronic Monitoring Devices, Rehabilitation, and Publication of the Identities of Perpetrators of Sexual Violence Against Children, Fathuddin Muchtar, Director of the Indonesian Children's Freedom Secretariat Foundation in Yogyakarta, believes that chemical castration for perpetrators of child sexual violence lacks substantial meaning. According to him, the state should be more supportive of victims by focusing on prevention and fulfilling the rights of victims, rather than merely imposing sanctions on perpetrators. The Institute for Criminal Justice Reform (ICJR) emphasizes that castration techniques in the context of medical services should not be based on the principle of criminal retribution. In addition, the success of chemical castration in reducing a

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Torture, according to Article 1 point (4) of the Law on Human Rights, is defined as any intentional act that causes extreme pain or suffering, both physically and mentally. The implementation of castration as a punishment can have a negative impact on the perpetrator, such as decreased self-confidence, becoming a bad person, and increased emotions. Health experts reject castration as a punishment because it can trigger aggressive behavior and does not guarantee that the perpetrator will not repeat sexual crimes, even though testosterone levels decrease, because the perpetrator's sexual memories remain intact, which has the potential to lead to new crimes (Rizal, 2021).

Seto Mulyadi, a child observer, argues that the loss of sexual desire does not mean the loss of all negative feelings. Castration can have a brutalizing effect, where perpetrators who are forcibly castrated have the potential to become more cruel and brutal criminals. After leaving prison, perpetrators may look for new ways to channel their negative feelings in increasingly violent ways.

The imposition of enhanced penalties in the form of chemical castration for perpetrators of sexual crimes against children is considered a long-abandoned approach of revenge. This method is viewed as a primitive and barbaric punishment. In addition, this type of enhanced punishment has almost no significant connection with a reduction in sexual crimes against children.

Perpetrators of sexual violence against children are generally influenced by major factors such as the persistence and weakness of individual or social bonds in society, which cause social integration to stagnate. These factors are divided into internal factors, namely psychological, biological, and moral, as well as external factors, which include socio-cultural, economic, and mass media. Chemical castration should be used as a treatment aimed at restoring the perpetrator's mindset so that they do not repeat the crime.

Castration as a punishment can actually hinder the disclosure of child rape cases. Data from World Rape Statistics shows that the assumption that castration acts as a deterrent is a myth. Several countries that impose the death penalty or castration admit that the decline in the number of reported rape cases does not reflect the actual situation, as many cases, especially those involving family members, go unreported.

Violent punishments tend to lead to new violence. The implementation of castration as a physical punishment has the potential to violate the law, given that Indonesia has ratified the Anti-Torture Convention through Law No. 5 of 1998. The implementation of castration could also hinder the achievement of Sustainable Development Goal 16, which aims to create a sense of security in line with the Nawacita political agenda. In addition, the application of castration risks opening the door to proposals for corporal punishment-based law enforcement, which could lead to the uncontrolled expansion of physical punishment.

In Indonesia, chemical castration is carried out after the perpetrator has served their primary sentence. Chemical castration is imposed for a maximum of two years in accordance with Article 1 Paragraph (1) of Government Regulation No. 70 of 2020 concerning Procedures for the Implementation of Chemical Castration. After the two-year period ends, the perpetrator's reproductive functions can return to normal, so that chemical castration cannot be declared permanently effective. This condition raises concerns about the possibility of perpetrators repeating their actions after the effects of chemical castration wear off. Therefore, rehabilitation and prevention are very important in dealing with sex offenders.

Based on the explanation above, a linear conclusion can be drawn, resulting in the author's opinion regarding chemical castration sanctions based on several provisions as follows (Wahyudi & Gerry Joe, 2019):

1. Not in accordance with the provisions of Article 28G paragraph 2 of the 1945 Constitution of the Republic of Indonesia, which guarantees every person's right to be free from torture or treatment that degrades human dignity.

2. Not in accordance with the provisions of Article 28l paragraph 1 of the Constitution of the Republic of Indonesia, which states that every person or citizen has the right to live, not to be subjected to torture, to be free in thought and conscience, the right to practice religion, not to be enslaved, or prosecuted based on retroactive law. All of these are rights that cannot be reduced under any circumstances (non-derogable rights) by others or by the citizens themselves.
3. Not in accordance with the provisions of Article 1 paragraph 1, Article 7 paragraphs 1 & 2, as well as Article 33 paragraph 1 of Law Number 39 of 1999 concerning human rights, which essentially affirms that human rights are rights that must be respected, upheld, and protected by the state, law, government, and everyone, and the right to be free from cruel, inhumane, degrading treatment and assaults on human dignity.
4. It is not in accordance with the content of international conventions that oppose all forms of torture as a punishment, as stated in the ICCPR (International Covenant on Civil and Political Rights) and CAT (The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), both of which have been ratified by Indonesia and enacted in Law Number 12 of 2005 on the ICCPR and Law Number 5 of 1998 on the CAT. Indonesia should respect and actively oppose all forms of torture as stipulated in these conventions.
5. Although Article 73 of the Human Rights Law allows for the restriction of rights to protect public interests, such restrictions must not conflict with the principles of proportionality and humanity, where forced intervention on a person's body, in this case chemical castration, has the potential to violate fundamental rights and is disproportionate. In this article, the imbalance between the goal of protecting society and imposing deterrence through castration punishment is considered disproportionate because the damage caused is greater than necessary to achieve its intended purpose, thereby appearing to disregard more humane alternatives such as psychological and social rehabilitation, as practiced in Germany.
6. The side effects of chemical substances in the form of anti-androgen agents given to offenders include not only a decrease in testosterone hormones but also estrogen, which is important for men. This hormone is responsible for bone growth, brain function, heart, and blood vessels. Furthermore, disrupted hormones will also affect body metabolism and disturb glucose balance. Direct effects experienced by offenders include feelings of depression, infertility, anemia, erectile dysfunction, and other effects such as hot flashes, which are intense heat sensations originating from within the body. This can be linked to certain diseases that may lead to bone fragility (osteoporosis), as well as muscle mass reduction, which increases the body's tendency to accumulate fat and thereby raises the risk of heart disease.
7. The effectiveness of the application of chemical castration sanctions seems to be merely an illusion, in the sense that this sanction does not address the root of the problem and has not been proven in scientific research. According to the author, the true effectiveness of a punishment lies in its ability to prevent offenders from repeating their actions through rehabilitation. Sexual violence against children is not solely caused by

medical factors or sexual urges, but also by complex psychological and social factors of the offender, such as the desire to dominate and control. By only targeting hormone reduction, chemical castration becomes a superficial solution. This sanction focuses too much on retributive aspects rather than rehabilitation, which contradicts the goals of modern penal systems that emphasize rehabilitation and the social reintegration of offenders.

8. Government Regulation Number 70 of 2020 is considered more repressive than corrective, whereas rehabilitation should be carried out before and during the criminal process, not after the chemical castration process, because at this stage it is easier to identify risk factors, tendencies for recidivism, and to assess whether the offender has psychosexual disorders, such as pedophilia. Furthermore, this regulation does not explicitly or implicitly explain how the effectiveness of rehabilitation will be evaluated and measured, for example through parameters like the frequency of psychological assessments after the procedure or criteria for successful rehabilitation, such as a decrease in sexual desire or the absence of tendencies for sexual violence recurrence.
9. There are more humane alternatives, such as comprehensive therapy programs (the Dunkelfeld prevention project) in Germany. This approach focuses on improving behavioral control and mental health, rather than merely changing the sexual preferences of the offender. Effective handling should also be comprehensive, including rehabilitation, preventive measures, and education.

Chemical castration is considered to not solve the root of the problem because the castration penalty is only imposed for a period of two years and the effects of anti-androgen substances are not permanent. After the two-year injection period ends, the perpetrator's sexual desire will reappear. Considering that the basic punishment for sexual violence against children is already quite severe, adding chemical castration for two years after the perpetrator has served their basic sentence, in addition to the many negative effects caused by the chemical castration injections, is excessive.

In a modern legal system that upholds human rights values, the purpose of punishment no longer focuses solely on absolute or retributive theory, but has shifted to a relative theory approach that is rehabilitative, preventive, and restorative in nature. A purely retaliatory or retributive approach, as seen in the application of chemical castration, actually contradicts the basic principles of modern justice, in which perpetrators are still viewed as legal subjects who have fundamental human rights that cannot be violated.

Referring to John Austin's theory of legal positivism. In this view, the law is considered valid as long as it is an order from a sovereign authority, without considering its moral content or substantive justice. Thus, as long as chemical castration has been established by law and government regulations, such actions are considered valid and must be obeyed.

Nevertheless, this approach carries the risk of violating universal human rights principles that have been recognized both nationally and internationally. Article 28I paragraph (1) of the 1945 Constitution emphasizes that the right to life, the right not to be tortured, the right to freedom of thought and conscience, as well as the right not to be treated in a cruel, inhuman, or degrading manner, are human rights that cannot be reduced under any

circumstances (non-derogable rights). This view aligns with the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT), which have been ratified by Indonesia through Law No. 12 of 2005 and Law No. 5 of 1998. Furthermore, Article 33 paragraph (1) of Law No. 39 of 1999 explicitly states that everyone has the right to be free from torture and inhuman treatment. Thus, the positivistic approach cannot be used as a basis for justifying actions that are fundamentally contrary to human dignity. In a state governed by law that upholds human rights, formal legality should not be used as a shield to perpetuate practices of cruel and disproportionate punishment. In this context, in line with the Natural Law Theory as stated by John Locke, it affirms that the rights to the body and life are inherent and cannot be revoked by anyone, including the state. These rights are part of non-derogable rights, which have been affirmed in various national and international legal instruments such as Article 28I paragraph (1) of the 1945 Constitution, the ICCPR, and Law No. 39 of 1999 concerning Human Rights. Therefore, legal policies, including the enforcement of criminal sanctions, must always be based on respect for human rights. Chemical castration, which can cause prolonged suffering both medically and psychologically, is not in line with modern penal principles that prioritize rehabilitation and the protection of fundamental human rights. Hence, this policy needs to be reviewed to ensure that the Indonesian legal system remains within the framework of justice, humanity, and the supremacy of human rights.

In line with the Abolitionist Perspective, chemical castration not only causes physical and psychological suffering to the offender, but also exceeds the limits of modern penal objectives, namely rehabilitation and social reintegration. This indicates that punishment should aim to reintegrate the offender into society in a healthy manner, rather than making them an object of prolonged physical suffering.

Although it is true that sexual crimes against children are serious violations of the victim's human rights, addressing these crimes should not be done in ways that violate the perpetrator's human rights. A state governed by law must not respond to human rights violations with actions that also have the potential to violate human rights. If this is done, the state has lowered itself into the same logic of violence as the perpetrator.

There are more humane handling alternatives by implementing therapy programs for individuals with pedophilia. One such initiative is the Prevention Project Dunkelfeld, launched in 2005 at the Institute for Sexology and Sexual Medicine, Charité-Universitätsmedizin Berlin. This project aims to help individuals with pedophilia as defined by ICD-10 or pedophilic disorder according to ICD-11 by providing anonymous therapeutic services for self-motivated individuals who are not under criminal investigation. Both offenders who are not known to law enforcement and seek to avoid repeating crimes, as well as individuals with pedophilic sexual preferences who have not committed offenses, are eligible. Participants undergo assessments to evaluate sexual preferences, psychological stress, comorbidities, and risk of offending. The therapeutic goal is to improve behavioral control and mental health using a modular program that includes behavioral therapy, sexual medicine interventions, pharmacological options, and family involvement, rather than attempting to change sexual preferences.

When looking at the laws in Germany, chemical castration is an option offered to offenders without any coercion, unlike in Indonesia. This context is regulated under criminal law and mental health law, with an approach that highly considers human rights and the principle of self-determination. Castration will only be applied if the offender voluntarily and in writing requests it, after receiving thorough explanations of the side effects and risks of chemical castration, with the court potentially offering a reduction in sentence or parole in return. Thus, the administration of chemical castration can avoid violating the principle of non-derogable rights, particularly the right to bodily freedom and personal integrity, as well as medical consent.

In formulating rules or policies for combating crime, a rational and thorough approach is needed, not an emotional one. Sexual violence against children must indeed be taken seriously, but the mere spirit of punishing perpetrators solely for the sake of justice for the victims is not enough to solve the problem comprehensively.

CONCLUSION

From a human rights perspective, chemical castration has the potential to violate fundamental rights, particularly the right to bodily integrity, the prohibition of torture, and the principle of non-discrimination. This contradicts Indonesia's commitments under international instruments such as the Convention Against Torture (CAT) as well as constitutional guarantees in the 1945 Constitution. Fourth, considering the many side effects that may arise from the implementation of this sanction. The effectiveness of chemical castration as a long-term preventive measure is also questionable, as the factors underlying sexual crimes against children are multidimensional and not solely due to biological impulses, but also relate to psychological conditions, social environment, and weaknesses in the child protection system. Therefore, it can be asserted that chemical castration is not an appropriate solution; rather, it risks creating new human rights violations and diverting focus from efforts to protect and rehabilitate victims.

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