



Deterrent Effect and Human Rights: A Critical Analysis of Chemical Castration Implementation in Child Protection Law

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Abstract:

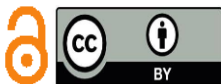
Sexual violence against children is an extraordinary crime that demands firm legal enforcement to ensure both deterrence and protection for victims. To address this issue, the Indonesian government introduced chemical castration through Government Regulation in Lieu of Law (Perppu) Number 1 of 2016 as an additional sanction for perpetrators of sexual violence against children. This study critically examines the implementation of chemical castration in Indonesia by highlighting the legal framework and the tension between deterrence and the protection of human rights. The analysis draws on relevant legislation, criminal law concepts, and selected court decisions to evaluate the policy's practical and ethical challenges. The findings reveal that chemical castration has not been an effective deterrent due to the absence of technical implementation guidelines and objections from medical professionals, particularly the Indonesian Medical Association (IDI), based on professional ethics. These obstacles have weakened both deterrence and rehabilitation efforts, creating ethical and legal dilemmas in their enforcement. Therefore, a policy reformulation is necessary by positioning chemical castration within a double-track system that integrates punishment and rehabilitation to achieve a balanced approach between deterrence, offender recovery, and human rights protection. Future implementation should be supported by clear procedural standards, inter-agency coordination, and ethical oversight to ensure that the policy aligns with the principles of justice and human dignity.

Keywords:

Chemical Castration; Child Protection; Deterrent Effect; Human Rights; Medical Ethics

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Introduction

Sexual crimes against children constitute an extraordinary offense that requires strict legal measures and prioritizes strong protection for victims. In response to this urgent issue, the Indonesian government introduced chemical castration as an additional sanction through Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang - Perppu*) Number 1 of 2016 concerning Child Protection. The regulation was designed to create a deterrent effect while also preventing the recurrence of sexual offenses against children.¹ However, this policy has drawn sharp criticism from the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia - Komnas HAM*) and the Indonesian

¹ Sekretariat Negara Republik Indonesia, "Keterangan Pers Presiden Tentang Penandatanganan Perppu Nomor 1 Tahun 2016," Sekretariat Negara Republik Indonesia, 2016.

Medical Association (*Ikatan Dokter Indonesia - IDI*). These groups argue that the regulation conflicts with fundamental human rights principles and medical ethics.

The phenomenon of sexual violence against children, which continues to increase each year, has prompted various social and legal responses. One of which is the implementation of chemical castration as an additional form of punishment that has sparked both support and opposition. In Indonesia, the National Commission on Child Protection (*Komisi Nasional Perlindungan Anak - Komnas PA*) recorded 1,915 cases of sexual violence against children in 2023, while data from the Integrated Online Information System of the Ministry of Women Empowerment and Child Protection (*SIGA KemenPPPA*) indicated 1,231 cases in West Java alone in 2024.² While the statistics from *Komnas PA* and *SIGA KemenPPPA* illustrate the high prevalence of sexual violence, the publicly available data does not provide a breakdown by victim gender. This limitation highlights a need for more granular data collection to understand the gender dynamics of these crimes better and to strengthen future research and policy-making.³ The implementation of chemical castration has therefore emerged as one of the legal measures adopted by the state in response to the alarming rate of sexual violence, particularly against children. Chemical castration is a medical procedure involving the administration of chemical substances to convicted offenders. This measure is regulated under the *Perppu* and is intended as an additional punishment for serious sexual offenses against children.⁴ Although chemical castration has been regulated by law, its implementation appears weak and tends to be merely symbolic due to medical resistance and ethical controversies. In contrast, it should be oriented toward ensuring maximum protection for victims.

Deterrence is one of the primary objectives of criminal punishment, aimed at creating social order and preventing recidivism. Deterrence refers to the sense of fear or remorse that arises as a result of the sentence imposed on the perpetrator of a crime.⁵ In relation to legal protection, human rights, as stipulated in the Human Rights Law of 1999, are inherent rights of every individual that must be respected and safeguarded by the state, the law, and society as a whole.⁶ According to Jefferson, human rights are fundamental liberties that are not granted by the state but originate from God and are inherent in the very existence of every individual.⁷ Therefore, the implementation of punishment within the criminal justice system must not only create a deterrent effect but also uphold the values of human rights. Chemical castration is carried out through the injection of anti-testosterone hormones into the perpetrator's body, which works by suppressing the production and activity of these hormones, thereby significantly reducing the perpetrator's libido.

² Arif Darmawan, "Kekerasan Seksual Pada Anak" (Open Science Framework, November 14, 2022), <https://doi.org/10.31219/osf.io/8nmq9>.

³ "Jumlah Kekerasan Terhadap Anak Menurut Jenis Kekerasan Yang Dialami," SIGA KEMENPPPA, 2024.

⁴ Nuzul Qur'aini Mardiyah, "Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual," *Jurnal Konstitusi* 14, no. 1 (July 2017): 213, <https://doi.org/10.31078/jk14110>.

⁵ Rahul Kristian Sitompul and Hudy Yusuf, "Efek Jera Narapidana Prisoner Deterrent Effect," *JICN: Jurnal Intelek Dan Cendekiawan Nusantara*, 2024, 1921-32.

⁶ Yusnaldi Eka Syahputra Ade, Namira Adinda, Siregar Dewi, Haraha Sania, Purba Wanda, "Hak Asasi Manusia," *Jurnal Pendidikan Tambusai* 7, no. 1 (2023): 1-39.

⁷ J Rudijanto, M. N., Rasji, R., & Aurelia, "Pemikiran Filsafat Hukum Tentang Keseimbangan Kebebasan Individu Dan Keamanan Nasional Dalam Hak Asasi Manusia," *Jurnal Ilmiah Wahana Pendidikan* 10, no. 8 (2024): 823-37, <https://doi.org/https://doi.org/10.5281/zenodo.11118716>.

Studies on the implementation of chemical castration sanctions for perpetrators of sexual violence against children has become a topic of great interest among many legal scholars. Various literatures have examined this issue from multiple perspectives, reflecting its complexity and the controversies surrounding it. The following section outlines the review of previous studies. First, Hafrida highlights both the supporting arguments, such as deterrent effect and child protection and the opposing views, which include potential human rights violations, conflicts with medical ethics, doubts regarding effectiveness, and the absence of clear technical implementation guidelines.⁸ Second, Ari et al. specifically address the issue of legal certainty for medical personnel or doctors as executors of chemical castration, emphasizing the intense conflict between such measures and the medical code of ethics as well as the Hippocratic Oath, while also underlining the importance of clear technical guidelines.⁹ Third, Febrian and Lewoleba emphasize the urgency of chemical castration as an aggravated form of punishment to create a deterrent effect on recidivists. However, they also identify practical obstacles faced by law enforcement in the field, such as medical professionals' refusal, human rights concerns, the absence of adequate technical guidelines, the status of the punishment as a relatively new form of punishment, and the lack of clarity regarding implementation costs.¹⁰ This paper distinguishes itself by focusing on the unique challenges and policy weaknesses within the Indonesian legal framework, bridging the gap between global discourse on human rights and the specific local context of implementation.

This study aims to critically examine the implementation of chemical castration for perpetrators of child sexual abuse within the Indonesian legal system. This study highlights the conflict between this sanction's deterrent effect and human rights protection, drawing parallels to similar debates surrounding other punishments like the death penalty.¹¹ The primary focus is directed toward analyzing the legal gap arising from the resistance of medical professionals, particularly the *IDI*, to the implementation of chemical castration, and how this resistance impacts the effectiveness and legitimacy of national criminal policy.¹² This study contributes to the global discourse on legal and ethical boundaries by providing a unique case study of how medical resistance to chemical castration in Indonesia creates a significant implementation gap. This paper highlights the need for international legal frameworks to better address the practical challenges of enforcing punishments that conflict with professional medical ethics. This study highlights that an approach overly focused on deterrence without adequately considering ethical dimensions and human rights can generate horizontal conflicts between legal norms and medical professional standards.¹³ In this context,

⁸ Hafrida Hafrida, "Pro Kontra Sanksi Kebiri Kimia: Sanksi Yang Progresif Atau Primitif?," *Indonesia Criminal Law Review* 1, no. 1 (2021): 1–2.

⁹ Ari Purwita Kartika, Muhammad Lutfi Rizal Farid, and Ihza Rashi Nandira Putri, "Reformulasi Eksekusi Kebiri Kimia Guna Menjamin Kepastian Hukum Bagi Tenaga Medis/Dokter Dan Perlindungan Hukum Bagi Pelaku Pedophilia," *Jurnal Hukum Ius Quia Iustum* 27, no. 2 (May 2020): 345–66, <https://doi.org/10.20885/iustum.vol27.iss2.art7>.

¹⁰ Richkido Febrian and Kayus Kayowuan Lewoleba, "Penerapan Tindakan Kebiri Kimia Sebagai Pemberatan Pidana Residivis Kekerasan Seksual Pada Anak," *Kertha Semaya : Journal Ilmu Hukum* 12, no. 3 (2024): 436–48, <https://doi.org/https://doi.org/10.24843/KS.2024.v12.i03.p14>.

¹¹ Andree Washington Hasiholan Sianipar, Hendri Jayadi, and Gilbert Hansein, "Penerapan Kebiri Kimia Terhadap Pelaku Kekerasan Seksual Anak Berdasarkan Tujuan Pidanaan Dan Hak Asasi," *Honeste Vivere* 32, no. 2 (July 28, 2022): 123–34, <https://doi.org/10.55809/hv.v32i2.144>.

¹² Ari Purwita Kartika, Muhammad Lutfi Rizal Farid, and Ihza Rashi Nandira Putri, "Reformulasi Eksekusi Kebiri Kimia Guna Menjamin Kepastian Hukum Bagi Tenaga Medis/Dokter Dan Perlindungan Hukum Bagi Pelaku Pedophilia," *Jurnal Hukum Ius Quia Iustum* 27, no. 2 (May 1, 2020): 345–66, <https://doi.org/10.20885/iustum.vol27.iss2.art7>.

¹³ Rian Saputra et al., "Reconstruction of Chemical Castration Sanctions Implementation Based on the Medical Ethics Code (Comparison with Russia and South Korea)," *Lex Scientia Law Review* 7, no. 1 (May 2023): 61–118, <https://doi.org/10.15294/lesrev.v7i1.64143>.

the study may serve as a comparative reference for other countries that are in the process of formulating or implementing similar policies. It ensures that penal regulations remain aligned with the principles of the rule of law, medical ethics, and the protection of human dignity as a universal value.

Method

This study is a normative juridical legal study conducted to analyze the written legal norms that regulate the use of chemical castration within the Indonesian criminal law system.¹⁴ The objective of this study is to analyze the legal gap arising from the resistance of medical professionals, particularly the *IDI*, to the implementation of chemical castration. Furthermore, this study critically examines how this resistance impacts the effectiveness and legitimacy of national criminal policy within the broader debate between its deterrent purpose and human rights protection. To address these issues, the study employs three approaches: (1) Statutory Approach, by examining Article 81(7) of the *Perppu*, Government Regulation No. 70 of 2020 concerning Implementing Chemical Castration and Rehabilitation Measures, the Indonesian Penal Code Law (KUHP), and international human rights provisions such as the International Covenant on Civil and Political Rights (ICCPR); (2) Conceptual Approach, to understand the position of chemical castration within the double track system and the principle of non-derogable rights; and (3) Case Approach, by analyzing the implementation of the chemical castration sentence in Decision No. 69/Pid.Sus/2019/PN.Mjk, which was not executed, along with responses from the *IDI* and human rights institutions.

The data in this study were obtained through a literature study of primary legal materials (statutory regulations and court decisions), secondary legal materials (scholarly journals, official reports from the *KPAI*, the *Komnas HAM*, the National Commission on Violence Against Women (*Komisi Nasional Perempuan - Komnas Perempuan*), and press releases from the *IDI*, as well as non-legal materials (news articles from CNN Indonesia, Kompas, Hukumonline, and the Institute for Criminal Justice Reform (ICJR)).¹⁵ The data analysis technique used in this study is qualitative analysis, specifically the content analysis method, which involves examining the structure, meaning, and interrelation between legal norms and the practical implementation of chemical castration. Through this method, the study aims to formulate normative and practical solutions that strike a balanced approach between deterrence objectives, child protection, and respect for human rights.

¹⁴ Sianipar, Hendri Jayadi, and Gilbert Hansein, "Penerapan Kebiri Kimia Terhadap Pelaku Kekerasan Seksual Anak Berdasarkan Tujuan Pemidanaan Dan Hak Asasi."

¹⁵ Soerjono Soekanto & Sri Mamudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003).

Discussion

1. Balancing Deterrent Effect and Human Rights in the Regulation of Chemical Castration.

Castration is a punitive measure introduced through the *Perppu*. This measure is intended to provide a severe deterrent against sexual violence, particularly for recidivists or in cases of multiple victims, severe injuries, or death. Sex offenses pose a significant challenge to public health, making initiatives to curb reoffending and safeguard society of utmost importance, as community protection may supersede the rights of offenders.¹⁶ From a legal and policy perspective, this regulation can be analyzed through the lens of functional criminal law theory, which views punishment as a tool for public protection and social order. While the principle of public safety is paramount, especially in addressing sexual crimes as a significant public health problem, this approach creates a profound conflict with the fundamental principles of human rights.

This tension is most evident when examining the concept of non-derogable rights, which are absolute and cannot be suspended under any circumstances. Although the government asserts its commitment to protecting children, the punitive nature of chemical castration, which involves a medical intervention as a form of punishment, raises serious questions about its compatibility with the prohibition of cruel, inhuman, or degrading treatment. The regulation thus presents a complex dilemma: balancing the state's obligation to provide a deterrent effect and ensure public safety with its duty to uphold the universal principles of human rights and dignity.¹⁷

The emergency referred to in the considerations of the *Perppu* includes two aspects, namely the significant increase in sexual violence against children and the fact that the criminal sanctions imposed on perpetrators have not provided a sufficient deterrent effect. Berlin notes, "The use of chemical castration was proposed in response to the public outcry over sexual offenses and the fear of recidivism among convicted offenders".¹⁸ The deterrent effect intended by this *Perppu* faces the view that chemical castration constitutes a violation of human rights. The *Komnas HAM* considers castration a cruel and inhuman punishment, which contradicts Article 28G paragraph (2) of the 1945 Constitution of Indonesia. This article states that "Everyone has the right to be free from torture and from treatment that degrades human dignity, and has the right to seek and obtain political asylum from another state." Achieving a fair and moral equilibrium between the community and offenders is more probable when sex offenders are afforded the respect and dignity they are entitled to as fellow human beings.¹⁹ Furthermore, *Komnas HAM* regards castration as an infringement on

¹⁶ Muhammad Bagus Adi Wicaksono and Itok Dwi Kurniawan, "Review of the Professional Ethics of Doctors as Chemical Castration Sanctions in Indonesia," *Indian Journal of Forensic Medicine & Toxicology* 16, no. 1 (November 2021): 825–30, <https://doi.org/10.37506/ijfimt.v16i1.17603>.

¹⁷ *Komnas HAM*, "Keterangan Pers *Komnas HAM* Hukuman Kebiri Bagi Pelaku Kejahatan Seksual," *Komnas HAM*, 2016, 4–5.

¹⁸ Fred S. Berlin, "Chemical Castration for Sex Offenders," *New England Journal of Medicine*, Vol. 336, No. 14 (3 April 1997): 1030–1031, <https://doi.org/10.1056/NEJM199704033361420>.

¹⁹ Astrid Birgden and Heather Cucolo, "The Treatment of Sex Offenders," *Sexual Abuse* 23, no. 3 (September 11, 2011): 295–313, <https://doi.org/10.1177/1079063210381412>.

fundamental rights, particularly the right to informed consent for medical procedures and the right to preserve an individual's physical and psychological well-being.²⁰

The *Komnas Perlindungan Anak* holds a different view from the *Komnas HAM* on chemical castration. The *Komnas Perlindungan Anak* agrees with the measure, but with strict conditions that align with a rehabilitative approach. In a press release, *Komnas Perempuan* also recommends that "chemical castration is recommended as part of a rehabilitative measure that is voluntary and based on full information regarding the process and its impact on the convict".²¹ This approach aims to optimize the measure's effectiveness in reducing recidivism. Proposing chemical castration as an option frequently enhances the offender's independence, both immediately upon presentation and in the long term.²² The opposing stances of these two state institutions, one focusing on human rights violations and the other on a voluntary rehabilitative approach, reveal the complexity of implementing deterrence for acts of sexual violence against children.

The rising cases of sexual violence against children have prompted the government to take decisive action by enacting the *Perppu*, with one of the sanctions being chemical castration. Data indicate that sexual abuse cases in the United States in 2000 reached the highest prevalence among children aged 6–12 years, accounting for 33%, while the lowest prevalence was recorded among children aged 0–5 years, at 7.7%.²³ In Indonesia, the *Komnas PA* reported 3,547 cases of violence against children throughout 2023, with 1,915 of these involving sexual violence. This figure reflects an increase from 2022, during which the Women and Children's Service Unit (*Sahabat Perempuan dan Anak - SAPA*) received 957 reports concerning children in need of special protection. Moreover, data from the *SIGA KemenPPA* show that, in 2024, West Java recorded 1,231 cases of sexual violence, representing the highest number among all provinces in Indonesia. The urgency for such a measure stems from the increasing incidence of sexual violence, which is influenced by various factors. These factors include perpetrators' poor self-control over sexual impulses, a lack of parental supervision, the influence of unhealthy social environments, and easy access to pornographic content through digital media.²⁴ As Harrison emphasizes, "The governance of serious sexual and violent offenders has been increasingly driven by risk management and the political demand for public protection."²⁵ This grim situation raises serious concerns about the safety and rights of children, who must receive maximum protection from the state. Therefore, the policy of chemical castration is considered a crucial preventive and repressive measure that can provide a deterrent effect while also reducing the risk of recidivism among perpetrators of sexual crimes against children.

²⁰ Komnas HAM, "Keterangan Pers Komnas HAM Hukuman Kebiri Bagi Pelaku Kejahatan Seksual."

²¹ "Siaran Pers Komnas Perempuan Penyikapan Terhadap Pengesahan Peraturan Pemerintah Tentang Tata Cara Pelaksanaan Tindakan Kebiri Kimia, Pemasangan Alat Pendeteksi Elektronik, Rehabilitasi, Dan Pengumuman Identitas Pelaku Kekerasan Seksual Terhadap Anak Pida" (Jakarta: Komnasham Perempuan, 2021).

²² Douglas, T., Bonte, P., Focquaert, F. et al. Coercion, Incarceration, and Chemical Castration: An Argument From Autonomy. *Bioethical Inquiry* 10, 393–405 (2013). <https://doi.org/10.1007/s11673-013-9465-4>

²³ Darmawan, "Kekerasan Seksual Pada Anak."

²⁴ Husaini Husaini, Rodliyah Rodliyah, and Any Suryani Hamzah, "Hukuman Kebiri Terhadap Pelaku Kejahatan Pedofilia Dalam Undang-Undang Nomor 17 Tahun 2016 Tentang Perlindungan Anak," *Jurnal Dinamika Sosial Budaya* 22, no. 1 (June 30, 2020): 129–39, <https://doi.org/10.26623/jdsb.v22i1.2875>.

²⁵ Harrison, K. (2011). *Dangerousness, Risk and the Governance of Serious Sexual and Violent Offenders* (1st ed.). Routledge. <https://doi.org/10.4324/9780203809211>

Sexual crimes against children are regarded as extraordinary offenses, which is why the policy of chemical castration is employed as a legal measure to provide a deterrent effect. The government considers this sanction more effective than conventional penalties because it can prevent recidivism while also enhancing the sense of security within the community.²⁶ However, the implementation of chemical castration produces complex effects, both physically and psychologically, including osteoporosis, depression, and social stigma that also impacts the perpetrator's family.²⁷ On the other hand, society views this punishment as establishing order through both general deterrence and special deterrence.²⁸ The deterrence theory emphasizes that the threat of punishment serves as a warning to the broader society while also acting as a control mechanism to prevent the offender from repeating their actions.²⁹ Thus, chemical castration can be positioned as a penal innovation aimed at balancing victim protection with crime prevention efforts.³⁰ Nonetheless, its effectiveness still requires further evaluation to ensure that it does not merely become a symbolic policy.³¹ As Lee and Cho explain, "Chemical castration reduces recidivism effectively when offered to sexual offenders within the context of simultaneous comprehensive psychotherapeutic treatment."³²

In the context of human rights, if chemical castration is carried out without consent, it may constitute a violation of Article 7 of the ICCPR and the Convention against Torture (CAT), both of which prohibit cruel, inhuman, or degrading treatment.³³ The effectiveness of chemical castration as a sanction is also consistently questioned. While it may suppress sexual desire, it does not guarantee the prevention of recidivism if it is not accompanied by adequate psychological and social rehabilitation.³⁴ This lack of a comprehensive approach to offender recovery makes the policy's long-term success highly uncertain. Therefore, experts and academics contend that the policy is primarily populist and symbolic in nature, failing to comprehensively tackle the underlying causes of sexual offenses.

In addition to the deterrence framework, chemical castration can also be analyzed through the perspectives of the absolute theory and the rehabilitation theory. Based on the absolute theory, punishment is understood as a method of retribution that corresponds to the moral and social transgression committed; therefore, those who commit sexual offenses against children should face harsh punishments to restore the equilibrium of fairness.

²⁶ Siti Nurjanah and Nandang Sambas, "Penerapan Sanksi Pidana Kebiri Terhadap Pelaku Kekerasan Seksual Terhadap Anak Berdasarkan Undang-Undang Nomor 17 Tahun 2016 Tentang Perlindungan Anak," *Bandung Conference Series: Law Studies* 2, no. 1 (January 2022): 2, <https://doi.org/10.29313/bcsls.v2i1.734>.

²⁷ Messy Rachel Mariana Hutapea, "Penerapan Hukuman Tindakan Kebiri Kimia Dalam Perspektif Hak Asasi Manusia," *Jurnal Hukum Magnum Opus* 3, no. 1 (January 20, 2020): 26–34, <https://doi.org/10.30996/jhmo.v3i1.2931>.

²⁸ Muhammad Mustofa, *Metodologi Penelitian Kriminologi*, 3rd ed. (Jakarta: Prenada Media, 2015).

²⁹ Victor Imanuel W. Nalle, "Studi Sosio-Legal Terhadap Ketertiban Dan Ketentraman Di Kabupaten Sidoarjo," *Jurnal Hukum & Pembangunan* 46, no. 3 (September 21, 2016): 383, <https://doi.org/10.21143/jhp.vol46.no3.94>.

³⁰ Enny Ristanti, "Efektivitas Hukuman Kebiri Kimia Untuk Pelaku Kejahatan Seksual Terhadap Anak (Studi Pengadilan Negeri Mojokerto)," *Bhirawa Law Journal* 3, no. 1 (May 2022): 12–22, <https://doi.org/10.26905/blj.v3i1.7957>.

³¹ Aldila Puspa Kemala and Patricia Rinwigati, "Problematika Pidana Kebiri Kimia (Chemical Castration) Berdasarkan Perspektif Konvensi Menentang Penyiksaan," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 10, no. 3 (July 2023): 949–60, <https://doi.org/10.15408/sjsbs.v10i3.32580>.

³² Jae Y. Lee and Kyung S. Cho, "Chemical Castration for Sexual Offenders: Physicians' Views," *Journal of Korean Medical Science* 28, no. 2 (2013): 171–172, <https://doi.org/10.3346/jkms.2013.28.2.171>.

³³ Khoiril Ikhsan and Sudirman Suparmin, "Journal Equity of Law and The Implementation of Chemical Castration for Pedophilia Offenders in The Review of Law No. 17 Of 2016 And Islamic Criminal Law" 5, no. 2 (2023): 74–80.

³⁴ Iip Saripudin, Chepi Ali Firman Zakaria, and Emaliawati Emaliawati, "Sanksi Kebiri Kimia Dalam Kekerasan Seksual Terhadap Anak: Perlindungan Dan Kontroversi HAM," *Journal Justiciabelen (JJ)* 4, no. 01 (January 30, 2024): 15, <https://doi.org/10.35194/jj.v4i01.3871>.

However, it is important to emphasize that chemical castration is not intended as a permanent sanction in all cases, but rather must be limited in duration and applied only under proportional conditions, for example, against high-risk offenders, recidivists, those with multiple victims, or where the crime results in serious injury or permanent psychological trauma. Recommended interventions should not only include the administration of antidepressants, psychotherapy, and testosterone-suppressing drugs, but must also be combined with intensive psychological counselling as well as a clearly defined period of medical monitoring and a specified time limit, so that the restoration of reproductive function or hormonal effects can be periodically reassessed.³⁵ Such proportionality is crucial to prevent human rights violations, to avoid unnecessary permanent side effects, and to ensure that this penal measure remains consistent with the principles of justice and rehabilitation. Within the medical field itself, the use of testosterone-suppressing drugs is also recognized, for instance, in the temporary therapy of recurrent priapism as reported in urological literature, thereby providing a comparative illustration that similar interventions may serve both therapeutic and penal purposes depending on the context of their application.³⁶

Meanwhile, from the rehabilitation perspective, the offender is seen as an individual who requires recovery and reintegration, rather than merely suffering punishment.³⁷ Therefore, chemical castration should be integrated with psychological therapy, counselling, and moral guidance programs to ensure sustainable behavioral change.³⁸ Without a holistic approach, chemical castration remains purely repressive and risks neglecting the social reintegration of the offender.³⁹ In the context of Indonesian positive law, the *Perppu* explicitly designates chemical castration as a measure (*maatregel*), rather than an additional penalty. This distinction is significant because, from a doctrinal perspective, a measure is more closely aligned with rehabilitative objectives than with retributive ones, as it is intended to reform the offender to prevent recidivism and safeguard society from further harm.⁴⁰ Therefore, a penal model that combines repressive, retributive, and rehabilitative aspects, such as the double track system, is more appropriate to be implemented within the framework of Indonesian criminal law.⁴¹ In this way, child protection can be realized without disproportionately sacrificing human rights principles.⁴²

Chemical castration may be analyzed as a form of legal intervention that potentially constitutes a violation of human rights. From the perspective of national law, Article 28G paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates “every person shall have the right to be free from torture or to any treatment that degrades human dignity.” If

³⁵ Valdemar Landgren et al., “Effect of Gonadotropin-Releasing Hormone Antagonist on Risk of Committing Child Sexual Abuse in Men With Pedophilic Disorder,” *JAMA Psychiatry* 77, no. 9 (September 2020): 897, <https://doi.org/10.1001/jamapsychiatry.2020.0440>.

³⁶ Yooni Yi and Bahaa Malaeb, “Case – Temporary Chemical Castration in the Management of Recurrent Priapism,” *Canadian Urological Association Journal* 12, no. 5 (February 2018): E265-6, <https://doi.org/10.5489/cuaj.4875>.

³⁷ Francis T. Cullen, “Rehabilitation: Beyond Nothing Works,” *Crime and Justice* 42, no. 1 (August 2013): 299–376, <https://doi.org/10.1086/670395>.

³⁸ Donna Exsanti Charinda, “Penerapan Double Track System Pada Pemidanaan Anak Pelaku Tindak Pidana (Studi Di Pengadilan Negeri Tanjung Karang Kelas IA)” (Universitas Lampung, 2022).

³⁹ Nursariani Simatupang, “Rekonstruksi Regulasi Hukuman Kebiri Guna Perlindungan Sebagai Anak Terhadap Korban Kekerasan Pelecehan Seksual Berdasarkan Nilai Keadilan” (Universitas Islam Sultan Agung, 2023).

⁴⁰ Gita Santika Ramadhani, Barda Nawawi Arief, and Purwoto Purwoto, “Sistem Pidana Dan Tindakan ‘Double Track System’ Dalam Hukum Pidana Di Indonesia,” *Diponegoro Law Journal* 1, no. 4 (2012): 1–9, <https://doi.org/https://doi.org/10.14710/dlj.2012.612>.

⁴¹ Asrofi Asrofi, Zulfahmi Zulfahmi, and Abdul Haris Nasution, “Telaah Maqashid Syariah Terhadap Penerapan Sanksi Kebiri Kimia Bagi Pelaku Pedofilia,” *Journal of Sharia and Legal Science* 3, no. 1 (April 2025): 1–12, <https://doi.org/10.61994/jsls.v3i1.699>.

⁴² Tinotenda Muringani, “Critique of the International Criminal Court’s Approach to International Criminal Justice in Selected African Jurisdictions,” no. August (2020): 14, <https://doi.org/10.13140/RG.2.2.23560.70409>.

the implementation of chemical castration results in substantial physical or psychological distress, it may be regarded as a form of treatment that contravenes the fundamental principle of respect for human dignity. In the framework of international law, the Universal Declaration of Human Rights (UDHR) 1948 similarly provides protection: Article 5 states “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” while Article 3 affirms the right of everyone to life, liberty, and personal security. Therefore, the application of chemical castration warrants rigorous scrutiny, as it could contravene the principle of inalienable rights, notably the right to freedom from torture, the right to bodily and psychological integrity, and the right to humane treatment.⁴³ This analysis reveals a potential contradiction between the preventive purpose of chemical castration and the guarantee of human rights under both national and international law.

However, there is another perspective which argues that chemical castration does not necessarily constitute a human rights violation, but rather a lawful restriction of rights insofar as it is carried out in accordance with the law and in the interest of protecting children and society. From the perspective of Arief, even the death penalty is not, in essence, a violation of human rights, since punishment itself is a legal mechanism to restrict certain rights for the sake of the public interest.⁴⁴ If the death penalty were to be regarded as a violation of human rights, then logically every form of punishment, be it imprisonment, fines, or community service, would also have to be considered a human rights violation, as all of them restrict a person’s freedom.⁴⁵ This reasoning may be analogized to the policy of chemical castration. Although it restricts the offender’s right to bodily integrity, it does not automatically amount to a human rights violation so long as its implementation is proportional, based on law, and directed towards safeguarding the greater interest, namely the safety and protection of children from sexual crimes.⁴⁶

The regulation of chemical castration in the Child Protection Law of 2002 (as amended in 2016), can be maintained by strengthening the legal framework and its implementation procedures to ensure a balance between deterrent effects and respect for children's human rights. There needs to be harmonization between Article 81 paragraph (7) of the Child Protection Law of 2002 (as amended in 2016) and the penal system in the Indonesian Penal Code (KUHP) through a legislative revision that explicitly categorizes chemical castration as a measure (not an additional penalty) within the framework of the double track system.⁴⁷ This approach would eliminate legal ambiguities while ensuring its application is limited to severe cases with objective criteria, such as multiple victims or permanent psychological harm. Furthermore, the government must establish a strict implementation protocol involving

⁴³ Muhammad Jafar and Karimuddin Abdullah Lawang, “Chemical Castration Punishment in the Perspective of Government Regulation Number 1 of 2016 on Child Protection and Islamic Criminal Law,” *Pranata Hukum* 19, no. 1 (January 31, 2024): 55–67, <https://doi.org/10.36448/pranatahukum.v19i1.335>.

⁴⁴ Ramadhani, Arief, and Purwoto, “Sistem Pidana Dan Tindakan ‘Double Track System’ Dalam Hukum Pidana Di Indonesia.”

⁴⁵ Aulya Dwisudarini and Muridah Isnawati, “Juridical Review of Chemical Castration Action In The Perspective of Criminal Law And Human Rights,” *YURISDIKSI: Jurnal Wacana Hukum Dan Sains* 17, no. 3 (December 2021): 305–21, <https://doi.org/10.55173/yurisidiksi.v17i3.92>.

⁴⁶ Louisa Elsie Heathcote, “Chemical Castration: Limiting an Absolute Human Right,” *IKAT: The Indonesian Journal of Southeast Asian Studies* 3, no. 2 (March 2020): 201, <https://doi.org/10.22146/ikat.v3i2.52282>.

⁴⁷ Kori Hermawanti, “Harmonisation of Legal Rules on Chemical Castration as a Lex Specialist Based on The Principle of Legality in The Perspective of Criminal Law,” *Intellectual Law Review (ILRE)* 2, no. 1 (April 2024): 13–22, <https://doi.org/10.59108/ilre.v2i1.56>.

psychologists, medical practitioners, and human rights monitors to guarantee that the process of chemical castration does not infringe upon the principle of non-derogable rights.⁴⁸ Intensive training for law enforcement officials is also necessary to ensure their understanding of the limits of this sanction’s application, thereby preventing it from becoming a repressive tool with potential for misuse.⁴⁹ Thus, structural improvements at the regulatory and implementation levels can preserve the deterrent function of the sanction without undermining the principle of restorative justice.⁵⁰

2. *Implementation Provisions of Chemical Castration to Ensure Balance Between Deterrent Effect and Rehabilitation of Offenders.*

Following the enactment of the *Perppu*, the Indonesian government issued Government Regulation Number 70 of 2020, which provides detailed procedures for the implementation of chemical castration, electronic monitoring, rehabilitation, and the disclosure of offenders’ identities. The regulation requires a clinical assessment by a medical and psychiatric team about nine months before the end of the offender’s main sentence to determine eligibility for chemical castration. The execution, carried out by qualified personnel in government hospitals, may last up to two years. This regulation reflects the government’s effort to ensure that the sanction not only serves as a deterrent but also aligns with principles of rehabilitation, accountability, and child protection. Table 1 presents a summary of the key aspects governing the application of chemical castration to ensure proportionality, accountability, and alignment with the principle of child protection.

Table 1. Provisions and Legal Basis for the Implementation of Chemical Castration in Indonesia

Key Aspect	Main Provisions	Remarks and Legal Basis
Subject	Perpetrators of sexual intercourse may be subject to chemical castration, electronic monitoring, and rehabilitation; perpetrators of molestation are subject only to electronic monitoring and rehabilitation. Child offenders are excluded.	Demonstrates differentiated treatment Law No. 17/2016: Art. 81(7), 81(8), 82(5), 82(6)
Execution	Performed in government hospitals; after the principal sentence; attended by the prosecutor and ministries; recorded in official minutes.	The victim or the victim’s family must be notified. Gov. Reg. No. 70/2020: Art. 8–9
Duration	Chemical castration maximum 2 years; electronic monitoring device maximum 2 years.	Strict time limitation. Gov. Reg. No. 70/2020: Art. 11
Executor	Based on the prosecutor’s order, carried out by competent personnel (medical, psychiatric, technical).	The prosecutor plays a central role. Gov. Reg. No. 70/2020: Art. 8–9
Castration Procedure	Stages: clinical assessment → conclusion → execution.	Contains both medical and legal mechanisms. Gov. Reg. No. 70/2020: Art. 5–7

⁴⁸ Rian Saputra et al., “Reconstruction of Chemical Castration Sanctions Implementation Based on the Medical Ethics Code (Comparison with Russia and South Korea),” *Lex Scientia Law Review* 7, no. 1 (May 30, 2023): 61–118, <https://doi.org/10.15294/lesrev.v7i1.64143>.

⁴⁹ Y A Mangesti and S Suhartono, “Chemical Castration Sanctions in an Ethical Perspective,” *Jurnal Magister Hukum Udayana* ..., no. 17 (2022): 507–23, <https://doi.org/10.24843/JMHU.2022.v11.i03.p03.l>.

⁵⁰ Fakhri Rizki Zaenudin Radiyah Pratiwi, “Analisis Sanksi Kebiri Kimia Bagi Pelaku Kejahatan Seksual Terhadap Anak Dalam Perspektif Undang-Undang No. 17 Tahun 2016 Sebagai Perubahan Atas Undang-Undang No. 23 Tahun 2002 Tentang Perlindungan Anak,” *Jurnal Ilmiah Wahana Pendidikan* 11, no. 5 (2025): 272–84.

Clinical Assessment	Conducted by a medical and psychiatric team: interview, physical examination, and supporting tests.	Conducted approx. 9 months before the principal sentence ends.
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Gov. Reg. No. 70/2020: Art. 5-6

Source: Perppu and Government Regulation No. 70 of 2020

The regulatory framework outlined in Table 1 demonstrates that the implementation of chemical castration in Indonesia has been designed with detailed legal and procedural provisions to ensure proportionality, accountability, and respect for human rights. However, the existence of a comprehensive legal basis does not automatically guarantee the policy's effectiveness in practice. The significant time lag between the passage of the Law containing chemical castration sanctions (the *Perppu*) and the issuance of its technical regulation (*Government Regulation No. 70/2020*) indicates that the policy launched by the government was reactive and populist. The policy responded to high public pressure regarding child sexual offenses. The persistent rise in sexual violence cases against children suggests a gap between the regulatory design and its real-world impact. This discrepancy underscores the need to assess the empirical dimension of the problem, particularly regarding how far the enactment of these legal provisions has contributed to reducing the prevalence of such crimes. Accordingly, Table 2 presents statistical data on cases of sexual violence against children in Indonesia, illustrating the scale and persistence of the issue despite the introduction of chemical castration as a deterrent measure.

Table 2. Statistical Data on Cases of Sexual Violence against Children in Indonesia

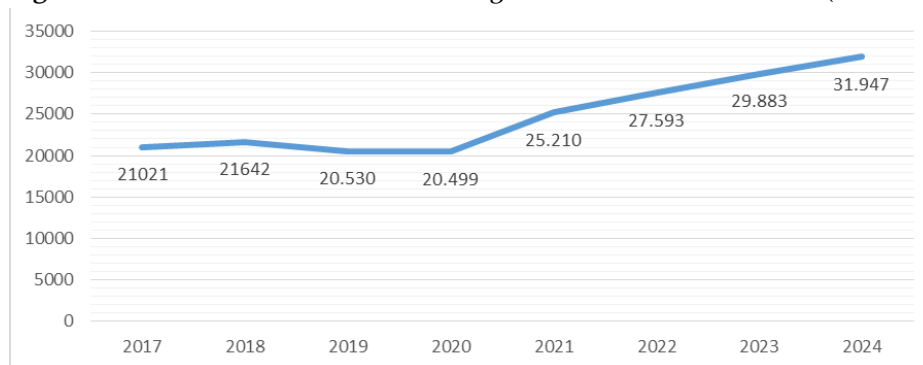
Key Aspect	Main Provisions	Remarks and Legal Basis
Subject	Perpetrators of sexual intercourse may be subject to chemical castration, electronic monitoring, and rehabilitation; perpetrators of molestation are subject only to electronic monitoring and rehabilitation. Child offenders are excluded.	Demonstrates differentiated treatment Law No. 17/2016: Art. 81(7), 81(8), 82(5), 82(6))
Execution	Performed in government hospitals; after the principal sentence; attended by the prosecutor and ministries; recorded in official minutes.	The victim or the victim's family must be notified. Gov. Reg. No. 70/2020: Art. 8-9
Duration	Chemical castration maximum 2 years; electronic monitoring device maximum 2 years.	Strict time limitation. Gov. Reg. No. 70/2020: Art. 11
Executor	Based on the prosecutor's order, carried out by competent personnel (medical, psychiatric, technical).	The prosecutor plays a central role. Gov. Reg. No. 70/2020: Art. 8-9
Castration Procedure	Stages: clinical assessment → conclusion → execution.	Contains both medical and legal mechanisms. Gov. Reg. No. 70/2020: Art. 5-7
Clinical Assessment	Conducted by a medical and psychiatric team: interview, physical examination, and supporting tests.	Conducted approx. 9 months before the principal sentence ends. Gov. Reg. No. 70/2020: Art. 5-6

Source: Supreme Court Decision Directory

Cases of child sexual abuse in Indonesia occur across various islands, indicating a widespread and non-localized phenomenon. While not all cases involve intercourse, many involve molestation, which also causes significant suffering for the victims. The number of victims varies, from single individuals to multiple children, as in the Mojokerto case, yet repeated or concurrent offenses maintain a high level of severity. Molestation generally receives lighter sentences than intercourse, but is still treated as a serious crime. Court rulings consistently impose penalties exceeding half of the maximum sentence of 10 years, demonstrating a firm judicial stance aimed at deterrence and enhanced protection for children, regardless of case characteristics.

Based on data from the *KPAI*, cases of violence against children from 2017 to 2024 have shown a significant increase. This trend highlights the urgent need for more comprehensive protective measures for children across Indonesia.⁵¹ The data reveal that while the government has enacted various policies, the incidence of such violence continues to grow, underscoring the gap between legal frameworks and their on-the-ground impact. This concerning situation also raises questions about the effectiveness of current prevention and enforcement strategies. This condition indicates that without the maximal implementation of chemical castration, legal efforts to curb the high rate of sexual violence against children are still far from effective and just. The specific data points for this trend are illustrated in Figure 1 below:

Figure 1. Total Cases of Sexual Violence against Children in Indonesia (2016-2022)



Source: *Simfoni PPA, Statistics on Child Violence Cases 2017-2024.*

The data on violence against children from the Online Information System for the Protection of Women and Children (*Sistem Informasi Online Perlindungan Perempuan dan Anak - SIMFONI PPA*) are general in nature. Therefore, the government should not only rely on punitive measures, such as chemical castration, but also strengthen preventive strategies through education, psychological counselling, and community-based rehabilitation programs to address the root causes of sexual violence against children, and not specific to sexual violence. Releases by the *KPAI* indicate a significant decrease, with 265 cases in 2024, 843 cases in 2022, and 859 cases in 2021.⁵² However, this reduction cannot be conclusively attributed to the enforcement of chemical castration, as numerous scholars and practitioners

⁵¹ Komisi Perlindungan Anak Indonesia (KPAI), “Laporan Tahunan KPAI: Jalan Terjal Perlindungan Anak Ancaman Serius Generasi Emas Indonesia,” *Komisi Perlindungan Anak Indonesia* (Jakarta, 2024).

⁵² Komisi Perlindungan Anak Indonesia (KPAI), “Catatan Pelanggaran Hak Anak Tahun 2021 Dan Proyeksi Pengawasan Penyelenggaraan Perlindungan Anak Tahun 2022” (Jakarta, 2022).

contend that the measure has not demonstrated sufficient efficacy in substantially decreasing instances of sexual violence against children. Medically, chemical castration is temporary and can lose its effect when the injection is stopped, while the psychological factors of the perpetrator remain untouched. Chemical castration is widely regarded as merely a temporary suppression of sexual impulses, without addressing the underlying psychological, social, and environmental determinants that drive such offenses.⁵³ Consequently, the effectiveness of chemical castration as a preventive mechanism remains subject to considerable debate, thereby underscoring the need for a more comprehensive framework centered on prevention, rehabilitation, and the holistic protection of children.

The implementation of chemical castration becomes counterproductive if the sanction is not enforced. In Indonesia, although the penalty has been legally imposed, no actual execution has occurred due to medical objections and the absence of clear technical guidelines, weakening its preventive function.⁵⁴ In contrast, in South Korea, chemical castration has been implemented since 2011, beginning with a sexual offender against a minor who underwent hormonal therapy using anti-androgen or GnRH agonists, effectively reducing sexual drive and recidivism risk.⁵⁵ The effectiveness of the punishment must always be weighed alongside the ethical dilemmas it raises. Therefore, the government should form a multidisciplinary team consisting of prosecutors, medical professionals, psychologists, and human rights observers to ensure that the implementation of chemical castration aligns with ethical standards, medical procedures, and the principles of human rights protection.

Sexual violence often emerges as a persistent social pathology that haunts individuals and communities. The data from CATAHU (Catatan Tahunan) the *Komnas Perempuan* from 2016 to 2021 clearly illustrates the scale of this problem.⁵⁶ These figures reveal a continuing, and at times increasing, trend in cases of sexual violence across both public and private spheres. These escalating numbers highlight the urgency for effective legal measures, as sexual violence can occur to anyone, regardless of gender or age, demonstrating a pervasive social issue that requires comprehensive and well-thought-out legal responses from the state. In the context of chemical castration, this measure reflects the state's commitment to establishing optimal and comprehensive strategies for handling sexual crimes against children. In the case of chemical castration, it is the state's commitment to establishing optimal and comprehensive steps, not only providing criminal sanctions, but also providing forms of prevention such as chemical castration, installation of electronic devices, and rehabilitation for sexual violence offenders. This approach goes beyond the mere imposition of criminal sanctions by including preventive measures such as chemical castration, the installation of electronic monitoring devices, and the rehabilitation of perpetrators. These measures are intended to address sexual violence against children by creating a deterrent effect and

⁵³ Vedije Ratkoceri, "Chemical Castration of Child Molesters – Right or Wrong?!", *European Journal of Social Sciences Education and Research* 11, no. 1 (June 2017): 70, <https://doi.org/10.26417/ejser.v11i1.p70-76>.

⁵⁴ Abdul Rahman, "Tindakan Penolakan Dokter Dalam Melaksanakan Kebiri Kimia Sebagai Pidana Tambahan," *Jurnal Ilmu Hukum: ALETHEA* 8, no. 1 (August 30, 2024): 37–52, <https://doi.org/10.24246/alethea.vol8.no1.p37-52>.

⁵⁵ Kyo Chul Koo et al., "Treatment Outcomes of Chemical Castration on Korean Sex Offenders," *Journal of Forensic and Legal Medicine* 20, no. 6 (August 2013): 563–66, <https://doi.org/10.1016/j.jflm.2013.06.003>.

⁵⁶ Kompas.com, "Menteri PPPA: Anak-anak Paling Banyak Alami Kekerasan Seksual," [kompas.com](https://www.kompas.com), 2021.

preventing future acts of sexual violence.⁵⁷ This holistic strategy is vital to ensure that the legal framework is not only punitive but also preventative and rehabilitative. To overcome these challenges, several legal scholars propose establishing a special execution unit under the authority of the Attorney General's Office, consisting of non-professional technical officers who are trained and supervised to ensure that the implementation of chemical castration does not violate ethical and human rights principles.⁵⁸

The implementation of chemical castration for recidivists, as mandated by the *Perppu* and Government Regulation No. 70 of 2020, represents a form of punishment imposed by the state. However, the application of chemical castration in various countries for perpetrators of rape has proven ineffective, as it does not produce a deterrent effect on the community. Although the measure can suppress sexual desire through the reduction of testosterone levels, this approach does not necessarily address the psychological and social aspects underlying the perpetrator's deviant behavior. Rehabilitation theory demands a holistic approach, including continuous psychological therapy, behavioral counselling, and moral guidance. Without support from comprehensive rehabilitative programs, chemical castration risks becoming merely a repressive instrument that ignores the potential for the offender's reintegration into society. Analysis of the substance of Government Regulation No. 70 of 2020 reveals a bias leaning towards the punitive (retributive) aspect rather than rehabilitation, despite chemical castration being classified as a *maatregel* (measure or action). The CJR noted that the Government Regulation No. 70 of 2020 allocates eight articles to chemical castration procedures, while rehabilitation is regulated in only three articles. This unbalanced proportion clearly reinforces the argument that the primary procedural focus lies on the implementation of physical actions and supervision, rather than on comprehensive psychological intervention programs scientifically proven to be effective in reducing recidivism.⁵⁹ The application of chemical castration has consequences for the perpetrator, such as osteoporosis, impaired glucose, infertility, anaemia, loss of muscle mass, and weight gain. Aside from the physical aspects, the resulting impacts can manifest in the perpetrator's psychology, such as experiencing severe depression that may lead to suicidal ideation. Furthermore, perpetrators risk experiencing negative emotional reactions, such as anger or revenge, which could actually increase the potential for repeated violence. Furthermore, there is no scientific evidence ensuring that chemical castration has reduced the incidence of sexual violence against women and children. Beyond the physical impacts on the offender's body, chemical castration also generates psychological effects that may contribute to the recurrence of sexual crimes and even increase the likelihood of convicts committing more extreme criminal acts. This demonstrates that without a comprehensive rehabilitative approach, the punishment may only serve to create more harm.

Chemical castration sanctions face an almost total blockade on implementation stemming from the medical profession, a phenomenon that has resulted in a deep horizontal

⁵⁷ Jovita Irawati and Steven Artaxerxes, "Efektivitas Pelaksanaan Tindakan Kebiri Kimia Terhadap Pelaku Kejahatan Seksual Anak Di Indonesia," *Jurnal Hukum Visio Justitia* 2, no. 1 (August 2, 2022): 30, <https://doi.org/10.19166/vj.v2i1.4834>.

⁵⁸ Lembah Nurani Anjar Kinanti, Achmad Irwan Hamzani, and Kus Rizkianto, "Chemical Castration for Child Rapists Judging from Indonesia's Ratification of ICCPR and CAT," *Journal of Legal Subjects*, no. 22 (February 2022): 1-12, <https://doi.org/10.55529/jls22.1.12>.

⁵⁹ Muhammad Bagus Adi Wicaksono and Itok Dwi Kurniawan, "Review of the Professional Ethics of Doctors as Chemical Castration Sanctions in Indonesia."

conflict between the state's criminal legal system and the autonomy of medical professional ethics. This conflict is the most significant barrier to the policy's execution. The implementation of chemical castration in Indonesia lies in the refusal of medical professionals, particularly physicians, who consider such measures to be in direct conflict with the fundamental principles of the medical profession, which prohibit the use of medical expertise to inflict harm or punishment on individuals.⁶⁰ The rejection also comes from the Indonesian Medical Association (IDI) through the Fatwa of the Medical Ethics Council No. 1 of 2016, which states that doctors should not be involved in the castration process because it contradicts the professional oath and medical ethics. The Indonesian Medical Association (IDI) institutionally refuses the involvement of doctors as executors of chemical castration, a stance officially articulated in the Fatwa of the Medical Ethics Council (*Majelis Kehormatan Etik Kedokteran - MKEK*) Number 1 of 2016. The primary reasons for refusal are the violation of the principle of *beneficence* and the principle of *Primum Non Nocere*.⁶¹ The medical profession argues that using medical expertise for punitive purposes or to inflict suffering, rather than for therapeutic purposes, deviates from the core function of the medical profession. Furthermore, the *Komnas HAM* and academics reinforce this view by highlighting that forced chemical castration, a mandatory sanction not based on the offender's informed consent, violates human rights, particularly the right to physical and mental integrity.⁶² Implementing a medical action without consent, especially as a form of punishment, risks being classified as cruel, inhuman, or degrading treatment and violating Article 7 of the ICCPR.

In order to overcome the ethical and technical barriers surrounding the execution of chemical castration in Indonesia, several legal experts suggest the establishment of a special execution unit under the authority of the Attorney General's Office, consisting of non-professional technical officers who are legally protected and medically trained to ensure that the sanction's implementation does not violate ethical standards or human rights principles. Other countries have implemented chemical castration through different mechanisms: in Kazakhstan since 2016 for pedophiles, and in Russia, Poland, and several U.S. states either mandatorily or voluntarily as part of rehabilitation programs or sentence reduction conditions. These cases demonstrate that the effectiveness of chemical castration is always intertwined with ethical and human rights dilemmas.⁶³ Therefore, revisions to Government Regulation No. 70 of 2020 should consider the option of utilizing non-professional executors and establishing alternative criminal provisions, so that the objectives of the law can still be achieved without violating ethical boundaries or human rights.

⁶⁰ Jovita Irawati and Steven Artaxerxes, "Efektivitas Pelaksanaan Tindakan Kebiri Kimia Terhadap Pelaku Kejahatan Seksual Anak Di Indonesia [Effectiveness of the Implementation of Chemical Castration for Perpetrators of Sexual Abuse of Children in Indonesia]," *Jurnal Hukum Visio Justisia* 2, no. 1 (August 2022): 30–38, <https://doi.org/10.19166/vj.v2i1.4834>.

⁶¹ Joo Yong Lee and Kang Su Cho, "Chemical Castration for Sexual Offenders: Physicians' Views," *Journal of Korean Medical Science* 28, no. 2 (2013): 171, <https://doi.org/10.3346/jkms.2013.28.2.171>.

⁶² Thomas Douglas et al., "Coercion, Incarceration, and Chemical Castration: An Argument From Autonomy," *Journal of Bioethical Inquiry* 10, no. 3 (October 2013): 393–405, <https://doi.org/10.1007/s11673-013-9465-4>.

⁶³ Mazlum Çöpür and Sidar Çöpür, "Chemical Castration as an Evolving Concept: Is It a Possible Solution for Sexual Offences?," *The Journal of Forensic Psychiatry & Psychology* 32, no. 2 (March 2021): 326–51, <https://doi.org/10.1080/14789949.2020.1849359>.

Conclusion

The study finds that the implementation of chemical castration under Indonesia's Child Protection Law has not yet fulfilled its deterrent purpose or its conformity with human rights principles. The sanction remains legally ineffective due to the continued resistance of the Indonesian Medical Association, which refuses to participate based on ethical and professional considerations. This situation reflects a fundamental tension between the state's obligation to protect children through deterrent policies and its duty to uphold human dignity. The persistent rise in cases of sexual violence against children indicates that punitive measures alone are insufficient to address the root causes of such crimes. Therefore, chemical castration should be positioned within a double-track system that integrates penal sanctions and rehabilitation to ensure a balanced approach between deterrence, offender recovery, and the protection of human rights. Through this balanced model, the goal of child protection can be achieved without undermining constitutional values and ethical principles.

This study acknowledges several limitations and offers recommendations for future improvement. The analysis primarily employs a normative legal approach, thus requiring empirical validation to measure the actual impact of chemical castration on offender behavior and child protection outcomes. Future studies should adopt interdisciplinary perspectives involving legal, medical, psychological, and criminological expertise to formulate a more comprehensive model of offender rehabilitation. The government needs to establish clear and ethically compliant implementation protocols, ensure the availability of alternative sanctions in cases of medical objection, and conduct ongoing monitoring and evaluation. Strengthening these aspects will contribute to the development of a restorative, humane, and human rights-oriented criminal justice system in Indonesia.

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