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The Effectiveness of Chemical Castration Sanctions for Perpetrators of Sexual Violence against Children from a Human Rights Perspective: A Study of Sexual Violence Cases in Indonesia

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chemical castration; child sexual violence; human rights; medical ethics; penal policy

ABSTRACT

Sexual violence against children is an extraordinary crime that led Indonesia to impose chemical castration as an additional sanction under Law No. 17 of 2016 and Government Regulation No. 70 of 2020. This normative juridical study, using statutory, conceptual, and case approaches, analyzes chemical castration's effectiveness in reducing recidivism, its juridical and human rights dimensions, execution obstacles, and an ideal penal policy model. The findings show it has been ineffective as a deterrent because no execution has ever been carried out due to the absence of technical guidelines and the Indonesian Medical Association's refusal based on professional ethics. From a human rights perspective, forced chemical castration potentially conflicts with Article 28G paragraph (2) of the 1945 Constitution, the ICCPR, and the Convention Against Torture, though it may be justified as a legitimate limitation of rights if applied proportionally. The study recommends reconstructing the policy by restricting it to clinically verified paraphilic offenders through independent clinical assessment, establishing a special forensic medical team, and integrating chemical castration into a double-track system emphasizing rehabilitation and victim recovery.

Kata Kunci:

kebiri kimia; kekerasan seksual anak; hak asasi manusia; etika medis; kebijakan pidana

ABSTRAK

Kekerasan seksual anak sebagai kejahatan luar biasa mendorong pemerintah memberlakukan kebiri kimia melalui UU No. 17/2016 dan PP No. 70/2020. Studi yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan kasus ini menganalisis efektivitasnya menekan residivisme, dimensi yuridis-HAM, kendala eksekusi, dan model pidana ideal. Hasil penelitian kebiri kimia tidak efektif karena belum pernah dieksekusi akibat tiadanya petunjuk teknis dan penolakan IDI atas dasar etika profesi. Dari HAM, penerapan paksa berpotensi melanggar Pasal 28G ayat (2) UUD 1945, ICCPR, dan Konvensi Anti Penyiksaan, namun dapat dibenarkan jika proporsional sebagai pembatasan sah. Rekomendasinya batasi pada pelaku parafilia terverifikasi klinis, bentuk tim medis forensik khusus, dan integrasikan kebiri kimia dalam double track yang menekankan rehabilitasi serta pemulihan korban.

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A. Introduction

Sexual violence against children constitutes one of the most heinous forms of criminality in contemporary Indonesia, leaving long-term physical, psychological, and social scars on victims while simultaneously threatening the nation's future generation. The data indicate an alarming trajectory the Integrated Online Information System for the Protection of Women and Children (SIMFONI PPA) recorded 20,499 cases of violence against children in 2020, rising sharply to 31,947 cases in 2024, with sexual violence consistently representing the dominant category. [1] The Indonesian Child Protection Commission (KPAI) similarly documented 1,915 cases of sexual violence against children in 2023, while the Ministry of Women Empowerment and Child Protection's SIGA system recorded 1,231 cases in West Java alone in 2024. [2] These figures represent only officially reported cases; national surveys suggest that the actual prevalence of violence against children far exceeds what enters formal reporting channels.[3]

In response to this emergency, the Indonesian government issued Government Regulation in Lieu of Law (Perppu) No. 1 of 2016, which was subsequently enacted as Law No. 17 of 2016 concerning the Second Amendment to Law No. 23 of 2002 on Child Protection. This legislation introduced chemical castration as a new form of sanction, supplemented four years later by Government Regulation (PP) No. 70 of 2020, which regulates the technical procedures for implementing chemical castration, the installation of electronic detection devices, rehabilitation, and the announcement of perpetrators' identities. The first and most prominent application of this sanction occurred in the Mojokerto District Court Decision No. 69/Pid.Sus/2019/PN.Mjk, in which Muh. Aris, a 20-year-old man convicted of raping nine children, was sentenced to twelve years' imprisonment, a

[1] Arie Purnomo et al., "Deterrent Effect and Human Rights: A Critical Analysis of Chemical Castration Implementation in Child Protection Law," *Jurnal Dinamika Hukum* 25, no. 3 (2025).
[2] Purnomo et al., "Deterrent Effect and Human Rights: A Critical Analysis of Chemical Castration Implementation in Child Protection Law."
[3] Ramadhan and Laia, "Dilema Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia."

fine of one hundred million rupiah, and chemical castration as an additional punishment.[4]

Yet nearly a decade after the Perppu was issued, chemical castration in Indonesia remains an unenforced sanction. The Mojokerto verdict could not be executed because of the absence of technical execution guidelines and, more fundamentally, because the Indonesian Medical Association (Ikatan Dokter Indonesia, IDI) formally refused to allow its members to act as executors, reasoning that chemical castration violates the Hippocratic Oath and the Indonesian Medical Code of Ethics.[5] Meanwhile, the National Human Rights Commission (Komnas HAM) has consistently maintained that chemical castration constitutes cruel, inhuman, and degrading punishment contrary to Article 28G paragraph (2) of the 1945 Constitution and Indonesia's international commitments under the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT).[6] This paradox an increasingly severe penal policy that has never been implemented renders the study of chemical castration not merely an academic exercise but an urgent evaluation of the coherence between legislative intent, institutional capacity, constitutional values, and human rights standards.

This article focuses on three interrelated problems. First, it examines the effectiveness of chemical castration as an additional penal sanction in suppressing recidivism of sexual crimes against children in Indonesia. Second, it analyzes the juridical foundations of the sanction and evaluates it from a human rights perspective, weighing the prohibition of torture against the doctrine of legitimate limitation of rights. Third, it identifies the juridical, medical-ethical, and technical obstacles that have blocked execution and formulates a reconstruction model for future penal policy.

Previous scholarship has addressed fragments of this problem. Narwastuty compared chemical castration implementation in Indonesia and the United States,

[4] Hariyono et al., "Analisis Yuridis Putusan Nomor 69/Pid.Sus/2019/Pn.Mjk Terhadap Pelaku Kekerasan Seksual Di Pengadilan Negeri Mojokerto."
[5] Prabawati and Yulianti, "Polemik Eksekusi Pidana Tambahan Kebiri Kimia Atas Putusan Pengadilan Negeri Mojokerto Perkara Tindak Pidana Kekerasan Seksual Pada Anak (Studi Putusan Nomor 69 / Pid.Sus / 2019 / PN. Mjk)."
[6] Rizal, "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM."

concluding that Indonesia's execution remains vulnerable due to the absence of detailed procedural regulations and medical professional resistance.[7] Prabawati and Yulianti examined the polemic surrounding the Mojokerto execution, highlighting the legal vacuum regarding the mechanism and authorized executors.[8] Rizal analyzed the sanction from a human rights perspective, arguing that chemical castration is an inhumane punishment contrary to the constitution.[9] Sihotang et al. studied the juridical basis of the Mojokerto decision, emphasizing its grounding in Article 81 paragraph (7) of Law No. 17 of 2016.[10] Purnomo et al. provided a recent critical analysis positioning chemical castration within a double-track system, while Ramadhan and Laia offered an integrated examination of legal, human rights, and medical-ethical dilemmas.[11] Sujasmin extended the analysis to the Banjarmasin District Court Decision No. 858/Pid.Sus/2022/PN.Bjm, evaluating judicial practice against international standards.[12]

Notwithstanding these contributions, existing research tends to address either effectiveness, human rights, or comparative law separately, without integrating the three dimensions against the concrete reality that Indonesia's chemical castration policy has produced verdicts but zero executions. The novelty of this study lies precisely in this integration: it treats the implementation gap not as a mere technical deficiency but as the empirical manifestation of a deeper doctrinal ambiguity regarding whether chemical castration is a *maatregel* (measure) oriented toward rehabilitation or a disguised retributive punishment, and it reconstructs future policy on that foundation. The state of the art relied upon in this

[7] Prabawati and Yulianti, "Polemik Eksekusi Pidana Tambahan Kebiri Kimia Atas Putusan Pengadilan Negeri Mojokerto Perkara Tindak Pidana Kekerasan Seksual Pada Anak (Studi Putusan Nomor 69 / Pid.Sus / 2019 / PN. Mjk)."
[8] Prabawati and Yulianti, "Polemik Eksekusi Pidana Tambahan Kebiri Kimia Atas Putusan Pengadilan Negeri Mojokerto Perkara Tindak Pidana Kekerasan Seksual Pada Anak (Studi Putusan Nomor 69 / Pid.Sus / 2019 / PN. Mjk)."
[9] Rizal, "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM."
[10] Sihotang et al., "Penjatuhan Pidana Tambah Kebiri Kimia Terhadap Predator Anak Pada Putusan No.69/Pid.Sus/2019/PN.Mjk."
[11] Ramadhan and Laia, "Dilema Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia."
[12] Sujasmin, "Penerapan Sanksi Kebiri Kimia Bagi Pelaku Tindak Pidana Kekerasan Seksual Anak Dalam Perspektif Hak Asasi Manusia."

article derives primarily from the nine national journals uploaded as source materials, supplemented by statutory regulations and constitutional provisions.

B. Research Method

This research employs a normative juridical method, which examines written legal norms as its primary object of study. The research is descriptive-analytical in nature, systematically describing the factual and normative dimensions of chemical castration policy and critically analyzing them against applicable legal doctrine.Three approaches are utilized.

First, the statutory approach analyzes the hierarchical structure of relevant legislation: the 1945 Constitution of the Republic of Indonesia, particularly Articles 28B, 28G paragraph (2), and 28I paragraph (1); Law No. 17 of 2016 concerning the Establishment of Perppu No. 1 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection; Government Regulation No. 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence against Children; Law No. 39 of 1999 on Human Rights; Law No. 48 of 2009 on Judicial Power; and the international instruments ratified by Indonesia, namely the ICCPR (through Law No. 12 of 2005) and the CAT (through Law No. 5 of 1998). [13]

Second, the conceptual approach examines legal concepts including the distinction between *straf* and *maatregel* (measure), the double-track system, non-derogable rights, the principle of proportionality, and penal purpose theories (absolute, relative, and combined).

Third, the case approach scrutinizes court decisions that have imposed chemical castration, notably Mojokerto District Court Decision No. 69/Pid.Sus/2019/PN.Mjk and its affirmation by the Surabaya High Court (Decision

[13] Rohmawati, "Legal Reasonings of Religious Court Judges in Deciding the Origin of Children: A Study on the Protection of Biological Children's Civil Rights."

No. 695/Pid.Sus/2019/PT Sby), as well as Banjarmasin District Court Decision No. 858/Pid.Sus/2022/PN.Bjm.[14]

Legal materials comprise primary materials legislation and court decisions, secondary materials scholarly books, national and international law journals, and official reports from KPAI, Komnas HAM, Komnas Perempuan, and IDI, and tertiary materials. Data collection was conducted through library, and analysis proceeded qualitatively using deductive syllogistic reasoning deriving conclusions from major premises of legal norms and minor premises of concrete facts supplemented by content analysis of the structure, meaning, and interrelation between legal norms and practical implementation.

C. Results and Discussion

1. The Effectiveness of Chemical Castration in Suppressing Recidivism of Sexual Crimes against Children

a. Legal Design and the Intended Deterrent Mechanism

The Indonesian penal framework positions chemical castration as a action attached to additional punishment, not as a principal penalty. Article 81 paragraph (7) of Law No. 17 of 2016 authorizes the imposition of chemical castration and electronic device installation against perpetrators of Article 76D offenses forcing a child into sexual intercourse through violence or threats, who have previously been convicted of the same crime or whose acts cause more than one victim, severe injury, mental disorder, infectious disease, impaired reproductive function, or death. Article 81A paragraph (4) limits the duration to a maximum of two years, executed after the principal sentence is served, under periodic supervision by the ministries of law, social affairs, and health.[15]

The government's stated rationale, as articulated in the considerations of the Perppu, is threefold: the dramatic increase in sexual violence against children, the inadequacy of existing sanctions to generate deterrence, and the need to prevent

[14] Irawati, *Policy of Criminal Left in Overcoming the Impact of Criminal Actions of Pedophilia in Indonesia*.
[15] Batubara et al., "Analisis Hukum Terhadap Hukuman Kebiri Bagi Pelaku Kekerasan Seksual Terhadap Anak Berdasarkan Peraturan Pemerintah No. 70 Tahun 2020."

recidivism.[16] From the perspective of relative/utilitarian penal theory, chemical castration is intended to function through special deterrence suppressing the biological driver of reoffending by reducing testosterone levels and through general deterrence, signaling society's resolve. Pharmacologically, chemical castration involves periodic injection of anti-androgen compounds (such as medroxyprogesterone acetate) that suppress gonadal hormone production, thereby diminishing libido within one to two months of treatment.

International experience offers qualified support. Research in South Korea, which implemented chemical castration from 2011, indicates that hormonal therapy can significantly reduce sexual drive and fantasies in offenders[17]. A Scandinavian study cited in the literature reports that castration reduced recidivism by up to 35%.[18] Crucially, however, this effectiveness is conditional: meta-analytic evidence indicates that chemical castration works when applied to offenders with paraphilic disorders and when combined with comprehensive psychotherapy, not as a standalone biological intervention.

b. The Empirical Reality: Zero Executions and Rising Caseloads

Measured against its own objectives, chemical castration policy in Indonesia has demonstrably failed as a deterrent instrument. The primary empirical indicator is straightforward: despite at least two inkracht (final and binding) verdicts imposing the sanction Mojokerto (2019) and Banjarmasin (2022) no execution has ever been performed.[19] The Mojokerto case illustrates the paralysis concretely: after the Surabaya High Court affirmed the castration sentence in July 2019, the Mojokerto Prosecutor's Office waited for technical instructions from the Attorney

[16] Purnomo et al., "Deterrent Effect and Human Rights: A Critical Analysis of Chemical Castration Implementation in Child Protection Law."
[17] Lee and Cho, "Chemical Castration for Sexual Offenders."
[18] Sihotang et al., "Penjatuhan Pidana Tambah Kebiri Kimia Terhadap Predator Anak Pada Putusan No.69/Pid.Sus/2019/PN.Mjk."
[19] Sujasmin, "Penerapan Sanksi Kebiri Kimia Bagi Pelaku Tindak Pidana Kekerasan Seksual Anak Dalam Perspektif Hak Asasi Manusia."

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General that never arrived, while two regional public hospitals refused to perform the procedure on grounds that IDI would not endorse it.[20]

Meanwhile, the deterrent promise has not materialized in the statistics. As shown in Table 1, recorded cases of violence against children have risen continuously since the policy's introduction, from 21,021 cases in 2017 to 31,947 in 2024 a 52% increase over seven years, including the entire period after the Perppu and PP No. 70/2020 took effect.

Table 1. Total Cases of Violence against Children in Indonesia, 2017–2024

Sheets

Year	2017	2018	2019	2020	2021	2022	2023	2024
Cases	21,021	21,642	20,530	20,499	25,210	27,593	29,883	31,947

Source: SIMFONI PPA, Ministry of Women Empowerment and Child Protection, processed.

SIMFONI PPA aggregates all forms of violence, not solely sexual violence, and rising figures may partly reflect improved reporting rather than worsening incidence. Nevertheless, the persistent upward trend even after the symbolic severity of chemical castration was added to the penal arsenal demonstrates that the policy has not altered the behavioral calculus of potential offenders. The absence of any executed sentence means the sanction currently operates as pure symbolism: it exists in statute books and verdicts but exerts no real special deterrence on convicted offenders and no credible general deterrence on the public, who observe that the "harshest punishment" is never carried out. Purnomo et al. correctly characterize this as a populist, reactive policy that responded to public outcry without ensuring implementability. [21]

[20] Prabawati and Yulianti, "Polemik Eksekusi Pidana Tambahan Kebiri Kimia Atas Putusan Pengadilan Negeri Mojokerto Perkara Tindak Pidana Kekerasan Seksual Pada Anak (Studi Putusan Nomor 69 / Pid.Sus / 2019 / PN. Mjk)."
[21] Purnomo et al., "Deterrent Effect and Human Rights: A Critical Analysis of Chemical Castration Implementation in Child Protection Law."

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c. Effectiveness Deficits Beyond Execution

Even hypothetically executed, chemical castration suffers intrinsic effectiveness deficits. First, its effects are reversible and temporary hormonal suppression ceases when injections stop, and reproductive function gradually returns Sujasmin notes that after the maximum two-year period, the perpetrator's organs resume functioning. Second, it addresses only the biological dimension of offending.[22] Sexual violence against children is frequently driven by power, domination, and relational control rather than libido; Komnas Perempuan has emphasized that testosterone suppression does not touch these roots. Third, forced castration may produce counterproductive psychological effects: anger, humiliation, and vengefulness that could manifest in more extreme violence, and severe depression with suicidal ideation. Fourth, the penal purpose theory underlying the sanction is internally inconsistent public and policymaker narratives frame it as retribution, while its formal classification as a maatregel presupposes rehabilitative intent. This doctrinal confusion, analyzed further in the next subsection, is precisely what renders the policy vulnerable to both human rights critique and medical-ethical rejection.

2. Juridical Review and the Human Rights Perspective on Chemical Castration Policy

a. The Doctrinal Status: *Maatregel*, Not *Straf*

A pivotal yet underappreciated juridical question concerns the true juridical nature of chemical castration. Under Article 81 paragraph (7), the sanction is formulated not as pidana but as tindakan. In Indonesian penal doctrine, maatregel exemplified in Article 10 of the Criminal Code constitutes intervention grounded in the philosophy of social defense and treatment of offenders, oriented toward protecting society and rehabilitating the offender, and doctrinally lighter than punishment because it aims at improvement rather than suffering.[23] Punishment (straf), by contrast, rests on retribution and affliction. The distinction carries

[22] Sujasmin, "Penerapan Sanksi Kebiri Kimia Bagi Pelaku Tindak Pidana Kekerasan Seksual Anak Dalam Perspektif Hak Asasi Manusia."
[23] Sihotang et al., "Penjatuhan Pidana Tambah Kebiri Kimia Terhadap Predator Anak Pada Putusan No.69/Pid.Sus/2019/PN.Mjk."

profound consequences: if chemical castration is genuinely a maatregel, it must serve rehabilitative purposes and comply with the logic of treatment; if it is retribution in disguise, it becomes a form of corporal punishment that modern penal systems have long abandoned.

The author's analysis reveals that the statutory design itself is ambivalent. On one hand, PP No. 70 of 2020 structures execution through clinical assessment psychiatric interviews, physical examination, supporting examinations, a conclusion on eligibility, and implementation accompanied by rehabilitationhallmarks of a medical-rehabilitative measure. On the other hand, the provision applies castration automatically upon qualifying convictions subject to a court decision that has acquired permanent legal force, without requiring the offender's consent or any individualized clinical diagnosis; it is imposed punitively, after the principal sentence, for up to two years. Ramadhan and Laia aptly describe this as a category confusion: the measure is narrated as deterrence (retributive logic) while formally clothed as treatment (rehabilitative logic).[24] This ambiguity is the juridical root of the implementation impasse examined in the following subsection.

b. The Human Rights Critique: Non-Derogable Rights and the Prohibition of Degrading Treatment

Komnas HAM's position, maintained consistently since 2016, is that chemical castration chemical or surgical qualifies as cruel, inhuman, and degrading punishment contrary to Article 28G paragraph (2) of the 1945 Constitution, which guarantees every person's right to be free from torture and treatment that degrades human dignity. The argument rests on three pillars. First, the sanction constitutes treatment that degrades dignity: it targets the integrity of the human body and sexuality, core attributes of personhood. Second, forced medical intervention without free and informed consent violates the right to physical and mental integrity and the right to consent to medical action, protected under Article 5 of the Universal Declaration of Human Rights and Article 7 of the ICCPR.[25] Third, the prohibition

[24] Ramadhan and Laia, "Dilema Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia."
[25] Purnomo et al., "Deterrent Effect and Human Rights: A Critical Analysis of Chemical Castration Implementation in Child Protection Law."

of torture is a non-derogable right it cannot be suspended or traded off against other interests, however grave the crime committed.

Indonesia's ratification of the ICCPR (Law No. 12 of 2005) and the CAT (Law No. 5 of 1998) strengthens this position, as both instruments prohibit cruel, inhuman, or degrading treatment absolutely. A forced injection administered as state punishment, without therapeutic purpose for the recipient, arguably falls within this prohibition.

c. The Counter-Argument: Legitimate Limitation of Rights

The government and the Ministry of Women Empowerment and Child Protection counter that chemical castration is constitutionally permissible as a legitimate limitation of rights under Article 28J of the 1945 Constitution, which permits restrictions by law for the protection of others' rights and the demands of justice, morality, security, and public order. On this view, chemical castration is not a rights violation but a proportionate restriction directed at offenders who have committed extraordinarily serious crimes against the most vulnerable group. By analogy, every punishment restricts rights imprisonment restricts liberty, fines restrict property yet imprisonment is not deemed a human rights violation when lawfully imposed.

This counter-argument has doctrinal force but limited reach. The doctrine of legitimate limitation applies to rights that are derogable; the right to be free from torture and degrading treatment is, by international consensus, non-derogable. Proportionality can justify restricting liberty, but it cannot legitimize treatment that is inherently degrading. The decisive question, therefore, is categorical rather than calibrative: is chemical castration inherently degrading, or does its character depend on how it is applied?, castration imposed mechanically, without clinical indication, without consent, and without rehabilitative accompaniment approaches the degrading-treatment threshold; castration applied as genuine therapy voluntary or at least clinically indicated, time-limited, supervised, and integrated with psychosocial rehabilitation remains within the sphere of legitimate state intervention, comparable to androgen-suppression therapy medically administered for other conditions. This conditional justification converges with the position of

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Komnas Perempuan, which accepts chemical castration only as a voluntary, rehabilitative measure based on full information.[26]

The human rights assessment must also account for victims' rights as a countervailing human rights interest. Children's rights to life, survival, development, and protection under Article 28B paragraph (2) of the Constitution and the Convention on the Rights of the Child impose on the state an affirmative duty of protection.[27]A state that completely renounced any effective tool against repeat child predators would equally fail its human rights obligations. The balanced conclusion, adopted by Sujasmin, is that chemical castration may be retained provided it satisfies cumulative conditions: medical consent or clinically verified indication, strict supervision, proportionality, and full respect for non-degrading treatment standards.[28]

3. Obstacles to Execution and the Reconstruction of Future Penal Policy

a. Juridical Obstacles

The juridical obstacles are structural and layered. First, the normative vacuum in execution: although PP No. 70 of 2020 filled the procedural gap that stalled the Mojokerto case, it still does not designate who bears responsibility if human rights violations occur during execution, nor does it provide accountability mechanisms or complaint channels when the procedure causes grave medical harm or is performed without adequate ethical standards. Second, unclear allocation of authority: the regulation requires coordination among the prosecutor, the health ministry, and other ministries, but establishes no single accountable executing institution, creating bureaucratic diffusion of responsibility. Third, double punishment concerns: because castration is imposed "together with" the principal penalty under Article 81 paragraph (8) and executed after imprisonment, there is a latent tension with the double-track system the action rationale (improvement)

[26] Patra, “Perlindungan Hak Konstitusional Untuk Bebas Dari Penyiksaan Di Indonesia.”
[27] Afifah Almas Zahirah, Ramlani Lina Sinaulan, and Edi Saputra Hasibuan, “Hak Anak Untuk Mendapatkan Perlindungan Hukum Dari Tindakan Kekerasan Seksual Menurut UU No. 17 Tahun 2016 (Kasus Child Grooming Dalam Game Online),” Journal of Law and Security Studies 2, no. 1 (2025): 123–132, https://doi.org/10.31599/mfswbk14.
[28] Sujasmin, “Penerapan Sanksi Kebiri Kimia Bagi Pelaku Tindak Pidana Kekerasan Seksual Anak Dalam Perspektif Hak Asasi Manusia.”

clashes with the cumulative affliction logic, inviting constitutional challenge. [29] Notably, neither the Supreme Court nor the Constitutional Court has yet comprehensively reviewed the constitutionality of chemical castration, leaving its juridical foundations untested at the highest level.

b. Medical-Ethical Obstacles: The IDI Refusal

The most formidable barrier is ethical. IDI, through the Fatwa of the Medical Ethics Honor Council (MKEK) No. 1 of 2016, formally refuses to involve physicians as executors of chemical castration. The justification rests on Article 5 of the Indonesian Medical Code of Ethics (KODEKI), which requires that any medical action potentially weakening a patient's physical or psychological resilience must obtain the patient's free consent and be given solely for the patient's interest and welfare, and on the foundational principle primum non nocere. Doctors are healers, not punishers; deploying medical expertise to inflict state punishment particularly on a person who, as a convicted prisoner, cannot give unconstrained consent deviates from the profession's core function. IDI has warned that doctors who defy this position risk severe ethical sanctions including expulsion.[30]

The opposing view, advanced by KPAI, holds that the ethical objection rests on a category error: chemical castration is a legal action performed by the state that happens to require medical skill akin to forensic autopsy not an ordinary doctor-patient medical act, and therefore does not engage the therapeutic ethics framework in the same way.[31] The author finds this rebuttal partially persuasive but insufficient: regardless of its legal classification, castration remains an invasive intervention upon a human body, and the medical profession's ethical autonomy cannot be overridden by administrative relabeling without deeper justification. The

[29] Ambarwaty et al., "Analisis Kritis Penerapan Kebiri Kimia Terhadap Pelaku Kejahatan Seksual Terhadap Anak."
[30] Ramadhan and Laia, "Dilema Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia."
[31] Ramadhan and Laia, "Dilema Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia."

genuine resolution lies not in defeating the ethical objection but in designing an implementation architecture that accommodates it.[32]

c. Technical and Infrastructural Obstacles

Technically, Indonesia lacks the clinical infrastructure the policy presupposes. The clinical assessment mandated by PP No. 70/2020 psychiatric interviews, physical examination, and supporting tests requires forensic psychiatrists specially trained in sexual-offense risk assessment, a competence not evenly available across the archipelago. Validated risk-assessment instruments for sexual recidivism remain in early development in Indonesia. This deficit creates risks of clinical misjudgment: applying castration to offenders who do not need it, or failing to identify high-risk offenders. Additionally, the financial cost of sustained hormonal therapy is nontrivial and no budgetary certainty exists.

d. The Reconstruction Model: Toward a Precise, Evidence-Based Penal Policy

Drawing together the foregoing analysis, this study proposes a four-pillar reconstruction model:

1) **Restrict application through independent clinical assessment.**
   Chemical castration should not be an automatic consequence of offense qualification but should apply only where an independent forensic-psychiatric assessment verifies paraphilic disorder or pedofilia correlated with high recidivism risk. This targets the sanction where it is empirically effective, avoids disproportionate application to power-motivated offenders, and strengthens its *maatregel* character against human rights critique.[33]
2) **Establish a special state forensic medical unit.**
   To overcome the IDI impasse, a dedicated forensic medical team should be formed under state authority legally protected, specially trained, and institutionally independent rather than co-opting ordinary practitioners. Continuous dialogue with IDI should accompany this to negotiate an

[32] Çöpür and Çöpür, "Chemical Castration as an Evolving Concept: Is It a Possible Solution for Sexual Offences?"
[33] Ramadhan and Laia, "Dilema Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia."

ethically acceptable mechanism, as suggested by scholars proposing special execution units under the Attorney General's Office staffed by trained non-professional technical officers.[34]

3) **Rebalance toward rehabilitation.**

PP No. 70/2020 devotes eight articles to castration procedures but only three to rehabilitation an imbalance revealing the policy's retributive tilt. Future regulation should mandate integrated psychosocial therapy, behavioral counseling, post-release supervision, and victim-restitution mechanisms as co-equal components, positioning chemical castration within a genuine double-track system combining repression and rehabilitation.[35]

4) **Strengthen victims' rights in parallel.**

Penal severity against offenders must be matched by restitution, psychological recovery services, and access to justice for victims dimensions where Indonesia's performance remains weak.[36]A policy genuinely oriented toward children's best interests cannot measure success solely by the suffering inflicted on perpetrators.[37]

D. Conclusion

This study concludes that chemical castration in Indonesia has been ineffective as a deterrent no executions since 2016, unenforced verdicts in Mojokerto and Banjarmasin, and child violence rising 50% (2017–2024), making it symbolic legislation. Juridically, it is ambiguous a rehabilitation-oriented tindakan/maatregel administered with retributive logic so it risks violating Article 28G(2) of the 1945 Constitution, the ICCPR, and the CAT, though it can be justified

[34] Kartika et al., "Reformulasi Eksekusi Kebiri Kimia Guna Menjamin Kepastian Hukum Bagi Tenaga Medis/Dokter Dan Perlindungan Hukum Bagi Pelaku Pedophilia."
[35] Vany Rahmadania, Lina Sinaulan, Edi Saputra Hasibuan, and Diana Fitriana, "The Problematics of Restorative Justice in Handling Sexual Violence Crimes Against Adult Victims and Perpetrators Under Law Number 12 of 2022," Journal Axioma Lexprima 1, no. 2 (2026): 376–398, https://doi.org/10.0805/rhf74y11.
[36] Nur Afiah, M. S. Tumanggor, Erwin Owan Hermansyah, and Edi Saputra Hasibuan, "Rekonstruksi Perlindungan Hukum Terhadap Anak Berkebutuhan Khusus Sebagai Korban Kekerasan Seksual di Indonesia Berbasis Kepentingan Terbaik Bagi Anak," Jurnal Hukum Sasana 11, no. 2 (2025): 105–121, https://doi.org/10.31599/sasana.v11i2.4428.
[37] Muhammad Abdul Azis and Pujiyono, "Causative-Victim Tracing for Integrative Criminal Policy on AI Deepfake Face and Voice Crimes in Indonesia," KRTHA BHAYANGKARA 20, no. 2 (2026): 518–537, https://doi.org/10.31599/krtha.v20i2.5666.

if proportional, voluntary, or based on verified clinical indication with strict safeguards. Execution is blocked by normative gaps, untested constitutionality, IDI's ethical refusal, and weak forensic-psychiatric infrastructure. The reconstruction model restricts it to clinically verified paraphilic offenders through independent assessment, creates a dedicated state forensic medical unit, rebalances regulation toward rehabilitation within a double-track system, and pairs sanctions with enforceable victims' rights. Recommendations target the legislature/executive (revise PP 70/2020), Attorney General's Office (forensic medical execution unit and binding guidelines), Ministry of Health (forensic-psychiatric capacity and risk instruments), IDI (structured dialogue for an ethical protocol rather than blanket refusal), Komnas HAM/KPAI/Komnas Perempuan (joint monitoring), and the Supreme/Constitutional Courts (constitutional certainty). Ultimately, comprehensive reconstruction can turn chemical castration from a problematic symbol into an evidence-based, proportional instrument that protects children without sacrificing rule-of-law values and human dignity.

References

Ambarwaty, Dwitya, Lukman Hakim, and Adi Nur Rohman. "Analisis Kritis Penerapan Kebiri Kimia Terhadap Pelaku Kejahatan Seksual Terhadap Anak." *Syntax Idea* 6, no. 11 (2024): 6784–87. https://doi.org/10.46799/syntax-idea.v6i11.10120.

Azis, Muhammad Abdul, and Pujiyono. "Causative-Victim Tracing for Integrative Criminal Policy on AI Deepfake Face and Voice Crimes in Indonesia." KRTHA BHAYANGKARA 20, no. 2 (2026): 518–537. https://doi.org/10.31599/krtha.v20i2.5666.

Batubara, Sonya Airini, Cindy Cynthia Leoni, Ferry Salim, and Frans Deo Fanny Sinaga. "Analisis Hukum Terhadap Hukuman Kebiri Bagi Pelaku Kekerasan Seksual Terhadap Anak Berdasarkan Peraturan Pemerintah No. 70 Tahun 2020." *Jurnal Ilmiah Universitas Batanghari Jambi* 23, no. 1 (2023): 882. https://doi.org/10.33087/jiubj.v23i1.2804.

Çöpür, Mazlum, 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 (2021): 326–51. https://doi.org/10.1080/14789949.2020.1849359.

Hariyono, Didi, Slamet Suhartono, and Erny Herlin Setyorini. "Analisis Yuridis Putusan Nomor 69/Pid.Sus/2019/Pn.Mjk Terhadap Pelaku Kekerasan Seksual Di Pengadilan Negeri Mojokerto." *YAYASAN AKRAB PEKANBARU Jurnal AKRAB JUARA* 4, no. 5 (2019).

Irawati, Arista Candra. *Policy of Criminal Left in Overcoming the Impact of Criminal Actions of Pedophilia in Indonesia*. November 16, 2021.

Kartika, Ari Purwita, 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 (2020). https://doi.org/10.20885/iustum.vol27.iss2.art7.

Lee, Joo Yong, 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.

Nur Afiah, M. S. Tumanggor, Erwin Owan Hermansyah, and Edi Saputra Hasibuan. "Rekonstruksi Perlindungan Hukum Terhadap Anak Berkebutuhan Khusus Sebagai Korban Kekerasan Seksual di Indonesia Berbasis Kepentingan Terbaik Bagi Anak." Jurnal Hukum Sasana 11, no. 2 (2025): 105–121. https://doi.org/10.31599/sasana.v11i2.4428.

Patra, Rommy. "Perlindungan Hak Konstitusional Untuk Bebas Dari Penyiksaan Di Indonesia." *Jurnal Konstitusi* 15, no. 3 (2018): 565. https://doi.org/10.31078/jk1536.

Prabawati, Firara Dysas, and Sri Wayuningsih Yulianti. "Polemik Eksekusi Pidana Tambahan Kebiri Kimia Atas Putusan Pengadilan Negeri Mojokerto Perkara Tindak Pidana Kekerasan Seksual Pada Anak (Studi Putusan Nomor 69 / Pid.Sus / 2019 / PN. Mjk)." *Versetek*, 2021.

Purnomo, Arie, Desvika Rizqi Karyma, and Syahrani Kurniati. "Deterrent Effect and Human Rights: A Critical Analysis of Chemical Castration Implementation in Child Protection Law." *Jurnal Dinamika Hukum* 25, no. 3 (2025).

Rahmadania, Vany, Lina Sinaulan, Edi Saputra Hasibuan, and Diana Fitriana. "The Problematics of Restorative Justice in Handling Sexual Violence Crimes Against Adult Victims and Perpetrators Under Law Number 12 of 2022." Journal Axioma Lexprima 1, no. 2 (2026): 376–398. https://doi.org/10.0805/rhf74y11.

Ramadhan, Firdaus Syamsiar, and Aturkian Laia. "Dilema Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia." *Jejak Digital: Jurnal Ilmiah Multidisiplin* 2, no. 4 (2026).

Rizal, Sofian Syaiful. "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM." *Legal Studies Journal* 1, no. 1 (2021). https://doi.org/10.33650/lsj.v1i1.2023.

Rohmawati. "Legal Reasonings of Religious Court Judges in Deciding the Origin of Children: A Study on the Protection of Biological Children's Civil Rights." *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (2021).

Sihotang, Gita Cristin Debora, Edi Warman, Edi Yunara, and Edy Ikhsan. "Penjatuhan Pidana Tambah Kebiri Kimia Terhadap Predator Anak Pada Putusan No.69/Pid.Sus/2019/PN.Mjk." *Locus Journal of Academic Literature Review*, July 2022, 170–80. https://doi.org/10.56128/ljoalr.v1i3.65.

Sujasmin, Sujasmin. "Penerapan Sanksi Kebiri Kimia Bagi Pelaku Tindak Pidana Kekerasan Seksual Anak Dalam Perspektif Hak Asasi Manusia." *JURNAL USM LAW REVIEW* 8, no. 1 (2025): 544–58. https://doi.org/10.26623/julr.v8i1.11774.

Zahirah, Afifah Almas, Ramlani Lina Sinaulan, and Edi Saputra Hasibuan. "Hak Anak Untuk Mendapatkan Perlindungan Hukum Dari Tindakan Kekerasan Seksual Menurut UU No. 17 Tahun 2016 (Kasus Child Grooming Dalam

Game Online).” Journal of Law and Security Studies 2, no. 1 (2025): 123–132. https://doi.org/10.31599/mfswbk14.