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Breaking the Silence: Necrophilia in Indonesia and the Pressing Demand for Legal Reform

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Abstract:

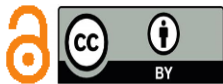
Necrophilia, the act of engaging in sexual activities with corpses, remains an unregulated legal and ethical issue in Indonesia. The absence of specific legal provisions creates challenges in law enforcement and societal protection. This study analyzes the legal gaps in handling necrophilia cases and proposes reforms to ensure proper criminalization and deterrence. Using a normative legal research method, this study relies on library resources, including books, journals, and legal documents. Case studies help examine the legal and social implications of necrophilia. The findings reveal that necrophilia is not explicitly regulated under the Indonesia's Criminal Code, leading to inconsistent legal responses and unclear punitive measures. While such acts violate societal norms and laws, their legal categorization remains ambiguous. A comparative analysis of international legal frameworks highlights the need for Indonesia to strengthen its laws. Countries like the UK and the U.S. classify necrophilia as a sexual crime, ensuring stricter penalties. The absence of similar provisions in Indonesia underscores a critical gap in the country's criminal law, requiring urgent reform. Addressing this gap will reinforce legal protections and uphold societal values regarding the dignity of the deceased. It is recommended that Indonesia incorporate specific laws against necrophilia, drawing from international best practices, to ensure comprehensive legal enforcement and deterrence.

Keywords:

Rape; Law Enforcement; Necrophilia

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Introduction

Advances in science and technology, population development, and changes in social and cultural values affect various aspects of life, including the motives, nature, form, frequency, intensity, and mode of violent crimes such as acts of rape. One of the main issues that needs special attention in law enforcement in Indonesia is the crime of rape. This crime has a very detrimental impact, especially

for women. In the aftermath of rape, women victims often experience prolonged trauma, shame, and difficulties in building social relationships, and are often negatively stigmatized by society. This suffering includes physical, mental, moral, social, and economic losses, which can interfere with the victim's overall well-being.¹

The crime of rape is regulated in Article 285 of the Criminal Code, which states that: "Any person who by force or threat of force forces a woman who is not his wife to have carnal knowledge of him, shall, being guilty of rape, be punished by a maximum imprisonment of twelve years." In Indonesia, there are various kinds of criminal offenses that are classified into general crimes and special crimes. Rape falls under the category of general criminal offenses and is regulated in Chapter XIV of Book II of the Criminal Code, known in Dutch as *Wetboek van Strafrecht* (WvS), and is classified as a crime against decency. There are four articles that regulate the crime of rape in the WvS, namely Article 285 WvS (having sexual intercourse with a woman who is not his wife by force or threat of force), Article 286 WvS (having sexual intercourse with a person who is not his wife while she is unconscious or in a state of helplessness), Article 287 WvS (having sexual intercourse with a woman who is not his wife and is not 15 years old or not yet eligible for marriage), and Article 288 WvS (having sexual intercourse with his wife when she is not yet eligible for marriage).²

Apart from Indonesia, several countries such as the United Kingdom, the United States, and Germany have enacted strict laws against necrophilia. In the UK, the Sexual Offences Act 2003 regulates necrophilia as a serious crime with a sentence of up to life imprisonment. In the US state of Wisconsin, necrophilia is classified as a class F felony punishable by up to 15 years in prison.³ Similarly, in Germany, although there is no specific law criminalizing necrophilia, such acts can be prosecuted under Section 168 of the German Criminal Code (*Strafgesetzbuch*, StGB), which prohibits disturbing the peace of the dead. A notable case in Germany involved a man who engaged in necrophilic acts for two decades and was ultimately sentenced to involuntary confinement in a forensic psychiatric facility due to the severity of his actions.⁴ These legal arrangements show how important

¹ Kim D Ricardo, "Necrophilia: A New Social-Harm Taxonomy of U.S Laws," *William & Mary Journal of Race, Gender, and Social Justice* 27, no. 2 (2021): 64.

² Banhard Sinaga, *Kitab Saku KUHP Dan KUHP Lengkap Dengan Penjelasan Dan Revisinya* (Marsindo Publishing, 2012).

³ J.Reid Meloy, "The Nature and Dynamics of Sexual Homicide," *Aggression and Violent Behavior* 5, no. 1 (January 2000): 1–22, [https://doi.org/10.1016/S1359-1789\(99\)00006-3](https://doi.org/10.1016/S1359-1789(99)00006-3).

⁴ S.S.T. Bouregghda et al., "A Case Report of Necrophilia: A Psychopathological View," *Journal of Forensic and Legal Medicine* 18, no. 6 (August 2011): 280–84, <https://doi.org/10.1016/j.jflm.2011.04.006>.

the protection of the dignity of the corpse is in these countries, something that can be used as inspiration for legal reform in Indonesia.

Rape behavior in a legal context has evolved, where the act is not only committed against living humans, but also against corpses. This includes sexual deviant behavior known as necrophilia.⁵ Cases of corpse rape or necrophilia have occurred in Indonesia, such as the case in Kutai Kartanegara, East Kalimantan, where the perpetrator committed the act out of revenge and considered the corpse as an object to fulfill sexual desires. A similar case occurred in South Jakarta in January 2025. A teenage girl with the initials FA (16) was the victim of murder and rape allegedly committed by Arif Nugroho and Muhammad Bayu Hartoyo. This case was hampered due to an alleged bribe by the suspect to AKBP Bintoro, former Head of Criminal Investigation Unit of South Jakarta Metro Police, to stop the investigation. However, the investigation continued, and the suspects were handed over to the South Jakarta District Attorney's Office for further legal proceedings. Until now, the sentences handed down by the court have not been published.⁶ The rape and murder of AA, a 13-year-old junior high school student in Palembang, South Sumatra, involved four juvenile offenders. IS (16), who is considered the mastermind of the crime, was sentenced to 10 years in prison and required to attend work training for one year at the Palembang City Social Service. Meanwhile, the other three perpetrators-MZ (13), NS (12), and AS (12)-were returned to their parents after undergoing rehabilitation at a social institution. The decision to repatriate the perpetrators drew pros and cons; some legal experts considered the move to be in accordance with the prevailing laws and regulations, while the families of the victims were disappointed because they believed that the punishment was not commensurate with the actions of the perpetrators.⁷

This phenomenon indicates an urgent need to understand the mindset and motives behind necrophilia, which has received little attention in the Indonesian criminal law literature. This research seeks to delve deeper into the legal aspects that have not been covered by the current law, particularly by explaining what is not regulated in the Criminal Code and whether these gaps also persist in the New Criminal Code. This explanation will be provided briefly, while a more in-depth

⁵ Elza Deswira Pratiwi and Gelar Ali Ahmad, "Analisis Yuridis Tindakan Perkosaan Terhadap Jenazah Di Indonesia," *Novum: Jurnal Hukum* 10, no. 4 (2024): 133-43, <https://doi.org/https://doi.org/10.2674/novum.voio.58364>.

⁶ Abdul Haris Maulana I Putu Gede Rama Paramahamsa, "Kapolres Jaksel Akui Kasus Pembunuhan Dan Pemerkosaan ABG Di Era AKBP Bintoro Pernah Mandek," *Kompas*, 2025.

⁷ Kiki Safitri and Dani Prabowo, "Tiga Pelaku Pemerkosaan Dan Pembunuhan Siswi SMP Di Palembang Dipulangkan, Pakar Sebut Sesuai Aturan," *Kompas*, 2024.

analysis will be elaborated in the discussion section. Additionally, this study aims to propose firmer legal recommendations to address similar cases in the future.⁸

In this context, this research will discuss law enforcement against the act of corpse rape in Indonesia, by referring to relevant articles for comparison of existing legal approaches. For example, states that rape often involves an element of physical or psychological violence against the victim, which in many cases, indicates an intention to dominate or incapacitate the victim rather than simply a sexual urge.⁹ In the case in Kutai Kartanegara, the necrophilia was triggered by personal problems between the perpetrator and the victim's family, suggesting a more complex dimension of violence and revenge.¹⁰ In addition, Saly and Pratama (2023) noted that acts of necrophilia often begin with a murder followed by sexual perversion of the victim's corpse, reflecting a gap between the initial intention and the actions taken by the perpetrator.¹¹ This view suggests that the perpetrator may start with certain intentions but turn to more extreme actions due to opportunity. Finally, Setiady (2009) highlights that social norms in Indonesia have a high regard for human dignity, both living and deceased, so acts such as necrophilia are considered a serious violation of society's cultural and ethical values.¹² This research seeks to integrate legal and sociocultural perspectives to strengthen a more effective regulatory framework for dealing with similar cases in the future.

A comparative analysis of legal approaches to necrophilia across different jurisdictions reveals significant variations in how this crime is classified and prosecuted. While some legal systems emphasize the mental state of the offender in determining criminal responsibility, others focus on the broader social, moral, and institutional impacts of necrophilia. In certain cases, the crime is categorized under sexual offenses, while in others, it is framed as an abuse of a corpse or a violation of the rights of the deceased's family. These differing perspectives underscore the complexity of addressing necrophilia within legal frameworks and highlight the need for a more nuanced and comprehensive approach to sentencing and legal reform.

First, Siahaan, Rismawati, and Frans (2024) analyze cases of necrophilia that have occurred in Indonesia, focusing on the legal challenges surrounding the

⁸ Pratiwi and Ahmad, "Analisis Yuridis Tindakan Perkosaan Terhadap Jenazah Di Indonesia."

⁹ Arif Gosita, *Masalah Korban Kejahatan (Kumpulan Karangan)* (Jakarta: PT Bhuana Ilmu Populer, 1993).

¹⁰ Pratiwi and Ahmad, "Analisis Yuridis Tindakan Perkosaan Terhadap Jenazah Di Indonesia."

¹¹ Jeane Neltje Saly and Hafidz Indra Pratama, "Penerapan Sanksi Pidana Bagi Pelaku Tindak Pidana Pembunuhan Disertai Persetubuhan Dengan Orang Meninggal," *Jurnal Kewarganegaraan*, no. 2 (2023): 1684–92, <https://doi.org/https://doi.org/10.31316/jk.v7i2.5410>.

¹² Tolib Setiady, *Pokok-Pokok Ilmu Kedokteran Kehakiman: Dalam Orientasi Kepustakaan Praktis*, I (Bandung: Alfabeta, 2009).

sentencing of perpetrators. They conclude that the punishment for necrophilia must consider several critical factors, including the presence of mental disorders or sexual orientation disorders in the offender. They argue that such acts cannot be fully categorized under the legal framework for rape or other accompanying criminal acts, as these often fail to account for the unique circumstances surrounding necrophilia. Instead, the application of Article 44 of the Indonesian Criminal Code may be appropriate, as it stipulates that a person who commits a criminal act in a state of mental disorder cannot be held criminally responsible. This approach underscores the need for a nuanced understanding of necrophilia in the legal context.¹³

Second, Tippet (2024) examines necrophilia cases in the UK, utilizing Aggrawal's typology of necrophilia to provide a structured analysis. Tippet argues that current UK laws are insufficient to address the complexities and impacts of necrophilia, necessitating legal reform. Beyond being a crime against the deceased, Tippet emphasizes that necrophilia also represents a profound violation of societal and cultural norms, the emotional bonds of the deceased's family and friends, and the dignity upheld by health services responsible for caring for corpses. Tippet highlights the need for harsher punishments to reflect the broader harm caused by these crimes, emphasizing the social, moral, and institutional impacts.¹⁴

Third, Ricardo (2021) provides an in-depth study of necrophilia laws across all 50 states in the United States. Through a normative analysis, Ricardo proposes a new taxonomy of social harm related to necrophilia, categorizing penalties into five distinct forms: (1) no social harm, which suggests no criminalization; (2) crimes against nature, linking necrophilia to broader violations of moral or natural law; (3) abuse of corpses, focusing on the physical desecration of a body; (4) violation of the rights of living family members, highlighting the emotional and psychological harm inflicted on the deceased's relatives; and (5) sex crimes, categorizing necrophilia as a criminal act involving non-consensual sexual activity. This framework provides a comprehensive basis for assessing the varying degrees of harm caused by necrophilia and suggests a more nuanced approach to sentencing in the U.S. legal system.¹⁵

¹³ Vania Romasta Siahaan, Gita Rismawati, and Mardian Putra Frans, "Pertanggungjawaban Pidana Bagi Pengidap Necrophilia Dalam Tindak Pidana Pemerkosaan Mayat," *The Juris* 8, no. 1 (2024): 113–20, <https://doi.org/10.56301/juris.v8i1.1225>.

¹⁴ Anna Tippet, "Shining Light on an Unspeakable Crime: Necrophilia and the Need for Legal Reform," *Current Issues in Criminal Justice* 36, no. 1 (January 2024): 114–24, <https://doi.org/10.1080/10345329.2023.2238378>.

¹⁵ Ricardo, "Necrophilia: A New Social-Harm Taxonomy of U.S Laws."

The purpose of this study is to analyze law enforcement against the act of corpse rape (necrophilia) in Indonesia and explain the factors that influence the effectiveness of such law enforcement. This research also aims to provide insight into the novelty in Indonesian criminal law regarding cases involving necrophilia, as well as the contribution of this research to the understanding of legal issues at the national and international levels. In this regard, the novelty aspect of the research is crucial to identifying gaps in the existing legal system as well as providing recommendations for legal policy improvements. In addition, this research will reveal the approaches used by legal authorities in dealing with cases of necrophilia, including the challenges faced in its implementation. The research also targets the identification of concrete steps that can be taken by law enforcement agencies in improving the process of handling cases related to this sexual deviance.

This work contributes to the national and international scholarly community by offering an in-depth analysis of the legal novelty in necrophilia cases, as well as identifying the challenges in law enforcement faced in Indonesia. By understanding these issues, it is hoped that better efforts will be made to improve the legal system and support victims of sexual crimes. Through a more structured and analytical approach, this research not only offers practical solutions but also provides theoretical contributions that can be used as a reference in future research in the field of criminal law.

Method

Conducting a legal research basically cannot be separated from the use of research methods. Because, every research must use methods to analyze the issues raised. Methodology essentially provides guidelines on how to study, analyze and understand the object of research. Methodology is an element that absolutely exists in a study.¹⁶ The research method used in this research is the Normative Research Method. "Normative legal research or also known as doctrinal legal research can be defined simply as research that asks what the law is in a particular jurisdiction. Researchers in this case attempt to collect and then analyze the law with relevant legal norms.¹⁷ So that the author chooses to use the Normative Research Method which is intended to study and examine legal issues by

¹⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2023).

¹⁷ David tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 1332–36.

examining library materials that will be used to discuss research problems regarding law enforcement against acts of corpse rape (necrophilia).

The data collection technique used in this research is the Literature Study Technique, which is a method of collecting data by reading and examining some literature, books, newspapers, and laws and regulations related to the problem under study.¹⁸ Library research while utilizing library sources to obtain research data. Strictly speaking, library research limits its activities to library collection materials only without requiring field research.¹⁹ So this research uses library research in finding data which is divided into 2 (two) data, namely: Primary data is data collected by authoritative data collection institutions or agencies and has been published to the wider community. Meanwhile, secondary data is data that comes from various sources of written literature or in the form of quotations.²⁰

After the research data is collected, it is then analyzed using qualitative descriptive analysis techniques, as follows: The analysis technique uses qualitative descriptive analysis data where the data is obtained from recordings, observations or written materials and cannot be converted into numbers. The qualitative data approach technique is revealed in the form of sentences and also revealed in short stories. In this data there are several differences in terms of levels or levels even though the boundaries are not clear.²¹ The analytical descriptive results are then arranged systematically and then narrated. Narrative comes from the word *narasi* which means the telling of a story or event, or in the case of this writing it is presented in the form of a description.²² So that it is easy to understand so that it can be informed to readers about the purpose of making this research on law enforcement against acts of corpse rape (necrophilia) in the State of Indonesia reviewed and studied using the Law of the Republic of Indonesia.

Discussion

1. Regulation of Necrophilia in National Criminal Law Policy.

Necrophilia, also known as necrolagnia, necrocoitus, necroclhesis, and thanatophilia, refers to sexual attraction to or sexual acts with a dead body. This

¹⁸ Muhammad Rijal Fadli, "Memahami Desain Metode Penelitian Kualitatif," *HUMANIKA* 21, no. 1 (April 2021): 33–54, <https://doi.org/10.21831/hum.v21i1.38075>.

¹⁹ Mestika Zed, *Metode Penelitian Kepustakaan*, III (Jakarta: Yayasan Pustaka Obor Indonesia, 2014).

²⁰ Zed.

²¹ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris* (Depok: Prenamedia Group, 2018).

²² H. Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi*, ALFABETA, Cv, 2017.

phenomenon is distinct from rape followed by murder, as necrophilia specifically involves sexual activity occurring after the victim has already died, rather than raping the victim first and then killing them. The legal and conceptual distinction is crucial in understanding how necrophilia is classified within criminal law.²³ A key question arises regarding the correct terminology: should necrophilia be defined as "raping a corpse" or "having sex with a corpse"? Under most legal frameworks, rape involves coercion, violence, or threats, all of which require the victim to be alive. Since coercion is impossible when the victim is deceased, necrophilia is more accurately described as "having sex with a corpse" rather than "raping a corpse." This distinction is important when determining how necrophilia fits within criminal law, as many jurisdictions do not categorize necrophilia as rape but rather as an offense against the dignity of a corpse.

Historically, necrophilia is believed to have existed for centuries. Ancient depictions of necrophilic acts have been discovered in historical artifacts, including paintings found in the Pyramid of Moche, known as the "Greek of Andes," which depict sexual interactions with the dead. Additionally, ancient Egyptian customs reportedly involved preserving women's bodies for 3-4 days before burial to prevent acts of necrophilia.²⁴ Although necrophilia is generally associated with heterogeneous sexual deviations, it has also been observed among individuals with homosexual sexual deviations.²⁵ In some cases, necrophilia may not be a primary sexual preference, but rather a manifestation of deeper psychological disturbances or an extension of other paraphilic tendencies.

In contrast, rape is defined as non-consensual sexual intercourse forced upon a victim, often through physical or psychological violence. Victims of rape may be subjected to threats, coercion, unconsciousness, helplessness, or cognitive impairments that prevent them from resisting or understanding the act.²⁶ In many cases, rape is pseudosexual, where the perpetrator's primary motivation is dominance, control, and aggression, rather than sexual gratification. Over time, the concept of rape evolved, with cases where the object of the act is no longer a living person but a deceased body, leading to the emergence of necrophilia as a recognized criminal and psychological phenomenon. However, the legal framework surrounding necrophilia remains inconsistent across different

²³ P. Chatterjee, "Necrophilia: A Complex Intersection of Crime and Psychological Disorder," *Journal of Indian Academy of Forensic Medicine* 45, no. 2 (2023): 193–98, <https://doi.org/10.48165/jiafm.2023.45.2.23>.

²⁴ Neerlakshi Bhaskar, "Necrophilia Legal Perspective," *International Journal of Legal English* 2, no. 2 (2020): 241–55.

²⁵ Siahaan, Gita Rismawati, and Mardian Putra Frans, "Pertanggungjawaban Pidana Bagi Pengidap Necrophilia Dalam Tindak Pidana Pemerkosaan Mayat."

²⁶ Gosita, *Masalah Korban Kejahatan (Kumpulan Karangan)*.

jurisdictions, as the act does not fit neatly into existing sexual offense laws, particularly those defining rape. This raises significant legal and ethical questions regarding how necrophilia should be classified and punished, particularly in countries where specific provisions addressing the crime are absent.

Indonesian criminal law categorizes crimes against corpses as offenses that disturb public order rather than sexual offenses. This classification remains consistent in both the Old Criminal Code and the New Criminal Code. However, there are some differences in how these offenses are structured and sanctioned.

In the Criminal Code, crimes against corpses are regulated under Article 181, which criminalizes desecration and unauthorized removal of corpses. Meanwhile, the New Criminal Code expands this regulation under Articles 268-271, which provide more detailed provisions, including prohibitions on treating corpses in an indecent manner. Below is a comparison between the Criminal Code and the New Criminal Code regarding crimes against corpses:

Table 1. Comparison of Provisions on Crimes Against Corpses in Two Criminal Code

Prohibited Acts	Criminal Code	New Criminal Code
Desecration of a corpse	Prohibited under Article 181, which criminalizes taking a corpse from its burial place or desecrating it.	Regulated under Article 270, with broader definitions of desecration and harsher penalties.
Indecent treatment of a corpse	Not explicitly mentioned.	Article 271 explicitly prohibits treating a corpse in an indecent manner.
Unauthorized removal of a corpse	Covered under Article 181, prohibiting removal of a corpse from its burial place.	Article 268 provides a more detailed regulation on unauthorized corpse removal.
Interfering with the burial of a corpse	Not explicitly regulated.	Article 269 criminalizes interfering with or obstructing a burial.
Performing unauthorized autopsies or experiments on a corpse	Not explicitly regulated.	Article 271 prohibits unauthorized procedures or actions on a corpse.

Source: Criminal Code and New Criminal Code

In analyzing the crime of murder followed by sexual intercourse with the victim, it is important to first distinguish between two types of homicide as defined in the Indonesian Criminal Code: murder (Article 338) and premeditated murder (Article 340). Murder, as stated in Article 338, involves the intentional act of taking another person's life and is punishable by a maximum of 15 years in prison. Meanwhile, Article 340 defines premeditated murder as a killing planned in advance, carrying harsher penalties, including life imprisonment or the death penalty. The distinction between these two forms of homicide is essential, as it

establishes the criminal responsibility of the perpetrator before examining the subsequent sexual act committed against the victim. Once the act of homicide has been determined whether as murder or premeditated murder the next question is whether the subsequent sexual act constitutes rape or sexual intercourse with a corpse. The Criminal Code defines rape under article 285, which criminalizes forcing a woman to have sexual intercourse through violence or threats, with a maximum penalty of 12 years in prison. Similarly, Article 286 criminalizes sexual intercourse with a woman who is unconscious or helpless, with a maximum penalty of 9 years. However, both provisions assume that the victim is alive at the time of the act, meaning that the Criminal Code does not recognize rape against a corpse. Since rape, by definition, requires coercion, and coercion is impossible when the victim is deceased, the classification of necrophilia as rape lacks a strong legal basis under Indonesian law.

Given that the Criminal Code does not regulate rape against a corpse, necrophilia is more appropriately categorized under provisions related to the treatment of a corpse. The most relevant law in the Criminal Code is Article 181, which criminalizes the act of desecration of a corpse, punishable by up to one year and four months in prison. The New Criminal Code introduces a clearer provision under Article 271, which explicitly criminalizes treating a corpse in an indecent manner. However, neither of these provisions classifies necrophilia as rape, raising the question of why such an act should be legally framed within the context of sexual violence. Furthermore, Indonesian criminal law recognizes the concept of concurrence of offenses (*perbarengan tindak pidana*), meaning that a perpetrator can be charged under multiple legal provisions for different aspects of their actions. In cases where homicide is followed by necrophilia, there are at least two separate offenses that must be considered: murder (Article 338/340 the Criminal Code) and desecration of a corpse (Article 181 the Criminal Code or Article 271 the New Criminal Code). This principle allows for cumulative punishment, ensuring that perpetrators are held accountable for both the killing and the subsequent act of necrophilia, rather than inappropriately categorizing the latter as rape.

The Criminal Code does not regulate necrophilia under rape laws, as the definition of rape inherently involves coercion, which cannot apply to a deceased person. Instead, the most relevant legal provisions to address necrophilia are those related to desecration of a corpse, particularly Article 181 the Criminal Code and Article 271 the New Criminal Code. Additionally, the legal analysis of necrophilia should take into account concurrence of offenses, ensuring that perpetrators who commit both homicide and necrophilia are prosecuted under multiple applicable laws rather than attempting to force necrophilia into the framework of rape provisions. In the concept of criminal liability under Indonesian law,

accountability consists of criminal responsibility, fault, and justifications (grounds for exoneration). A person can only be held criminally liable if they have the capacity to be responsible for their actions, meaning they are mentally competent and aware of their wrongdoing. This section will focus on necrophilia in terms of criminal responsibility, specifically examining whether the perpetrator has a mental disorder that affects their legal culpability.

In the medical field, necrophilia is a condition where an individual experiences sexual attraction to death-related elements, including engaging in sexual intercourse with a corpse. This disorder is characterized by an aversion to anything animate, leading to a distorted perception of life and death, where living beings are seen as sources of damage or destruction, fueling hatred in those affected. Interestingly, most individuals with necrophilia tend to have a strong preference for order and legal obedience, despite their deviant impulses. From a criminal perspective, perpetrators of necrophilia are often involved in multiple criminal offenses, typically starting their actions by killing the victim. The sequence of events may vary: the perpetrator may initially intend to rape the victim, but upon encountering resistance, chooses to kill before engaging in necrophilic acts. Conversely, the primary intent might be to kill, followed by a subsequent desire to engage in sexual acts with the corpse.

These actions fall between opportunity and intention. When a perpetrator's lust arises suddenly upon seeing the victim, it may be considered an act of opportunity a spontaneous response to external stimuli. However, if the perpetrator had a premeditated plan to commit rape, the crime aligns more closely with intention.²⁷ Understanding this distinction is crucial in assessing criminal liability, as it determines whether the act was impulsive or preplanned, impacting the severity of punishment under Indonesian law. Furthermore, the presence of a mental disorder may affect the perpetrator's ability to be held fully accountable, raising legal questions about criminal responsibility and possible exoneration under existing legal frameworks.

The sexual deviant behavior of necrophilia has legal and social consequences. Necrophilia is considered a taboo act by treating dead bodies in an uncivilized manner. In fact, Indonesian society respects the dignity of every human being from the time they are in the womb, born into the world, until they die. Therefore, Indonesia, which is a state of law, must provide legal protection to them from the womb to death.²⁸ In Indonesia, there are several norms that apply, namely norms

²⁷ Saly and Pratama, "Penerapan Sanksi Pidana Bagi Pelaku Tindak Pidana Pembunuhan Disertai Persetubuhan Dengan Orang Meninggal."

²⁸ Setiady, *Pokok-Pokok Ilmu Kedokteran Kehakiman: Dalam Orientasi Kepustakaan Praktis*.

of decency that are born and grow from the habits of society by promoting polite behavior and good morals and character, norms of decency based on human conscience driven by the whisper of the heart, religious norms from belief in God Almighty, and legal norms made by authorized state institutions. The four norms have sanctions in different forms. The norm of decency has sanctions in the form of censure or ostracism by the community from the surrounding environment, the norm of decency has sanctions in the form of regret for oneself, religious norms have sanctions in the form of sin, and legal norms have sanctions in the form of punishment determined by the state and compensation to the state.²⁹ There are many cases of rape against corpses in Indonesia which are preceded by killing the victim and then after death, the victim's corpse is raped by the perpetrator. However, the perpetrator is not charged with rape because the victim of rape is not a living human being but a deceased human being and there is no clear legal regulation regarding the criminal behavior of corpse rape. This legal vacuum can cause concern for family members of the deceased, whether the corpse is still in the hospital or has been buried, for fear that rape of the corpse of their family member has been committed.³⁰

Indonesia has a void in its laws regarding necrophilia. In contrast, in some countries such as the United Kingdom, it is treated as a crime against public decency and punished severely. Under Section 70 of the Sexual Offences Act 2003, necrophilia is explicitly criminalized, stating that *"a person commits an offense if he intentionally engages in sexual penetration of a corpse,"* with offenders facing a maximum sentence of two years in prison.³¹ Indonesia can learn from this legal framework to formulate clearer provisions on crimes against corpses. While the Indonesian Criminal Code does not regulate necrophilia as a sexual offense, Article 181 the Criminal Code criminalizes acts of desecration or removal of a corpse from its burial place, and the new Criminal Code under Article 271 expands on this by prohibiting the indecent treatment of a corpse. However, these provisions do not specifically address necrophilia, leaving a legal gap that requires further legislative refinement to ensure proper punishment for such acts.

Many cases of necrophilia that violate the legal interests of the honor of deceased humans have occurred in Indonesia. But in fact, the Old Criminal Code in Indonesia has not been able to accommodate. Against the crime of rape, the Old Criminal Code regulates in several articles. However, the content of Article 285 of

²⁹ Bambang Sutiyoso, *Metode Penemuan Hukum: Upaya Mewujudkan Hukum Yang Pasti Dan Berkeadilan*, IV (Yogyakarta: UII Pers, 2015).

³⁰ Pratiwi and Ahmad, "Analisis Yuridis Tindakan Perkosaan Terhadap Jenazah Di Indonesia."

³¹ Anil Aggrawal, *Necrophilia: Forensic and Medico-Legal Aspects*, *Necrophilia: Forensic and Medico-Legal Aspects*, 2010, <https://doi.org/10.1201/b10418>.

the Criminal Code is only limited to regulate the criminal act of rape against (1) a living human being (woman); (2) female gender; (3) the perpetrator is a man. Meanwhile, Article 286 of the Criminal Code regulates a person committing rape against a woman who is known to be unconscious or helpless. Helpless cannot be interpreted as someone who is dead. But unfortunately the law has not accommodated the act of rape against a corpse. Meanwhile, Articles 180-181 of the Criminal Code are only limited to regulating unlawfully removing, taking, moving, or removing bodies from graves as well as burying, hiding, carrying away or removing bodies with the intention of concealing their death or birth. So in this case, based on the principle of legality, the act of rape of a corpse cannot be qualified as a criminal act of rape or a crime against a corpse.³²

Necrophilia as a sexual deviance that involves intercourse with a corpse is undeniably a disturbing act that violates both ethical and legal standards. In addition to the lack of a specific criminal provision addressing necrophilia in Indonesia's Criminal Code, it is essential to note the broader implications of such behavior. The absence of clear legal guidelines on this matter reflects a significant gap in the country's ability to protect the sanctity of human life and death. As society's understanding of human rights and respect for individuals has evolved, it is critical that legal frameworks adapt accordingly. The presence of necrophilia cases in Indonesia highlights an urgent need for legal reform, as the country currently lacks comprehensive legal provisions to address crimes against corpses. The failure to explicitly regulate necrophilia within the Criminal Code creates a legal vacuum, potentially allowing such acts to go unpunished or to be prosecuted under inadequate legal provisions.³³ Furthermore, the absence of strict legal protection regarding the dignity of the deceased could contribute to moral and ethical decline in society, where acts of desecration may be normalized or overlooked due to weak legal enforcement.³⁴

The broader social impact of necrophilia extends beyond the immediate harm to victims and their families. Such crimes undermine cultural norms, disrupt social order, and erode public trust in the legal system. Countries such as the United Kingdom and the United States have recognized this issue by implementing specific legal provisions to criminalize necrophilia. For example, in the UK, Section 70 of the Sexual Offences Act 2003 explicitly classifies sexual penetration of a

³² T. J. A Pramesti, "Jerat Pidana Pelaku Mutilasi Dan Pemerkosa Mayat," *Hukum Online*, 2021.

³³ Siahaan, Gita Rismawati, and Mardian Putra Frans, "Pertanggungjawaban Pidana Bagi Pengidap Necrophilia Dalam Tindak Pidana Pemerkosaan Mayat."

³⁴ Neerlakshi Bhaskar, "Necrophilia Legal Perspective," *International Journal of Legal English*, 2020.

corpse as a criminal act, carrying a maximum penalty of two years in prison (Aggrawal 2010b). Similarly, various U.S. states have laws categorizing necrophilia as a felony, with sentences ranging from several years to life imprisonment, depending on the severity of the offense.³⁵

Indonesia's current legal framework does not sufficiently address necrophilia. While Article 181 the Criminal Code and Article 271 the New Criminal Code criminalize indecent treatment of a corpse, these provisions do not explicitly classify necrophilia as a sexual crime. This legal ambiguity creates uncertainty in handling necrophilia cases, potentially allowing perpetrators to receive lesser sentences than what is proportionate to the severity of the act.³⁶ Without a clear and enforceable legal provision, Indonesia risks failing to provide justice to victims and their families, further undermining legal certainty and human dignity. Given these considerations, it is imperative for Indonesia to address the legal loophole surrounding necrophilia. The lack of explicit criminalization of necrophilia within the Criminal Code leaves uncertainty in prosecution, making it essential for legislative reform to clearly define necrophilia as a punishable offense. A more specific legal provision criminalizing sexual acts with corpses would not only strengthen Indonesia's legal system but also demonstrate a firm commitment to upholding the dignity of the deceased and protecting societal moral values. Such reforms would align Indonesia's legal stance with international best practices, ensuring that crimes against corpses are treated with the seriousness they deserve.

2. *Indonesian Court's Response to Case of Necrophilia*

A case of necrophilia occurred in Kutai Kartanegara, East Kalimantan, highlighting a significant legal gap in Indonesia's criminal justice system. The incident was triggered by a debt dispute of Rp.120,000.00 between the perpetrator and the victim's father. As collateral for the debt, the perpetrator had pawned his pet bird. The following day, the victim unknowingly crossed paths with the perpetrator while buying eggs at a local shop. Seizing the opportunity, the perpetrator followed the victim home and attacked her, ultimately killing her in cold blood. Once he was certain that the victim had died, he dragged the body and disposed of it in a ditch approximately two meters deep. However, upon seeing the victim's sarong uncovered, the perpetrator's sexual urges intensified, leading him to engage in necrophilic acts with the deceased victim.

³⁵ Ricardo, "Necrophilia: A New Social-Harm Taxonomy of U.S Laws."

³⁶ Siahaan, Gita Rismawati, and Mardian Putra Frans, "Pertanggungjawaban Pidana Bagi Pengidap Necrophilia Dalam Tindak Pidana Pemerkosaan Mayat."

Following the arrest of the perpetrator, the prosecutor charged him under two provisions of the Indonesian Criminal Code:

- a. Article 338 (Murder):
 - 1) *"Any person who intentionally takes the life of another person shall be punished for murder with a maximum imprisonment of 15 years."*
 - 2) This charge was applied because the perpetrator deliberately took the victim's life, fulfilling the elements of intentional homicide.
- b. Article 181 (Desecration of a Corpse):
 - 1) *"Any person who takes a corpse from its burial place or commits an act of desecration against a corpse shall be punished with imprisonment for a term of up to one year and four months."*
 - 2) This provision was relevant due to the perpetrator's actions toward the victim's corpse, particularly in dragging and engaging in indecent treatment of the body.

However, despite the clear necrophilic act, Indonesia's Criminal Code does not explicitly criminalize necrophilia. As a result, the prosecutor was unable to charge the perpetrator under a specific law addressing sexual acts with a corpse. This legal loophole limited the charges to murder and desecration of a corpse, rather than establishing necrophilia as a distinct offense. Given the brutality of the act, the prosecutor sought a 15-year prison sentence, the maximum penalty under Article 338 of the Criminal Code for murder. While Article 181 the Criminal Code could have been applied, its penalty of only one year and four months was deemed too lenient given the gravity of the crime. After reviewing the evidence and the sadistic nature of the act, the panel of judges found the perpetrator guilty of murder under Article 338 the Criminal Code.

The absence of a specific law on necrophilia meant that the sentencing focused solely on the murder charge, with no additional punishment directly addressing the sexual act committed with the corpse. The judges imposed a sentence of 12 years in prison, slightly below the 15-year maximum requested by the prosecution. The verdict considered the aggravating factors, including the cruelty and inhumane nature of the act, but also weighed the absence of any evidence suggesting the perpetrator suffered from mental illness, which could have been a mitigating factor. This case exposes a critical weakness in Indonesia's criminal law, as there is no explicit provision criminalizing necrophilia. While the perpetrator received a substantial sentence for murder, the act of engaging in sexual intercourse with a corpse was not directly punishable under existing laws.

The New Criminal Code set to take effect in 2026, introduces Article 271, which criminalizes "treating a corpse in an indecent manner." However, this provision remains vague and does not explicitly categorize necrophilia as a separate sexual offense, unlike laws in countries such as the United Kingdom Section 70, which clearly defines necrophilia as a criminal act punishable by up to two years in prison.³⁷ When compared with other cases of homicide followed by sexual acts with a corpse, differences in legal reasoning and sentencing become evident. In some jurisdictions, perpetrators are charged with both rape and homicide, depending on whether the victim was unconscious or still alive at the time of the assault. However, in Indonesia, rape laws do not apply once the victim is deceased, leaving necrophilia cases legally ambiguous.

The case of necrophilia in Kutai Kartanegara serves as a stark example of the urgent need for legislative reform in Indonesia. A specific law criminalizing necrophilia would provide a stronger legal basis for prosecution and ensure that justice is fully served for victims and their families. When compared with other cases of homicide followed by sexual acts with a corpse, differences in legal reasoning and sentencing become evident. In some jurisdictions, perpetrators are charged with both rape and homicide, depending on whether the victim was unconscious or still alive at the time of the assault. However, in Indonesia, rape laws do not apply once the victim is deceased, leaving necrophilia cases legally ambiguous.

The case of necrophilia in Kutai Kartanegara serves as a stark example of the urgent need for legislative reform in Indonesia. A specific law criminalizing necrophilia would provide a stronger legal basis for prosecution and ensure that justice is fully served for victims and their families. The necrophilia case in Kutai Kartanegara highlights legal gaps in Indonesia and can be compared to similar cases in the United States and the United Kingdom, where such acts are explicitly criminalized. In these countries, necrophilia is not only classified as a sexual crime but also as a violation of human dignity and public decency, reinforcing the idea that the deceased still retain legal protections even after death.

In the United Kingdom, necrophilia is explicitly criminalized under Section 70 of the Sexual Offences Act 2003, which states that "a person commits an offense if he intentionally engages in sexual penetration of a corpse." The first known prosecution for necrophilia in the UK occurred in 2005, when two mortuary workers, Kevin Howe and Kevin Yates, were convicted for engaging in sexual acts with corpses at the Manchester

³⁷ UK Public General Acts, "Sexual Offences Act 2003" (United Kingdom, 2003).

Mortuary.³⁸ The legal reasoning behind their conviction focused on protecting the integrity of the deceased and maintaining public order. The offenders were sentenced to prison, emphasizing the severity of the crime and the need for deterrence.

Meanwhile, in the United States, necrophilia laws vary by state, but most classify the act as a felony offense. In Wisconsin, for example, necrophilia is categorized as a Class F felony, carrying a penalty of up to 12.5 years in prison.³⁹ In California, the law prohibits sexual contact with human remains under California Penal Code Section 7052, punishing violators with up to eight years in prison. Similarly, in Florida, necrophilia falls under statutes related to abuse of a corpse, leading to strict penalties in cases where sexual acts are involved. The legal perspective in U.S. jurisdictions is that necrophilia constitutes both a sexual violation and an act of desecration, reinforcing moral and legal protections for the dead.

Comparing these legal approaches to Indonesia's current legal framework, the absence of an explicit necrophilia law becomes evident. While the UK and the U.S. recognize necrophilia as both a sexual and moral violation, Indonesia's current Criminal Code only punishes desecration of a corpse (Article 181), which carries a maximum penalty of one year and four months a significantly lighter punishment compared to the strict penalties imposed in the UK and U.S. The Kutai Kartanegara case demonstrates the urgency for Indonesia to reform its criminal law by adopting a clear legal framework that explicitly criminalizes necrophilia. By studying the UK's legal approach, Indonesia can consider implementing specific provisions that classify necrophilia as a distinct sexual crime. Similarly, the U.S. model provides insight into varying levels of punishment, depending on the circumstances of the crime. These comparative perspectives underscore the importance of establishing comprehensive laws that protect the dignity of the deceased while ensuring that perpetrators of necrophilia face proportionate legal consequences.

Some countries have taken further steps to establish clear laws on necrophilia. In the United States, most states have laws prohibiting necrophilia with varying penalties, ranging from fines to lengthy imprisonment. For example, in the state of Wisconsin, necrophilia is considered a felony

³⁸ John Troyer, "Abuse of a Corpse: A Brief History and Retheorization of Necrophilia Laws in the USA," *Mortality* 13, no. 2 (May 2008): 132–52, <https://doi.org/10.1080/13576270801954518>.

³⁹ Meloy, "The Nature and Dynamics of Sexual Homicide."

punishable by up to 15 years in prison.⁴⁰ This international law can serve as an example for Indonesia to tighten regulations that currently do not accommodate necrophilia as a specific criminal offense. Several studies have shown that perpetrators of necrophilia often have mental disorders or severe sexual deviance tendencies. In Western countries, psychiatric evaluation is often an important part of the court process to determine whether the offender requires mental treatment rather than a prison sentence.⁴¹ This is important to consider in the Indonesian justice system, where offenders may require rehabilitation rather than conventional criminal punishment.

Indonesia's Criminal Code, which currently does not accommodate necrophilia as a separate crime, requires significant legal reform. The law needs to be drafted to cover all forms of offenses against deceased human bodies, as regulated in some European countries.⁴² This would provide a stronger legal basis for law enforcement in Indonesia, as well as respect the country's social and religious norms. One of the key challenges in enforcing laws against necrophilia is the difficulty in collecting sufficient forensic evidence. In developed countries, forensic investigations have advanced significantly, with DNA technology playing a crucial role in identifying perpetrators even after the victim has died.⁴³ In Indonesia, forensic investigation techniques still lack modernization, which poses obstacles in proving necrophilia cases and prosecuting offenders effectively. Updating Indonesia's forensic investigation system is essential for handling such cases with greater accuracy and ensuring that perpetrators are held accountable.

A critical aspect in analyzing necrophilia cases in Indonesia is determining whether the verdicts explicitly mention necrophilia as a distinct offense. Currently, Indonesian court rulings do not explicitly classify necrophilia as a criminal offense, which creates legal ambiguity. Instead, offenders are typically charged under existing provisions such as Article 338 of the Criminal Code – Murder and Article 181 of the Criminal Code – Desecration of a Corpse. Neither of these provisions directly addresses the act of necrophilia, meaning prosecutors and judges may overlook the sexual aspect of the crime, treating it only as a case of homicide or

⁴⁰ Louis B. Schlesinger, *Sexual Murder: Catathymic and Compulsive Homicides, Sexual Murder: Catathymic and Compulsive Homicides: Second Edition* (Second edition. | Boca Raton, FL : CRC Press, 2021.: CRC Press, 2021), <https://doi.org/10.4324/9781003143727>.

⁴¹ J. P. Rosman and P. J. Resnick, "Sexual Attraction to Corpses: A Psychiatric Review of Necrophilia," *Bulletin of the American Academy of Psychiatry and the Law* 17, no. 2 (1989): 153–63.

⁴² Namita Mittal, Roger W. Byard, and Jane E. Dahlstrom, "A Practical Guide to Placental Examination for Forensic Pathologists," *Forensic Science, Medicine and Pathology* 16, no. 2 (June 2020): 295–312, <https://doi.org/10.1007/s12024-019-00214-2>.

⁴³ Michael J Saks and N. J. Schweitzer, "The CSI Effect: Popular Fiction about Forensic Science Affects the Public's Expectations about Real Forensic Science," *Jurimetrics* 47 (2007): 357–64.

corpse desecration. This legal gap hinders proper sentencing, as offenders do not face specific punishment for engaging in sexual acts with a corpse.

3. *Aggravating and Mitigating Factors in Sentencing*

In most necrophilia cases, sadism is a major component of the crime. Acts of necrophilia often involve extreme violence, mutilation, and the desecration of human remains, which should be classified as aggravating factors in sentencing. However, Indonesian verdicts rarely discuss necrophilia as an aggravating factor. Instead, sentencing is primarily based on murder charges (Article 338) or desecration of a corpse (Article 181), resulting in sentences that do not fully reflect the gravity of the crime. Additionally, mitigating factors are often considered in Indonesian court rulings, including the perpetrator's remorse, cooperation during the investigation, and no prior criminal record. The presence of sadism in necrophilia cases should reduce the impact of mitigating factors, ensuring that perpetrators receive maximum sentences. However, since necrophilia is not explicitly recognized, its sadistic nature is not always fully considered in sentencing.

a. *Pattern of Conduct: Is Necrophilia Always Linked to Murder?*

In many cases, necrophilia is associated with murder, as perpetrators may kill their victims before engaging in sexual acts with the corpse. However, this is not always the case. In some international cases, offenders have targeted bodies in morgues, cemeteries, or funeral homes without committing murder. In Indonesia, court rulings do not clarify whether necrophilia is an independent offense or if it is always linked to murder. This creates legal ambiguity regarding how prosecutors and judges interpret immoral acts committed against a corpse. If the crime is linked to murder, the necrophilic act may be considered part of the murder charge. Conversely, if no murder occurs, it remains unclear whether necrophilia can be prosecuted under existing laws.

Currently, the legal reasoning in Indonesian necrophilia cases remains inconsistent, as there is no structured interpretation of these acts in court rulings. The lack of legal clarity results in varying interpretations, leading to inconsistent sentencing outcomes. A key issue in determining criminal liability in necrophilia cases is the question of mental disorders. Some studies suggest that necrophilia may be linked to psychiatric conditions, including: paraphilic disorders impulse control disorder, and psychotic disorders.

In many international cases, defense attorneys argue that perpetrators suffer from mental illness, which can reduce their criminal responsibility. In Indonesia, court verdicts rarely discuss mental health considerations in

necrophilia cases. This creates uncertainty regarding how the legal system addresses the mental state of offenders. Indonesian prosecutors and judges may or may not take the mental condition of necrophilia offenders into account. Additionally, there is little information on whether legal defenses have cited mental illness as a justification or mitigating factor. If mental illness is considered relevant, its influence on sentencing remains unclear. Since Indonesian law does not explicitly recognize necrophilia as a distinct sexual crime, cases lack a structured legal discussion on criminal responsibility, making it difficult to determine whether offenders should be sentenced as fully responsible individuals or referred to psychiatric treatment.

b. Legal Reform Addressing the Gap in Indonesian Law

To ensure that necrophilia is properly criminalized, Indonesia must implement new legal provisions that clearly define the act as a separate offense. The new Criminal Code attempts to address this issue through Article 271 the New Criminal Code – Indecent Treatment of a Corpse “Any person who unlawfully treats a corpse in an indecent manner shall be subject to criminal penalties.” While Article 271 provides a stronger legal foundation than previous laws, it remains vague and does not explicitly mention necrophilia. Indonesia can learn from international legal frameworks, such as:

- 1) The United Kingdom's (UK Parliament 2003) (Section 70), which explicitly criminalizes “sexual penetration of a corpse” with a maximum sentence of two years in prison.
- 2) The United States, where multiple states classify necrophilia as a felony, punishable by lengthy prison sentences, depending on the severity of the crime.
- 3) By adopting a clear definition of necrophilia in its legal framework, Indonesia can:
- 4) Ensure that necrophilia is treated as a serious offense, distinct from general corpse desecration.
- 5) Increase penalties for perpetrators, reflecting the severity of the crime.
- 6) Provide legal certainty for prosecutors and judges in handling necrophilia cases.

The lack of explicit necrophilia laws in Indonesia results in inconsistent legal reasoning and inadequate sentencing. Current verdicts do not explicitly recognize necrophilia, leading to prosecutions based only on murder or desecration of a corpse. The absence of structured discussions on mental health, sadism, and aggravating factors further complicates legal proceedings.

To improve the legal handling of necrophilia cases, Indonesia must enact a comprehensive legal framework that:

- 1) Clearly defines necrophilia as a criminal offense.
- 2) Ensures consistent prosecution and sentencing.
- 3) Considers the mental state and criminal responsibility of offenders.
- 4) Implements stricter penalties, following international best practices.

Conclusion

Indonesia's legal framework does not explicitly define necrophilia as a distinct sexual offense. Under the Criminal Code, sexual acts with a corpse cannot be classified as rape, as the law requires the victim to be alive for coercion or force to apply. However, such acts violate societal norms, ethics, and moral values, highlighting the need for legal reform to ensure proper criminalization and prosecution. Criminal law functions as a tool for social control, reinforcing societal values through legal sanctions, yet the absence of explicit necrophilia laws creates a legal vacuum that allows perpetrators to evade proportional punishment. While Article 181 of the Criminal Code criminalizes desecration of a corpse and Article 271 of the New Criminal Code penalizes indecent treatment of a corpse, neither provision sufficiently addresses necrophilia as a sexual crime, leading to inconsistent enforcement and legal uncertainty. To address this gap in criminal law, Indonesia should establish a clear legal definition of necrophilia. By examining international frameworks, such as the UK's Sexual Offences Act 2003 (Section 70) and U.S. state laws that classify necrophilia as a felony, Indonesia can develop more effective legislation with strict legal consequences.

Currently, Article 181 of the existing the Criminal Code (Desecration of a Corpse) and Article 271 of the New Criminal Code (Indecent Treatment of a Corpse) do not explicitly define necrophilia as a sexual crime. This legal ambiguity leads to inconsistent sentencing. To close this gap, Indonesia should introduce a specific criminal offense that clearly defines and penalizes sexual acts with a corpse. For clarity and enforceability, the ideal legal framework should include the following elements:

1. Definition of the Offense
 - a. "Any person who knowingly engages in sexual acts with a corpse, whether through penetration or any other indecent conduct, shall be subject to criminal sanctions."

- b. This definition ensures that necrophilia is explicitly recognized as a sexual crime rather than being treated solely as an act of corpse desecration.
 2. Criminal Sanctions
 - a. Minimum imprisonment of 5 years and a maximum of 12 years (aligned with existing rape laws).
 - b. Additional penalties if the perpetrator also committed murder to engage in necrophilia, ensuring the application of cumulative punishment under murder laws (Article 338/340 the Criminal Code).
 - c. Increased penalties if the act involves multiple perpetrators, occurs in a medical or forensic setting, or involves exploitation of vulnerable individuals.
 3. Legal Basis in Criminal Law Principles
 - a. Lex Scripta (Written Law): Ensuring that necrophilia is explicitly defined in Indonesia's legal code.
 - b. Lex Certa (Legal Certainty): Eliminating ambiguity by clearly defining necrophilia as a distinct crime.
 - c. Lex Stricta (Strict Interpretation): Preventing misinterpretation by ensuring the law covers all forms of necrophilic acts, whether or not the perpetrator committed murder.
 - d. Lex Praevia (Non-Retroactivity): Ensuring that laws are applied prospectively to prevent legal uncertainty.
 4. Integration with International Legal Standards
 - a. Indonesia can model its law on the UK's Sexual Offences Act 2003 (Section 70), which explicitly prohibits sexual penetration of a corpse.
 - b. The law should also consider U.S. state-level regulations where necrophilia is classified as a felony with strict penalties.

By integrating these legal and social strategies, Indonesia can develop a more comprehensive approach to preventing and prosecuting necrophilia, ensuring justice for victims while reinforcing societal values. Beyond legal provisions, social norms should be reinforced by imposing appropriate sanctions on individuals who engage in disrespectful or indecent treatment of corpses. This can be done by:

1. Strict licensing regulations for forensic and mortuary professionals to prevent abuse.

2. Ethics training in the medical and forensic sciences to ensure that professionals handling corpses understand the legal and moral consequences of misconduct.
3. Community education programs to raise awareness about the legal and ethical treatment of the deceased.

The primary limitation of this study is the lack of empirical data and field research, which could provide a concrete understanding of how necrophilia cases are handled in Indonesia's judicial system. Future research should:

1. Conduct case studies of past necrophilia-related trials to analyze judicial reasoning and sentencing patterns.
2. Collect empirical data on how forensic and legal professionals interpret necrophilia cases in Indonesia.
3. Compare Indonesia's legal framework with international best practices, particularly in countries that explicitly criminalize necrophilia.

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