

ANALYSIS OF PUBLIC RESPONSE TO THE USE OF CHEMICAL CASTRATION FOR SEXUAL OFFENDERS IN INDONESIA

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ABSTRACT

Sexual violence includes various immoral behaviors such as sexual insults, touching unauthorized body parts, viewing and sending unwanted sexual and pornographic images, forced participation in sexual and pornographic activities, rape, sexual torture, female genital mutilation, sexual exploitation, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, forced abortion, and intentional infection with sexually transmitted diseases such as AIDS. Sexual crimes also occur in a state of war, mainly as a tool to oppress a country. In Indonesia, Law no. 17 of 2020 lists chemical castration as one of the solutions in preventing repeat sexual crimes for children. Chemical castration is one of the sanctions that is condemned by the world community but has a major impact in reducing the rate of sexual crime cases. This study aims to analyze the results of the response received by the community to the existence of chemical castration punishment in sexual offenders. The research method in this study uses the type of empirical research and the nature of qualitative research, with data collection methods in the form of questionnaires and secondary data from interviews from youtube and other written documents. The results of this study. Of the 100 respondents who agreed to the existence of chemical castration by answering yes and strongly agreeing, reaching 60%. Doubts about the success of the implementation of chemical castration can have a deterrent effect on sexual offenders. However, most people agree that the existence of chemical castration needs to be carried out not only pedophilia but also perpetrators of sexual crimes against women).

Keywords: Chemical Castration, Crime, Sexual.



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INTRODUCTION

Sexual violence There are many forms, common to all of them is that sexual behavior and touch occur with or without the consent of others. So this crime is the sexual self-determination of the person (Irfawandi et al., 2023). This violence includes: sexual humiliation; touching of any part of the body that is not allowed; the viewing and transmission of unwanted sexual and pornographic images; forced participation in sexual and pornographic activities; rape, sexual torture, female genital mutilation , sexual exploitation, sexual slavery, forced prostitution, forced

pregnancy, forced sterilization, forced abortion, to intentional sexually transmitted disease infections such as AIDS.

War conditions often give rise to conflicts not only between militants but also have an impact on civilians, especially women. Sexual violence against women and girls during wars has always been a part of human history. Sexual violence occurs in peacetime, is exacerbated in times of armed conflict, and extends to post-war societies. The use of rape as a strategic means of waging war is, in the end, a 'logical' consequence of unequal power relations. The perpetrators, who are mostly men, consist not only of soldiers, paramilitary, and police, but also civilians. Many resolutions and agreements were established by the international community (UN) to protect women from violence and strengthen their rights. However, political will is still lacking to truly fulfill the promise. Unless we succeed in eradicating the misogynistic structures that underlie sexual violence and creating gender justice for women and children (Turangan, 2015).

The implementation of chemical castration as one of the sanctions does not receive the support of the world community. Despite having a major impact in reducing the rate of sexual crimes, chemical castration is considered against human rights. Even so, based on data from Alam's research, 2020, chemical castration is currently widely carried out in various countries such as Denmark (1929), Sweden (1944), Finland (1970), Norway (1977), Poland (2009), the United States, namely the state of California (1996) and several other states, Argentina (2010), Australia, Israel, New Zealand, South Korea (2011), and Russia (2011), Moldova (2012), and Estonia (2012) including Indonesia. In Indonesia, the application for chemical castration is listed in Law 17/2020 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law No. 23/2002 concerning Child Protection which was passed into law on November 9, 2016 (Heriamsal & Manurung, 2024).

The Mojokerto District Court Decision No.69/Pid.Sus/2019/PN.Mjk is the first decision that ordered the imposition of chemical castration for Convict M. Aris, after completing his prison sentence. The implementation of the chemical castration law is by injecting it into the human body so that its lust decreases or even disappears (Siagian et al., 2023). The existence of chemical castration is considered torture for convicts and violates human rights. However, the purpose of criminal law in the modern era is no longer oriented towards retaliation, but to make the perpetrator and the victim can both get justice. Most people who know about the existence of this act respond to consent and are considered a matter of justice (Wahyuni et al., 2024).

Based on this background, it was found that the possibility of using chemical castration as a sanction to replace the death penalty in crimes against humanity including war, especially related to sexual crimes (Sabir, 2022). This gave rise to the idea for researchers to study these problems by connecting them to the community's response regarding the application of chemical castration. From this idea, the researcher took a discussion entitled "Analysis of Community Response to the Use of Chemical Castration for Sexual Crimes Perpetrators in Indonesia" (Sari, 2021).

The purpose of this study is to analyze the handling of sexual crimes based on Human Rights and Humanitarian Law, describe the implementation of Chemical Castration in Indonesia, analyze the results of the response received by the community to the existence of chemical castration punishment for sexual offenders (Mardiya, 2017).

Through this research, benefits can be obtained, namely this research is expected to be a source of deepening insight and expanding knowledge in the field of law, especially the regulation of the use of chemical castration as a punishment for perpetrators of sexual crimes in Indonesia. The results of this study are expected to provide benefits, knowledge, insights and information to the public regarding the use of chemical castration as one of the alternative sanctions for sexual crimes (Ginting & Susanti, 2023). The results of this study are expected to be reading materials and information to increase knowledge about the community's response regarding the use of chemical castration as an alternative sanction for sexual crimes (Hutapea, 2020).

METHODS AND RESEARCH

This type of research is quantitative descriptive using, namely the collection of respondent data through questionnaires. The approach used in this study is an approach by seeing, studying, and understanding reality and practice in the field through the results of the questionnaire collected. The research in this writing includes sociological or non-doctrinal legal research and is supported by secondary data (Daming, 2020). According to Soerjono Soekanto, empirical sociological legal research includes research on legal identification (unwritten) and research on legal effectiveness. The work of law in society can be studied from the level of legal effectiveness. Meanwhile, judging from its nature, this research is a quantitative descriptive research (Arake, 2020). Descriptive research aims to descriptive the data collected in order to solve research problems. This study aims to describe numerical data from questionnaires based on statistical results obtained from respondents with journal data and other documents that have been collected (Hasanah & Soponyono, 2018).

RESULTS AND DISCUSSION

The document data obtained was linked to the results of the analysis of the community response obtained from the questionnaire. The questionnaire was distributed to the public online in the hope of getting 100 respondents. The sample questionnaire that has been filled out is in Appendix 1. The gender ratio between men and women is 50:50 (Figure 1).

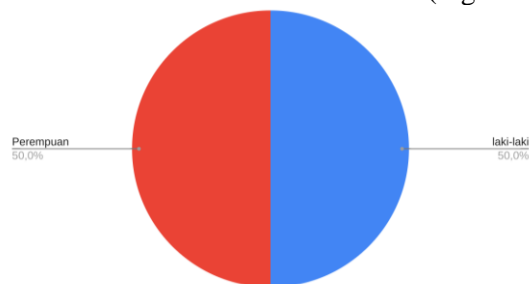


Figure 1 Diagram of the division of men and women

Most of them are non-legal academics, there are two law students who work as academics. Other non-legal people work as civil servants and self-employed.

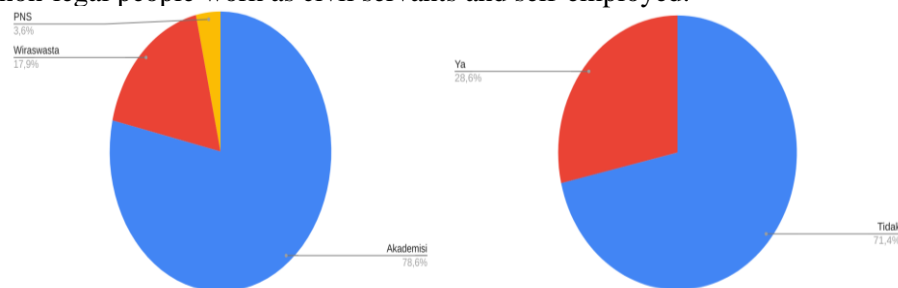
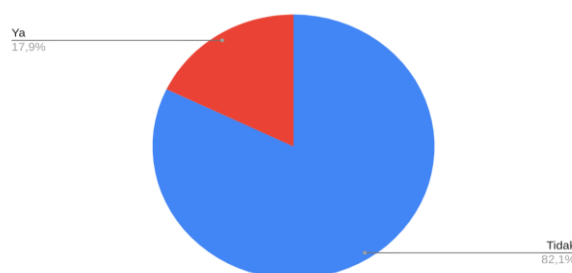


Figure 2. Overall Professional Diagram and Number of Legal Societies

From online data, two out of 100 respondents who had filled in data through *the g-form* explained that they had experienced sexual harassment, namely women. The types of sexual crimes that have been experienced are related to direct or indirect sexual crimes (taking photos without permission to certain parts)

**Figure 3 Number of Responses to Sexual Crimes Experiences**

The questionnaire data collection was continued with a section on community response to justice and law. The basis of assessment in making this questionnaire statement uses a likert scale so that the statement is made in 5 measures, namely Strongly disagree (STS), disagree (SS), hesitate (RR), agree (S) and strongly agree (SS). Scale creation is divided into two properties of statements, namely Favourable and Unfavourable. The statement is favourable or positive where the ranking points from STS are valued at 1 to SS are valued at 5. On the other hand, statements are unfavourable or have a positive value, where the ranking points from STS are valued at 5 to SS are valued at 1.

The questionnaire data collection was continued with a section on community response to chemical castration (Table 3). The data obtained generally has valid and reliable criteria. The data generated can then be further analyzed regarding public knowledge about justice and law (can be seen in Appendix 5). All data is normally distributed from the analysis, all data can be interpreted descriptively to each statement. Statements are varied between favourable and unfavourable statements. Most of the statements were answered hesitantly (1,2,5,6,9,12-14). Statements 8 and 10 are unfavourable and vote disagree. The unfavourable statement agrees to statement 4 and the favourable agrees to statements 3,7, 11 and 15.

Table 1. Data on Community Response to Chemical Castration

STATEMENT	Item	% Answer				
		1	2	3	4	5
1. In my opinion, the act of chemical castration in PP no 70/2020 is very useful as a preventive measure for sexual crimes	Favourable	9,3	9,3	28,1	21,87	31,25
	Agree					
2. I believe chemical castration violates the principles of Human Rights (Human Rights)	Unfavourable	9,3	6,25	31,2	27,5	15,62
	Agree					
3. In my opinion, chemical castration provides justice for victims of sexual crimes	Favourable	6,2	9,37	23,4	40,62	20,36
	Agree					
4. The implementation of chemical castration is not in accordance with the customs and culture in Indonesia	Unfavourable	12,5	3,12	37,5	25	21,87
	Agree					
5. I think the implementation of castration	Unfavourable	18,7	3,12	34,3	25	18,75

using hormone-reducing chemicals is inhumane	Agree							
6. In my opinion chemical castration violates religious law	Unfavourable Agree	15,6	9,37	34,3	28,12	12,5		
7. The implementation of chemical castration provides a deterrent effect for perpetrators of sexual crimes	Favourable Agree	3,12	9,37	28,1	21,87	37,5		
8. The administration of chemical castration should only be applied to sexual crimes against children	Unfavourable disagree	9,37	28,1	37,5	18,75	6,25		
9. Giving chemical castration to humans violates ethics in science and medicine	Unfavourable Agree	3,12	15,6	37,5	28,12	15,62		
10. Chemical castration does not need to be carried out because sexual crimes are a mental disorder	Unfavourable disagree	34,3	21,8	28,1	6,25	9,375		
11. Chemical castration should be applied to all sexual crimes	Favourable Agree	28,1	18,7	12,5	34,37	6,25		
12. Chemical castration cannot be granted for war crimes because it involves international parties.	Unfavourable Agree	3,12	15,6	37,5	31,25	12,5		
13. Chemical castration violates international law	Unfavourable Agree	6,25	6,2	43,7	34,37	9,375		
14. In my opinion, chemical castration is a rehabilitation measure given to perpetrators of sexual crimes	Favourable Agree	3,12	9,3	43,7	31,25	12,5		
15. In my opinion, the provision of chemical castration for perpetrators of sexual crimes must obtain approval from various parties (police, medical personnel, psychiatrists, etc.)	Favourable Agree	0	9,3	15,6	34,3	40,62		

Source: primary data processing results

Most of the results show that PP 70 no 2020 has explained in detail the implementation of chemical castration, mainly as a prevention of sexual crimes. Chemical castration as one of the sources of fear to sexual offenders is considered the right thing. According to validated

respondents, rehabilitation carried out using chemicals such as MAP has a good effect in providing compliance with the law. The answer was more hesitant in statement 1, supported by the respondents' belief that the existence of chemical castration violates human rights and religious laws. Respondents believe that chemical castration can violate international law as well, so it can be explained that the existence of this regulation cannot be directly applied in a judge's decision. In Government Regulation Number 70 of 2020, the executor of chemical castration is not clearly stated as the authority to carry out chemical castration. This is supported by the response of the community who agree that the decision on chemical castration needs to be approved by several other parties. It is only mentioned that the clinical assessment process is carried out by the ministry in charge of government affairs in the legal field, the ministry in charge of government affairs in the social sector and the ministry in charge of government affairs in the health sector. However, the party that can execute castration convicts can use the medicine of the National Police of the Republic of Indonesia through Police Medicine. Castration punishment is still a pro-con in society because of various opinions and regulations that still overlap so that it cannot directly ensnare the perpetrators of sexual violence crimes that occur in the public

CONCLUSION

The conclusion obtained is that the existence of chemical castration has not been approved by the community as an alternative punishment for sexual offenders. The academic community agrees that chemical castration is an act that violates international law, human rights and humanity.

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