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Reconstruction of Chemical Castration Sanctions Implementation Based on the Medical Ethics Code (Comparison with Russia and South Korea)

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Abstract *This study aims to reconstruct the ideal setting in the implementation of chemical castration sanctions in Indonesia based on the medical code of ethics. This research used normative legal research with the case, comparative and conceptual approach, with a literature study research technique. The granting of the authority to execute chemical castration by a doctor is contrary to the principles contained in the medical code of ethics, including: First, it contradicts the principle of autonomy at the level of implementation of the principle of Autonomy which is applied in the form of*

the principle of "informed consent" where in carrying out his duties a doctor must first choose approval from the family and the patient for all actions that result in a decrease in the patient's physical endurance. Second, it is against the principle of non-maleficence, which prohibits actions that harm or worsen the patient's condition. Third, it is against the principle of beneficence. The rules regarding the implementation of chemical castration for perpetrators of sexual crimes against children can actually be followed by referring to the provisions for the implementation of chemical castration in Russia and South Korea, both countries whose medical profession will only serve as an advisory opinion for law enforcers who have been given special competency training.

Keywords Chemical Castration Sanction, Policy Implementation, Child Sexual Crimes, Medical Code of Conduct

1. Introduction

Children are an inseparable part of human survival and the survival of the nation and state. The rights obtained by a child are explicitly regulated in Article 28 B paragraph (2) of the 1945 Constitution which states that the state guarantees that every child has the right to survival, growth and development, and the right to protection from violence and discrimination. The implication is that the state is obliged not to protect any Indonesian children from becoming victims of abuse or other dishonorable acts.¹ Data from 2002 showed that children aged 6-12 years experienced the most sexual and

¹ Nur Hafizal Hasanah and Eko Soponyono, "Kebijakan Hukum Pidana Sanksi Kebiri Kimia Dalam Perspektif HAM Dan Hukum Pidana Indonesia," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, No. 3 (2018): 305, <https://doi.org/10.24843/jmhu.2018.v07.i03.p03>.

emotional abuse (33%) and emotional abuse (28.8%), compared to physical abuse (24.1%). Commissioner Jasra Putra from KPAI announced that his organization found 218 cases of child sexual abuse in 2015.

In response to the rampant phenomenon of sexual violence (rape) against girls, President Joko Widodo, on May 25, 2016, issued Regulation in Lieu of Law Number 1 of 2016 which was later enacted into law through Law Number 17 2016 concerning the Stipulation of Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection (hereinafter referred to as the Child Protection Act), as a regulation in overcoming problems related to the high number of cases of sexual crimes that occur in children. The Child Protection Act is a regulation that contains protection for minors and the addition of the threat of sanctions for anyone who commits sexual crimes against children. This law is a form of government responsibility in terms of protection for minors which regulates the severity of punishment for perpetrators of sexual crimes against children, namely the death penalty, life imprisonment, and a maximum of 20 years in prison as well as additional punishment in the form of announcing the identity of the perpetrator. Furthermore, perpetrators can also be subject to actions in the form of chemical castration and installation of electronic detectors

Chemical castration as a type of sanction that appears through the Child Protection Act is the act of injecting chemical compounds to suppress certain hormones which, when administered to men, suppresses the testosterone hormone. However, not all parties agree on the existence of sanctions in the form of chemical castration in the Indonesian criminal law system. One of the parties who do not approve of chemical castration sanctions is KOMNAS HAM. The party is of the opinion that the imposition of chemical castration as a

punishment for perpetrators of child sex crimes is an act that violates human rights. Komnas HAM is of the view that chemical castration sanctions are a setback and can undermine the dignity of Indonesian law.

In addition, Komnas HAM is of the opinion that the imposition of castration sanctions for perpetrators of sexual crimes against children constitutes an attempt to torture the perpetrators and is not in accordance with human rights as contained in Article 28G paragraph (2) of the 1945 Constitution (hereinafter referred to as UUD 45) as the highest law and norm. The groundnorm in the hierarchy of Indonesian laws and regulations mandates that: "everyone has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country". In addition, it can also be seen in Article 33 paragraph (1) of Law Number 39 of 1999 concerning Human Rights (hereinafter referred to as the Human Rights Law) which states: "*everyone has the right to be free from torture, punishment or cruel treatment, not humane, degrading the degree and dignity of humanity*".

It must still be understood that the maximum application of punishment is made so that people who commit criminal acts will think again if they will commit such criminal acts. However, the development of law at this time is very influential in the development of the era in which a person can commit a violation not because of a weak government, but because of several laws that do not regulate and do not carry out development or renewal of the law itself and also the absence of sanctions imposed firmly in the provisions of the Act. Criminal sanctions also do not lie in a punishment given whether it has been maximized or not, but the criminal sanction lies in the purpose of the punishment, namely the effectiveness of the

punishment given itself, in which the public obeys and does not commit the crime.²

Talking about legal protection for children, it can be interpreted as legal protection for various freedoms and children's rights (fundamental rights and freedoms of children) as well as various interests related to children's welfare. So, the issue of legal protection for children covers a very broad scope.³ The form of legal protection provided by the State to children as victims of sexual violence through the provisions of regulations or laws and regulations governing sanctions or punishments for perpetrators of sexual violence committed against children. According to Sahardjo, law as a means of protection aims to protect the community and individuals against acts that disrupt order. As a means of protection, the law must try to make every member of society a useful human being. In nurturing it, there is also an educational nature. The elements of protecting and educating should be the duty of the State through criminal law.⁴

The form of regulatory requirements that regulate sanctions or punishments for perpetrators of sexual violence against children is a public law requirement, which in this case is a criminal law requirement which is certainly very different from civil issues that describe problems in the private law realm. Criminal law is a repressive law, a law that has special sanctions, this law does not compromise, even if the victim of a crime forgives, reconciles with the perpetrator or has accepted fate so that the perpetrator is forgiven or

² Sofian Syaiful Rizal, "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM," *Legal Studies Journal* 1, No. 1 (2021): 54–69, <https://www.ejournal.unuja.ac.id/index.php/ljsj/article/view/2023>.

³ Firna Novi Anggoro, "Pengujian Unsur Penyalahgunaan Terhadap Keputusan Dan/Atau Tindakan Pejabat Pemerintah Oleh PTUN," *Fiat Justisia Journal of Law* 10, No. 4 (2016): 629–52.

⁴ Gabriel Kuris, "Watchdogs or Guard Dogs: Do Anti-Corruption Agencies Need Strong Teeth?," *Policy and Society* 34, no. 2 (2015): 125–35, <https://doi.org/10.1016/j.polsoc.2015.04.003>.

not prosecuted. However, in this case the criminal law is firm, the law must be enforced and the perpetrators of criminal acts must be punished.⁵ Reviews of criminal law in criminal law will never end, considering that this criminal aspect is the most important part of a criminal law law. Criminal problems are often used as a benchmark to how far the level of civilization of a nation is concerned.⁶

Despite the fact that child sexual abuse is a real thing in society, few people are aware of it or are sensitive to it. It is important to know that sexual crimes against children have a negative impact on children, both directly and in the long term. Furthermore, this action will have a negative impact on the emotional, social and psychological effects of children as victims of violence.⁷ Castration has been done for various reasons, according to the historical records of human civilization. "Castration was carried out in the Eastern Mediterranean 8,000-9,000 years ago," writes Victor T Cheney in *A Brief History of Castration* 2nd Edition. The goal was to have more women than men. Castrated slaves were considered higher in Egypt at the time. 2600 BC (BC) because they were considered more diligent and loyal to their masters. Similar activity was found in slaves in Greece around 500 BC, kings of harem guards in Persia, treasurers, and a number of Chinese imperial officials.⁸

Chemical castration is a surgical procedure or castration that aims to suppress the function of the testes in men or the ovaries in

⁵ Carlos Silva Forné, "Th Excessive Use of Force by Mexico City Law Enforcement Agencies: Corruption, Normal Abuse and Other Motives," *Mexican Law Review* 9, No. 1 (2016): 3–21, www.juridicas.unam.mxhttp://biblio.juridicas.unam.mx.

⁶ Graeme Newman, *The Punishment Response*, ed. Routledge, *The Punishment Response*, 2nd ed. (London And New York:, 2017), <https://doi.org/10.4324/9781315134390>.

⁷ Hasanah and Soponyono, "Kebijakan Hukum Pidana Sanksi Kebiri Kimia Dalam Perspektif HAM Dan Hukum Pidana Indonesia."

⁸ Nila Sukmaning Rahayu, "Raising Awareness of Gender-Based Violence on Heaven Earth," *European Journal of Sustainable Development* 5, No. 3 (2015): 440–44, <https://doi.org/10.14207/ejsd.2016.v5n3p440>.

women by using chemicals. Chemical dissolution with various approaches that have different physical and psychological side effects, such as giving injections of special drugs.⁹ Castration has recently become a symptom in many countries, including the European Union and the United States, as a method of punishment or treatment. Nuzul Qur'aini Mardiya revealed, several countries have implemented laws governing castration as shown on Table 1.¹⁰

TABLE 1. Chemical Castration Implementation

No.	Country	Year	Information
1	Denmark	1929	
2	Swedia	1944	
3	Finlandia	1970	
4	Norwegia	1977	
5	Polandia	2009	
6	California	1966	It was the first US state to use chemical castration for sex crimes against children
7	Argentina	2010	
8	Australia	2011	
9	Israel	2011	
10	New Zealand	2011	
11	South Korea	2011	The government uses the chemical castration method only if health experts provide an examination that the perpetrators of sexual crimes are likely to repeat their actions. The chemical castration procedure will be carried out after there is a diagnosis from a psychiatrist, then the prosecutor will carry out the castration process
12	Russia	2011	The chemical castration procedure was carried out after the court requested a forensic psychiatrist's report to follow up on medical steps against the perpetrator. Then the court

⁹ 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>.

¹⁰ Fitri Wahyuni, "Hukuman Kebiri Terhadap Pelaku Tindak Pidana Pemerkosaan Anak Dan Kaitannya Dengan Hak Asasi Manusia," *Jurnal Hukum dan Peradilan* 6, No. 2 (2017), <https://doi.org/10.25216/JHP.6.2.2017.279-296>.

No.	Country	Year	Information
			will inject the depoprovera substance containing synthetic progesterone into the patient's body. By injecting more female hormones into the male body it will decrease sexual desire. After undergoing chemical castration, perpetrators of pedophilia crimes will serve a prison sentence. They can only apply for parole after serving 80 percent of the sentence. The castration punishment in force in Russia must be carried out by every perpetrator found guilty by a court
13	Moldova	2012	
14	Estonia	2012	
15	Florida	1997	
16	Georgia		
17	Lowa		
18	Lousina		
19	Montana		
20	Oregon		
21	Texas		
22	Wisconsin		

Source: Nuzul Qur'aini Mardiya, 2017.¹¹

Meanwhile, Ary Prasetyo Handoko in his research summarizes several countries that apply chemical castration as shown on Table 2.

TABLE 2. Chemical Castration Implementation (Research Comparisons)

No	Country	Information
1	United States of America	The state of California was the first US state to impose chemical castration on perpetrators of sexual crimes against children. Castration in California has been in effect since 1996. On the other hand, in Florida, castration has been in effect since 1997. Other states include Georgia, Iowa, Louisiana, Montana, Oregon, Texas and Wisconsin. In some of

¹¹ Nuzul Qur'aini Mardiya, "Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Implementation of Chemical Castration," *Jurnal Konstitusi* 14, No. 1 (2017): 213-233. <https://doi.org/10.31078/jk14110>.

No	Country	Information
		<p>these states, chemical castration can be carried out depending on the decision of the tribunal, for the initial offense. But for the second crime, castration is forcibly imposed on perpetrators of sexual crimes. Of the 9 federal states in the US, 4 of them only allow chemical castration. The other 4 states, such as California, Florida, Iowa, and Louisiana, allow chemical and surgical castration (voluntary). However, chemical castration must be done repeatedly. Not only that, chemical castration can also cause side effects.</p>
2	Polandia	<p>The Polish government passed a regulation that regulates the punishment of castration against perpetrators of child sex crimes since 2009. However, this provision has only been implemented since 2010. The implementation of the punishment of castration in Poland is carried out by force against perpetrators who have been found guilty by the court of law.</p>
3	Moldova	<p>Since mid-2012, the Moldovan government has begun to impose the punishment of castration on perpetrators of child sex crimes. But this sentence has been condemned by Amnesty International as inhumane treatment. Amnesty International states that every crime must be punished by a method that is compatible with the Universal Declaration of Human Rights</p>
4	Estonia	<p>The Estonian government began to impose chemical castration on sex offenders starting in 2012. The Estonian Minister of Justice at the time, Kristen Michal, stated that chemical castration would be given through medication to suppress the libido of sex offenders. The crime of castration is imposed in Estonia, especially for pedophiles (perpetrators of sexual perversion against minors). Under this law, courts can sentence perpetrators of sexual assault to chemical castration for up to three years. Chemical castration is also a condition if the perpetrator is released on parole</p>
5	Israel	<p>It is not known for sure since when the Israeli government imposed the punishment of castration on perpetrators of sexual crimes against children. However, the local media, Haaretz, once reported on two perpetrators of child sex crimes who agreed to undergo chemical castration in May 2009. This</p>

No	Country	Information
		punishment was imposed voluntarily, so that in carrying out it must have the willingness of the perpetrators. At that time, the two perpetrators who were brothers were willing to undergo chemical castration to suppress their libido in order to prevent the perpetrators from committing the same crime in the future. The two perpetrators have served prison terms before serving the castration sentence.
6	Argentina	It is not known for sure since when the Israeli government imposed the punishment of castration on perpetrators of sexual crimes against children. However, the local media, Haaretz, once reported on two perpetrators of child sex crimes who agreed to undergo chemical castration in May 2009. This punishment was imposed voluntarily, so that in carrying out it must have the willingness of the perpetrators. At that time, the two perpetrators who were brothers were willing to undergo chemical castration to suppress their libido in order to prevent the perpetrators from committing the same crime in the future. The two perpetrators have served prison terms before serving the castration sentence
7	Australia	Chemical castration in Australia applies to only a few states, including Western Australia, Queensland and Victoria. In 2010, a child sex offender who has been arrested several times in North Queensland was again tried for groping and kissing a minor. This man had previously served chemical castration, voluntarily receiving treatment to reduce his libido. Then in 2012, two sex offenders in Victoria agreed to undergo chemical castration, through medication to reduce their libido
8	South Korea	South Korea became the first country in Asia to carry out chemical castration in July 2011 for sex crimes against children under the age of 16. Local advocates claim that the use of chemical castration is an effective and scientific method to reduce sexual crimes. The sentence was later expanded to include those who commit sexual crimes against children under 19 years of age. This sentence was formalized at a ministerial meeting which approved the revision of the draft law on castration. Since then, the two men have been sentenced to castration. Park(45) was the first person in 2012 to be sentenced to castration every 3 months for 3 years. He was castrated a year

No	Country	Information
		<p>after being released from prison and served 10 years in prison for raping a 10-year-old child. Previously, he was jailed three times for sexually abusing children under the age of 16. A man named Pyo (31) became the second man to be sentenced to castration for having sex with three teenagers he knew through a chat service on his cellphone. He was also charged with distributing video footage containing sexual harassment and carrying out rape after threatening the victim with a gun.</p>
9	Russia	<p>In October 2011, the Russian parliament passed a law that allows courts to order chemical castration of sex offenders. The sentence threatens the perpetrators of intimate crimes that hit children under the age of 14. Based on the applicable provisions, the criminal order for chemical castration will be carried out by a forensic psychiatrist who is directly appointed by the legal panel that handles the problem of sexual crimes. The crime of castration in force in Russia must be carried out by each perpetrator found guilty by a court of law.</p>
10	Germany	<p>Germany was the last European country to allow the use of orchietomy or testicular surgery for convicted sex offenders. Germany is a country that has provisions regarding the crime of castration. In early 2012, the European Union's Committee against Torture urged Germany to end the application of the punishment. In a written response, the German government said the practice was being reviewed. Germany enforces this punishment with a strict procedure, namely the convict is previously informed about the consequences and possible side effects. And what is very important: the convict is willing to take chemical castration.</p>
11	United Kingdom	<p>Based on a PressReader report, perpetrators of sexual violence against children in the United Kingdom can be sentenced to a maximum sentence of life imprisonment. Even so, perpetrators of sexual violence against children and perpetrators of sexual violence who repeat their actions can choose to be chemically castrated to get a lighter term of imprisonment.</p>
12	UEA	<p>PressReader says that perpetrators of child sexual abuse in the United Arab Emirates can be sentenced to up to the death penalty. This country also applies</p>

No	Country	Information
		a chemical castration system to perpetrators of same-sex sexual violence or to children
13	Czech Republic	The Czech Republic is another country that also practices a system of chemical castration for intimate offenders. Despite receiving criticism from various parties who fight for human rights, the Czech Republic continues to practice this system. Based on information from the Czech Republic government reported by Decorrespondent, from 2010 to 2012, the number of men who were chemically castrated in the Czech Republic reached 300 people. Not only that, 80 castration operations for testicular removal are carried out every year in this country

Source: Ary Prasetyo Handoko, 2019¹²

According to the Child Protection Law, "additional punishment in the form of chemical castration only applies to adult sexual offenders," as explained by the author at the outset that the application of chemical castration does not apply if the perpetrator of sexual violence is still a child, in accordance with Article 82 paragraph (8) Child Protection Act. Some of the other provisions of the child protection law can be used to punish children who act as perpetrators.

So far, according to the authors' notes, there are only two cases where the judge used the criminal punishment of castration before this research was conducted. First, in case No. 69/Pid.sus/2019/PN.Mjk, In this case, the defendant Muhammad Aris was legally and convincingly proven to have committed a crime of sexual violence against 9 (nine) children in the jurisdiction of the Mojokerto Police, as determined by the Mojokerto District Court and later confirmed by the Surabaya District Court. Decision of the High

¹² Ary Prasetyo Handoko, "Eksistensi Pidana Kebiri Kimia Ditinjau dari Teori Tujuan Pemidanaan (Studi atas Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2016 Tentang Perubahan Kedua atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak)." *Thesis* (Yogyakarta: Universitas Islam Indonesia, 2019).

Court number 695 / PID.SUS / 2019 / PT. Sby. According to the facts of the case, "the perpetrator raped 9 (nine) children with an average age of 6-7 years and was found guilty. Based on the verdict of the court, the convict of sexual abuse and violence against children was sentenced to 12 years in prison, fined Rp. 100 million, and 6 months in prison.

Second, the decision of the Surabaya District Court which stated that the convict Rahmat Slamet Santoso was sentenced to chemical castration where since 2015, Rahmat has been found guilty of sexually abusing 15 children while working as a Scoutmaster in 6 public and private elementary and junior high schools. The judge sentenced the defendant to 12 years in prison with a fine of Rp. 100 million subsidiary 3 months in prison and three years chemical castration.

However, it should be noted that when the two court decisions were decided there was no technical protocol for enforcing the castration sentence against the two convicts. The government has just passed a regulation that regulates the technical implementation of castration sanctions on December 7, 2020, through "Government Regulation Number 70 of 2020 concerning Procedures for Implementing Chemical Castration Measures, Installation of Electronic Detection Devices, Rehabilitation and Announcement of the Identity of Perpetrators of Sexual Violence Against Children (hereinafter referred to as PP No. . 70 of 2020)". Chemical castration, as has been normalized in the law and has been actualized through the verdict of the legal panel, for the time being, seems not to be carried out and is suspended by the prosecutor's office. Not only because the execution is pending after the convict has taken all the principal punishments imposed, but it is also related to who the prosecutor wants to appoint to do it.¹³

¹³ Rizal, "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM."

On the other hand, at first glance, it seems that the medical profession has a completely different relationship with the enforcement of castration, because each has a very different meaning. However, there is a connection, that castration is a form of punishment in the health sector, while doctors are health workers who act as implementers who have the opportunity to carry out the castration punishment. It is not clearly stated in the Child Protection Law if the castration is performed by a doctor, but as a responsible profession in the health sector, it is clear that doctors have the possibility for this. The following is contained in Article 82A paragraph (2) of the Child Protection Law: "The implementation of the actions referred to in paragraph (1) is under regular supervision by the ministry that carries out government affairs in the fields of law, social and health".

Likewise, the opportunities for the medical profession as the executor of chemical castration are further clarified in Article 9 PP No. 70 of 2020 regarding the implementation of the castration process which states that the procedure for implementing the castration process is carried out as follows:

- 1) *"The implementation of the Chemical Castration Action is carried out after the conclusion as referred to in Article 8 states that the perpetrator of sexual intercourse is eligible to be subject to Chemical Castration;*
- 2) *within a period of no later than 7 (seven) working days from the receipt of the conclusion as referred to in letter a, the prosecutor instructs the doctor to carry out the Chemical Castration Action on the Perpetrator of Sexual Intercourse;*
- 3) *The implementation of the Chemical Castration Act as referred to in letter b is carried out immediately after the convict has finished serving the main sentence;*

- 4) *the implementation of the Chemical Castration Action is carried out in a government-owned hospital or a designated regional hospital;*
- 5) *The implementation of the Chemical Castration Act is attended by prosecutors, representatives of the ministry that administers government affairs in the legal field, the ministry that organizes government affairs in the social sector, and the ministry that organizes government affairs in the health sector;*
- 6) *the implementation of the Chemical Castration Action is stated in the official report; and*
- 7) *The prosecutor notifies the victim or the victim's family that the Chemical Castration Act has been carried out".*

Based on the mandate of Article 9 Letter b PP No. 70 of 2020, it is clear that the medical profession is a profession that carries out the castration process, on orders from the prosecutor's office. This is because it is recognized that doctors are responsible for the health sector. Furthermore, the argument that "the castration that will be performed by the medical profession is that castration has two different forms of the procedure, namely surgery and the chemical process is very convincing." The result of castration surgery, also known as testicular surgery, is permanent, in chemical castration. , however, drugs will be given regularly to reduce the amount of testosterone in the body, thereby reducing sex drive. This procedure requires the handling of experienced parties, so doctors with experience are the most qualified to perform the procedure. This shows that the purpose of the article above is related to the duty of the doctor as the party who wants to execute.

So the question is how do medical ethics view this matter, as it is well understood that a doctor is driven by the noble ideals of his profession, and this code of ethics becomes a guideline for every doctor to behave and act. relevant to the profession. As it is known,

the medical profession, which is predicted to be the sole executor in carrying out chemical castration, has in reality rejected it either individually or institutionally. The Indonesian Doctors Association (IDI) as a forum for the medical profession, through its General Chair, Daeng M. Faqih, said that chemical castration is a form of punishment, not medical services. So, according to him, this matter is not related to the duties of doctors and health workers.¹⁴

The doctors' refusal is a manifestation of their own ethical values, including providing rewards (health services) rather than injuring or harming others, as well as the principles of independence and justice. This is an important question to be discussed so as not to cause a debate about the reluctance of the medical profession to carry out the castration process for convicts, especially because so far there have been two (two) castration sanctions, both of which have sentenced the convicts to castration with a principal sentence of 12 (twelve)) years in prison. Meanwhile, as stated in Article 9 letter c of PP No. 70 of 2020, the imposition of the castration sentence can only be carried out after the convict has completed the main crime.

Something that can be accepted by common sense if the rejection is carried out by the medical profession considering that in terms of criminal executions, especially chemical castration, this is something that is relatively new in the field of judicial medicine (forensic medicine). Although the position and assistance of doctors in implementing law enforcement duties, in practice this is not the first time this has been given. Examination at the scene of the case, making a *Visum et repertum*, and providing information at trial are an inseparable part of the role and assistance provided by doctors in the

¹⁴ Andrada Nour, "Chemical Castration of the Sexual Offender versus Human Fundamental Rights and Freedoms," *Scholars International Journal of Law, Crime and Justice* 03, No. 05 (2020): 144–48, <https://doi.org/10.36348/sijlcj.2020.v03i05.002>.

judicial process.¹⁵ So this study intends to provide a solution regarding the implementation of chemical castration criminal sanctions for perpetrators of child sexual crimes, therefore the author initiates by trying to provide legal arguments regarding the reconstruction of the implementation of chemical castration criminal sanctions for perpetrators of child sexual crimes.

2. Method

This research is normative legal research, using a statutory approach, a conceptual approach and a comparative law approach.¹⁶ There are many countries that can be used as examples in relation to the implementation of chemical castration executions in the crime of sexual abuse of children, but on this occasion the author uses Russia and South Korea as examples where the two countries use law enforcement officers who have been trained as chemical castration executors. in the crime of sexual abuse of children.¹⁷

3. Result & Discussion

A. Implementation of Chemical Castration by Doctors in View of the Medical Code of Ethics

The pattern of organic solidarity is formed along with the more modern development of human civilization. This has resulted in the

¹⁵ Kodrat Alam, "Menakar Keterlibatan Dokter Dalam Pelaksanaan Tindakan Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak," *Jurnal Hukum* 36, No. 2 (2020): 93, <https://doi.org/10.26532/jh.v36i2.7561>.

¹⁶ Rian Saputra et al., "Reform Regulation of Novum in Criminal Judges in an Effort to Provide Legal Certainty," *Journal Of Indonesian Legal Studies* 6, No. 2 (2021): 437–82, <https://doi.org/10.15294/jils.v6i2.51371>.

¹⁷ Rian Saputra and Silaas Oghenemaro Emovwodo, "Indonesia as Legal Welfare State : The Policy of Indonesian National Economic Law," *Journal of Human Rights, Culture and Legal System* 2, No. 1 (2022): 1–13, <https://doi.org/10.53955/jhcls.v2i1.21>.

specialization of various jobs. Everyone who works in the public sphere, especially professionals, in their attitude and action is always guided by a work ethic which is the basis of their values and orientation. The profession is seen as highly specialized intellectual, which is not only profit oriented but concentrates on ethical service.¹⁸

The existence of this professional association with a "built-in mechanism" in the form of a professional code of ethics, as an instrument of social control and protection for the dignity of the profession, which on the other hand protects the public (clients) from irregularities and abuse of professional abilities. Every profession, be it the medical profession, psychologist, notary, journalist, public accountant, or secretary works on the basis of belief in a contractual pattern of legal ties.¹⁹ A professional code of ethics within the framework of Indonesian values is needed so that such a respectable profession does not fall into degradation, becoming a mere job of earning a living without idealistic values.²⁰

Ethics is a critical reflection on how humans should live and act in concrete situations or in certain situations. Ethics always refers to the good and bad of humans as humans. Etymologically, the term "ethics" comes from the Ancient Greek word *ethos*. In the singular, it has many meanings, namely the usual place of residence, pasture, cage, habits, customs, morals, character, feelings, attitudes, and ways

¹⁸ Vedije Ratkoceri, "Chemical Castration as a Security Measure in the Criminal Legislation of the Republic of Macedonia," *International Journal of Social Sciences and Education Research* 3, No. 2 (2017): 356–356, <https://doi.org/10.24289/ijsser.285181>.

¹⁹ Rian Saputra, M Zaid, and Silaas Oghenemaro, "The Court Online Content Moderation: A Constitutional Framework," *Journal of Human Rights, Culture and Legal System* 2, No. 3 (2022): 139–48, <https://doi.org/10.53955/jhcls.v2i3.54>.

²⁰ Gerhard Anders, Fidelis E. Kanyongolo, and Brigitte Seim, "Corruption and the Impact of Law Enforcement: Insights from a Mixed-Methods Study in Malawi," *Journal of Modern African Studies* 58, No. 3 (2020): 315–36, <https://doi.org/10.1017/S0022278X2000021X>.

of thinking. In the plural form (ta etha) it means custom.²¹ The term "ethics" has been known for a long time in the time of Aristotle (384-322 BC) ethics has been known to denote moral philosophy. Aristotle describes how to socialize, as well as the appreciation of a human being to another human being, which is not based on egoism or personal interests, but is based on things that are altruistic, namely paying attention to others. Likewise, social life, for this matter Aristotle termed the human being zoon politicon.²²

Etymologically ethics is a teaching about good and bad, which is universally accepted about behavior, actions, obligations, and so on. Ethics can be equated with morals (mores in Latin), morals or decency, relating to value issues, ethics in essence discuss issues of predicating moral values or good and bad moral acts. In this case, ethics is listed in the area of values, on the other hand, ethical values are related to the good and bad of human actions. Some understanding of ethics as follows.

First, for Istiono Wahyu and Ostaria, ethics is the main branch of philosophy that studies values or qualities. Ethics includes the analysis and implementation of concepts, such as right and wrong, good and bad, and responsibility. Ethics is a science that deals with good and bad, rights and moral obligations. Second, for Rafik Issa Bekum, ethics can be defined as a set of moral principles that distinguish good and bad. Ethics is a field of science that is normative, because it functions to create what a person must or cannot do.²³ Ethics are: 1. The science of what is good and what is bad and about

²¹ Andry Harijanto, Siti Hatikasari, and Juliet Musabula, "The Model of Legal Protection for Children Victims of Domestic Violence Based on Justice," *Journal of Human Rights, Culture and Legal System* 2, No. 2 (2022): 100–112, <https://doi.org/10.53955/jhcls.v2i2.33>.

²² Alam, "Menakar Keterlibatan Dokter Dalam Pelaksanaan Tindakan Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak."

²³ Thomas M. Jorde and Mark A. Lemley, " Summary Judgment in Antitrust Cases: Understanding Monsanto and Matsushita ," *The Antitrust Bulletin* 36, No. 2 (1991): 271–323, <https://doi.org/10.1177/0003603x9103600201>.

moral rights and obligations (morals). 2. A collection of principles or values relating to morality. 3. Values about right and wrong held by a group or society. Ethics can be interpreted as a set of moral principles or values, moral philosophy, and most importantly as human moral values and norms that control their behavior. Moral values and norms describe human behavior in social life, as well as in being good or bad, right and wrong, based on human nature which is manifested through freedom of will.²⁴

K. Bertens explained, ethics can be distinguished in three meanings. First, ethics in the sense of moral values or norms that become a guide for a person or group in controlling their behavior. For example, Indian ethnicity and religious ethics. Second, ethics in the sense of a collection of moral principles or values, for example, namely the code of ethics of a profession. Third, ethics as the science of good and bad. What is mentioned in the last meaning is the same as ethics as a branch of philosophy. The first and second interpretations of ethics in K. Bertens' description actually refer to the same interpretation, namely ethics as a value system. When we discuss the ethics of the legal profession, it also means discussing the value system that is the grip of a professional group, about what is good and not good for values in this aspect. Generally these values are formulated in a written norm, which is called a code of ethics.²⁵

The role of ethics in behavior is as a guide for human behavior, in order to be able to manage this life so that it does not become tragic and help humans to seek critical orientation in dealing with a

²⁴ Melissa A. Crouch, "Law and Religion in Indonesia: The Constitutional Court and the Blasphemy Law," *Asian Journal of Comparative Law* 7, No. 1 (2012), <https://doi.org/10.1515/1932-0205.1391>.

²⁵ Anders, Kanyongolo, and Seim, "Corruption and the Impact of Law Enforcement: Insights from a Mixed-Methods Study in Malawi."

pluralistic society, including in the field of morality. The purpose of ethics is:²⁶

- 1) trying to find norms that should connect between individuals and the bonds between individuals and society;
- 2) seeks to study the characteristics related to society in the context of social order;
- 3) trying to find and create human qualities as well as various forms of social institutions that can provide maximum encouragement to the realization of this situation;
- 4) strive to realize ethical values in social life;
- 5) so that humans are able to influence and change their environment in a dimension that continues to be large, through cooperative efforts, their ethical vision does not need to be limited by the boundaries of the current era;
- 6) strive to produce a better human order.

The professional code of ethics is a norm that is determined and accepted by professional groups, which directs or gives instructions to its members how they should act and at the same time guarantees the moral quality of the profession in the eyes of the community. Professional code of ethics is a norm that is applied and accepted by professional groups who submit or give instructions to members as they should. Generally provide instructions to its members to practice in the profession. However, it can be stated that the general principles formulated in a profession will differ from one another. The professional code of ethics is a product of applied ethics, can be changed and changed, the result of self-regulation of the profession concerned, is effective when inspired, the formulation of human

²⁶ Elvis Asorwoe, "Can E-Government Mitigate Administrative Corruption ? An Empirical Study into the Potential Role of E-Government in Eradicating Administrative Corruption in Sub-Saharan Africa What Is Corruption?," *Global Journal of Interdisciplinary Social Sciences* 3, No. 4 (2014): 41–47.

moral norms, becomes a benchmark for group members' actions and efforts to prevent unethical acts for its members.²⁷

Meanwhile, the objectives of the professional code of ethics are: to uphold the dignity of the profession; protect and maintain the welfare of the members; increase the dedication of members of the profession; improve the quality of the profession; improve the quality of professional organizations; improve service above personal gain; has a strong and closely knit professional organization and sets its own standards. In addition, the code of ethics also aims to protect its members in the face of unfair competition and develop the profession according to the aspirations of the community. The relationship between members of the profession must promote ethical attitudes so that the existence and prospects of the organization are maintained, their orientation is clear and a sense of social credibility towards professional organizations can be maintained. The code of ethics creates a strong bond in the membership without interference from outside parties and can protect the profession against the application of laws that are felt to be unfair. Advocates, teachers, doctors, accountants and so on are several types of professions in Indonesia that have a professional code of ethics.²⁸

The history of the medical profession cannot be separated from the noble values of medical ethics, which have made this profession so respected and has a special place in society.²⁹ Meanwhile, the demands of the state and law enforcement on the role of health workers in executing criminal sentences-which of course have the

²⁷ Saldi Isra et al., "Obstruction of Justice in the Effort to Eradicate Corruption in Indonesia," *International Journal of Law, Crime and Justice* 51 (2017): 72–83, <https://doi.org/10.1016/j.ijlcrj.2017.07.001>.

²⁸ Nour, "Chemical Castration of the Sexual Offender versus Human Fundamental Rights and Freedoms."

²⁹ Lego Karjoko et al., "The Urgency of Restorative Justice on Medical Dispute Resolution in Indonesia," *Al-Ihkam: Jurnal Hukum dan Pranata Sosia* 16, No. 2 (2021): 362–92, <https://doi.org/10.19105/al-lhkam.v16i2.5314>.

potential to cause health problems-have sparked debates on ethical conflicts faced by health workers, including the medical profession. This demand is based on the development of science and technology, which allows the development of various methods of criminal punishment on the basis of medical science. These criminal penalties often have the potential to cause health problems, such as the injection of chemicals that can cause disability or death.³⁰ In this case, the execution of chemical castration sanctions against perpetrators of sexual crimes against children is one of the types of criminal sanctions that the author mentioned earlier.

Regarding chemical castration sanctions, in the context of this new Indonesia, in terms of applying criminal sanctions for the medical profession, it is possible to become an executor, as contained in Article 82 A paragraph (2) of the Child Protection Law Juncto 9 PP No. 70 of 2020. Looking further at sanctions For example, in Indonesia, executions of the death penalty still use the shooting method, as regulated in Presidential Regulation No. 2/1964 on Procedures for Implementing Death Penalty Sentences by Courts in General and Military Courts and its implementation is regulated in the National Police Chief Regulation No. 12 of 2010 concerning Procedures for the Implementation of the Death Penalty. In the regulation, the duty of a doctor is only limited to providing certainty of the death of the convict, which does not endanger the criminal so that it can be considered not contrary to medical ethics.

Although in the United States, for example, the role of doctors is not only expected, but is a requirement for executions of the death penalty in 18 states in the United States, while 17 other states do not require but allow doctors to carry out executions. This is due to the

³⁰ Nichola J. Raihani, Alex Thornton, and Redouan Bshary, "Punishment and Cooperation in Nature," *Trends in Ecology and Evolution* 27, No. 5 (2012): 288–95, <https://doi.org/10.1016/j.tree.2011.12.004>.

increasing use of lethal injection as a standard procedure for capital punishment, where the procedure contains several elements of medical practice such as calculating drug doses, injecting intravenous drugs, and monitoring vital signs. Since 1976, 1,280 lethal injections have been used for executions of the death penalty in the United States.³¹

Then the question is what is the view of the medical profession (medical code of ethics) in viewing chemical castration sanctions on perpetrators of sexual crimes against children considering that the medical profession is the executor in the application of these sanctions, while based on the principles of medical ethics contained in the Hippocratic Oath, causing death or disability to someone contrary to the principle of non-maleficence or "do no harm". Then, the criminal is also not in a situation that allows him to give informed consent or consent, which is part of the principle of autonomy in the Hippocratic Oath. Thus, the authors describe these two things comprehensively based on the values contained in the Code of Medical Ethics in answering these questions.

1) Chemical castration sanction against the principle of autonomy in the medical code of ethics

The process of chemical castration is done by giving chemical compounds that can weaken or eliminate the function of sex hormones. Pathophysiologically, chemical castration is done by injecting the hormone anti-testosterone into the convict's body. This hormone works by suppressing the production and activity of testosterone so that it does not cause a libido race as long as the person

³¹ Ratkoceri, "Chemical Castration as a Security Measure in the Criminal Legislation of the Republic of Macedonia."

is under the influence of the drug or even completely disappears in perpetrators of sexual crimes against children.³²

It is important to note, behind the sanctions that are classified as severe, it is inversely proportional to the 2012 World Rape Statistics report which shows that the death penalty or castration for perpetrators of rape in various countries in the world are not effective in causing a deterrent effect. There is no evidence that guarantees that the use of chemical castration has reduced the number of violence against women and children. Along with human rights civilization, chemical castration is applied only as a form of medical treatment that is voluntary and must be approved by the perpetrators of acts of sexual violence, where the perpetrators are willing to do so based on the analysis and recommendations of medical experts. This is what is currently being applied in the UK, Germany, Australia, Denmark and Sweden.³³

Several experts and human rights organizations state that the application of chemical castration as punishment is a violation of human rights. The rejection from human rights organizations basically rests on several reasons, namely; First, castration is not justified in the national criminal law system or the purpose of punishment adopted by the Indonesian legal system. Second, castration violates human rights as stated in various international conventions that have been ratified in our national law including the Covenant on Civil and Political Rights (Civil Rights Covenant/ICCPR), the Convention Against Torture (CAT), and also the Convention on the Rights of the Child (CRC), corporal punishment, in any form, must be interpreted as a form of torture and

³² Nuzul Qur'aini Mardiya, "Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Implementation of Chemical Castration."

³³ Kartono Kartono and Aji Mulyana, "The Implementation of Chemical Castration Penalties towards Paedophilia Crime Perpetrators," *Fiat Justisia: Jurnal Ilmu Hukum* 13, No. 4 (2019): 321, <https://doi.org/10.25041/fiatjustisia.v13no4.1683>.

acts of degrading human dignity, especially if it is aimed at retaliation with the main reason being that the deterrent effect is scientifically doubtful.³⁴ And thirdly, all forms of violence against children, including sexual violence, are basically a manifestation or operationalization of the desire to control, control and dominate children, thus, castration law does not target the root causes of violence against children. Therefore, these human rights organizations request that the government focuses on the interests of children comprehensively, in this case as victims, the state must ensure that victims get protection and access to physical and mental recovery, as well as other actions that focus on the interests of child victims.³⁵

Measuring the effectiveness of intervention measures by giving chemical injections of medroxyprogesterone acetate (MPA) (United States) or Cyproterone acetate (CPA) (Europe, for example Androcur) to sex offenders cannot be generalized from one condition to another. Factors related to the methodology of a particular research need to be considered so closely before concluding that a particular action is effective in reducing the recidivity of sexual offenders. Castration can indeed reduce sex drive in sex offenders, however, if castration is carried out by removing the testicles, it will permanently remove the organ. In addition, even though his sex drive will drastically decrease, it can still return if the chemical injection treatment is stopped, because there are still psychological factors that can cause sexual urges to return.

Measuring the effectiveness of intervention measures by giving chemical injections of medroxyprogesterone acetate (MPA) (United

³⁴ Rasdi Rasdi et al., "Reformulation of the Criminal Justice System for Children in Conflict Based on Pancasila Justice," *Lex Scientia Law Review* 6, No. 2 (2022): 479–518, <https://doi.org/10.15294/lesrev.v6i2.58320>.

³⁵ Kartono and Mulyana, "The Implementation of Chemical Castration Penalties towards Paedophilia Crime Perpetrators."

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Based on this, if it is related to the principle of Autonomy in the medical code of ethics, it is a personal or individual rule from oneself that is free, both free from interference from other people and from limitations that can hinder the right choice, such as due to insufficient understanding. A person with limited autonomy is someone who is controlled by others or someone who is unable to act according to his desires and plans. In terms of the medical code of ethics, where in terms of handling or performing medical services contained in the Hippocratic Oath which has the understanding that only patients have the right to themselves.

There are various opinions about the application of the principle of autonomy. Nevertheless, in general there are several ways to apply the principle of autonomy, especially in medical practice. These methods include:³⁷

- a. tell the truth or the real news (tell the truth)
- b. respect the privacy of others (respect the privacy of others)

³⁶ Henny Yuningsih et al., "Philosophical Foundation of Chemical Castration for Offenders of Sexual Violence against Children," *Sriwijaya Law Review* 4, No. 1 (2020): 62–78, <https://doi.org/10.28946/slrev.Vol4.Iss2.221>.pp62-78.

³⁷ Rahayu, "Raising Awareness of Gender-Based Violence on Heaven Earth."

- c. protect confidential information
- d. obtain consent to perform the action on the patient (obtain consent for interventions with patients)
- e. help others make important decisions (when ask, help others make important decisions).

The important thing in applying the principle of autonomy is assessing the competence of the patient. Experts believe that there is no one definition of patient competence that can be accepted by all parties, so there are so many definitions of patient competence. One acceptable definition of patient competence is “the ability to carry out or perform a task or command”. At the level of implementation of the Autonomy principle in the medical code of ethics, it is applied in the form of the "informed consent" principle where in carrying out his duties a doctor must first obtain approval from the family and the patient for all actions that result in a decrease in the patient's physical endurance, although it does not necessarily reduce his psychological endurance.

The Child Protection Law does not contain what and how technical doctors are in carrying out chemical castration executions on perpetrators of sexual crimes against children, whether the doctor in this case asks for approval from the family or the recipient of the sanction. However, it seems impossible, because in the case of chemical castration, doctors do not need to seek approval from the person to be executed because chemical castration is a clear punishment if the court has decided against the person.³⁸

³⁸ Ari Purwita Kartika, Muhammad Lutfi Rizal Farid, and Ihza Rashi Nandira Putri, “Reformulasi Eksekusi Kebiri Kimia Guna Menjamin Kepastian Hukum Bagi Tenaga Medis/Dokter Dan Perlindungan Hukum Bagi Pelaku Pedophilia,” *Jurnal Hukum Ius Quia Iustum* 27, No. 2 (2020): 345–66, <https://doi.org/10.20885/iustum.vol27.iss2.art7>.

2) Chemical Castration and the Principle of Non Maleficence

As a type of sanction for perpetrators of sexual crimes against children, chemical castration is one of the most severe types of sanctions. Many human rights organizations even state that the application of chemical castration is a violation of human rights as well as an act of violence and torture. In terms of the world of health, the implementation of the castration law actually has a lot of negative effects. As quoted from National Geographic Indonesia, it was explained that: "The anti-androgen hormone is an anti-male hormone. Giving anti-androgen drugs will not have an effect on a man, he will become feminine, said Wimpie. However, chemical castration has a negative effect. in the form of premature aging of the body. Anti-androgen fluids are known to reduce bone density so that the risk of bone loss or osteoporosis increases. Anti-androgens also reduce muscle mass, which increases the body's chance to accumulate fat and then increases the risk of heart and blood vessel disease.³⁹

So in this case it is natural that there are some experts who say that in the context of chemical castration sanctions on perpetrators of sexual crimes against children, they tend to put forward the theory of punishment of retaliation, where the implementation of chemical castration only focuses on retaliation for perpetrators, not on improvement. The castration law seems to return to the colonial era which was oriented towards revenge, even though Indonesia had abandoned the theory of retaliation.⁴⁰

³⁹ Ratkoceri, "Chemical Castration as a Security Measure in the Criminal Legislation of the Republic of Macedonia."

⁴⁰ Appludnopsanji Appludnopsanji and Ani Purwanti, "Double Track Criminal System of Indonesia: Criminal Sanction and Chemical Castration Treatment Policy on Pedhophilia?," *Diponegoro Law Review* 6, No. 1 (2021): 17–32, <https://doi.org/10.14710/dilrev.6.1.2021.17-32>.

As it is known that the implementation of the law of chemical castration is by injecting it into the human body so that it makes its lust decrease or even disappear. These actions certainly violate human nature and make the perpetrators actually become tormented. The purpose of criminal law in today's modern era is no longer oriented towards revenge, but to enable perpetrators and victims to both get justice. Talking about the purpose of criminal law cannot be separated from the currents in criminal law. The classical flow in principle only adheres to a single sanction in the form of a type of criminal sanction. According to Sudarto, the classical school of crime is retributive and repressive towards criminal acts. Contrary to classical schools, modern schools view that human freedom of will is heavily influenced by their character and environment so that they cannot be blamed and punished.⁴¹

From the two streams of criminal law above, the idea of criminal individualization was born which has several characteristics including the criminal must be adapted to the characteristics and conditions of the perpetrator; This means that there must be flexibility/flexibility for judges in choosing criminal sanctions (type and severity of sanctions) and there must also be the possibility of criminal modifications (changes/adjustments) in their implementation. The castration law is like a classical school that is retributive and repressive which only focuses on actions, so it does not pay attention to the impact caused by the implementation of castration law. Criminal law in Indonesia does not adhere to the classical flow which is only action-oriented and does not seek to correct the perpetrators. In addition, criminal law must still pay attention to the condition of the victim and justice for victims of sexual crimes.

⁴¹ Kuris, "Watchdogs or Guard Dogs: Do Anti-Corruption Agencies Need Strong Teeth?"

Criminal and criminal matters in history are always changing. From century to century, its existence is widely debated by experts. If we look at it from the point of view of the development of society, this change is a natural thing, because humans are always trying to update something in order to improve welfare in the future. The use of criminal law efforts is one of the efforts to overcome social problems, in addition, because the goal is to achieve public welfare in general, criminal law enforcement policies are included in social policies, namely all rational efforts to achieve public welfare.⁴²

The making of criminal regulations or the formulation of new criminal acts must be oriented towards improving the perpetrators and protecting the victims. Criminal law is no longer a tool to take revenge or give the most severe punishment to the perpetrator. Legal reform must be carried out with a policy approach, because in essence it is only part of a policy or policy step. Each policy contains value considerations. The use of criminal law is actually also not a necessity, because in essence the problem of controlling or overcoming crime by using criminal law is not only a social problem, but also a policy problem.

Consideration of value is something that must be considered in formulating a crime. There must be a policy approach and a values approach. Two central problems in criminal policy using the means of penalization (criminal law) are the problem of determining (1) what actions should be criminalized; and (2) what sanctions should be used or imposed on the violator. The formulation of what sanctions are imposed on the perpetrators is a very central problem in making a statutory rule. The Child Protection Law contains sanctions for implementing the Chemical Castration Law for perpetrators.

⁴² Mohd Rizal Palil et al., "Social Enterprise and Taxation Policy: A Systematic Literature Review," *Bestuur* 9, No. 2 (2021): 135, <https://doi.org/10.20961/bestuur.v9i2.55569>.

Castration law is considered a setback in the development of criminal law scholarship.⁴³

Based on the explanation above, it shows that the castration law has many negative effects, so that it can be said that the normatization of chemical castration sanctions and the implementation of chemical castration law on perpetrators of sexual crimes against children is an act of violence and is contrary to the Constitution of the Republic of Indonesia, namely Article 28 G paragraph (2) which reads "*everyone has the right to be free from torture that degrades human dignity and has the right to obtain political asylum from other countries*". As well as Article 33 paragraph (1) of Law Number 39 of 1999 concerning Human Rights which states "*everyone has the right to be free from torture, punishment, or cruel, inhuman, degrading treatment and dignity of humanity*".

Indonesia has also ratified the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as adopted by the General Assembly of the United Nations (UN) in its Resolution No. 39/46 dated December 10, 1984 and entered into force on June 26, 1987. Article 7 of the Covenant makes very clear the concern regarding the protection of human beings from threats of torture by others: "*No one shall be subjected to torture, or to any cruel, inhuman or degrading treatment or punishment, in particular no even without his voluntary consent may be made into a medical or scientific experiment*".

So naturally, in this case Komnas HAM has a different view regarding the application of chemical castration punishment for perpetrators of sexual violence in Indonesia, namely:

- a. The provision of punishment through castration can be qualified as a cruel and inhuman punishment which is thus inconsistent with

⁴³ G H Addink and J B J M Ten Berge, "Study on Innovation of Legal Means for Eliminating Corruption in the Public Service in the Netherlands," *Electronic Journal of Comparative Law* 11, No. 1 (2007): 1-34.

the constitution and Indonesia's commitments in the field of human rights. The provisions of article 28G paragraph (2) of the Indonesian constitution state that "everyone has the right to be free from torture and treatment that degrades human dignity". Thus, these rights are constitutional and the promotion, protection and fulfillment of these rights are also constitutional commitments.

- b. The provision of additional punishment by castration (both chemical and medical surgery), can also be qualified as a violation of rights, namely a violation of the right to consent to medical treatment and the right to protection of a person's physical and mental integrity.
- c. Input from doctors, legal experts and criminologists stated that the causes of sexual violence were not only medical in nature but also psychological and social. The act of sexual violence is not just the penetration of the genitals. In this case, in addition to punishment based on the existing law, what must be given is recovery efforts through comprehensive medical, psychological, and social rehabilitation while still being guided by human rights.
- d. The Perppu on the punishment of castration should be reconsidered and not issued. Komnas HAM considers that the handling of sexual crimes against children, in this case women also requires a comprehensive and consistent action that is not only centered on punishment but also rehabilitation and preventive measures such as the development of a social protection system for children (eg child-friendly communities as well as women, transparency information about actors) or through education and increased understanding of reproduction. This can be done by implementing Presidential Instruction No. 5 of 2014 concerning the National Movement Against Sexual Crimes Against Children, other existing instruments or strengthening them. Hopefully this can be the main concern.

This of course also contradicts the principle of Non Maleficence in the Code of Medical Ethics, which prohibits actions that harm or worsen the patient's condition. This principle is known as “*primum non nocere*” or “*do no harm*”. This principle is related to the Hippocratic phrase which states “I will use therapy to help sick people based on my abilities and opinions, but I will never use it to harm or harm them”. The principle of non-maleficence is often discussed in the medical field, especially controversial cases related to cases of terminal illness, serious illness and serious injury. This principle plays an important role in making decisions to maintain or end life. Its application can be performed on competent or incompetent patients. Basically, the principle of non-maleficence provides an opportunity for patients, their guardians and health workers to accept or reject an action or therapy after weighing the benefits and obstacles in certain situations or conditions.⁴⁴

In this case, of course, the impact of chemical castration which is classified as dangerous for perpetrators of child sexual crimes does not have the opportunity to accept or reject the sanctions. Basically, this principle is almost the same as that contained in the principle of Autonomy as the author explained in the first part of the discussion. In the context of chemical castration, the Child Protection Act does not contain what and how technically doctors perform chemical castration on perpetrators of sexual crimes against children, whether the doctor in this case asks for approval from the family or the recipient of the sanction. However, it seems impossible, because in the case of chemical castration, doctors do not need to seek approval from

⁴⁴ Krismiyarsi Krismiyarsi, “Study of Penal Policy on Chemical Castration Sanction on Child Sexual Crimes Cases in Indonesia,” *IJCLS (Indonesian Journal of Criminal Law Studies)* 3, No. 2 (2018): 121–32, <https://doi.org/10.15294/ijcls.v3i2.17171>.

the person to be executed because chemical castration is a clear punishment if the court has decided against the person.⁴⁵

Many philosophers have made the principle of non-maleficence as an integral part of the principle of beneficence (prioritizing action for the good of the patient). However, many also distinguish them. The considerations include the idea that the obligation not to harm or harm the patient is certainly different from the obligation to help the patient, even though both are for the good of the patient.⁴⁶ Then, if it is related to point number five on the doctor's oath in the Indonesian Medical Ethics Code, it states that: "*I will not use my doctor's knowledge for something that is against humanity, even if threatened*". So it is clear that chemical castration is against the principle of non-maleficence contained in the Code of Medical Ethics.

3) Chemical Castration and Beneficence Principles in the Medical Ethics Code

As the author stated at the beginning of writing, it is known that in 2016, the government issued the Child Protection Law. Changes related to castration are contained in Article 81 paragraph (7) which reads as follows: "Against the perpetrators as referred to in paragraph (4) and paragraph (5) may be subject to action in the form of chemical castration and installation of electronic detection devices.". The castration sentence is considered as an answer to the high public demands against perpetrators of sexual crimes in addition to the non-optimal implementation of child protection laws so far in Indonesia. However, various other approaches such as in terms of social

⁴⁵ Kartika, Rizal Farid, and Nandira Putri, "Reformulasi Eksekusi Kebiri Kimia Guna Menjamin Kepastian Hukum Bagi Tenaga Medis/Dokter Dan Perlindungan Hukum Bagi Pelaku Pedophilia."

⁴⁶ Kartika, Rizal Farid, and Nandira Putri.

sociology and psychiatry need to be considered so that castration is not the only solution to this problem.

at first glance, it seems that the medical profession has a completely different relationship with the enforcement of castration, because each has a very different meaning. However, "there is a connection, that castration is a form of punishment in the health sector while doctors are health workers who act as executors who have the opportunity to carry out the castration punishment". It is not clearly stated in the Child Protection Law that castration is carried out by doctors, but as a responsible profession in the health sector, it is clear that doctors have the possibility to do so. The following is contained in Article 82 A paragraph (2) of the Child Protection Law: "The implementation of the actions referred to in paragraph (1) is under regular supervision by the ministry that carries out government affairs in the fields of law, social and health".

Likewise, the opportunities for the medical profession as the executor of chemical castration are increasingly clarified in Article 9 PP No. 70 of 2020 regarding the implementation of the castration process which states that the procedure for implementing the castration process is carried out as follows:

- a. *"The implementation of the Chemical Castration Act is carried out after the conclusion as referred to in Article 8 states that the perpetrator of sexual intercourse is eligible to be subjected to Chemical Castration;*
- b. *within a period of no later than 7 (seven) working days from the receipt of the conclusion as referred to in letter a, the prosecutor instructs the doctor to carry out the Chemical Castration Action on the Perpetrator of Coitus;*
- c. *the implementation of the Chemical Castration Act as referred to in letter b is carried out immediately after the convict has finished serving the main sentence;*

- d. *the implementation of the Chemical Castration Action is carried out in a government-owned hospital or a designated regional hospital;*
- e. *the implementation of the Chemical Castration Act is attended by prosecutors, representatives from the ministry that carries out government affairs in the legal field, the ministry that organizes government affairs in the social sector, and the ministry that organizes government affairs in the health sector;*
- f. *the implementation of the Chemical Castration Action is stated in the official report; and*
- g. *the prosecutor notifies the victim or the victim's family that the Chemical Castration Act has been carried out".*

Based on the mandate of Article 9 PP NO 70 YEAR 2020, the medical profession has a great possibility to carry out the castration process, because it must be recognized that doctors are responsible for the health sector, so it is clear that doctors are one unit of them. Furthermore, the argument that *"the castration that will be performed by the medical profession is that castration has two different forms of procedures, namely surgery and chemical processes is very convincing"*.

Further to the controversy over the stipulation of the Child Protection Law, another controversy arose regarding the refusal of the Indonesian Doctors Association (IDI) to become the executor of castration for perpetrators of sexual crimes against children. As it is known that in the law, the method of castration is included in the form of injection of anti-androgen chemicals and aims to reduce the production of the hormone testosterone so as to temporarily reduce the sex drive of the convict, although in many studies the implementation of these sanctions can have a permanent impact on the perpetrator and cause other effects. such as heart disease, premature aging of the body reduces bone density so that the risk of bone loss or osteoporosis increases, reduces muscle mass, which

increases the body's opportunity to accumulate fat and then increases the risk of heart and blood vessel disease.⁴⁷

In practice, the castration procedure involves the risk of pain and other complications to the convict. For this reason, doctors are considered the right profession to be used as executor of castration sentences because of their competence, compared to other professions. On the other hand, the medical profession that adheres to the principles of evidence-based medicine considers that the true effectiveness of chemical castration is still a question because there are no adequate double-blind studies to prove its effectiveness. This then became the basis for IDI's attitude which rejected the involvement of doctors as castration executors. IDI's rejection was conveyed through the fatwa of the Medical Ethics Council (MKEK) Number 1 of 2016 concerning Chemical Castration.

Referring to this, apart from actions aimed at curing the patient, depriving the patient of normal bodily functions is against the duty of a doctor. This then applies to the castration punishment procedure. Although the aim is for the good of the wider community and controlling excessive sexual hormone urges in perpetrators of sexual crimes, in essence injuring the normal functions of the patient's body, it cannot be said to be free from violations of medical ethics. In this context, what is known as the principle of beneficence, in the basic principles contained in the medical code of ethics.

Beneficence literally means forgiveness, kindness, generosity, prioritizing the interests of others, love and humanity. Beneficence in a broader sense means actions taken for the good of others. The principle of moral beneficence is a moral obligation to take an action for the good or benefit of others (patients). This principle has been

⁴⁷ Wahyuni, "Hukuman Kebiri Terhadap Pelaku Tindak Pidana Pemerkosaan Anak Dan Kaitannya Dengan Hak Asasi Manusia."

described as a means of self-evident or self-evident and is widely accepted as an appropriate goal of medicine.

The application of the principle of beneficence is not absolute. This principle is not the only principle that must be considered, but one among several other principles that must also be considered. This principle is limited to the balance of benefits, risks, and costs (as a result of the action) and does not determine the achievement of all obligations. The criticism that often arises against the application of this principle is that the public interest is placed above personal interest. For example, in medical research, on the basis of benefit in the public interest, research procedures that harm individual research subjects are allowed. However, there are other principles that should also be considered. The principle of beneficence must be applied both for the individual good of a patient and the good of society as a whole.

Some form of application of the principle of beneficence is an important component of morality. Because of the wide scope of goodness, many provisions in good (medical) practice are born from this principle of beneficence. Some examples of the application of this beneficence principle are:⁴⁸

- a. protect and safeguard the rights of others;
- b. prevent harm that can befall others;
- c. eliminate conditions that may harm others;
- d. helping people with various limitations (disability);
- e. help people in danger

The implementation of this principle of beneficence, contained in Article 5 of the Medical Code of Ethics (KODEKI) of 2012 states that "every action/advice from a doctor that may weaken psychological or physical endurance, must obtain the consent of the patient/family and only given for the benefit and benefit of the patient. " In the

⁴⁸ Rizal, "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Anak Dalam Perspektif HAM."

elucidation of the article, it is explained that to weaken the patient's psychic and physical condition is contrary to the nature of medical science unless there is a justification for the action, such as the procedure for removing nerve function used in anesthesia before surgery and administering pain medication to patients with unbearable pain. In connection with the duties, functions and authorities of medical or health workers (doctors) who are healing and respecting human life naturally, professional organizations have issued MKEK PB IDI fatwa No. 1 of 2016 which principally states that "tasks that are contrary to healing are not the duties of the medical profession". It can be concluded that apart from actions aimed at curing the patient, eliminating the patient's normal bodily functions is against the duty of a doctor, this then applies to the castration punishment procedure.

After the author describes the views of the three basic principles that form the basis for the formation of the medical code of ethics, the author concludes that sanctions in the form of chemical castration are contrary to the principles contained in the medical code of ethics. So in the event that the medical profession is requested and/or ordered directly by law as the executor of the sanctions, it will result in a conflict within the doctor as a profession. This can also be seen in the statement from IDI Chairman Ilham Oetama Marsis, who stated that:

"The reason IDI refuses to be the executor of chemical castration is first, that chemical castration is not a type of medical service but a punishment, so it is not in the realm of medical or health workers to do it. Therefore, IDI allows the government to appoint executors other than medical personnel. The second reason IDI refuses to be an executor is that the act of execution can cause a conflict of norms, namely medical ethics, orders from the World Health Organization (WHO), and the Health Law that prohibits

carrying out such actions, which in this case is chemical castration”.

But in fact, chemical castration as an additional sanction in terms of perpetrators of sexual abuse of children is not new. Several countries have implemented laws governing castration, namely: Denmark (1929), Sweden (1944), Finland (1970), Norway (1977), Poland (2009), the United States, namely the state of California (1996) and several other countries. others, Argentina (2010), Australia, Israel, New Zealand, South Korea (2011), and Russia (2011), Moldova (2012), and Estonia (2012). However, if the doctor hands off in this case, the next question is who should replace the role of the doctor as a profession with competence that is able to understand the patient's physical and psychological health in order to reduce the pain that must be suffered by the perpetrator? This will be described in the next discussion by comparing the enforcement of chemical castration sanctions on perpetrators of sexual crimes against children in various countries (South Korea and Russia) which the authors have described previously.

B. Reconstruction of Regulations for the Implementation of Chemical Castration Sanctions

As the author described in the first discussion, the medical profession is a profession that has the opportunity as an executor in the implementation of chemical castration sanctions on perpetrators of sexual crimes against children, as contained in Article 82 A paragraph (2) of the Child Protection Law,,: "Implementation of actions as referred to in paragraph (1) under regular supervision by the ministry that carries out government affairs in the legal, social and health fields. It is thus clear that the medical profession is the executor of chemical castration in Article 9 paragraph (2) of PP No. 70 of 2020

regarding the implementation of the castration process, which states that:

“within a period of no later than 7 (seven) working days from the receipt of the conclusion as referred to in letter a, the prosecutor instructs the doctor to carry out the chemical castration action against the perpetrator”.

For this, IDI as an umbrella organization for the medical profession in Indonesia through its general chairman responded, where the General Chairperson of IDI Daeng M. Faqih said that IDI allowed Indonesia to apply punishment in the form of chemical castration. However, IDI asked not to appoint medical personnel or health workers as executor. The reasons for IDI's refusal to be the executor of the chemical castration punishment are first, that chemical castration is not a type of medical service but a punishment, so it is not in the realm of medical or health workers to do it. Therefore, IDI allows the government to appoint executors other than medical personnel. The second reason IDI refuses to be an executor is that the act of execution can lead to a conflict of norms, namely medical ethics, the orders of the World Health Organization (WHO), and the Health Law that prohibits carrying out such actions, which in this case is the execution of chemical castration.⁴⁹

The refusal is actually a reasonable thing, because chemical castration which in medical terms is known as castration is a surgical procedure and/or the use of chemicals with the aim of eliminating the function of the reproductive organs in the form of testes in males and ovaries in females. Based on its understanding, castration procedures are then grouped into physical castration and chemical castration. In

⁴⁹ Nour, “Chemical Castration of the Sexual Offender versus Human Fundamental Rights and Freedoms.”

physical castration, the operator performs a total removal of the reproductive organs, namely the testes and ovaries. In chemical castration, such actions are not carried out, but are replaced by giving chemical compounds that can weaken or eliminate the function of sex hormones. Pathophysiologically, chemical castration is done by injecting the hormone anti-testosterone into the convict's body. This hormone works by suppressing the production and activity of testosterone so that it does not trigger a libido race as long as the person is under the influence of the drug.

As a criminal sanction against perpetrators of sexual crimes such as rapists and pedophiles in various countries. Each country applies different castration methods. The Czech Republic and Germany are examples of several countries that apply physical castration, namely by removing the testicles of perpetrators of pedophile crimes as an effort to control the perpetrators' abnormal sexual urges. The countries that apply chemical castration are Russia and South Korea for sex offenders who are at risk of repeating their crimes after consulting a psychiatrist.⁵⁰

Doctors do not need to ask for the consent of the person to be executed because chemical castration is a clear punishment if the court has decided against that person. The existence of such things makes doctors feel that they are not carrying out their profession in accordance with the Code of Medical Ethics that has been mutually agreed upon and highly upholds the moral values in it, one of which is "informed consent" or approval from families and patients for all actions that result in decreased health. the patient's physical endurance, although it does not necessarily reduce his psychological endurance. So what if the execution of chemical castration must still be carried out by doctors, considering that doctors are the only ones

⁵⁰ Mardiya, "Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Implementation of Chemical Castration."

who are given the right to carry out chemical castration executions on the orders of the prosecutor, and have also been accommodated in Article 9 letter (b) 70/2020, which states that:

“within a period of no later than 7 (seven) working days from the receipt of the conclusion as referred to in letter a, the prosecutor instructs the doctor to carry out the chemical castration action against the perpetrator”.

Based on article 9 letter (b) of PP NO 70 YEAR 2020, he is the executor in the implementation of chemical castration sanctions for perpetrators of sexual crimes against children. Chemical castration as a punishment for perpetrators of sexual crimes in Indonesia came into effect in 2016. This was marked by the promulgation of Law Number 17 of 2016 concerning the ratification of Perpu Number 1 of 2016 concerning the second amendment to Law Number 23 of 2002 concerning Child Protection. The punishment for chemical castration lies in Article 81 paragraph (7) which states that "Against the perpetrators as referred to in paragraph (4) and paragraph (5) may be subject to action in the form of chemical castration and installation of electronic detection devices." The enactment of this law reaps the pros and cons of various parties, from organizations fighting for human rights enforcement to medical professional organizations. The castration sentence is considered as an answer to the high public demands against perpetrators of sexual crimes in addition to the non-optimal implementation of child protection laws so far in Indonesia.⁵¹

Indonesia is not the first country in Asia to apply chemical castration, in 2011 South Korea adopted chemical castration as an additional punishment for sexual crimes. In South Korea, the

⁵¹ Saara Lehmusvaara et al., "Chemical Castration and Anti-Androgens Induce Differential Gene Expression in Prostate Cancer," *Journal of Pathology* 227, No. 3 (2012): 336–45, <https://doi.org/10.1002/path.4027>.

Government uses the chemical castration method only if health experts test that sex offenders are likely to repeat their actions. The chemical castration procedure will be carried out after a psychiatrist's diagnosis is made, then the prosecutor's office will carry out the castration process. Not only South Korea, but also several other countries that apply chemical castration as punishment, namely Denmark, Sweden, Finland, Norway, Poland, the United States, Argentina, Australia, Israel, New Zealand, Moldova, Estonia, and Russia.⁵²

Russia, for example, is one of the countries that also applies chemical castration punishment. The chemical castration procedure was carried out after the court requested a forensic psychiatrist's report to follow up on medical steps against the perpetrator. Then the court will inject the depoprovera substance containing synthetic progesterone into the patient's body. By injecting more female hormones into the male body it will decrease sexual desire. After undergoing chemical castration, perpetrators of pedophilia crimes will serve a prison sentence. They can only apply for parole after serving 80 percent of the sentence. The castration punishment in force in Russia must be carried out by every offender found guilty by a court. Based on this, it is known that those who carry out the process of castration or chemical castration are the courts that impose sanctions on perpetrators of sexual crimes against children.⁵³

In contrast to South Korea, in South Korea, the Government uses the chemical castration method only if health experts test results that the perpetrators of sexual crimes are likely to repeat their actions. The chemical castration procedure will be carried out after there is a

⁵² Kyo Chul Koo et al., "Treatment Outcomes of Chemical Castration on Korean Sex Offenders," *Journal of Forensic and Legal Medicine* 20, No. 6 (2013): 563–66, <https://doi.org/10.1016/j.jflm.2013.06.003>.

⁵³ Mardiya, "Penerapan Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Implementation of Chemical Castration."

diagnosis from a psychiatrist, then the prosecutor's office will carry out the castration process, so it can be said that in the context of chemical castration in South Korea, the prosecutor's office is not a medical professional.⁵⁴

It is also important to note that South Korea and Russia have requested the assistance of a psychiatrist in diagnosing someone who will be subject to chemical castration. After getting the diagnosis, South Korea appointed the prosecutor's office to carry out chemical castration. Meanwhile, Russia, after receiving a report from a forensic psychiatrist, to follow up the chemical castration sentence was handed over to the court, so that the court would be the executor of chemical castration.⁵⁵ Psychiatrists are psychiatric specialists who have clinical skills in diagnosing, treating, treating and preventing mental health problems. In this case, it can be concluded that Russia and South Korea only use medical personnel or doctors as advisory opinions for law enforcers to carry out chemical castration executions. So it is still law enforcement officers who carry out the execution or chemical castration executor.

So it is clear that in the context of Russia and South Korea, in the context of the implementation of chemical castration on perpetrators of sexual crimes against children, it is not carried out by the medical profession, the medical profession only acts as an advisory opinion for law enforcers to carry out chemical castration executions. So it is still law enforcement officers who carry out the execution or chemical castration executor. In the area of the medical profession as an advisory opinion for law enforcers, it is actually quite often done in the Indonesian context, such as determining the competence of the

⁵⁴ Joo Yong Lee and Kang Su Cho, "Chemical Castration for Sexual Offenders: Physicians' Views," *Journal of Korean Medical Science* 28, No. 2 (2013): 171–72, <https://doi.org/10.3346/jkms.2013.28.2.171>.

⁵⁵ Lee and Cho.

convict to undergo trial and providing treatment for prisoners, especially those with mental disorders.⁵⁶ Although in this case the doctor intends to cure patients with mental disorders, this healing actually makes the inmates subject to criminal penalties that have been decided by the judge, including the death penalty.⁵⁷

However, in relation to the implementation of chemical castration on perpetrators of sexual crimes against children, the medical profession is the only profession that is given the authority as the executor of chemical castration on orders from the prosecutor as stated in Article 9 Letter (b) PP No. 70 of 2020, namely:

“within a period of no later than 7 (seven) working days from the receipt of the conclusion as referred to in letter a, the prosecutor instructs the doctor to carry out the chemical castration action against the perpetrator”.

In this case, the medical profession seems to be carrying out pro-Justitia activities, which are actually unknown in the Indonesian criminal justice system. Meanwhile, it is known that in terms of administering criminal justice, it is a mechanism for the work of criminal law enforcement officers, starting from the process of investigation and investigation, arrest and detention, prosecution and examination in court. This means the work of the Police, Prosecutors, Judges and Correctional Institutions in the process/work within the scope of criminal procedural law. Therefore, to avoid confusion over the abuse of authority, overlapping authorities and failure to achieve the task of resolving crimes that occur in society, a law is needed

⁵⁶ Anis Widyawati et al., “Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions,” *Lex Scientia Law Review* 6, No. 2 (2022): 327–58, <https://doi.org/10.15294/lesrev.v6i2.58131>.

⁵⁷ Ratkoceri, “Chemical Castration as a Security Measure in the Criminal Legislation of the Republic of Macedonia.”

which includes who the law enforcement officers are who are given the task of enforcing criminal law by the state, how to enforce them, what are the tasks. and obligations, as well as sanctions if it turns out that the implementation is not in accordance with the method or duties and authorities.⁵⁸ This law is known as formal criminal law or criminal procedural law. The concept of the criminal justice system is adopted as a consequence of functional and institutional differentials in the administration of criminal justice in Indonesia based on the Criminal Procedure Code (KUHAP) which is the legal basis for the administration of the justice system in Indonesia.⁵⁹

So it is natural that there would be a rejection from the medical profession regarding this matter, because the task as an executor of chemical castration itself would have been contrary to the Code of Medical Ethics as the author described at the beginning of the problem, then in this case the advice from the author is related to the execution of chemical castration sanctions for perpetrators. Sexual crimes against children, taking the example of South Korea and Russia, are best carried out by law enforcers (either courts or prosecutors) in this case the medical profession in the future only as an advisory opinion for law enforcers to carry out chemical castration executions. In technical terms, this can be done by using an executor (either from the court or the prosecutor's office) who has been given special competency training for castration and then becomes one of the answers to mediate interests between law and medical ethics.

⁵⁸ Helmi Helmi et al., "The Competency of Administrative Court in Adjudicating State Financial Losses Report Dispute in Indonesia," *Sriwijaya Law Review* 4, No. 1 (2020): 41, <https://doi.org/10.28946/slrev.vol4.iss2.298>.pp41-51.

⁵⁹ As'ad Said Ali, *Negara Pancasila : Jalan Kemaslahatan Berbangsa* (Jakarta: LP3ES, 2009).

4. Conclusion

The order for the execution of chemical castration for perpetrators of sexual crimes against children in Indonesia by doctors contained in Article 9 letter (b) PP No. 70 of 2020, actually contradicts the principles contained in the medical code of ethics, including: First, as a chemical castration sanction contrary to the principle of autonomy in the code of medical ethics. Second, chemical castration carried out by doctors is contrary to the principle of non-maleficence which prohibits actions that endanger or worsen the patient's condition. This principle is better known as *primum non nocere* or do no harm. Third, chemical castration is against the principle of beneficence. The regulation regarding the granting of the authority to execute chemical castration for perpetrators of sexual crimes against children in Indonesia by doctors contained in Article 9 letter (b) of PP No. 70 of 2020 is the root of the polemic against the rejection of the medical profession, in fact the middle way can be taken by referring to the provisions In the context of the implementation of chemical castration in Russia and South Korea, in the context of these two countries, the medical profession will only serve as an advisory opinion for law enforcers to carry out chemical castration. Regarding the technical aspects, this can be done by using an executor (either from the court or the prosecutor's office) who has been given special competency training.

5. Declaration of Conflicting Interests

None

6. Funding Information

None

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“Not only do I believe children can be reliable in sexual abuse cases, I believe the vast majority of them are reliable in those cases.”

Stephen J. Ceci

Nightline: When to believe a child's word (1996)

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