

# The Application Of Chemical Castration Punishment For Child Sexual Violence Offenders From The Perspective Of Indonesian Criminal Law

*Isditta Chaula Liani* 

Universitas Negeri Semarang, Semarang, Indonesia  
[Isditta9@students.unnes.ac.id](mailto:Isditta9@students.unnes.ac.id)

*Rasdi* 

Universitas Negeri Semarang, Semarang, Indonesia  
[mr.rasdi@mail.unnes.ac.id](mailto:mr.rasdi@mail.unnes.ac.id)

## Abstract

The phenomenon of sexual violence against children in Indonesia has reached a state of emergency, prompting the government to establish chemical castration sanctions through Law No. 17 of 2016 and Government Regulation No. 70 of 2020. However, this policy has sparked debate regarding the disharmony of norms with the sentencing system in the Criminal Code (KUHP) and ethical obstacles within the medical profession regarding its implementation. This study aims to analyze the legal standing of chemical castration from the perspective of Indonesian criminal law and



identify the juridical obstacles hindering its effective implementation. The research method employed is normative juridical with a statutory approach (*statute approach*). Data were collected through literature studies of primary and secondary legal materials and subsequently analyzed qualitatively. The results indicate a legal ambiguity regarding the status of chemical castration, oscillating between a criminal penalty (*straf*) and a treatment measure (*maatregel*). Although Law No. 1 of 2023 (the New Criminal Code) adopts a corrective justice paradigm, synchronization of norms remains necessary to ensure the policy has a solid legal foundation.<sup>1</sup> Primary implementation obstacles include the refusal of medical personnel based on professional ethics, limited facilities, and a lack of clarity in execution mechanisms. This study recommends an evaluation of technical regulations to guarantee legal certainty and maximum protection for children without disregarding human rights principles.

## KEYWORDS

Chemical Castration, Child Sexual Violence, Criminal Law, Legal Effectiveness.

## Introduction

Children are a trust and blessing from God Almighty who possess dignity and worth as complete human beings and occupy a strategic position as the nation's next generation. Therefore, their existence should not be viewed merely in a biological dimension, but also in moral, social, and constitutional dimensions that determine the future direction of the

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<sup>1</sup> Angelica Suciara et al., "Penerapan Pidana Tambahan Dalam Kuhp Baru: Kebiri Kimia Dan Publikasi Identitas Pelaku Percabulan Anak," *Jurnal Multidisiplin Dehasen (MUDE)* 4, no. 2 (2025): 319–24, <https://doi.org/10.37676/mude.v4i2.8273>.

country.<sup>2</sup> In their position as a vulnerable group, children have the right to receive special protection so they can grow and develop optimally physically, mentally, and socially without the shadow of violence, exploitation, discrimination, or treatment that degrades their human dignity. This vulnerability arises from the condition of children who are still in psychological and emotional developmental stages, thus lacking full ability to protect themselves from various forms of threats. Therefore, the responsibility for protection is not only placed on parents and families, but also becomes a collective obligation of the state and society. The state's commitment to child protection has been constitutionally affirmed in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which guarantees children's rights to survival, growth, and development, as well as protection from all forms of violence and discrimination. This means that every public policy, including criminal law policy, must be oriented toward the best interests of the child as a fundamental principle in the national legal system.

Nevertheless, social reality shows that criminal acts of sexual violence against children are still rampant and even display increasingly complex tendencies along with technological developments and changes in patterns of social relations, thereby expanding the space for crimes to occur both in the physical and digital realms. Sexual violence against children not only causes physical suffering in the form of injuries or health problems, but also long-term psychological trauma such as depression, post-traumatic stress disorder, prolonged fear, loss of self-confidence, and difficulties in building social relationships in the future, which cumulatively can damage the quality of life of victims into adulthood and hinder their optimal growth and development.<sup>3</sup> In addition, the impact also extends to the victim's

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<sup>2</sup> Arini Indah Nihayaty Atikah Mardhiya Rohmy, Setiyono Setiyono, "PENJATUHAN TINDAKAN KEBIRI KIMIA TERHADAP PELAKU KEJAHATAN SEKSUAL PADA ANAK DITINJAU DARI SISTEM PEMIDANAAN," *Jurnal Fakultas Hukum Universitas Muhammadiyah Jember*, 2021.

<sup>3</sup> A. Bahrul Mufid Enik Isnaini, SH, MH, M. Yanto, SH, MH, Suisno, S.H, M.Hum, "Kebiri Kimia Dalam Perspektif Sistem Pidana Indonesia Pasca KUHP Nasional," 2025.

family and social environment through stigma, psychological pressure, and disruption of social stability, so this crime cannot be viewed as an ordinary offense but rather as an extraordinary crime because it attacks the integrity of the body, human dignity, and the rights of children as the nation's next generation. Ultimately, it threatens the sustainability and quality of human resources in the future, thus demanding a legal response that is firm, comprehensive, and extraordinary as well.

As a form of response to these conditions, the state renewed criminal law policy through Law Number 17 of 2016 on Child Protection, which introduced an additional criminal sanction in the form of chemical castration for perpetrators of sexual violence against children as an extraordinary measure in dealing with crimes that are also categorized as extraordinary.<sup>4</sup> This regulation was later clarified through Government Regulation Number 70 of 2020 concerning Procedures for the Implementation of Chemical Castration, which details the procedures, stages of clinical examination, implementation, and supervision of the measure so that it remains within the framework of law and medical prudence.<sup>5</sup> Chemical castration is positioned as a criminal law instrument aimed at providing a deterrent effect while preventing the repetition of criminal acts (recidivism) by suppressing the sexual drive of perpetrators through the administration of certain chemical substances for a specified period of time. Thus, its focus is not solely on retribution, but also on efforts to protect society and control future risks. Accordingly, this policy reflects a shift in the paradigm of punishment from a conventional approach that only emphasizes imprisonment toward a more preventive and protective approach, in which the state actively intervenes in biological factors

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<sup>4</sup> Hanafi Hanafi, "Eksistensi Sanksi Pidana Kebiri Kimia Dalam Kebijakan Hukum Nasional Ditinjau Pada Perspektif Hukum Dan Hak Asasi Manusia Di Indonesia," *Al-Adl : Jurnal Hukum* 16, no. 2 (2024): 127, <https://doi.org/10.31602/al-adl.v16i2.15808>.

<sup>5</sup> Indonesia, "Nomor 70 Tahun 2020 Tentang Tata Cara Pelaksanaan Tindakan Kebiri Kimia, Pemasangan Alat Pendeteksi Elektronik, Rehabilitasi, Dan Pengumuman Identitas Pelaku Kekerasan Seksual Terhadap Anak," no. 031530 (2016): 1–23.

considered to contribute to the occurrence of sexual crimes against children.<sup>6</sup>

The implementation of the chemical castration policy was first reflected in Decision Number 69/Pid.Sus/2019/PN.Mjk. against the convict Aris. In that decision, the defendant was sentenced to 12 (twelve) years of imprisonment, a fine, as well as an additional punishment in the form of chemical castration and rehabilitation. Normatively, the imposition of this additional punishment was in accordance with the provisions of Article 81 paragraph (7) and Article 81A (4) of Law Number 17 of 2016, which grant judges the authority to impose chemical castration as an additional punishment to be carried out after the main sentence has been served.

However, at the time the decision was handed down, the implementing regulation in the form of Government Regulation Number 70 of 2020 had not yet been issued, so the execution of chemical castration did not have a clear technical mechanism. This condition created a vacuum of operational norms and caused its implementation to be postponed. After the regulation came into force, chemical castration obtained a procedural basis through mechanisms such as clinical assessment, involvement of medical teams, a maximum time limit of two years, as well as rehabilitation and supervision. Nevertheless, in the context of Aris's case, the measure still could not be carried out because the convict was still serving the main sentence of imprisonment, so its implementation must wait until the time requirements stipulated in the legislation are fulfilled.

Although normatively the policy of chemical castration already has a legal basis, its implementation raises complex juridical problems within the perspective of Indonesian criminal law. One fundamental issue is the lack of harmony between the regulation of chemical castration in the Child Protection Law and the penal system recognized in the Criminal Code (KUHP). In the construction of the old KUHP, types of punishment were

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<sup>6</sup> TA Ma'ruf A Pratiwi, N Arsyad, "Kebijakan Sanksi Hukum Kebiri Kimia Terhadap Pelaku Kekerasan Seksual Dari Perspektif Hak Asasi Manusia," *LEGAL DIALOGICA* 1, no. 1 (2025): 1–20.

formulated in a limited manner, raising the question of whether chemical castration can be classified as an additional punishment (*straf*) or instead as a measure (*maatregel*) oriented toward community protection. The position of chemical castration lies in a gray area between additional punishment (*straf*) and measure (*maatregel*), creating legal uncertainty regarding its classification and mechanism of application within the criminal justice system. This lack of clarity in classification has implications for the technical aspects of sentencing, ranging from judicial considerations in verdicts, the duration of the measure's implementation, to its relation with the principal punishment of imprisonment.<sup>7</sup> From the perspective of the principle of legality (*nullum crimen, nulla poena sine lege*), every type of sanction must be formulated clearly and explicitly so as not to create multiple interpretations and to guarantee legal certainty for both the defendant and law enforcement officials.

Apart from the issue of legal standing, the implementation of chemical castration also raises debates from a human rights perspective, particularly regarding the principle of prohibition against inhumane treatment and degrading human dignity.<sup>8</sup> This debate stems from the view that intervention in the biological functions of a person's body can potentially be regarded as a form of treatment that goes beyond conventional punishment, especially if it is not carried out with strict medical standards and legal procedures. At the implementation level, this policy faces significant juridical obstacles, including rejection from the medical profession bound by the medical code of ethics and the absence of comprehensive regulations regarding legal protection for medical personnel as executors of chemical castration. Such rejection is based on the ethical

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<sup>7</sup> Bondery Posthma Jonathan Manurung, Elko L. Mamesah, and Herlyanty Y. A. Bawole, "KAJIAN YURIDIS TERHADAP HUKUMAN KEBIRI KIMIA ATAS PELAKU KEKERASAN SEKSUAL TERHADAP ANAK MENURUT HAK ASASI MANUSIA," *Lex Crimen* Vol. X/No. (2021), file:///C:/Users/User/Downloads/Kajian\_Yuridis\_Terhadap\_Hukuman\_Kebiri\_K.pdf.

<sup>8</sup> 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>.

principle that doctors are fundamentally obliged to heal and maintain the health of patients, not to perform actions that directly restrict a person's biological functions unless for clear therapeutic purposes. On the other hand, if medical personnel continue to carry out the mandate of the law without clear legal protection, there is concern about the risk of future ethical or legal claims. This condition reflects a gap between legal norms in theory (*das Sollen*) and practical reality (*das Sein*), which impacts the low effectiveness of chemical castration as a legal instrument for child protection. Without harmonization of norms, clarity of sanction classification, and guarantees of protection for its technical executors, this policy risks becoming merely a symbol of legal firmness without being optimally realized in criminal justice practice.

Previous studies have tended to focus their examination of chemical castration on aspects of human rights, medical impacts, or the partial effectiveness of punishment, so the analyses produced are often sectoral and have not fully addressed the fundamental issue of the position of chemical castration within the structure of the national criminal law system. An approach that is too narrowly focused on one particular dimension risks neglecting the interconnection between normative, theoretical, and implementative aspects, which in fact determine the success of a criminal policy. Meanwhile, studies that comprehensively place chemical castration within the framework of Indonesia's criminal law system—particularly regarding its legal standing and juridical obstacles in implementation—remain relatively limited, even though these issues have direct implications for legal certainty, the legitimacy of sanction enforcement, and the effectiveness of child protection as victims. The lack of studies integrating perspectives of punishment theory, the principle of legality, criminal law politics, and judicial practice has caused discourse on chemical castration to often become trapped in normative debates without concrete systemic

solutions.<sup>9</sup> Therefore, this study focuses its analysis on the application of chemical castration punishment for perpetrators of sexual violence against children in the perspective of Indonesian criminal law, emphasizing the clarity of its legal standing and juridical problems that affect its effectiveness as a child protection effort. It is thus expected to provide a more comprehensive academic contribution while offering an argumentative construction capable of bridging the need for child protection with the fundamental principles of the national criminal law system.

## Methods

This study uses normative legal research methods with statutory and conceptual approaches. The legal materials used in this research include legislation, law books and scientific articles, as well as online materials discussing chemical castration punishment. The collection of these legal materials was carried out through literature study techniques. The collected legal materials were then qualitatively analyzed to describe the problems and answer the objectives of the study.

## Result and Discussion

This section of results and discussion outlines the findings of the research analysis regarding the application of chemical castration punishment in Indonesian criminal law. Unlike previous studies that

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<sup>9</sup> Fakhri Rizki Zaenudin Radiyati Pratiwi, "Analisis Sanksi Kebiri Kimia Bagi Pelaku Kejahatan Seksual Terhadap Anak Dalam Perspektif Undang-Undang No. 17 Tahun 2016 Sebagai Perubahan Atas Undang-Undang No. 23 Tahun 2002 Tentang Perlindungan Anak," *Jurnal Ilmiah Wahana Pendidikan* 11 (2025): 272–84, <https://doi.org/http://jurnal.peneliti.net/index.php/JIWP/article/view/10437/8364>.

generally focused on deterrence aspects or human rights debates separately, the results of this analysis show that the main issue lies in the lack of synchronization between the formulation of legal norms and the readiness of the penal system along with its supporting institutions. Furthermore, the discussion is focused on analyzing the legal standing of chemical castration within the national penal system and identifying juridical obstacles that affect its effectiveness as an instrument of child protection.<sup>10</sup>

## **1. The legal status of applying chemical castration sanctions to perpetrators of sexual violence against children from the perspective of criminal law in Indonesia**

The legal standing of the application of chemical castration sanctions within Indonesia's criminal justice system is a manifestation of a radical shift in criminal policy as a response to the increasing number of sexual violence cases against children. Juridically, children are positioned as legal subjects who must receive absolute legal protection because of their role as the nation's seedlings and future generation with a strategic function for the country's future. This protection has been constitutionally guaranteed in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms that every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination.<sup>11</sup> This constitutional mandate serves as the main foundation for lawmakers to formulate very strict legal policies against perpetrators of

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<sup>10</sup> Volume Issue and July-september Copyright Nolaj, "Metode Penelitian Hukum Normatif Dan Empiris Sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum" 4, no. 1 (2025): 114–28, <https://doi.org/https://doi.org/10.32801/nolaj.v4i3.116>.

<sup>11</sup> UUD, *UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA 1945*, vol. 105, 1945, <https://webcache.googleusercontent.com/search?q=cache:BDsuQOHoCi4J:https://media.neliti.com/media/publications/9138-ID-perlindungan-hukum-terhadap-anak-dari-konten-berbahaya-dalam-media-cetak-dan-ele.pdf+&cd=3&hl=id&ct=clnk&gl=id>.

sexual crimes. Further elaboration of this constitutional norm gave birth to Law Number 17 of 2016. From the perspective of criminal law, the presence of chemical castration sanctions marks the emergence of a new category of sanction that attempts to go beyond the boundaries of conventional punishment, where sanctions no longer merely restrict physical freedom through imprisonment, but directly intervene in the biological functions of the perpetrator's body for the sake of community protection.

In the structure of positive law in Indonesia, the legal standing of chemical castration is formally established as a "measure" or additional sanction that does not stand alone. Based on the provisions in Law No. 17 of 2016 and its implementing regulation, Government Regulation No. 70 of 2020, this sanction is imposed on perpetrators of sexual violence against children who strictly meet certain criteria. These criteria include repeat offenders who have previously been convicted of similar crimes, perpetrators who commit violence collectively or in groups, and acts that cause highly detrimental impacts such as serious injury, mental disorders, infectious diseases, disruption of reproductive function, or even the death of the victim. The placement of chemical castration as an additional punishment has sparked intense doctrinal debate among criminal law experts. This is because in the old Criminal Code (KUHP), which still applies in a transitional manner, the types of additional punishments are limited as stipulated in Article 10, which only include the revocation of certain rights, confiscation of certain goods, and publication of the judge's verdict. The absence of chemical castration in this main codification creates a normative inconsistency, where special provisions in the Child Protection Law introduce a type of sanction that has not yet been generally accommodated within the national criminal law framework.

This inconsistency can be understood through an analysis of the nature of the sanction, whether it falls into the category of *straf* (punishment) or

*maatregel* (measure).<sup>12</sup> In classical criminal law theory, *straf* is oriented toward the imposition of suffering as a form of retribution for wrongdoing committed in the past (retributive in nature). In contrast, *maatregel* is oriented toward efforts to protect society as well as to heal or rehabilitate the offender so that they no longer pose a threat to the social environment in the future (preventive-rehabilitative in nature). Chemical castration has a very unique dual characteristic. On one hand, it is experienced as a heavy physical and psychological burden for the perpetrator because it restricts their natural biological functions, so in practice it resembles a punishment. On the other hand, the main objective to be achieved is to suppress deviant sexual urges through a medical-chemical approach in order to prevent the repetition of criminal acts in the future. Therefore, when viewed from its purpose, chemical castration is more appropriately categorized as a measure (*maatregel*). This lack of clarity in its position within the old legal system often triggers doubts in terms of legality, because criminal law highly upholds the principle that every sanction must have a clear and definite legal basis (*lex certa* and *lex stricta*) so that actions do not exceed the authority of judges in deciding cases.

The legal standing of chemical castration gains a clearer and stronger foundation with the enactment of Law Number 1 of 2023 concerning the National Criminal Code (KUHP Nasional). In this new codification, Indonesia officially adopts a double-track system (*double track system*) that places punishment (*pidana*) and measures (*tindakan*) on equal and parallel footing.<sup>13</sup> This system recognizes that for certain crimes related to the psychological or biological condition of the offender, imprisonment alone is not sufficient. The National Criminal Code provides space for the application of measures to offenders who have abnormalities or require special intervention in order to ensure public order. Thus, from the

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<sup>12</sup> Atikah Mardhiya Rohmy, Setiyono Setiyono, "PENJATUHAN TINDAKAN KEBIRI KIMIA TERHADAP PELAKU KEJAHATAN SEKSUAL PADA ANAK DITINJAU DARI SISTEM PEMIDANAAN."

<sup>13</sup> Ahmad Jamaludin, "KEBIRI KIMIA SEBAGAI SANKSI TINDAKAN DALAM DOUBLE TRACK SYSTEM" 15, no. 2 (2021): 179–96, <https://doi.org/10.15575/adliya.v15i2.13910>.

perspective of future criminal law, chemical castration is no longer seen as a forced regulation standing outside the system, but rather as an integral part of a preventive strategy for community protection. This paradigm shift is very important because it gives the state strong legitimacy to carry out medical interventions for public safety without clashing with the previously rigid structure of criminal law.

Furthermore, when viewed from the theory of sentencing purposes, the legal standing of chemical castration reflects the state's effort to maintain a balance between the protection of individual rights and the greater public interest. The state has a fundamental obligation to ensure that every citizen, especially children as the most vulnerable group, feels safe from the threat of sexual crimes that damage their future and mental health. Chemical castration sanctions are positioned as the "last fortress" or *ultimum remedium* of criminal law to deal with sexual predators who have reached the stage of endangering national security. Substantively, its legal standing is very strong because it is supported by the real needs within society that demand justice beyond merely imprisoning offenders. Formally, the legal standing of this sanction is also reinforced by strict procedures, in which its execution must go through stages of clinical assessment by a team of medical and psychiatric experts. This demonstrates that Indonesian criminal law continues to pay attention to humanitarian aspects and prudence, ensuring that sanctions imposed have a scientific foundation and are not arbitrarily carried out against the integrity of the human body.

The integration between the disciplines of law and medicine in the application of this sanction also reinforces the legal standing of chemical castration as a multidisciplinary sanction. This proves that Indonesian criminal law is beginning to move away from an approach that merely punishes physically toward a more functional and results-based approach. This legal standing emphasizes that the best interests of the child (*the best interest of the child*) are the core spirit of every criminal policy adopted by the state. Thus, chemical castration is not merely an instrument of revenge

or an outlet for public anger, but rather a manifestation of the state's authority in preserving morality and the safety of future generations. This firm legal standing is expected to provide a broad deterrent effect (*general deterrence*) to society so that similar acts are not committed, while at the same time providing special protection to victims by ensuring that perpetrators lose the ability to repeat such sexual crimes.

Indonesia's criminal law policy through the Child Protection Law has placed chemical castration as a special aggravating punishment (*special punishment*). In the context of the principle *lex specialis derogat legi generali*, the provisions regarding chemical castration in Law No. 17 of 2016 override the general rules in the Criminal Code (KUHP), which had not yet recognized this type of sanction. This legal standing provides a legal umbrella for law enforcement officers to prosecute and impose such sanctions despite debates at the academic level. Its validity is based on the emergency situation of child sexual crimes, which requires legal breakthroughs to safeguard higher legal interests, namely the physical and psychological integrity of Indonesian children.

In addition, from the perspective of criminal liability, chemical castration is imposed on legal subjects considered to have a high level of social danger. The state views imprisonment alone as insufficient to "neutralize" the threat posed by the offender. Therefore, this measure targets the source of the threat, namely the uncontrolled sexual drive. This shows that Indonesian criminal law is moving toward the direction of *social defense* criminal law. The juridical standing of this sanction becomes strong because it is rooted in the sovereignty of the state to regulate and restrict the behavior of its citizens deemed extremely deviant and dangerous to the foundations of national life.

Affirming this legal standing is also important to respond to criticisms regarding human rights violations.<sup>14</sup> In Indonesia's legal system, human

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<sup>14</sup> Sofian Syaiful Rizal, "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM," n.d., 54–69.

rights are carried out in balance with fundamental human obligations. The restriction of rights through chemical castration is legitimate because it is regulated by law (*by law*) and aims to protect the human rights of others who are more vulnerable. With a court decision that has permanent legal force, this sanction obtains absolute executorial power. Theoretically, this sanction becomes part of the legal protection function carried out by the state to guarantee justice for victims whose rights have been cruelly violated by the perpetrator.<sup>15</sup>

Chemical castration law has transformed from a new norm once considered an anomaly into an integral part of Indonesia's modern penal system, especially with the enactment of the New Criminal Code (KUHP Baru). The constitutional foundation, sectoral legislation, and the new national criminal law codification all point toward legitimizing chemical castration as a lawful legal instrument. This reflects Indonesia's strong commitment to providing guarantees of protection for children against sexual predators through legal mechanisms that are firm, measured, and future-oriented.

## **2. Effectiveness and Juridical Obstacles in the Implementation of Chemical Castration as an Effort to Provide Legal Protection for Child Victims of Sexual Violence**

### **A. The Effectiveness of Chemical Castration from the Perspective of Child Legal Protection**

The effectiveness of law is an important parameter in assessing the success of a criminal policy. Conceptually, legal effectiveness is not only measured by the formal existence of norms in legislation, but also by the extent to which those norms can be

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<sup>15</sup> No Pid and Sus Pn, "Penjatuhan Pidana Tambahan Kebiri Kimia Terhadap Predator Anak Pada Putusan" 1, no. 3 (2022): 170–80.

implemented, obeyed, and achieve the objectives intended by lawmakers. From the perspective of sociology of law, the success of a norm is determined by the interaction between the substance of the law, the structure of law enforcement, and the legal culture of society. Soerjono Soekanto explains that legal effectiveness is influenced by five main factors: the law itself (substance), law enforcement officers, facilities or infrastructure, society, and legal culture.<sup>16</sup> If one of these factors does not function optimally, then the legal norm risks losing its effectiveness in society.

In the context of chemical castration as an additional punishment for perpetrators of sexual violence against children, testing its effectiveness cannot be carried out solely through a normative approach, but must also consider empirical dimensions and criminal policy. This policy was introduced through Law Number 17 of 2016 as a response to the increasing cases of child sexual violence, which were considered a national emergency.<sup>17</sup> These provisions were later clarified through Government Regulation Number 70 of 2020, which regulates the procedures for implementing chemical castration, rehabilitation, and monitoring mechanisms.<sup>18</sup> Thus, chemical castration has clear normative legitimacy within Indonesia's legal system.

Theoretically, the effectiveness of chemical castration must be analyzed through the objectives of punishment. In modern criminal law doctrine, the purpose of punishment is no longer solely oriented toward retribution, but also includes deterrence, rehabilitation, and social defense (community protection). Muladi and Barda Nawawi

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<sup>16</sup> Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, ed. Rajawali Pers (Jakarta: Rajawali Pers, 2019).

<sup>17</sup> Undang-Undang Republik Indonesia, "Undang-Undang RI Nomor 17 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2016 Tentang Perlindungan Anak Menjadi Undang-Undang," 2016, 1–90.

<sup>18</sup> Indonesia, "Nomor 70 Tahun 2020 Tentang Tata Cara Pelaksanaan Tindakan Kebiri Kimta, Pemasangan Alat Pendeteksi Elektronik, Rehabilitasi, Dan Pengumuman Identitas Pelaku Kekerasan Seksual Terhadap Anak."

Arief emphasize that modern criminal policy must be able to balance between protecting society and proportionally protecting the rights of offenders. Thus, chemical castration as a legal instrument must be assessed based on its ability to simultaneously carry out these functions.

From a retributive perspective, chemical castration reflects the moral and legal condemnation of the state against sexual crimes against children. These crimes not only violate legal norms but also deeply damage the dignity and psychological development of victims. Teguh Prasetyo states that punishment as a form of retribution must reflect proportionality between wrongdoing and the suffering imposed. In this context, chemical castration is positioned as an additional punishment that demonstrates the seriousness of the state in protecting children as legal subjects who have constitutional rights to protection and security. The principle of *the best interests of the child*, as explained by Pratama Herry Herlambang, becomes the fundamental foundation in every policy concerning children. Therefore, chemical castration can be understood as a form of the state's affirmation of the best interests of the child.

Nevertheless, the effectiveness of chemical castration cannot stop at merely symbolic or retributive dimensions. From the perspective of special deterrence, chemical castration aims to suppress the possibility of recidivism by reducing the perpetrator's sexual drive through medical intervention in the form of administering anti-androgen substances. Sexual crimes are often linked to complex psychosexual factors, including impulse control disorders and cognitive distortions. By lowering testosterone levels, chemical castration is expected to reduce the intensity of high-risk sexual urges. However, this biological effectiveness must be balanced with psychological therapy so that behavioral changes become more permanent.

Government Regulation Number 70 of 2020 explicitly requires clinical assessment before the implementation of chemical castration as well as rehabilitation afterward. These provisions show that chemical castration is designed as part of a comprehensive approach, not as a single measure. In practice, the effectiveness of this policy greatly depends on the readiness of medical personnel, inter-agency coordination, and the availability of rehabilitation facilities.<sup>19</sup> If infrastructure and facilities are inadequate, the policy risks becoming a norm that is difficult to implement.

From the perspective of general deterrence, chemical castration has a strong symbolic function. The threat of an additional punishment in the form of chemical castration is expected to create a deterrent effect for the wider community and strengthen the perception that sexual crimes against children will face severe legal consequences. Rika Saraswati, in her research, states that the effectiveness of deterrence is greatly influenced by the certainty of law enforcement, not merely by the severity of the punishment.<sup>20</sup> This means that if law enforcement is inconsistent, even the threat of chemical castration will not have a significant impact on reducing crime rates.

Beyond deterrence, the effectiveness of chemical castration must also be viewed from the perspective of victim protection. Modern criminal justice systems place victims as parties who must receive adequate attention in the law enforcement process, no longer merely as evidence in case proceedings. Victim protection includes guarantees of safety, psychological recovery, and prevention of re-

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<sup>19</sup> Nadya Bunga Khoirunnisa Dhita Mutiara Putri, Lusy Liany and Shafa Meutia Rahmah, "PENERAPAN HUKUMAN KEBIRI KIMIA MENURUT PERATURAN PEMERINTAH NOMOR 70 TAHUN 2020," *ADIL: Jurnal Hukum* Vol.12 No. (2021), <https://doi.org/https://doi.org/10.33476/ajl.v12i2.2117>.

<sup>20</sup> Jovita Irawati and Steven Artaxerxes, "Efektivitas Pelaksanaan Tindakan Kebiri Kimia Terhadap Pelaku Kejahatan Seksual Anak Di Indonesia [Effectiveness of the Implementation of Chemical Castration for Perpetrators of Sexual Abuse of Children in Indonesia]," *Jurnal Hukum Visio Justisia* 2, no. 1 (2022): 30, <https://doi.org/10.19166/vj.v2i1.4834>.

victimization that could worsen trauma. In this context, chemical castration can provide additional security because it biologically reduces the perpetrator's capacity to commit sexual violence for a certain period. This sense of security is important not only for victims individually especially in supporting recovery and social reintegration but also for society collectively, as a manifestation of the state's presence in protecting vulnerable groups from the threat of sexual crimes.

Nevertheless, the effectiveness of chemical castration faces several normative and practical challenges. From the medical perspective, the effects of chemical castration are temporary and reversible. Once the administration of anti-androgen substances is stopped, testosterone levels can return to near their original condition, meaning the risk of recidivism remains if there is no fundamental change in behavior. This shows that chemical castration is not a single solution capable of permanently eliminating deviant tendencies, but rather a biological control instrument that must be combined with psychological and social approaches. Therefore, the success of this policy greatly depends on the continuity of psychological rehabilitation, comprehensive risk assessment, and effective, structured post-sentencing supervision.

From a human rights perspective, chemical castration also raises debates regarding the right to bodily integrity and the right to health as part of the fundamental rights of every individual. Interventions into the biological functions of the body through medical procedures mandated by the state must be carried out proportionally, based on a legitimate court ruling, and implemented in accordance with applicable medical standards. The state is obliged to ensure that the implementation of chemical castration is not arbitrary and remains within a clear legal framework, including the existence of monitoring mechanisms and legal protection for those

involved in its execution. Thus, the balance between victim protection and respect for the principles of criminal law and human rights is maintained, so that chemical castration is not only considered effective preventively but also legitimate juridically and constitutionally.

Based on this explanation, it can be concluded that the effectiveness of chemical castration in the perspective of victim protection and crime prevention is relative and contextual. This policy has the potential to strengthen child protection and reduce recidivism if implemented professionally, in an integrated manner, and based on scientific assessment. However, without adequate facilities, institutional coordination, psychological rehabilitation, and continuous supervision, chemical castration risks becoming a symbolic policy that does not significantly impact the reduction of sexual crimes against children. Therefore, its effectiveness must be understood as part of an integrated penal system that places child protection as the top priority in national criminal law policy.

#### B. Juridical Barriers: Ethical, Procedural, and Execution Certainty Conflicts

Although conceptually chemical castration has a strong philosophical foundation and child protection objectives, its implementation in Indonesia's criminal law system faces various complex juridical obstacles. These obstacles often make chemical castration difficult to carry out even though it has been decided by the court and has permanent legal force. This condition shows a gap between legal norms (*das Sollen*) and actual implementation (*das Sein*), which ultimately affects the effectiveness of legal protection for

children as victims of sexual crimes.<sup>21</sup> From the perspective of legal effectiveness theory, a norm is not sufficient merely to be formally valid, but must also be practically implementable through the support of legal structure, substance, and culture.

The most crucial obstacle lies in the conflict between legal orders and medical professional ethics. Medical personnel, especially doctors, play a central role in the implementation of chemical castration because the act involves medical intervention in the form of administering anti-androgen substances that affect the perpetrator's hormonal system. However, in practice, resistance arises from the medical profession, which adheres to ethical principles that medical actions must be oriented toward therapeutic interests of the patient and must not aim to damage or reduce organ function without clear medical indications.

On one hand, the state, through a court decision with permanent legal force, orders the implementation of chemical castration as part of criminal sanctions. On the other hand, doctors are bound by professional codes of ethics and oaths requiring them to maintain bodily integrity and patient health. This normative conflict places doctors in a dilemma between compliance with positive law and adherence to professional ethics.

Legally, there are provisions in criminal law that provide protection for those executing legal orders. However, such protection does not automatically eliminate the potential for ethical or disciplinary sanctions from professional organizations. This lack of synchronization between criminal law norms and professional ethics norms creates deadlock in the execution stage. Prosecutors, as executors of court decisions, face difficulties when no medical personnel are willing to carry out the procedure. As a result, court

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<sup>21</sup> Nita Yuniati, "Perlindungan Hukum Terhadap Korban Kejahatan," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 4, no. 6 (2024): 2419–29, <https://doi.org/10.38035/jihhp.v4i6.2518>.

decisions with permanent legal force risk not being effectively implemented, reducing the authority of law and diminishing society's sense of justice.

Beyond professional ethics conflicts, juridical obstacles also arise in procedural aspects and clinical assessments. The implementing regulations for chemical castration require medical and psychiatric examinations before the procedure is carried out, to ensure that the perpetrator is medically fit to receive hormonal intervention. Problems arise when assessments conclude that the perpetrator is unfit due to certain medical conditions, such as serious health disorders that could worsen with anti-androgen administration. In such situations, regulations do not yet provide comprehensive arrangements regarding alternative sanctions or substitute mechanisms. This legal vacuum creates *legal uncertainty*, as it is unclear how court decisions should be executed if the primary ordered measure cannot be carried out.

Other procedural problems relate to operational standards and inter-agency coordination. The implementation of chemical castration involves multiple institutions, including the prosecutor's office, the Ministry of Health, and correctional facilities. Without effective coordination and detailed technical guidelines, the execution process risks delays or even failure. In an integrated criminal justice system, synergy among institutions is an absolute prerequisite for successful implementation of criminal policy. When one component is unprepared or lacks adequate operational foundations, the entire system is affected.

Thus, although conceptually chemical castration has strong philosophical and child protection foundations, its implementation in Indonesia's criminal law system faces complex juridical barriers that often hinder its execution despite having permanent legal force. This highlights the gap between legal norms and practical reality,

ultimately influencing the effectiveness of legal protection for child victims of sexual crimes.

The next obstacle relates to limitations in facilities, infrastructure, and monitoring systems. The implementation of chemical castration requires the availability of specific drugs, laboratory facilities to periodically monitor hormone levels, and medical personnel with the necessary competence and authority. Not all regions have adequate health infrastructure to consistently support the execution of this measure. In addition, chemical castration is temporary and requires periodic administration over a certain period of time in accordance with court rulings. Without a structured monitoring system and sufficient funding, the implementation of this measure risks being suboptimal. Weaknesses in monitoring also potentially reduce the protective effect of this policy, especially after the period of treatment ends and the offender returns to society.<sup>22</sup>

Beyond technical and procedural aspects, juridical obstacles also arise from debates regarding human rights. Some parties view chemical castration as a form of restriction on the right to bodily integrity and the right to health, which must be considered proportionally in a rule-of-law state that upholds human dignity. This debate demands a balance between protecting the rights of offenders as legal subjects and protecting the rights of children as more vulnerable victims. In this context, the state is required to ensure that chemical castration is carried out based on court decisions, through transparent procedures, and with accountable monitoring so that it does not conflict with the principle of *due process of law*. Without clear boundaries and monitoring mechanisms, the potential for misuse or disproportionate

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<sup>22</sup> Kus Rizkianto Lembah Nurani Anjar Kinanthi, Achmad Irwan Hamzani, *Pidana Kebiri Kimia Bagi Pelaku Pemerkosa Anak*, 2022.

application can become an additional reason for resistance to this policy.

In addition, there are also cultural and sociological obstacles. The legal culture of society and law enforcement officers influences the effectiveness of policy implementation. If there are doubts or differing views among law enforcement officers themselves regarding the legitimacy and urgency of chemical castration, then the implementation of this sanction tends to be inconsistent. Yet consistency is an important element in creating deterrence and legal certainty. Inconsistency in application can create the perception that chemical castration is merely symbolic and not truly an effective instrument of protection.<sup>23</sup>

Overall, these various juridical and technical obstacles show that the effectiveness of chemical castration as a legal protection instrument for children has not yet been fully realized. The success of this policy is determined not only by the firmness of norms in legislation, but also by the harmonization between criminal law, health law, and professional ethics, as well as institutional readiness and cross-sectoral support.<sup>24</sup> Without more comprehensive regulatory improvements, stronger inter-agency coordination, and clearer legal protection for those carrying out the measure, chemical castration risks remaining at the normative level without effective implementation. Therefore, this policy needs to be continuously evaluated and refined so that it can truly function as an operational, measurable, and just instrument of child protection within the framework of Indonesia's criminal law system.

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<sup>23</sup> Muhammad Firdauz Ibnu Pamungkas, "Urgensi Pengaturan Dan Penerapan Sanksi Kebiri Kimia Dalam Tindak Pidana Kekerasan Seksual Terhadap Anak," *Jurnal Lex Renaissance* 7, no. 3 (2022): 545–58, <https://doi.org/10.20885/jlr.vol7.iss3.art7>.

<sup>24</sup> Lukman Hakim, Endang Hadrian, and Anggreany Haryani Putri, "Analisis Kritis Penerapan Pidana Kebiri Kimia Dalam Sistem Pemidanaan Di Indonesia," *Krtha Bhayangkara* 16, no. 1 (2022): 151–62, <https://doi.org/10.31599/krtha.v16i1.1024>.

## Conclusion

The application of chemical castration punishment in Indonesian criminal law reflects the state's commitment to strengthening legal protection for child victims of sexual violence, as stipulated in Government Regulation in Lieu of Law (Perppu) Number 1 of 2016, which was later enacted as Law Number 17 of 2016, as well as Government Regulation Number 70 of 2020. Normatively, this policy aligns with the objectives of modern sentencing, which emphasize crime prevention and victim protection, while still considering humanitarian principles through the limitation of its implementation period.<sup>25</sup> However, the effectiveness of chemical castration is not solely determined by the severity of the sanction, but also by the clarity of its position within the penal system and the institutional readiness for its implementation.

From the perspective of criminal law, chemical castration fulfills retributive, rehabilitative, and deterrent functions that are interconnected in efforts to provide optimal protection for children against sexual violence. Meanwhile, from the perspective of human rights, its application must remain within the framework of child protection without disregarding human rights principles as stipulated in the 1945 Constitution of the Republic of Indonesia and Law Number 39 of 1999 on Human Rights.<sup>26</sup> The lack of synchronization of norms and limitations in structural support risk making chemical castration a symbolic policy that has not yet been fully effective in providing legal protection for children.

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<sup>25</sup> Andree Washington Hasiholan Sianipar, Hendri Jayadi, and Gilbert Hansein, "Penerapan Kebiri Kimia Terhadap Pelaku Kekerasan Seksual Anak Berdasarkan Tujuan Pemidanaan Dan Hak Asasi," *Honeste Vivere* 32, no. 2 (2022): 123–34, <https://doi.org/10.55809/hv.v32i2.144>.

<sup>26</sup> Komnasham, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 39 TAHUN 1999 TENTANG HAK ASASI MANUSIA," *Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia*, no. 39 (1999): 7, [https://www.komnasham.go.id/files/1475231474-uu-nomor-39-tahun-1999-tentang-\\$H9FVDS.pdf](https://www.komnasham.go.id/files/1475231474-uu-nomor-39-tahun-1999-tentang-$H9FVDS.pdf).

## References

- A Pratiwi, N Arsyad, TA Ma'ruf. "Kebijakan Sanksi Hukum Kebiri Kimia Terhadap Pelaku Kekerasan Seksual Dari Perspektif Hak Asasi Manusia." *LEGAL DIALOGICA* 1, no. 1 (2025): 1–20.
- Atikah Mardhiya Rohmy, Setiyono Setiyono, Arini Indah Nihayaty. "PENJATUHAN TINDAKAN KEBIRI KIMIA TERHADAP PELAKU KEJAHATAN SEKSUAL PADA ANAK DITINJAU DARI SISTEM PEMIDANAAN." *Jurnal Fakultas Hukum Universitas Muhammadiyah Jember*, 2021.
- Dhita Mutiara Putri, Lusy Liany, Nadya Bunga Khoirunnisa, and Shafa Meutia Rahmah. "PENERAPAN HUKUMAN KEBIRI KIMIA MENURUT PERATURAN PEMERINTAH NOMOR 70 TAHUN 2020." *ADIL: Jurnal Hukum* Vol.12 No. (2021).  
<https://doi.org/https://doi.org/10.33476/ajl.v12i2.2117>.
- Enik Isnaini, SH, MH, M. Yanto, SH, MH, Suisno, S.H, M.Hum, A. Bahrul Mufid. "Kebiri Kimia Dalam Perspektif Sistem Pidana Indonesia Pasca KUHP Nasional," 2025.
- Hakim, Lukman, Endang Hadrian, and Anggreany Haryani Putri. "Analisis Kritis Penerapan Pidana Kebiri Kimia Dalam Sistem Pidana Di Indonesia." *Krtha Bhayangkara* 16, no. 1 (2022): 151–62.  
<https://doi.org/10.31599/krtha.v16i1.1024>.
- Hanafi, Hanafi. "Eksistensi Sanksi Pidana Kebiri Kimia Dalam Kebijakan Hukum Nasional Ditinjau Pada Perspektif Hukum Dan Hak Asasi Manusia Di Indonesia." *Al-Adl : Jurnal Hukum* 16, no. 2 (2024): 127.  
<https://doi.org/10.31602/al-adl.v16i2.15808>.
- Ibnu Pamungkas, Muhammad Firdauz. "Urgensi Pengaturan Dan Penerapan Sanksi Kebiri Kimia Dalam Tindak Pidana Kekerasan Seksual Terhadap Anak." *Jurnal Lex Renaissance* 7, no. 3 (2022): 545–58. <https://doi.org/10.20885/jlr.vol7.iss3.art7>.
- Indonesia. "Nomor 70 Tahun 2020 Tentang Tata Cara Pelaksanaan Tindakan Kebiri Kimia, Pemasangan Alat Pendeteksi Elektronik,

- Rehabilitasi, Dan Pengumuman Identitas Pelaku Kekerasan Seksual Terhadap Anak,” no. 031530 (2016): 1–23.
- Irawati, Jovita, and Steven Artaxerxes. “Efektivitas Pelaksanaan Tindakan Kebiri Kimia Terhadap Pelaku Kejahatan Seksual Anak Di Indonesia [Effectiveness of the Implementation of Chemical Castration for Perpetrators of Sexual Abuse of Children in Indonesia].” *Jurnal Hukum Visio Justisia* 2, no. 1 (2022): 30.  
<https://doi.org/10.19166/vj.v2i1.4834>.
- Issue, Volume, and July-september Copyright Nolaj. “Metode Penelitian Hukum Normatif Dan Empiris Sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum” 4, no. 1 (2025): 114–28.  
<https://doi.org/https://doi.org/10.32801/nolaj.v4i3.116>.
- Jamaludin, Ahmad. “KEBIRI KIMIA SEBAGAI SANKSI TINDAKAN DALAM DOUBLE TRACK SYSTEM” 15, no. 2 (2021): 179–96.  
<https://doi.org/10.15575/adliya.v15i2.13910>.
- Komnasham. “UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 39 TAHUN 1999 TENTANG HAK ASASI MANUSIA.” *Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia*, no. 39 (1999): 7.  
[https://www.komnasham.go.id/files/1475231474-uu-nomor-39-tahun-1999-tentang-\\$H9FVDS.pdf](https://www.komnasham.go.id/files/1475231474-uu-nomor-39-tahun-1999-tentang-$H9FVDS.pdf).
- Lembah Nurani Anjar Kinanthi, Achmad Irwan Hamzani, Kus Rizkianto. *Pidana Kebiri Kimia Bagi Pelaku Pemerkosa Anak*, 2022.
- Manurung, Bondery Posthma Jonathan, Elko L. Mamesah, and Herlyanty Y. A. Bawole. “KAJIAN YURIDIS TERHADAP HUKUMAN KEBIRI KIMIA ATAS PELAKU KEKERASAN SEKSUAL TERHADAP ANAK MENURUT HAK ASASI MANUSIA.” *Lex Crimen* Vol. X/No. (2021).  
[file:///C:/Users/User/Downloads/Kajian\\_Yuridis\\_Terhadap\\_Hukuman\\_Kebiri\\_K.pdf](file:///C:/Users/User/Downloads/Kajian_Yuridis_Terhadap_Hukuman_Kebiri_K.pdf).
- Nita Yuniati. “Perlindungan Hukum Terhadap Korban Kejahatan.” *Jurnal Ilmu Hukum, Humaniora Dan Politik* 4, no. 6 (2024): 2419–29.

<https://doi.org/10.38035/jihhp.v4i6.2518>.

- Pid, No, and Sus Pn. "Penjatuhan Pidana Tambahan Kebiri Kimia Terhadap Predator Anak Pada Putusan" 1, no. 3 (2022): 170–80.
- Radiyah Pratiwi, Fakhri Rizki Zaenudin. "Analisis Sanksi Kebiri Kimia Bagi Pelaku Kejahatan Seksual Terhadap Anak Dalam Perspektif Undang-Undang No. 17 Tahun 2016 Sebagai Perubahan Atas Undang-Undang No. 23 Tahun 2002 Tentang Perlindungan Anak." *Jurnal Ilmiah Wahana Pendidikan* 11 (2025): 272–84.  
<https://doi.org/http://jurnal.peneliti.net/index.php/JIWP/article/view/10437/8364>.
- Rizal, Sofian Syaiful. "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM," n.d., 54–69.
- Sianipar, Andree Washington Hasiholan, Hendri Jayadi, and Gilbert Hansein. "Penerapan Kebiri Kimia Terhadap Pelaku Kekerasan Seksual Anak Berdasarkan Tujuan Pidanaan Dan Hak Asasi." *Honeste Vivere* 32, no. 2 (2022): 123–34.  
<https://doi.org/10.55809/hv.v32i2.144>.
- Soekanto, Soerjono. *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Edited by Rajawali Pers. Jakarta: Rajawali Pers, 2019.
- Suciara, Angelica, Bryan Idias, Nathasya Jhonray Siregar, Tasya Amira Frananda Siregar, and Tri Widyasto Prabowo. "Penerapan Pidana Tambahan Dalam Kuhp Baru: Kebiri Kimia Dan Publikasi Identitas Pelaku Percabulan Anak." *Jurnal Multidisiplin Dehasen (MUDE)* 4, no. 2 (2025): 319–24. <https://doi.org/10.37676/mude.v4i2.8273>.
- 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>.
- Undang-Undang Republik Indonesia. "Undang-Undang RI Nomor 17 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2016 Tentang Perlindungan Anak Menjadi Undang-

Undang,” 2016, 1–90.

UUD. *UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA*  
1945. Vol. 105, 1945.

<https://webcache.googleusercontent.com/search?q=cache:BDsuQOHoCi4J:https://media.neliti.com/media/publications/9138-ID-perlindungan-hukum-terhadap-anak-dari-konten-berbahaya-dalam-media-cetak-dan-ele.pdf+&cd=3&hl=id&ct=clnk&gl=id>.