

Criminal Law Policy and Implementation Challenges of Chemical Castration in Indonesia

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Abstract

This study analyzes the obstacles in implementing chemical castration as an additional sanction for perpetrators of child sexual violence in Indonesia. Using normative legal research with a statutory and conceptual approach, this study examines the limitations of regulations and institutional barriers to the implementation of chemical castration. The research findings indicate two main obstacles in the implementation of chemical castration: the lack of adequate treatment for sexual impulse disorders experienced by convicts and the refusal of doctors to act as executors of chemical castration due to ethical considerations. To address these challenges, this study proposes a reconstruction of criminal law policy by revising the mechanism for postponing the execution of chemical castration, adjusting rehabilitation measures for perpetrators deemed unfit for chemical castration, and expanding the scope of resources for chemical castration executors through police medicine. This reconstruction aims to



ensure legal certainty, improve rehabilitation for convicts, and increase the effectiveness of criminal sanctions in preventing child sexual violence.

Keywords

Criminal Law Policy, Chemical Castration, Child Sexual Violence, Penal Reform, Rehabilitation.

Introduction

From a political and legal perspective, the amendments to the Child Protection Law in Indonesia, carried out through Law No. 35 of 2014 and Law No. 17 of 2016, are nothing but an effort by the Government to realize legal reforms that are adaptive to the current situation and conditions. Meanwhile, from a criminal political perspective, the change can mean implementing criminal law policies to tackle the crime of child sexual violence with the help of legislation.

The existence of chemical castration sanctions in the Child Protection Law in Indonesia has long received the attention of many parties, especially the medical profession, considering the emergence of opportunities for the involvement of doctors in the execution of chemical castration. According to the Chairman of the Indonesian Doctors Association, Daeng M. Faqih, chemical castration is a form of punishment, not a medical service, so it is not related to the duties of doctors.¹ If doctors become executors of chemical castration, it has the potential to cause a conflict of norms, namely, medical ethics, the order of the World Health Organization, and health laws that prohibit doing so.²

The same response was also given by the Honorary Council of Medical Ethics which issued Fatwa No. 1 of 2016 on Chemical Caster, namely: (a) The medical profession in Indonesia is very bound by the doctor's oath, so it cannot accept directly acting as an executor of chemical castration, (b) Deep understanding and understanding for non-medical circles, especially for high-ranking state officials, people's

¹ Kodrat Alam, "Menakar Keterlibatan Dokter Dalam Pelaksanaan Tindakan Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak," *Jurnal Hukum* 36, no. 2 (2020): 93–116.

² Tim, "DPR Minta IDI Laksanakan Putusan Pengadilan Soal Kebiri Kimia," *CNN Indonesia*, 2019.

representatives, lawmakers, law enforcers so that the medical profession is not directly involved as an executor in the additional imposition of punishment in the form of chemical castration, and (c) so that doctors are always firm in carrying out the doctor's oath and are expected to receive legal strengthening support from the government. Therefore, in order not to include in the legislation or in the article of explanation that the doctor is the executor of chemical castration.

In contrast to the Indonesian Doctors Association, according to the Head of the Mojokerto District Attorney's Office, Rudy Hartono, the execution of chemical castration is an obligation that must be carried out. Doctors may refuse to carry out court rulings, but the execution of chemical castration is a legal order. If the doctor does not comply with the law's orders, he can be punished.³ Doctors are obliged to carry out their duties based on the orders of the law, as this is the law of the land.⁴

Although there are efforts to mediate the conflict of roles and interests between doctors and prosecutors in responding to the controversy of chemical castration executioners, one of which is by proposing that execution resources be provided by medical personnel or doctors in correctional institutions.⁵ It will still be difficult to do so because they are also bound by the same code of ethics and oath of office as the medical profession in general.

Although much research has been conducted on chemical castration in Indonesia, none has examined the practical obstacles to implementing it, especially regarding the treatment mechanisms and resources for chemical castration executors. During the period from 2019 to 2022, it is known that there were 4 dissertations on chemical castration with the following comparison:

³ Ilham Safutra, "Kejaksaaan Mencari Eksekutor Hukuman Kebiri Terhadap Pemerksosa 12 Bocah," *Jawa Pos*, 2019.

⁴ Syaiful Hidayatullah, Otto Yudianto, and Erny Herlin Setyorini, "Wewenang Dokter Sebagai Eksekutor Tindakan Kebiri Kimia," *Jurnal Akrab Juara* 5, no. 3 (2020): 1–18, <https://doi.org/https://doi.org/10.58487/akrabjuara.v5i3.1114>.

⁵ I Putu Gede Sumariartha Suara, "Kebijakan Formulasi Tindakan Kebiri Kimia Terhadap Pelaku Pedofilia Dalam Undang-Undang Perlindungan Anak" (Universitas Udayana Denpasar, 2018).

Table 1. Comparison of Previous Research

No	Research	Comparison
1	Henny Yuningsih, Regulation of Chemical Castal Actions Against Perpetrators of Sexual Acts with the Threat of Violence Against Children in the Perspective of Human Rights, Doctoral Program in Law, Universitas Brawijaya, Malang, Year 2019. ⁶	Identify: (1) the weaknesses of chemical castration from the point of view of Pancasila and the 1945 Constitution, and (2) obstacles to the implementation of chemical castration execution from the point of view of the loss of a person's right to continue the offspring guaranteed by law. Propose the idea of providing additional punishment in the form of restitution to the victim and psychological treatment to the convict.
2	Herwin Sulistyowati, Reconstruction of Castal Criminal Sanctions for Perpetrators of Child Sexual Violence in Indonesia Based on Pancasila Values, Doctoral Program in Law, Sultan Agung Islamic University, Semarang, 2019. ⁷	Identify: (1) the weaknesses of chemical castration from the point of view of constitutional law, criminal law, human rights (HAM), and Islamic law, and (2) obstacles to the implementation of chemical castration execution from the point of view of legal components which include: legal substance, legal structure, and legal culture, as well as philosophical aspects, sociological aspects, economic aspects, and norm aspects. Propose ideas to formulate laws that can prevent the occurrence of child sexual violence crimes while providing recovery to victims.

⁶ Alta and Salsabila, "Disertasi Henny Yuningsih, S.H., M.H.," Prasetya Online UB, 2019.

⁷ Herwin Sulistyowati, *Rekonstruksi Sanksi Pidana Kebiri Terhadap Pelaku Tindak Pidana Kekerasan Seksual Anak Di Indonesia Berdasarkan Nilai-Nilai Pancasila* (Semarang: Universitas Islam Sultan Agung, 2020).

No	Research	Comparison
3	Irene Widiyaningrum, <i>The Politics of Castal Law in the Indonesian Criminal Justice System</i> , Doctoral Program in Law, Hasanudin University, Makassar, 2021. ⁸	Identify: (1) the weaknesses of chemical castration from the point of view of the criminal justice system, and (2) the obstacles to the implementation of chemical castration execution from the point of view of chemical castration executors, as well as the pros and cons of court decisions. Proposing an idea to change the time for the execution of chemical castration so that the convict does not have to wait for the completion of the main crime for which the convict is being punished.
4	Sudarno, <i>Development of Crime Statistics and the Sanction of Chemical Castal Acts to Perpetrators of Sexual Violence Against Children in a Criminological Perspective</i> , Doctoral Program in Law, Hasanudin University, Makassar, 2022. ⁹	Identify: (1) the weaknesses of chemical castration from the point of view of punishment that continue to be attached to the convict until he is released from prison, and (2) the obstacles to the implementation of chemical castration from the point of view of the execution time that still has to wait for the end of the main sentence that the convict is undergoing. Propose ideas to make improvements to the formulation of articles related to the implementation of chemical castration, which is carried out two years before the principal penalty is completed.

Source: Data processed in 2025.

⁸ Irene Widiyaningrum, "Politik Hukum Kebiri Dalam Sistem Peradilan Pidana Indonesia" (Universitas Hasanudin, 2021).

⁹ Sudarno, *Perkembangan Statistik Kriminal Dan Pemberian Sanksi Tindakan Kebiri Kimia Kepada Pelaku Kekerasan Seksual Terhadap Anak Dalam Perspektif Kriminologi* (Makasar: Universitas Hasanudin, 2022).

Starting from different ideas and ideas from the previous research written by Henny Yuningsih, Herwin Sulistyowati, Irene Widiyaningrum, and Sudarno from 2019 to 2022, this study no longer places originality, novelty, and usefulness on the issue of legitimacy and the existence of chemical castration in the Child Protection Law, but on other issues concerning: (1) What are the obstacles in implementing chemical castration as part of criminal law policy in Indonesia? (2) How do regulatory and institutional factors affect the execution of chemical castration? and (3) How can criminal law policy be reconstructed to improve the implementation of chemical castration?

Through the description of the problems above, it is hoped that it can answer the problem of implementing chemical castration which prioritizes the aspect of guidance or improvement through treatment for convicts and overcomes the resources of chemical castration executors so that it is hoped that it can mediate the conflicts that arise while remaining oriented towards providing a deterrent effect and comprehensively preventing the occurrence of child sexual violence crimes in the future.

Method

This study employs normative legal research, drawing on statutory and conceptual approaches. Primary legal materials include the Child Protection Law, Government Regulation No. 70 of 2020 on the implementation of chemical castration, and other relevant criminal law regulations. Secondary legal materials consist of academic literature, journal articles, and legal doctrines related to criminal policy and rehabilitation theory. The data are analyzed qualitatively through prescriptive legal analysis to formulate recommendations for improving criminal law policy regarding the implementation of chemical castration.

Result and Discussion

A. Criminal Law Policy in the Implementation of Chemical Castration Execution

The renewal of criminal threats in the amendment of the Child Protection Law is the first step that marks the beginning of the law enforcement process against the crime of child sexual violence.¹⁰ According to Satjipto Rahardjo, the law enforcement process has essentially begun since the enactment of a legal regulation. Law enforcement is a process of making the law's wishes come true. The wishes of the law are the thoughts of the law-making body formulated in the rules of law. The law enforcement process also extends to law-making. The formulation of the lawmaker's thoughts outlined in the legal regulations will help determine how law enforcement is carried out. In reality, the law enforcement process culminates in its implementation by law enforcement officials.¹¹

This process must still be continued by applying the criminal threat concretely to the case of child sexual violence crimes that occur in the community, so that it becomes part of the overall law enforcement process. According to Basuki Rekso Wibowo, the process of making new laws only completes one stage of a long journey to regulate society. This stage must still be followed by its implementation in concrete daily life. This is what law enforcement means.¹²

According to Barda Nawawi Arief, the realization of a criminal sanction can be seen as a process of policy realization carried out through 3 stages, namely: (a) The stage of determining the crime by the lawmaker, (b) The stage of granting or imposing a criminal sentence by the court,

¹⁰ Robi'atul Adawiyah et al., "Sexual Violence Against Children: Prevention Efforts in Jambi," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (2025), <https://doi.org/10.30631/alrisalah.v25i2.1495>; Sri Rahayu et al., "Legal Protection for Children in Cases of Online Sexual Abuse: A Comparative Study," *Jambe Law Journal* 5, no. 1 (2022), <https://doi.org/10.22437/jlj.5.1.81-122>.

¹¹ Satjipto Rahardjo, *Penegakan Hukum: Suatu Tinjauan Sosiologis* (Yogyakarta: Genta publishing, 2009).

¹² Wibowo Basuki Rekso, "Pembaruan Hukum Yang Berwajah Keadilan," *Varia Peradilan, Majalah Hukum, Tahun XXVII No 313* (2011).

and (c) The stage of criminal execution by the criminal execution apparatus.¹³

The first stage, according to Muladi, is often called the stage of imposing a crime in abstracto, while the second and third stages are called the stage of imposing a crime in concreto.¹⁴ Based on his explanation, the formulation stage (legislative policy) is the stage to determine whether an act is classified as a criminal act or not, the application stage (judicial policy) is the stage of applying positive law by law enforcement officials starting from the level of investigation, prosecution to examination at trial, and the execution stage (execution or administrative policy) is the stage of concrete criminal implementation.¹⁵

Included in the formulation stage, as referred to in the above statement, is the renewal of criminal threats in the Child Protection Law, which is the stage of imposing penalties in abstracto for crimes of child sexual violence. This stage, based on its records, has experienced 2 updates of criminal threats as follows:

Table 2. Punishment Formulation Stage

Provision	Principal Penalty	Additional Penalties
Law No. 23 of 2002	The maximum prison sentence is 20 years, with a minimum of 5 years, and a maximum fine of Rp. 500 million and a minimum of Rp. 60 million.	None.
Law No. 35 of 2014	The death penalty, life imprisonment, imprisonment for a maximum of 20 years and a minimum of 5 years, and a maximum fine of Rp. 3 billion	None.

¹³ Barda Nawawi Arief and Muladi, *Teori-Teori Dan Kebijakan Pidana* (Bandung: Alumni, 2010).

¹⁴ Maroni Maroni, "Pengantar Politik Hukum Pidana" (Bandar Lampung: AURA (CV. Anugrah Utama Raharja), 2016).

¹⁵ John Kenedi, *Buku Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum Di Indonesia* (Yogyakarta: Pustaka Pelajar, 2017).

Provision	Principal Penalty	Additional Penalties
	and a minimum of Rp. 20 million.	
Law No. 17 of 2016	The death penalty, life imprisonment, imprisonment for a maximum of 20 years and a minimum of 10 years, and a maximum fine of Rp. 5 billion.	Announcement of the identity of the perpetrator, chemical castration, installation of electronic detection devices, and rehabilitation.

Source: Data processed in 2025.

The stage of criminal determination or the stage of imposing a crime in abstracto in the renewal of criminal threats carried out through amendments to the Child Protection Law not only has a strategic role to realize criminal law policies in dealing with crimes of child sexual violence, but also serves as a guideline for carrying out the next stages in the context of in concrete law enforcement against crimes of child sexual violence.

According to Barda Nawawi Arief, the formulation stage or creation of legislation as a process of law enforcement in abstracto is essentially the initial stage, which has a strategic role in law enforcement in concreto, because any error or weakness in the law enforcement stage in abstracto will result in the obstruction of law enforcement efforts in concreto.¹⁶ At the same time, this means that mistakes or weaknesses in legislative policies are strategic mistakes that can be an obstacle to efforts to prevent and control crime at the application and execution stages.¹⁷

In contrast to the renewal of criminal threats in the amendment of the Child Protection Law, which is included in the stage of imposing a crime in abstracto, the stage of imposing a crime by the court is included in the stage of imposing a crime in concreto because it concretizes the

¹⁶ Dudung Indra Ariska, *Yurisdiiksi Asas Oportunitas Dalam Sistem Peradilan Pidana Indonesia (Perspektif Historis, Yuridis, Teori Dan Praktek)* (Yogyakarta: K-Media, 2023).

¹⁷ Joko Sriwido, *Politik Hukum Pidana Dalam Pendekatan Undang-Undang No. 1 Tahun 2023 Tentang KUHP* (Yogyakarta: Kepel Press, 2023).

criminal threat into a case of child sexual violence through a court decision. Some examples of the stage of granting in concrete penalties that have occurred during the last 5 years include¹⁸:

Table 3. Stages of Implementing Punishment

Types of Punishment	Punishment	Quantity
Principal Penalty	The Death Penalty	0
	Imprisonment for life	0
	Imprisonment for a certain period of time	25
	Fine	25
Additional Penalties	Announcement of the identity of the perpetrator	2
	Chemical castration action	6
	Installation of electronic detection devices	1

Source: Data processed in 2025.

The number of updates to the criminal threat in the amendments to the Child Protection Law that have passed the application stage or the stage of imposing a criminal sentence through a court decision above, comes from the stage of imposing a criminal sentence in concreto for 25 examples of child sexual violence crimes that were randomly selected during the period 2020-2024, which included 5 chemical castration sentences as follows:

Table 4. Chemical Castration in Child Sexual Violence Cases During 2020-2024

Year	Number of Cases	Chemical Castration Verdicts
2020	5	0
2021	5	1
2022	5	2

¹⁸ Mahkamah Agung Republik Indonesia, "Direktori Putusan," n.d.

Year	Number of Cases	Chemical Castration Verdicts
2023	5	1
2024	5	2

Source: Data processed in 2025.

The distribution of the stages of imposing in concreto punishment for the 25 cases of child sexual violence crimes, as exemplified above, is an accumulation of each of the 5 first-instance court decisions during the period 2022-2024, which presents the existence of the stages of imposing in concreto punishment in cases of child sexual violence crimes as follows¹⁹:

Table 5. Court Decisions in Child Sexual Violence Cases 2020-2024

No.	Defendant	Crime	Punishment
1	Eliaser Resky P., Makale District Court Decision No: 201/Pid.Sus/2019/ PN. Mak.	Intercourse.	9 years in prison, a fine of Rp. 100 million or 6 months in prison.
2	Indra Ciho, Ternate District Court Decision No: 5/Pid.Sus- Anak/2020/PN. Tte.	Intercourse.	6 months imprisonment with 1 year probation and 100 days of job training.
3	Parsilan, Tuban District Court Decision No: 157/Pid.Sus/2020/ PN.Tbn.	Molestation.	20 years in prison, a fine of Rp. 1 billion, or a subsidiary of 6 months in prison, and the announcement of the perpetrator's identity.
4	Wahyu Triyono, Kediri District	Molestation.	6 years in prison and a fine of Rp. 1 billion,

¹⁹ Mahkamah Agung Republik Indonesia.

No.	Defendant	Crime	Punishment
	Court Decision No: 150/Pid.Sus/2020/PN.Kdr.		subsidiary to 2 months in prison.
5	Safrudin Usman, Larantuka District Court Decision No: 55/Pid.Sus/2020/P N.Lrt.	Molestation.	3 years imprisonment and a fine of Rp. 10 million, subsidiary to 1 month imprisonment.
6	Dian Ansori, Decision of the Sukadana District Court No: 287/Pid.Sus/2020/PN.Sdn.	Intercourse.	20 years in prison, a fine of Rp. 800 million or a subsidiary of 3 months in prison, and chemical castration.
7	Johan Wijaya, Sei Rampah District Court Decision No: 574/Pid.Sus/2020/Pn.Srh.	Molestation.	8 years in prison, a fine of Rp. 500 million or 2 months in prison.
8	Yosep Damianus Pehan Mukin, Larantuka District Court Decision No: 11/Pid.Sus/2021/P N.Lrt.	Intercourse.	5 years imprisonment and a fine of Rp. 100 million, or up to 6 months imprisonment.
9	Akbar Rabrusun, Tual District Court Decision No: 10/Pid.Sus/2021/P N. Tul.	Molestation.	5 years imprisonment and a fine of Rp. 100 million, or a subsidiary to 3 months imprisonment.
10	Muhammad Zakhi, West Jakarta District Court Decision No:	Intercourse.	10 years imprisonment and a fine of Rp. 50 million, or a subsidiary

No.	Defendant	Crime	Punishment
	358/Pid.Sus/2021/ PN.Jkt.Brt.		to 2 months imprisonment.
11	Ali Maulana Adafi, Cirebon District Court Decision No: 262/Pid.Sus/2022/ PN.Cbn.	Intercourse and molestation.	10 years imprisonment and a fine of Rp. 25 million, or a subsidiary to 2 months imprisonment.
12	Muhammad Hadian Noor, Banjarmasin District Court Decision No: 5/Pid.Sus/2022/PN .Bjm.	Intercourse.	15 years in prison, a fine of Rp. 1 billion, subsidiary to 6 months in prison, and 1 year of chemical castration.
13	M. Abdur Rohman Rosyid, Central Jakarta District Court Decision No: 768/Pid.Sus/2021/ PN.Jkt.Pst.	Economic and sexual exploitation. ²⁰	3 years in prison and a fine of Rp. 50 million, or a subsidiary to 2 months in prison.
14	Agung Saputro, Banjarmasin District Court Decision No: 858/Pid.Sus/2022/ PN.Bjm.	Intercourse.	18 years in prison, a fine of Rp. 1 billion, subsidiary to 1 month in prison, and 2 years of chemical castration.
15	Mochammad Rizky, Sidoarjo District Court Decision No:	Intercourse.	6 years in prison and a fine of Rp. 1 billion, subsidiary to 3 months in prison.

²⁰ The necessity for a more specific regulatory framework regarding child exploitation involving the fulfillment of economic needs conducted through online services. Read on Febby Mutiara Nelson and Topo Santoso, "Financial Service Provider and Online Sexual Exploitation of Children: A Lacunae in Indonesia Legal Framework?," *Journal of Law and Legal Reform* 6, no. 1 (2025), <https://doi.org/10.15294/jllr.v6i1.14264>.

No.	Defendant	Crime	Punishment
	648/Pid.Sus/2022/ PN. Sda.		
16	Hendra M., Sawahlunto District Court Decision No: 44/Pid.Sus/2022/P N.Swl.	Molestation.	10 years imprisonment and a fine of Rp. 937,500,000, subsidiary to 3 months imprisonment.
17	Baharuddin Kasim, Buol District Court Decision No: 19/Pid.Sus/2023/P N. Bul.	Intercourse.	16 years in prison, a fine of Rp. 1 billion, or a subsidiary of 6 months in prison, announcement of the perpetrator's identity, chemical castration, and installation of an electronic detector for 2 years.
18	Suwandi, Wonosari District Court Decision No: 17/Pid.Sus/2023/P N. Wno.	Intercourse.	13 years in prison and a fine of Rp. 1 billion, subsidiary to 3 months in prison.
19	Tofik Budiman, Brebes District Court Decision No: 63/Pid.Sus/2023/P N.Bbs.	Intercourse.	12 years in prison and a fine of Rp. 300 million, a subsidiary to 6 months in prison.
20	Rian Antoni, Palembang District Court Decision No: 564/Pid.Sus/2023/ PN.Plg.	Molestation.	12 years imprisonment and a fine of Rp. 1 billion, subsidiary to 4 months imprisonment.
21	Edo Saputra Warlianto, Cilacap	Intercourse.	8 years in prison and a fine of Rp. 10 million,

No.	Defendant	Crime	Punishment
	District Court Decision No: 306/Pid.Sus/2023/ PN.Clp.		subsidiary to 6 months in prison.
22	Muhammad Alvi Rabbani Nuryana, Yogyakarta District Court Decision No: 366/Pid.Sus/2023/ PN. Yyk.	Intercourse.	5 years imprisonment and a fine of Rp. 3 million, or a subsidiary to 1 month imprisonment.
23	Gusti Nasrudin Sidik, Banjarmasin District Court Decision No: 859/Pid.Sus/2022/ PN.Bjm.	Intercourse.	18 years in prison, a fine of Rp. 1 billion, subsidiary to 4 months in prison, and 2 years of chemical castration.
24	Heriyanto, Tanjungkarang District Court Decision No: 526/Pid.Sus/2024/ PN.Tjk.	Intercourse.	13 years in prison, a fine of Rp. 1 billion, and a subsidiary of 6 months in prison.
25	Sirlus Nahak Seran, Decision of the Pangkalan Balai District Court No: 296/Pid.Sus/2024/ PN.Pkb.	Intercourse.	20 years in prison, a fine of Rp. 1 billion, subsidiary to 6 months in prison, and 2 years of chemical castration.

Source: Supreme Court of the Republic of Indonesia in 2025.

After going through the stage of determining the crime by the lawmakers and the stage of imposing the crime by the court, the last stage taken to realize the criminal law policy in dealing with the crime of child

sexual violence is the stage of criminal execution by the criminal execution apparatus. As a conclusion to the stage of criminal law enforcement, this stage is the culmination of a series of rational efforts or processes deliberately planned to achieve a specific goal, forming an unbroken chain of activities that originate from values and lead to criminality.²¹

According to Muladi, the execution stage is the stage of implementing criminal law concretely by criminal enforcement officials, also known as the executive or administrative policy stage.²² This stage is also included in the stage of imposing a criminal sentence in concreto, as well as in the stage of imposing a crime by the court, because it is a concrete form of the execution of criminal threats under the amendment to the Child Protection Law for convicts carried out by criminal enforcement officials.

The process of finalizing criminal justice, which leads to the implementation of court decisions with legal force, still makes execution the most important part of the series of law enforcement against a crime. According to Allan Rouwman Supit, every decision must be enforceable, because it would be meaningless if it could not be executed, as it is known that a judge's decision will at any time become a decision with permanent legal force.²³

Of the many updates on criminal threats in the amendment of the Child Protection Law that received attention during the in abstracto criminal sentencing stage and the in concrete criminal sentencing stage, the emergence of sanctions for actions in the form of chemical castration as stipulated in the Government Regulation, instead of Law No. 1 of 2016, which was later promulgated into Law No. 17 of 2016.

The Mojokerto District Court, in its history, is recorded as the first court of first instance that pioneered the imposition of chemical castration in child sexual violence crimes in Indonesia. Through Decision No: 69/Pid.Sus/2019/PN.Mjk, the Mojokerto District Court imposed the act of chemical castration in the case of child rape committed by Muh. Aris is

²¹ Sriwidodo, *Politik Hukum Pidana Dalam Pendekatan Undang-Undang No. 1 Tahun 2023 Tentang KUHP*.

²² Maidin Gultom, *Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia* (Bandung: Refika Aditama, 2021).

²³ Allan Rouwman Supit, "Pelaksanaan Putusan Perkara Pidana Yang Telah Berkekuatan Hukum Tetap Menurut Kitab Undang-Undang Hukum Acara Pidana," *Lex Privatum* 4, no. 7 (2016).

serving a 12-year prison sentence and a fine of Rp. 100 million rupiah in addition to a 6-month imprisonment.²⁴

Based on a search of the verdict documents on the Supreme Court's decision directory page and information obtained from mass media reports, until now, there have been 8 convicts sentenced to chemical castration by the District Court as part of the stage of imposing a sentence in concreto in the case of child sexual violence crimes that occurred during the period 2019-2024, namely:

Table 6. Chemical Castration Verdict in Child Sexual Violence Crime Cases in 2019-2024

No	Convicted	Year	District Courts
1	Muh. Aris bin Syukur ²⁵	2019	Mojokerto
2	Rahmat Slamet Santoso ²⁶	2019	Surabaya
3	Dian Ansori ²⁷	2021	Sukadana
4	Muhammad Hadian Noor	2022	Banjarmasin
5	Agung Saputro	2022	Banjarmasin
6	Baharuddin Kasim ²⁸	2023	Buol
7	Gusti Nasrudin Sidik	2024	Banjarmasin
8	Sirlus Nahak Seran	2024	Pangkalan Balai

Source: Data processed in 2025.

All of the above chemical castration verdicts are generally decisions that have permanent legal force and are waiting for the execution stage after the end of the main sentence that the convict is undergoing. However, there was also a chemical castration verdict, which was later canceled, as in the Sukadana District Court Decision No. 287/Pid.Sus/2020/PN.Sdn dated February 9, 2021, following the granting of the legal remedies of the Appeal filed by the convict Dian

²⁴ Ishomuddin, "Vonis Kebiri Kimia, Hakim PN Mojokerto: Perbuatan Terdakwa Sadis," *Tempo*, 2019.

²⁵ Ishomuddin.

²⁶ CNN Indonesia, "Daftar Vonis Hukuman Kebiri Bagi Terdakwa Kekerasan Seksual," 2022.

²⁷ CNN Indonesia.

²⁸ Reny Sri Ayu Arman, "Ketika Hakim Jatuhkan Hukuman Kebiri Pertama Di Sulteng," 2023.

Ansori based on the Tanjungkarang High Court Decision No: 42/Pid/2021/PT.Tjk dated March 22, 2021.

B. Obstacles to Criminal Law Policy in the Implementation of Chemical Castration Execution

The main obstacles found from the research on criminal law policy in the implementation of chemical castration execution in Indonesia include:

First, obstacles related to the delay in implementing chemical castration. The delay in question is not a delay caused by the fact that the convict escaped, but a delay caused by the fact that the convict was declared unfit to be subjected to a chemical castration act that requires a repeat examination of the convict.

In contrast to the procedure applied to convicts who are declared eligible to be subjected to chemical castration, convicts who are declared unfit to be subjected to chemical castration will first experience a delay in the execution of chemical castration in accordance with Article 10 of Government Regulation No. 70 of 2020.

The delay in the execution of chemical castration is a procedure taken if there are examination results that conclude that a convict is declared unfit to be subjected to chemical castration. This means that a convict will not be completely declared unfit to be subjected to chemical castration until he returns to the same conclusion from the results of the examination conducted in the next examination process.

This means that a convict who is declared unfit to be subjected to chemical castration will not immediately experience the cancellation of the execution of chemical castration, because he still has to undergo a second examination, even though in the previous examination he was declared unfit to be subjected to chemical castration.

The repetition of examinations of convicts who have been declared unfit to be subjected to this chemical castration act can not only encourage the emergence of legal uncertainty regarding the implementation of chemical castration acts that will be undergone by convicts, but also concerns about the use of the act as a means of punishment that is not in accordance with and contrary to the purpose of holding sanctions for the sake of coaching or improvement against the convict.

Second, obstacles related to the unavailability of forms of rehabilitation or treatment that should be able to be given to every convict who was sentenced to chemical castration. Not only limited to convicts who undergo chemical castration execution, but also to other convicts who have had their chemical castration execution canceled because they were declared unfit to be subjected to chemical castration.

In contrast to convicts who undergo chemical castration executions, who receive treatment in the form of psychiatric rehabilitation, social rehabilitation, and medical rehabilitation, convicts who undergo the cancellation of chemical castration executions do not receive rehabilitation in any form that is an alternative to the treatment that can be provided according to their conditions and needs.

Only convicts who undergo chemical castration execution receive rehabilitation or treatment in the implementation of chemical castration acts. Meanwhile, other convicts who have had their chemical castration executions canceled do not get rehabilitation in any form at all as part of the treatment that can be given to them. In fact, it is known that rehabilitation is equally needed for the treatment of excessive sexual desire disorders experienced by convicts, not only for convicts who undergo chemical castration executions but also for other convicts who have had their chemical castration execution canceled.

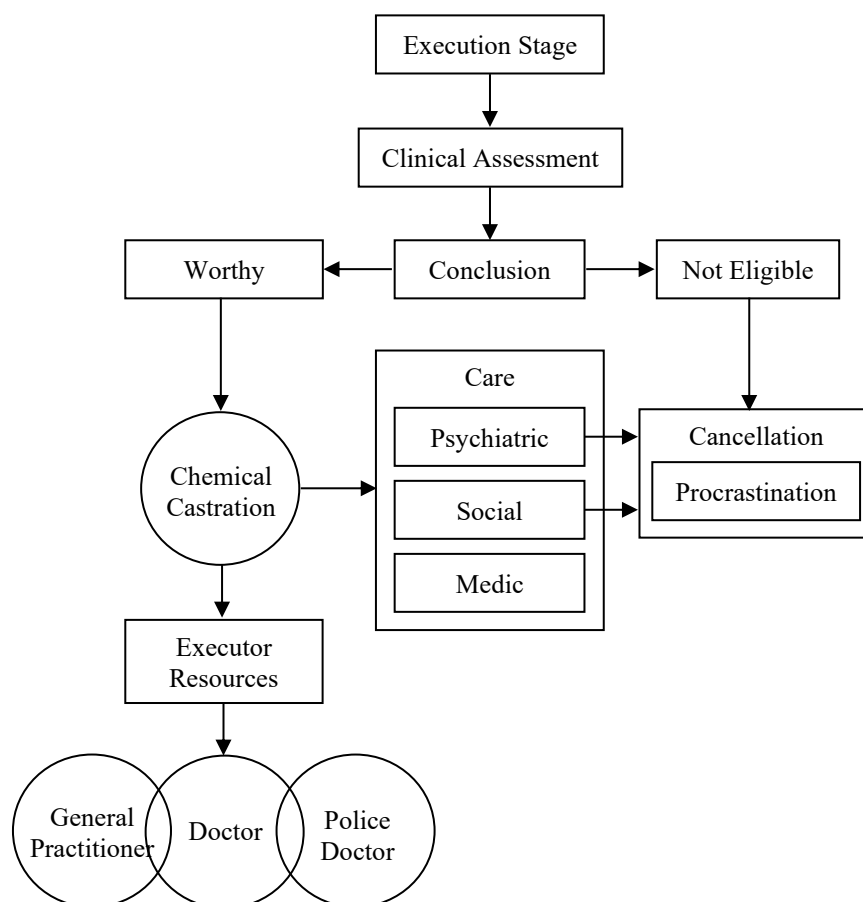
Third, obstacles related to the rejection of doctors as executors of chemical castration must be anticipated by the prosecutor as the person in charge of the execution of chemical castration. The prosecutor is required to pursue a middle ground that is a solution, considering his obligation to continue acting on the question before the end of the main sentence the convict is serving.

In this regard, prosecutors need to prepare executive resources that can replace the involvement of doctors in the execution of chemical castration while still requiring the fulfillment of qualifications and competencies in the health sector in accordance with the provisions of laws and regulations. One of them is through the implementation of police duties in the implementation of Police Medicine, so that there is legal certainty for the implementation of chemical castration executions, which are planned to take place for the first time in 2031.

C. Reconstruction of Criminal Law Policy in the Implementation of Chemical Castration Execution

Starting from the idea and idea of the importance of the treatment aspect of excessive sexual desire disorder experienced by convicts and the availability of alternative executor resources in the implementation of chemical castration execution, it is necessary to have a reconstruction of criminal law policies related to the substance of regulating and implementing chemical castration executions that can correct errors or weaknesses of the law enforcement process in abstracto that can support the enforcement process In Concreto Law on the Crime of Child Sexual Violence in the Future, with the following changes:

Chart 1. Reconstruction of the Implementation of Chemical Castration Execution



Source: Processed data, Year 2025

First, the amendment concerns the delay in the execution of convicts who have been declared unfit to be subjected to chemical castration based on the provisions of Article 10 Paragraph (1) of Government Regulation No. 70 of 2010: “If the conclusion as referred to in Article 8 states that the perpetrator of intercourse is not fit to be subjected to chemical castration, the implementation of the chemical castration act is postponed for a maximum of 6 months”.

This change is made by abolishing the provisions of Article 10 Paragraph (1) of Government Regulation No. 70 of 2020 to avoid delays that occur due to the repeated examination of convicts who have been declared unfit to be subjected to chemical castration in accordance with the provisions of Article 10 Paragraph (2) of Government Regulation No. 70 of 2020: “During the postponement period as referred to in paragraph (1), a clinical re-assessment and re-conclusion are carried out to determine whether or not it is feasible to be subjected to chemical castration”.

Second, the change regarding the cancellation of execution regulated in Article 10 Paragraph (3) of Government Regulation No. 70 of 2020 follows an amendment to the provisions of Article 10 Paragraph (1) of Government Regulation No. 70 of 2020, which transfers the status of convicts who have experienced delays in the implementation of chemical castration executions to convicts who have experienced the cancellation of chemical castration executions.

This amendment was made by abolishing the provisions of Article 10 Paragraph (2) of Government Regulation No. 70 of 2020 which requires the resumption of examinations of convicts who have been declared unfit to be subjected to chemical castration and revising the provisions for cancellation of execution that apply in Article 10 Paragraph (3) of Government Regulation No. 70 of 2020: “If the clinical reassessment and re-conclusion as intended in paragraph (2) still declare the perpetrator of intercourse inappropriate, the prosecutor shall notify in writing to the court that decided the case at the first level by attaching the results of the re-assessment and re-conclusion”.

Third, the change concerns the availability of a form of rehabilitation for convicts who have experienced the cancellation of chemical castration executions in accordance with the rehabilitation provisions applicable to convicts who undergo chemical castration execution in Article 18

Paragraph (1) of Government Regulation No. 70 of 2020: “Rehabilitation is given to perpetrators of sexual intercourse who are subjected to chemical castration in the form of: (a) Psychiatric rehabilitation, (b) Social rehabilitation, and (c) Medical rehabilitation”.

This change is carried out by adjusting the form of rehabilitation that can be given to convicts who have undergone the cancellation of chemical castration executions in accordance with their conditions and needs, referring to the forms of rehabilitation provided for convicts undergoing chemical castration execution, especially in the form of: (a) Psychiatric rehabilitation, namely efforts to restore mental health and improve skills to be able to carry out daily life activities, and (b) Social rehabilitation, which is the process of re-functionalization and development to enable a person to be able to carry out his social functions reasonably in people's lives.

The necessity to provide rehabilitation to convicts who have experienced the cancellation of chemical castration executions is none other than an effort to distribute care equally to each convict according to their conditions and needs. Because treatment for excessive sexual desire disorders is actually not only necessary for convicts who undergo chemical castration executions, but also for other convicts who have had their chemical castration executions canceled. In addition, eliminating alternative treatment for convicts who have undergone the cancellation of chemical castration executions is tantamount to allowing them to repeat their actions.

The provision of treatment to convicts who have had their chemical castration execution canceled rests on the core of treatment teachings that encourage criminalization of the perpetrator of the crime, and not on their deeds²⁹, focusing on providing help³⁰, and improving the perpetrators of the crime at the same time³¹ to minimize the recurrence of the crimes they committed.

²⁹ Joko Sriwidodo, *Kajian Hukum Pidana Indonesia; Teori Dan Praktek* (Yogyakarta: Kepel Press, 2019).

³⁰ Mahrus Ali, *Dasar-Dasar Hukum Pidana* (Jakarta: Sinar Grafika, 2012).

³¹ Ali; Nurhayati Mardin et al., “Comparative Law Study: Sentencing of Sexual Violence Perpetrators Who Have Deviant Sexual Behavior,” *Jambura Law Review* 4, no. 2 (2022), <https://doi.org/10.33756/jlr.v4i2.15132>.

According to Yong Ohoitumur, treatment theory has a distinctive feature in its process of resocializing the perpetrator, restoring a person's social and moral qualities so they can reintegrate into society.³² According to Herbert L. Packer, the main purpose of treatment is to provide benefits or to improve the person concerned. The focus is not on his past or future actions, but on the purpose of helping him. So, the basis of justification for treatment is the view that the person concerned will or may become better³³, especially now that the crime of child sexual violence is considered a psychiatric disorder, so that the perpetrator needs to get psychological services from a psychiatrist or psychologist.³⁴

The idea of encouraging rehabilitation to convicts who have had their chemical castration executions canceled cannot be separated from the influence of progressive legal teachings that emphasize the importance of law reform in overcoming dissatisfaction with the functioning of the law in society. Law No. 17 of 2016 is no exception, which is considered to have not provided the same space and opportunity for every convict sentenced to chemical castration to get treatment that suits their conditions and needs.

According to M. Syamsudin, progressive legal theory requires law enforcement not to be shackled by merely implementing laws and regulations, but to respond to, or be responsive to, the legal will of the community.³⁵ According to Romli Atmasasmita, progressive legal theory is built on the assumption that law is for humans, not for itself, but for something broader and bigger. Whenever there is a problem in and with the law, it is the law that is reviewed and corrected, not the human being who is forced to be incorporated into the legal system.³⁶

Similar rehabilitation has been practiced in Law No. 12 of 2022 on the Crime of Sexual Violence, which now regulates the provision of

³² M. Sholehuddin, *Sistem Sanksi Dalam Hukum Pidana; Ide Dasar Double Track System Dan Implementasinya* (Jakarta: PT. RajaGrafindo Persada, 2018).

³³ Arief and Muladi, *Teori-Teori Dan Kebijakan Pidana*.

³⁴ Nuzul Qur'aini Mardiyah, "Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual," *Jurnal Konstitusi* 14, no. 1 (2017): 213–33, <https://doi.org/https://doi.org/10.31078/jk14110>.

³⁵ M. Syamsudin, *Konstruksi Baru Budaya Hukum Hakim Berbasis Hukum Progresif* (Jakarta: Kencana Prenada Media Group, 2012).

³⁶ Romli Atmasasmita, *Teori Hukum Integratif, Rekonstruksi Terhadap Teori Hukum Pembangunan Dan Teori Hukum Progresif* (Yogyakarta: Genta Publishing, 2012).

medical rehabilitation and social rehabilitation to all perpetrators of sexual violence crimes. Based on this linkage, there is the same opportunity to provide rehabilitation to convicts who have had the cancellation of chemical castration executions, as well as rehabilitation given to other perpetrators of sexual violence crimes. Meanwhile, specifically for convicts who have undergone the cancellation of chemical castration execution, the forms of rehabilitation or treatment proposed to be provided include: (a) Psychiatric rehabilitation, which is an effort to restore mental health and improve the skills of convicts to be able to carry out daily life activities, and (b) Social rehabilitation, which is a process of re-functionalization and development to enable convicts to be able to carry out their social functions reasonably in people's lives.

The submission of the two forms of rehabilitation for convicts who have experienced the cancellation of the execution of chemical castration, among others, is based on the following considerations: (a) Psychiatric rehabilitation and social rehabilitation are forms of rehabilitation that are both given to perpetrators of sexual violence crimes in Law No. 12 of 2022. Psychiatric rehabilitation in Law No. 12 of 2022 is included in the medical rehabilitation group, while social rehabilitation is included in one form of mental and social rehabilitation, such as physical rehabilitation, psychological rehabilitation, and spiritual mental rehabilitation. According to Putri Diah Maka Suci and Yana Inawati, both psychosocial rehabilitation in Law No. 12 of 2022 and social rehabilitation in Law No. 35 of 2014 have similarities³⁷, and (b) psychiatric rehabilitation and social rehabilitation are more likely to be provided to convicts who have had their execution canceled because they are not related to the need to carry out treatment for risks or health problems arising as a result of the implementation of chemical castration, such as decreased sexual arousal, *osteoporosis*, and anemia.

Fourth, the changes concern the addition of executor resources from Police Doctors in each Police Hospital or Bhayangkara Hospital in every Regency/City area throughout Indonesia, whose jurisdiction includes the District Court, which punishes chemical castration, and the District

³⁷ Putri Diah Maka Suci and Yana Indawati, "Pemenuhan Rehabilitasi Psikososial Anak Korban Tindak Pidana Kekerasan Seksual Apabila Pelaku Meninggal Dunia," *Legal Spirit* 9, no. 2 SE-Articles (September 2025): 423–36, <https://doi.org/10.31328/lis.v9i2.5849>.

Attorney's Office, which is responsible for the implementation of the execution of chemical castration.

Of the many police duties regulated in Article 14 paragraph (1) of Law No. 2 of 2002 on the Police, the implementation of Police Medicine is the most relevant part to be proposed as an alternative in the context of executing chemical castration in accordance with Article 3 jo. Article 9, letter b of Government Regulation No. 70 of 2020, which consists of forensic medicine, forensic odontology, and forensic psychiatry, is necessary to support the implementation of police duties. The definition of Police Medicine itself, according to the Regulation of the National Police Chief No. 12 of 2011 on Police Medicine, is the application of medical science and technology and its supporting sciences for the benefit of police duties.

According to Barda Nawawi Arief, the national police, in carrying out their duties, play a dual role both as law enforcement and as social workers in social and community aspects (service and devotion).³⁸ Law enforcement requires that the police stand above the rule of law. On the other hand, the police also carry out social duties, paying attention to the values that live in the community.³⁹

According to Satjipto Rahardjo, among the law enforcement jobs, police work is the most interesting. This is interesting because in it involves a lot of human decision-making. The police can, in essence, be seen as a living law because, in the hands of the police, the law manifests itself, at least in the field of criminal law, if the law aims to create order in society, including by fighting crime. Finally, the police will determine exactly what is meant by law enforcement.⁴⁰

The submission of Police Medicine as an alternative that can assist in the implementation of the prosecutor's duties in the implementation of chemical castration execution, is a necessity that can be applied following various opinions submitted by, among others: (a) Head of Public Relations

³⁸ Kasman Tasaripa, "Tugas Dan Fungsi Kepolisian Dalam Perannya Sebagai Penegak Hukum Menurut Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian," *Jurnal Ilmu Hukum Legal Opinion* 1, no. 2 (2013): 1–9.

³⁹ Ryanto Ulil Anshar and Joko Setiyono, "Tugas Dan Fungsi Polisi Sebagai Penegak Hukum Dalam Perspektif Pancasila," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (August 2020): 359–72, <https://doi.org/https://doi.org/10.14710/jphi.v2i3.359-372>.

⁴⁰ Rahardjo, *Penegakan Hukum: Suatu Tinjauan Sosiologis*.

of the National Police, Inspector General of Police Boy Rafli Amar⁴¹, (b) Soetedjo, Julitasari Sundoro, and Ali Sulaiman⁴², (c) Saharuddin Daming⁴³, (d) Ali Dahwir and Barhamudin⁴⁴, (e) Neta S. Pane⁴⁵, and (f) Jusuf Kalla.⁴⁶

By encouraging the involvement of the police in the implementation of chemical castration executions, the prosecutor is expected to be able to overcome the problem of voiding executors whose legality can meet the requirements in accordance with Government Regulation No. 70 of 2020, namely having competence in the health sector, and in accordance with the provisions of Article 14 paragraph (1) letter l of Law No. 2 of 2002, namely to carry out other duties in accordance with laws and regulations.

The technical support of the police in the implementation of prosecutors' duties in criminal executions is not the first time it has been carried out. The same assistance has long been provided in the implementation of the execution of the death penalty involving the unit of the Mobile Brigade based on Presidential Decree No. 2/PNPS/1964 on Procedures for the Execution of the Death Penalty imposed by the Court in the General and Military Judiciary and the Decree of the Head of the Mobile Brigade Corps No. Pol.: Skep/122/VIII/2007 on the Guidebook for the Implementation of the Execution of Death Row Prisoners, which was later revoked and declared invalid based on the Regulation National Police Chief No. 12 of 2010 on Procedures for the Implementation of the Death Penalty.

The option of transferring the execution of chemical castration through the implementation of the main duties of the police in the implementation of Police Medicine needs to be further affirmed and

⁴¹ Esthi Maharani, "Dokter Kepolisian Siap Jadi Eksekutor Hukuman Kebiri," *Republika*, 2016.

⁴² Soetedjo Soetedjo, Julitasari Sundoro, and Ali Sulaiman, "Tinjauan Etika Dokter Sebagai Eksekutor Hukuman Kebiri," *Jurnal Etika Kedokteran Indonesia* 2, no. 2 (2018): 67.

⁴³ Saharuddin Daming, "Mengkaji Pidana Kebiri Kimia Dalam Perspektif Medis, Hukum Dan HAM," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 9, no. 1 (2020): 22–29, <https://doi.org/https://doi.org/10.14421/sh.v9i1.1803>.

⁴⁴ Ali Dahwir and Barhamudin Barhamudin, "Penerapan Sanksi Kebiri Kimia Terhadap Pelaku Tindak Pidana Seksual Terhadap Anak," *Jurnal Solusi* 19, no. 3 (2021): 302–20, <https://doi.org/https://doi.org/10.1234/solusi.v19i3.422>.

⁴⁵ Esthi Maharani, "IPW Sarankan Dokter Polisi Jadi Eksekutor Hukuman Kebiri," *Republika*, 2016.

⁴⁶ Rina Atriana, "IDI Tolak Dokter Jadi Eksekutor Kebiri Kimia, JK: Ya Sudah Pakai Dokter Polisi Saja," *Detiknews*, 2016.

regulated in Law No. 17 of 2016 and Government Regulation No. 70 of 2020 as well as the legality given in the implementation of the execution of the death penalty based on Presidential Decree No. 2/PNPS/1964 and the Regulation of the National Police Chief No. 12 of 2010.

The addition of police medical executors as an alternative in the implementation of chemical castration executions is considered insufficient if it only relies on laws and regulations at the level of ministerial regulations, namely the regulations of the minister of health, because they have a lower position than government regulations. Specifically regarding this, it is proposed that there be an amendment to Government Regulation No. 70 of 2020, which also regulates the appointment of Police Medicine as an alternative executor resource that the prosecutor can order to carry out chemical castration.

Through the adjustment measures as proposed above, there should be a sufficient portion for the police medicine to act as an executor prepared to replace the involvement of doctors in the execution of chemical castration. Furthermore, it is a manifestation of the police's duties in uphold the law and enforce court decisions.

Conclusion

Reconstruction of criminal law policy in the implementation of chemical castration execution needs to be directed at efforts to improve the substance of the regulation and implementation of execution so that it is oriented towards providing care to convicts and ensuring the availability of alternative resources for chemical castration executors, which is carried out by: (1) revising Government Regulation No. 70 of 2020 to: (a) eliminate the procedure for postponing execution which requires repeating the examination of convicts who have previously been declared unfit to undergo chemical castration, (b) changing the status of convicts who have experienced a postponement of execution to convicts who have had their chemical castration execution cancelled, and (c) adjusting the form of rehabilitation that can be given to convicts who have had their chemical castration execution cancelled by referring to the forms of rehabilitation provided for convicts undergoing chemical castration execution, (2) strengthening coordination between institutions, and (3) integrating the

option of adding Police Medicine into the criminal justice system which will be prepared by prosecutors to act as chemical castration executors.

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