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The Implementation of Castration as an Additional Punishment Imposed on Perpetrators of Sexual Harassment in Indonesia

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Abstract: The Implementation of Castration as an Additional Punishment Imposed on Perpetrators of Sexual Harassment in Indonesia discusses the phenomenon of increasing sexual violence cases, which highlights the urgency of strengthening the criminal justice system. This research aims to analyze the legal basis, objectives, and implementation of chemical castration within Indonesia's criminal law system. The research method employed is normative juridical, using statutory and conceptual approaches through the analysis of legislation, court decisions, and academic literature. The findings indicate that chemical castration is regulated under Law Number 17 of 2016 and Government Regulation Number 70 of 2020 as an additional punishment for perpetrators of sexual violence against children. Its application is based on the combined theory of punishment, which emphasizes aspects of retribution, deterrence, and rehabilitation. In conclusion, although chemical castration possesses legal legitimacy and preventive objectives, its implementation still faces ethical, medical, and constitutional challenges that must be addressed to ensure its effective enforcement.

Keyword: Chemical Castration, Criminalization, Sexual Violence, Human Rights

INTRODUCTION

According to Article 1 point 1 of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS), sexual violence is defined as any act that fulfills the elements of a criminal offense as regulated in the law, including other sexual acts recognized as crimes under applicable laws. Despite longstanding efforts to combat it, cases of sexual violence continue to increase significantly. The 2022 Annual Report of Komnas Perempuan recorded 338,496 reported cases in 2021. Over the past decade (2010–2020), cases of sexual violence against women rose from 105,103 to 299,911, with an average annual increase of 19.6%. This condition indicates that Indonesia is currently facing an emergency of sexual violence.

This phenomenon is not only caused by the high number of cases but also by weak law enforcement, social stigma, and the persistent patriarchal values that normalize sexual violence—even encouraging discriminatory solutions such as marrying victims to perpetrators. Victim protection through legal instruments has therefore become urgent, one of which is the enactment of UU TPKS. Nevertheless, debates persist regarding the effectiveness of criminal sanctions, particularly in preventing the recurrence of rape.

One of the emerging discourses is the implementation of chemical castration as a criminal sanction. Castration is considered effective because it suppresses the offender's libido while reducing the state's burden of maintaining prisoners. This instrument is also regarded as consistent with the principles of new retributivism, which emphasizes proportional retribution and deterrence effects. Its technical procedures are regulated in Government Regulation Number 70 of 2020, which governs the implementation of chemical castration, including clinical assessment, execution, psychosocial rehabilitation, and the installation of electronic monitoring devices. The Mojokerto District Court Decision Number 69/Pid.Sus/2019/PN.Mjk became the first precedent ordering the execution of chemical castration for a convicted offender.

However, this policy has sparked controversy. On one hand, chemical castration is viewed as a firm and just solution for victims; on the other hand, professional circles argue that it may pose human rights violations and medical implementation problems. This controversy opens space for discussion regarding the objectives of punishment, the relevance of castration sanctions for offenders, and their implications within Indonesia's criminal law system.

Although previous studies have discussed chemical castration mainly from a legal legitimacy perspective, limited research examines its relationship with punishment theory, human rights principles, and the framework of Law No. 12 of 2022 in an integrated analysis. Therefore, this research aims to analyze the regulation and implementation of chemical castration within Indonesia's criminal law system and evaluate it through punishment theory and human rights perspectives.

Based on this background, this research focuses on examining the legal regulation of castration in Indonesia and its practical implementation.

METHOD

This research employs a normative juridical method, which is a legal research approach focusing on the study of legal principles, norms, and doctrines contained in statutory regulations as well as academic literature. The approaches used include the statutory approach, which examines the consistency of regulations related to chemical castration sanctions within the Criminal Code (KUHP), Law No. 12 of 2022 on Sexual Violence Crimes, Law No. 17 of 2016, and Government Regulation No. 70 of 2020; and the conceptual approach, which seeks to understand legal doctrines and scholarly views regarding the objectives of punishment and their relevance to the policy of chemical castration.

The data used in this research are secondary data, consisting of primary legal materials (statutory regulations and court decisions) and secondary legal materials (literature, journals, research findings, and other academic works). The analysis is conducted using a qualitative descriptive method, presenting the research findings in a systematic, logical, and coherent narrative form without statistical tools through legal interpretation and normative analysis.

This study also employs a limited comparative approach to examine the implementation of chemical castration policies in several jurisdictions.

RESULTS AND DISCUSSION

Theoretical and Normative Framework of Chemical Castration

In simple terms, punishment can be understood as the process of imposing a penalty. It is also defined as the stage of sentencing in which criminal sanctions are applied. There are three main theories regarding the purposes of punishment, namely the absolute or retributive theory (*vergeldingstheorieën*), the relative or utilitarian theory (*doeltheorieën*), and the combined theory (*verenigingstheorieën*).

In Indonesia's criminal law system, chemical castration is positioned as an additional punishment for perpetrators of sexual violence against children, particularly in cases where the

crime causes severe suffering and the offender has the potential to reoffend. From the perspective of punishment theory, chemical castration reflects the application of the combined theory (*verenigingstheorieën*): it embodies an element of retribution (absolute theory) as a moral and social consequence of the offender's actions, while also serving preventive and deterrent functions (relative theory) by suppressing the offender's sexual desire, thereby reducing the risk of recidivism. Chemical castration is also intended as a form of rehabilitation, as it is carried out alongside medical, psychological, and social programs, although its effectiveness remains debated.

Normatively, chemical castration is also viewed as being consistent with Pancasila justice, as long as its implementation is conducted proportionally, with respect for human dignity, and in a manner that balances victim protection with the rights of offenders. In practice, the first case of chemical castration in Indonesia (Muhammad Aris, Mojokerto, 2020) demonstrated that its implementation remains limited and faces ethical, medical, and long-term effectiveness challenges. Therefore, chemical castration is more appropriately understood as a combination of retribution and incapacitation, whose legitimacy depends on its selective, procedural, and rehabilitative application.

The policy on chemical castration in Indonesia was first introduced through Government Regulation in Lieu of Law (PERPU) No. 1 of 2016, which was later enacted as Law No. 17 of 2016 concerning the Second Amendment to the Child Protection Law. Under this regulation, perpetrators of sexual violence against children may be sentenced to a principal punishment of imprisonment ranging from 5 to 20 years, life imprisonment, or the death penalty, along with additional punishments such as the publication of identity, installation of electronic monitoring devices, and chemical castration (Articles 81A and 82A).

Further provisions are stipulated in Government Regulation No. 70 of 2020 on the Procedures for Implementing Chemical Castration, which emphasizes that chemical castration may only be imposed as an additional punishment by a court on perpetrators of sexual violence against children, particularly repeat offenders (recidivists) or those committing aggravated violence. The execution of the punishment is carried out after the main sentence has been served, accompanied by psychosocial rehabilitation, and supervised by the Ministry of Law and Human Rights, the Ministry of Health, and the Ministry of Social Affairs.

From a legal standpoint, chemical castration is classified as an additional punishment (*bijkomendestraf*) with the objective of special prevention, aiming to prevent offenders from repeating their crimes. However, its implementation faces several challenges, particularly the refusal of the Indonesian Medical Association (IDI) on the grounds that it violates medical ethics, as well as constitutional concerns related to human rights protections (Article 28G of the 1945 Constitution and the Convention Against Torture).

Moreover, the regulation of chemical castration in Indonesia remains limited to cases of sexual violence against children. To date, there has been no extension of this sanction to perpetrators of sexual violence against adult women, even though the victims also suffer severe impacts. This situation has sparked debates from the perspective of the principle of equal protection of the law and Indonesia's international obligations following the ratification of CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) through Law No. 7 of 1984.

Chemical Castration within the Framework of the Sexual Violence Crime Law (UU TPKS) and Human Rights Principles

Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) represents a significant milestone in Indonesia's legal system, as it specifically regulates sexual violence crimes from a victim protection perspective. This law emphasizes that the handling of sexual violence should not only focus on punishing the perpetrators but also encompass prevention,

protection, and the restoration of victims' rights. The enactment of the UU TPKS fills a legal gap that had not been fully accommodated by the Criminal Code (KUHP) or other sectoral laws.

However, the UU TPKS does not explicitly regulate chemical castration, which is already provided for under Law No. 17 of 2016 and Government Regulation No. 70 of 2020. Chemical castration remains positioned as a special additional punishment for perpetrators of sexual violence against children, not for offenders against women in general. This indicates a limited scope of the UU TPKS when linked to the legal instrument of chemical castration. In other words, while the UU TPKS strengthens the framework for victim protection, the implementation of chemical castration remains subject to the previous laws that specifically govern it.

From the perspective of theories of punishment, the relationship between the UU TPKS and the castration policy can be understood through two dimensions. First, the retributive dimension, in which chemical castration is viewed as a proportionate punishment for a grave violation that damages the dignity of victims—consistent with the spirit of the UU TPKS, which promotes zero tolerance toward sexual violence. Second, the preventive dimension, in which chemical castration is expected to reduce the offender's libido and consequently decrease the potential for recidivism, aligning with the UU TPKS's mission to ensure safety for victims and society.

However, this relationship also creates conceptual challenges. The UU TPKS is oriented toward victim recovery and human rights protection, whereas chemical castration has been criticized for potentially violating the offender's human rights and for posing serious medical risks. This creates a tension between the goals of retributive and preventive justice and the humanitarian values upheld by the UU TPKS.

Therefore, the relationship between the UU TPKS and chemical castration can be understood as both complementary and problematic. The UU TPKS provides a comprehensive framework for victim protection, while chemical castration serves as a repressive instrument that legally stands outside the UU TPKS framework. Consequently, the application of chemical castration within the context of the UU TPKS should be implemented selectively, proportionally, and in integration with rehabilitation programs, to ensure it does not contradict the principles of victim protection or the humanitarian values of justice and civility.

The debate surrounding chemical castration cannot be separated from human rights discourse. Article 28G paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees that every person has the right to be free from torture or degrading treatment. Indonesia has also ratified the Convention Against Torture (CAT), which obliges the state to prevent cruel, inhuman, or degrading punishment.

From this perspective, critics argue that chemical castration interferes with bodily integrity and reproductive autonomy, potentially categorizing it as degrading treatment. The principle of bodily integrity constitutes a fundamental right inherent in every individual, including convicted offenders. Thus, any state intervention affecting physical or biological functions must pass the proportionality test.

The principle of proportionality in criminal law requires that punishment must:

1. pursue a legitimate aim,
2. be necessary to achieve that aim, and
3. not exceed what is required to protect public interests.

Chemical castration aims to prevent recidivism and protect vulnerable victims, particularly children. Therefore, its legitimacy depends on whether the sanction is necessary and whether less intrusive alternatives, such as long-term imprisonment combined with psychological rehabilitation, would be equally effective.

However, it must also be emphasized that victims of sexual violence possess constitutional rights to security, dignity, and protection. The state's obligation to protect citizens from repeated harm creates a counterbalancing human rights argument. Consequently, the debate is not merely about the rights of offenders but about balancing two competing constitutional interests: the offender's right to bodily integrity and the victim's right to protection and dignity. Thus, the legality and legitimacy of chemical castration within a human rights framework depend on its selective application, judicial oversight, medical supervision, and integration with rehabilitative programs.

Effectiveness and Comparative Perspective on Chemical Castration

Beyond normative legitimacy, the effectiveness of chemical castration remains controversial. Several studies in jurisdictions implementing chemical castration suggest a reduction in sexual recidivism when hormonal suppression is combined with psychotherapy. The reduction occurs because anti-androgen treatment lowers testosterone levels, which may suppress sexual impulses.

Nevertheless, empirical debates highlight that sexual violence is not always driven solely by libido. Many criminological studies indicate that sexual crimes often involve power dynamics, psychological disorders, trauma history, or social conditioning. If sexual violence is rooted in dominance and aggression rather than biological desire alone, chemical castration may not fully eliminate the risk of reoffending.

Additionally, medical experts have raised concerns regarding side effects such as osteoporosis, cardiovascular risks, hormonal imbalance, and depression. These risks strengthen the argument that chemical castration must not be implemented as a purely punitive mechanism but as part of a structured medical and psychological supervision system.

Therefore, the effectiveness of chemical castration cannot be measured solely by hormonal suppression but must consider long-term behavioral rehabilitation and social reintegration mechanisms.

Comparative legal analysis shows that several countries have implemented chemical castration with varying models. In South Korea, chemical castration may be imposed by court order on high-risk sexual offenders, particularly repeat offenders. The measure is supervised medically and combined with electronic monitoring. In Poland, the sanction applies to certain aggravated sexual crimes, especially involving minors. It is mandatory in specific cases, though subject to medical assessment. In several states in the United States, chemical castration may be offered voluntarily as a condition for parole or sentence reduction. The voluntary element aims to reduce constitutional challenges related to bodily autonomy.

These comparative practices demonstrate three models of implementation: mandatory, judicially imposed with supervision, and voluntary. Indonesia currently adopts a judicially imposed model for specific crimes against children. However, unlike some jurisdictions, Indonesia still faces implementation challenges due to professional ethical resistance and limited infrastructure. Comparative insight suggests that successful implementation depends on clear procedural safeguards, institutional coordination, and integration with rehabilitation programs.

Prospects and Policy Recommendations for the Future Implementation of Chemical Castration

The future implementation of chemical castration in Indonesia occupies a complex position within the national criminal law policy. On one hand, the state faces strong public demand for firm measures against sexual offenders, particularly those committing crimes against children. On the other hand, constitutional guarantees of human rights and professional ethical standards require that any punitive measure be implemented proportionally and with

strict safeguards. The prospect of chemical castration therefore depends not only on its legal basis, but also on institutional readiness and normative harmonization.

From a regulatory perspective, harmonization between Law No. 17 of 2016, Government Regulation No. 70 of 2020, and Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) remains necessary. Currently, chemical castration is limited to sexual crimes against children, while UU TPKS adopts a broader victim-protection framework without explicitly incorporating castration sanctions. This regulatory fragmentation may create interpretative ambiguity and inconsistency in judicial practice. Future reform should ensure clearer integration between victim protection policy and additional punishment mechanisms.

Institutionally, implementation requires stronger coordination among the Ministry of Law and Human Rights, the Ministry of Health, correctional institutions, and judicial bodies. Clear technical guidelines and procedural safeguards must be established, particularly regarding clinical assessment, duration of hormonal treatment, monitoring mechanisms, and post-execution rehabilitation. Legal protection for medical personnel involved in the execution process must also be explicitly regulated to address ethical concerns and ensure professional accountability.

From a policy standpoint, chemical castration should not be understood as a purely repressive sanction. Its preventive objective will only be meaningful if integrated with mandatory psychological therapy, behavioral correction programs, and post-release supervision. Without rehabilitation and monitoring, hormonal suppression alone may not sufficiently reduce the risk of recidivism. Therefore, a structured rehabilitative framework is essential to align the sanction with modern theories of punishment that combine retribution, prevention, and social reintegration.

Finally, periodic evaluation based on empirical data is crucial. The state should develop measurable indicators to assess medical impact, recidivism rates, and long-term effectiveness. An evidence-based evaluation mechanism would ensure that the policy remains consistent with constitutional principles, human rights obligations, and the overarching goal of protecting victims of sexual violence.

In this regard, the future of chemical castration in Indonesia will largely depend on the state's ability to balance firmness in combating sexual violence with proportionality, humanity, and legal certainty. If implemented selectively, transparently, and within an integrated rehabilitative framework, chemical castration may function as a controlled instrument of criminal policy rather than a purely punitive reaction.

CONCLUSION

Chemical castration in Indonesia constitutes an additional punishment specifically imposed on perpetrators of sexual crimes against children, aimed at preventing recidivism and enhancing deterrence. From the perspective of punishment theory, it reflects a combined approach incorporating retributive, preventive, and rehabilitative elements. Although supported by Law No. 17 of 2016 and Government Regulation No. 70 of 2020, its implementation continues to generate medical, ethical, and human rights debates.

While Law No. 12 of 2022 on Sexual Violence Crimes strengthens victim protection, it does not explicitly regulate chemical castration, creating a normative gap within the broader framework of sexual violence policy. The future implementation of this sanction therefore depends on regulatory harmonization, institutional coordination, and the adoption of an integrated rehabilitative approach.

If applied selectively, proportionally, and supported by evidence-based evaluation, chemical castration may function as a complementary instrument within Indonesia's criminal law policy, balancing the protection of victims with respect for constitutional and human rights principles.

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