



Chemical castration as a penal instrument: An analysis of the Mojokerto district court decision from a human rights perspective

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ABSTRACT

Chemical castration was introduced into Indonesia's criminal justice system as a legislative response to the increasing prevalence of sexual violence against children. This penal instrument is designed to deter offenders while safeguarding victims' rights and welfare. One notable application of this sanction can be found in the Mojokerto District Court Decision No. 69/Pid.Sus/2019/PN.Mjk, where chemical castration was imposed as an additional punishment for the perpetrator of child sexual assault. Although grounded in positive law, the implementation of chemical castration raises profound debates within the human rights discourse, particularly regarding the prohibition of torture, the right to bodily integrity, and the protection of human dignity. This study aims to analyze chemical castration as a penal instrument through a normative legal approach, examining the Mojokerto District Court decision from a human rights perspective. Using a juridical-normative method that combines statutory and case approaches, this research finds that chemical castration generates significant tension between the objectives of punishment and the fundamental principles of human rights. Consequently, its application necessitates critical evaluation to ensure alignment with the rule of law, proportionality, and respect for human dignity.

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1. INTRODUCTION

Children represent the foundation and future of a nation. Within the framework of human rights, children are not merely regarded as objects of protection but as legal subjects possessing inherent rights to life, growth, development, and safety from all forms of violence. These rights are inherent from birth, and it is the responsibility of the state, society, and family to ensure their continuous fulfillment. However, in both social and legal practice, children remain among the most vulnerable groups to various forms of human rights violations, one of the most severe being sexual violence. Sexual violence against children constitutes a grave violation of human rights that inflicts long-term physical, psychological, and social harm upon its victims. The rate of sexual violence against children in Indonesia has shown a significant increase, with 6,969 reported cases in 2020 rising to 11,771 in 2024. This increase underscores that sexual violence against children is not a sporadic phenomenon but a structural problem requiring a serious and comprehensive legal response. Such violence not only causes physical suffering but also leaves profound psychological and social scars

that may hinder a child's holistic development. This phenomenon highlights systemic failures in providing effective protection for children's rights (Arif, 2017).

Despite the growing body of literature on criminal law reform and human rights protection in Indonesia, limited scholarly attention has been devoted to examining chemical castration as a penal instrument through an integrated legal-human rights lens. Most existing studies tend to focus either on the normative justification of harsher sanctions or on the medical-ethical implications of such measures in isolation, without fully exploring the tension between penal deterrence objectives and non-derogable human rights principles. This analytical gap underscores the necessity of a focused inquiry into how chemical castration operates within Indonesia's penal system and whether it aligns with constitutional guarantees of human dignity and bodily integrity.

In response to this situation, the Indonesian government has undertaken extraordinary measures to strengthen child protection mechanisms. One of the key responses has been the amendment of Law No. 35 of 2014, which revised Law No. 23 of 2002 on Child Protection, through the promulgation of Government Regulation in Lieu of Law No. 1 of 2016. This regulation imposes harsher sanctions on perpetrators of crimes against children, aiming to curb the escalating rate of sexual crimes through more severe and repressive penal measures. The regulation introduced new forms of punishment, including chemical castration, the installation of electronic monitoring devices, and mandatory rehabilitation for offenders convicted of sexual violence against children. These measures were conceived as extraordinary preventive and deterrent tools to address child sexual crimes more effectively (Alexy & Rivers, 2010).

The Mojokerto District Court decision represents a normative and empirical turning point in Indonesia's criminal jurisprudence. Normatively, it marks the first explicit judicial application of chemical castration following the enactment of Government Regulation in Lieu of Law No. 1 of 2016, thereby setting a precedent for the operationalization of extraordinary punishments within the legal system. Empirically, the decision highlights significant procedural, ethical, and institutional challenges in implementing chemical castration, ranging from medical collaboration and enforcement feasibility to human rights compliance. These unique dimensions distinguish the Mojokerto case from other sexual crime rulings and justify its examination as a focal case study for evaluating the intersection of punitive innovation and human rights protection in Indonesia.

Within this legal context, the Mojokerto District Court delivered a landmark ruling that applied chemical castration as part of its sentencing in a case of sexual violence against minors. The case, recorded under Decision No. 69/Pid.Sus/2019/PN.Mjk ("Mojokerto District Court Decision"), involved a perpetrator named Muh Aris, approximately 20 years old, who was found guilty of committing sexual violence against nine minors, including one victim under the age of six. The offender was apprehended in October 2018 following a report from the victim's parents, who discovered that their child had been sexually assaulted.

The court proceedings revealed that the offender committed the assault after returning from work, encountering the victim playing alone in front of her house. The perpetrator forcibly dragged the victim into an abandoned house nearby, restrained her, and committed sexual violence that caused severe injuries and bleeding. The crime was later uncovered through surveillance footage from a nearby camera. For his actions, the perpetrator was charged under Article 76D in conjunction with Article 81 paragraph (2) of the Child Protection Law.

Although the application of chemical castration in this case was justified as an effort to enhance child protection, it has generated intense debate from a human rights standpoint. Critics argue that chemical castration potentially violates Article 28I paragraph (1) of the 1945 Constitution of the Republic of Indonesia in conjunction with Article 4 of Law No. 39 of 1999 on Human Rights, which guarantee the right to be free from torture and from cruel, inhuman, or degrading treatment or punishment, rights that are non-derogable under any circumstances. Consequently, a critical examination is necessary to assess the compatibility of chemical castration as a penal instrument with human rights principles within the framework of a constitutional democratic state (Herring & Wall, 2017).

From a broader human rights perspective, this issue raises essential questions regarding the boundaries between state authority to impose punitive measures and its obligation to respect and uphold human dignity. The state's duty to protect children from sexual violence must be

balanced against the imperative to avoid punitive actions that could themselves constitute human rights violations. The discourse surrounding the Mojokerto District Court's decision thus reflects a crucial intersection between criminal justice and human rights, demanding an in-depth academic exploration of whether punitive innovations like chemical castration truly serve justice or merely shift the boundaries of lawful punishment at the expense of fundamental human dignity.

2. RESEARCH METHOD

This research employs a normative juridical approach that centers on the examination of positive legal norms and judicial decisions. The methodological framework combines both the *statute approach* and the *case approach* as integral components of legal analysis (Marune, 2022). The statute approach is applied to study and interpret legal provisions governing chemical castration as a form of criminal punishment, alongside the broader framework of human rights protection under Indonesian law. Meanwhile, the case approach is utilized to analyze the Mojokerto District Court Decision, which imposed chemical castration as part of its sentencing, in order to assess the judicial rationale and its alignment with existing legal norms and human rights principles.

The primary legal materials used in this study include the 1945 Constitution of the Republic of Indonesia (UUD 1945), Law No. 39 of 1999 on Human Rights (UU HAM), the Child Protection Law, and the relevant Mojokerto District Court Decision. Secondary legal materials are drawn from authoritative legal textbooks, peer-reviewed academic journals, and reports or opinions issued by human rights institutions concerning chemical castration and its relation to criminal punishment. Data analysis in this study is conducted qualitatively through prescriptive legal reasoning, which involves evaluating the extent to which the application of chemical castration in judicial decisions conforms to fundamental human rights principles. This methodological approach enables the researcher to present evaluative and constructive legal arguments, providing a critical framework for assessing the compatibility of penal policies with human rights obligations within Indonesia's constitutional and legal system (Marune, 2023). Nevertheless, the use of a single court decision as the focal point of analysis presents certain analytical limitations. It constrains the generalizability of findings and may not fully capture the broader judicial or legislative dynamics surrounding chemical castration in Indonesia. However, this focused approach allows for a more in-depth normative and doctrinal examination of legal reasoning within a specific judicial context.

3. RESULTS AND DISCUSSIONS

Chemical Castration within the Framework of Human Rights

Chemical castration was introduced as a penal instrument within the framework of child protection based on the assumption that the imposition of harsher criminal sanctions would create a strong deterrent effect on offenders and prevent the recurrence of sexual crimes against children. This policy is rooted in the belief that children, as the nation's future generation, must be positioned as subjects entitled to maximum legal protection, including through the application of extraordinary sanctions against perpetrators of sexual violence. The emphasis on deterrence and the urgency to protect vulnerable groups form the core justification for adopting such exceptional measures (Ward & Beech, 2006).

Nevertheless, the protection of children as the central objective of criminal law policy cannot be detached from the state's obligation to respect human rights, including those of criminal offenders. In this context, the implementation of chemical castration raises a fundamental tension between the legitimate aim of protecting children and the constitutional principle that limits the state's power to impose punishments affecting bodily integrity. In the Mojokerto District Court Decision, chemical castration was introduced as an additional punishment within the Indonesian criminal justice system, designed primarily to deter and prevent future acts of sexual violence against children. The presiding judges justified their decision by emphasizing the gravity of the offender's actions, the severe psychological and physical trauma suffered by the victims, and the high risk of recidivism. Consequently, chemical castration was framed as both a repressive and a special preventive measure within Indonesia's penal framework (Eddyono et al., 2017).

From the perspective of penal theory, chemical castration reflects a strong alignment with the objectives of deterrence and special prevention. However, the use of medical intervention as a

punitive instrument raises conceptual concerns regarding the boundary between lawful punishment and interference with bodily autonomy. Ideally, criminal punishment should not merely serve retributive purposes but must also consider rehabilitative and reintegrative goals that facilitate the offender's return to society. The shift from purely punitive measures toward restorative justice paradigms underscores the necessity for penal policies that balance state authority with human dignity (Wahyuni, 2017).

Human rights, as articulated in the Indonesian Human Rights Law (UU HAM), are inherent and inalienable rights that exist naturally within every human being from birth and cannot be taken away by anyone. These rights are independent of an individual's legal status, including those of convicted offenders. Hence, the imposition of punishment does not absolve the state from its obligation to respect, protect, and fulfill human rights. The recognition of offenders as rights-bearing individuals represents a core tenet of modern criminal justice systems grounded in the rule of law (Hasanah & Soponyono, 2018).

Conceptually, human rights are founded upon the principles of freedom and equality inherent to all individuals. Freedom, within the human rights discourse, is not an unrestrained liberty but one that is bounded by the rights of others and by the law. However, any restriction of human rights must be justified by law, must serve a legitimate purpose, and must comply with the principles of necessity and proportionality. These principles constitute essential benchmarks in assessing whether a particular penal instrument, such as chemical castration, is compatible with human rights standards. Thus, while the policy aims to protect children from grave harm, its legitimacy must ultimately be evaluated in light of constitutional safeguards, international human rights norms, and the broader ethical considerations surrounding state-imposed bodily interventions (Azzahra & Laela, 2025).

The prohibition of torture and other cruel, inhuman, or degrading treatment or punishment constitutes one of the most fundamental principles in international and domestic human rights law. This principle is categorized as part of *non-derogable rights*, meaning that it cannot be suspended or limited under any circumstances, including in situations of emergency or national security. Within the Indonesian legal framework, this principle serves as a cornerstone of constitutional guarantees that uphold human dignity and the inviolability of the human person. The National Commission on Human Rights (Komnas HAM) has expressed grave concerns regarding the implementation of chemical castration as a punishment for perpetrators of sexual violence against children, highlighting its problematic nature from a humanitarian and human rights standpoint (Anggraeni, 2022).

According to Komnas HAM, the policy of chemical castration does not fully align with the fundamental human rights principles that underpin the Indonesian legal system, particularly the constitutional guarantee of every individual's right to be free from torture and from treatment that degrades human dignity. This protection is explicitly enshrined in Article 28G paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which declares that "Every person has the right to be free from torture and from treatment that demeans human dignity." The principle articulated in this provision reflects Indonesia's commitment to uphold international human rights norms, including those contained in the *Universal Declaration of Human Rights* and the *Convention Against Torture (CAT)*, both of which affirm that the prohibition of torture is absolute and admits no exceptions (Utami et al., 2023).

The imposition of an additional punishment in the form of castration, whether chemical or surgical, raises significant concerns regarding the individual's right to informed consent to medical treatment and the right to preserve physical and mental integrity. The use of coercive medical intervention as an instrument of punishment calls into question the limits of state authority in utilizing the human body as an object of penal enforcement. Furthermore, both medical professionals and legal scholars have emphasized that sexual offenses cannot be simplistically attributed to biological or medical factors alone; rather, they are influenced by complex psychological, environmental, and socio-cultural determinants. Consequently, a criminal policy that focuses solely on deterrence through the infliction of physical suffering is deemed insufficient and must be complemented by rehabilitative and restorative approaches that remain grounded in human rights principles (Kartasasmita et al., 2023).

In this regard, Komnas HAM maintains that the legal provisions governing chemical castration under the Child Protection Law must prioritize the rehabilitative aspect of justice, ensuring that interventions encompass medical, psychological, and social dimensions. Rehabilitation, as part of a holistic human rights-based approach, should not only aim to reform offenders but also safeguard their dignity and prevent further violations of bodily autonomy. However, in practice, the enforcement of chemical castration continues to pose serious dilemmas concerning the balance between the legitimate goal of protecting children and the obligation to respect the fundamental rights of convicted offenders, particularly those related to bodily integrity and the prohibition of cruel or degrading treatment (Bhaskar & Desikan, 2025).

Therefore, the provision allowing for chemical castration as a penal measure warrants critical reassessment not only in terms of its effectiveness as a deterrent but also with regard to its constitutional legitimacy and compliance with international human rights standards. The response to sexual violence against children must be comprehensive and coherent, integrating punitive measures with preventive, rehabilitative, and reintegrative efforts. A sustainable child protection system should thus emphasize a multidimensional approach that addresses root causes, ensures justice for victims, and upholds the inalienable human rights of all individuals involved, reflecting a balanced interplay between the imperatives of justice, humanity, and the rule of law (Perrotta et al., 2025).

The Right to Bodily Integrity, Proportionality, Rehabilitative Alternatives, and the Legal Framework of Chemical Castration

The right to bodily integrity constitutes an inseparable component of human rights and represents a fundamental safeguard against unlawful physical interference. In international human rights doctrine, this right guarantees that every individual remains free from any form of physical intervention unless it is conducted on a lawful, necessary, and proportionate basis. The protection of bodily integrity is intrinsically connected to the recognition of human dignity and personal autonomy, particularly concerning decisions related to one's own body and health. The right encompasses not only protection against coercive actions but also the assurance of *free and informed consent* in all medical procedures. Within the framework of chemical castration, however, medical intervention is imposed as a compulsory element of punishment, executed without the free consent of the convicted individual. This transforms the human body into an object of state authority within the context of penal enforcement (Satodiya et al., 2024).

The use of medical procedures as instruments of punishment poses profound ethical and juridical dilemmas. The state's act of reducing the human body to a means of punishment contravenes the core human rights principle of respect for human dignity. From a human rights law perspective, punitive measures that rely on coercive physical interventions require rigorous scrutiny, as they risk legitimizing forms of state-sanctioned punishment that may infringe upon physical and mental integrity. Such measures blur the distinction between lawful penal enforcement and degrading treatment, raising questions about whether punishment can ever justifiably intrude upon the bodily autonomy of individuals, even in cases of grave offenses (Waluyo & Nugraha, 2024).

The principle of proportionality, a cornerstone of both constitutional and international human rights law, serves as the key normative criterion for assessing the legitimacy of restrictions on individual rights. As articulated by Alexy and Rivers (2009), any restriction on human rights must be demonstrably necessary, genuinely serve a legitimate objective, and represent the least intrusive means available to achieve that objective. Applied to the context of chemical castration, this principle requires a strict and reasoned evaluation of whether such punishment is genuinely necessary and proportionate as a means of preventing sexual crimes against children, or whether it exceeds the permissible bounds of state-imposed limitations in a constitutional democracy. The Mojokerto District Court's decision illustrates that judicial reasoning primarily emphasized victim protection and societal safety; however, it insufficiently addressed the long-term implications of chemical castration on the offender's fundamental rights, particularly bodily integrity and human dignity. The absence of a proportionality assessment thus raises significant concerns regarding the balance between legitimate penal objectives and the state's enduring obligation to uphold human rights protections (ZUBAIDAH et al., 2023).

In contrast to purely retributive or deterrent models, a rehabilitative approach offers a human rights-based alternative that aligns with modern criminological and psychological understandings of sexual offenses. Studies in criminology and forensic psychology demonstrate that sexual crimes, particularly those against children, cannot be explained solely by biological impulses or medical abnormalities. Such behavior is shaped by a complex interplay of psychological, social, and environmental factors, including prior experiences of abuse, personality disorders, unequal power relations, and weak social control mechanisms. Policies that reduce sexual offending to biological dysfunctions risk overlooking these multidimensional causes and consequently produce punitive frameworks that fail to address the roots of the problem effectively (Hermawanti, 2024).

From this standpoint, criminal policies that rely solely on physical interventions like chemical castration are inadequate in addressing the structural and psychological underpinnings of sexual violence. While chemical castration suppresses sexual drive temporarily, it does not necessarily eliminate the underlying cognitive and emotional patterns that contribute to offending behavior. Without comprehensive psychological therapy and sustained social reintegration programs, offenders remain at risk of reoffending once the effects of the chemical agents wane. This raises doubts about the long-term efficacy of chemical castration as a preventive tool (Hathout, 2025).

A rehabilitative approach, by contrast, conceptualizes punishment as a mechanism for behavioral change rather than mere retribution. It promotes social reintegration through psychological therapy, behavioral counseling, social mentoring, and structured supervision. This paradigm balances the rights of victims and the rehabilitation of offenders by addressing the multifaceted nature of sexual violence, thereby advancing the goals of justice and human dignity. In the human rights perspective, such an approach reflects an equilibrium between protecting victims, particularly children as vulnerable groups, and respecting the offender's inherent dignity and bodily integrity. The state's obligation to safeguard children and ensure public safety must never be pursued at the expense of fundamental human rights. Rather, a rehabilitative model reinforces the legitimacy of the rule of law by demonstrating that justice is exercised rationally, humanely, and with a long-term preventive orientation (Maharani & Pangestu, 2024).

Consequently, rehabilitative measures may be viewed as a more coherent and sustainable policy alternative compared to coercive physical punishments. They offer not only a potentially more effective means of reducing sexual violence but also ensure that penal policy remains consistent with the state's human rights commitments and the principle of substantive justice within the criminal justice system (Reza & Kamila, 2025).

The rising incidence of sexual violence against children in recent years has prompted the state to adopt extraordinary legislative measures within its criminal justice policy. Sexual violence against minors is recognized not merely as a criminal offense but as a profound human rights violation with enduring consequences for the victim's physical, psychological, and social development. Children, due to their inherent vulnerability and their pivotal role in shaping the nation's future, are entitled to special protection by the state. Within this context, sexual crimes against children are categorized as *extraordinary crimes* that demand an exceptional legal response distinct from conventional penal frameworks (Jafar & Abdullah Lawang, 2024).

The state's response to the escalation of such offenses has been reflected in a shift toward punitive severity, emphasizing deterrence through the imposition of harsher penalties. This approach is predicated on the assumption that severe punishment will not only deter potential offenders but also serve as a symbolic reaffirmation of the state's commitment to public morality and child protection. The strengthening of punitive sanctions reflects an attempt to enhance the preventive capacity of criminal law in addressing crimes that are considered socially destructive and morally abhorrent. However, this punitive orientation also signals an overreliance on criminal law as the primary instrument for addressing complex social problems (Saputra et al., 2023).

The inclusion of chemical castration as a penal measure represents an expansion of the state's coercive power into the biological and medical domains of human existence. Normatively, the introduction of chemical castration was intended to reinforce child protection and reduce recidivism by constraining offenders' biological capacity to commit sexual violence. Yet, the use of

medical procedures as instruments of punishment raises intricate legal and ethical challenges concerning the limits of state authority over the human body. This intersection between law, medicine, and human rights underscores the need for a critical reassessment of whether the criminal justice system can reconcile the imperatives of deterrence and child protection with the non-negotiable standards of human dignity, autonomy, and proportionality that underpin the international human rights order (Aulya Dwisudarini & Muridah Isnawati, 2021).

The Implementation of Chemical Castration in the Mojokerto District Court Decision

The implementation of chemical castration represents a novel and highly controversial development within Indonesia's criminal justice system, generating intense debate across public, legal, and academic domains. On one hand, the policy is perceived as a firm and extraordinary state response to the alarming rise of sexual crimes against children, offenses considered exceptional and deeply troubling to societal morality. Chemical castration has been justified as a mechanism intended to create a deterrent effect, prevent recidivism, and reduce the prevalence of sexual violence against minors. On the other hand, the policy has drawn significant criticism for its potential to violate fundamental human rights principles, particularly those related to the prohibition of torture and the protection of human dignity (Zsófia, 2023).

Human rights, in their essence, are inherent and inalienable rights bestowed upon every individual by the grace of God Almighty, ensuring that all persons can live with dignity and free from degrading or inhumane treatment. The Indonesian Constitution explicitly prohibits the state from imposing any punishment that dehumanizes or undermines constitutional rights inherent to human dignity. Within this constitutional framework, chemical castration is frequently interpreted as a form of coercive bodily intervention that may constitute cruel, inhuman, or degrading treatment as prohibited under the 1945 Constitution. Moreover, this punitive approach appears overly focused on retribution against offenders, while neglecting the broader objectives of modern penal theory, namely, rehabilitation, behavioral correction, and restorative justice that prioritize the recovery and well-being of victims (Yuningsih, 2020).

The National Commission on Human Rights (Komnas HAM) has consistently voiced strong objections to the implementation of chemical castration, emphasizing its incompatibility with human rights norms. Similarly, the Indonesian Medical Association (Ikatan Dokter Indonesia, or IDI) has officially opposed the involvement of medical professionals as executors of the procedure. IDI's stance is grounded in the view that participation in chemical castration would violate the Indonesian Medical Code of Ethics and the Hippocratic Oath. From a medical ethics standpoint, chemical castration constitutes a punitive act rather than a therapeutic intervention, thereby falling outside the legitimate functions and responsibilities of physicians. The compelled involvement of medical professionals could generate a serious conflict between legal obligations and professional ethics. This position aligns with the principles advanced by the World Health Organization (WHO) and relevant health legislation, both of which underscore that medical actions must serve the patient's health interests and not be exploited as instruments of punishment (Mangesti, 2022).

Following the enactment of Government Regulation No. 70 of 2020 concerning the Procedures for Implementing Chemical Castration, the Installation of Electronic Detection Devices, Rehabilitation, and the Public Disclosure of the Identities of Sexual Offenders Against Children, scholars and observers have argued that the measure has not yielded a significant impact in reducing sexual violence against children. The primary criticism focuses on the state's disproportionate emphasis on punishing offenders, while the physical and psychological recovery of victims remains comparatively underprioritized. Empirical studies further indicate that the deterrent effectiveness of chemical castration in preventing sexual violence has yet to be substantiated. Moreover, chemical castration may inflict negative psychological consequences on offenders, such as heightened aggression and emotional instability, while offering no guarantee against reoffending. The intervention merely suppresses testosterone production without addressing underlying deviant cognitive patterns or psychological predispositions that contribute to sexual offending (Darlisma, 2022).

In practical terms, the regulation stipulates that chemical castration may only be administered after the offender has completed the primary sentence of imprisonment, with a maximum enforcement period of two years. Upon expiration, reproductive function is expected to

return, albeit with possible side effects. This temporal limitation further undermines the measure's long-term preventive capacity, casting doubt on its viability as an effective criminal policy tool (Kurniawan & Maryani, 2025).

From a human rights perspective, the imposition of chemical castration stands in potential conflict with Article 5 of the Universal Declaration of Human Rights (1948), Article 33(1) of Indonesia's Human Rights Law (UU HAM), and Article 28I(1) of the 1945 Constitution, all of which categorically prohibit torture and cruel, inhuman, or degrading treatment or punishment. These provisions affirm that the protection of human dignity and bodily integrity must remain inviolable, even within the framework of legitimate criminal sanctions (Maslov, 2022).

Considering these dimensions, both the effectiveness and legitimacy of chemical castration as a penal instrument remain deeply contested. While the protection of children and the prevention of sexual crimes constitute compelling state interests, punitive policies that prioritize biological intervention over psychological and social rehabilitation risk generating new forms of injustice and long-term harm. A rational and comprehensive approach to combating sexual violence against children must therefore integrate these three essential elements, victim-centered recovery, sustained preventive measures, and unwavering respect for human rights, into a coherent and balanced criminal justice strategy. Such an approach would better reflect the principles of proportionality, humanity, and justice that underpin both constitutional and international human rights law.

4. CONCLUSION

The imposition of chemical castration in the Mojokerto District Court Decision is positioned as a penal instrument aimed at creating a deterrent effect and protecting children as a vulnerable group. While it reflects the state's commitment to addressing the growing problem of sexual violence against minors, its implementation raises significant concerns from a human rights perspective. The use of chemical castration involves coercive medical intervention that may conflict with the prohibition of torture, the right to bodily integrity, and the protection of human dignity, rights that are recognized as fundamental and non-derogable within both domestic and international human rights frameworks. This inherent tension highlights the need for careful evaluation of the extent to which punitive measures remain consistent with the principles of the rule of law and respect for human rights. These findings suggest that Indonesian courts should integrate human rights considerations and proportionality tests in sentencing to ensure that punitive measures like chemical castration remain consistent with constitutional safeguards. A critical reassessment of chemical castration as a penal policy is therefore essential to ensure that its application aligns with constitutional guarantees and international human rights standards. While protecting children from sexual violence is a legitimate and urgent state obligation, this goal should not justify measures that undermine the inviolability of human dignity. Instead, a more comprehensive and human rights-based approach is required, one that balances deterrence with rehabilitation, integrates psychological and social interventions, and addresses the root causes of sexual offending. Such an approach would strengthen both the legitimacy and effectiveness of criminal justice policy, ensuring that the protection of children and the respect for human rights coexist as mutually reinforcing objectives within Indonesia's legal system. Conceptually, this study highlights the need to position human rights as a core element in shaping and legitimizing penal policy within modern criminal law discourse.

REFERENCES

- Alexy, R., & Rivers, J. (2010). *A Theory of Constitutional Rights*. Oxford University Press.
- Anggraeni, L. (2022). A CRITICAL REVIEW OF PERATURAN PEMERINTAH REPUBLIK INDONESIA NOMOR 70 TAHUN 2020 CONCERNING THE IMPLEMENTATION OF CASTRATION FOR SEXUAL CRIMES: IN THE PERSPECTIVES OF MAQASHID SHARIA. *Jurnal Al-Dustur*, 5(1), 107–125. <https://doi.org/10.30863/jad.v5i1.2344>
- Arif, H. (2017). REKONSTRUKSI HUKUM TENTANG HUKUMAN KEBIRI BAGI PELAKU TINDAK PIDANA PELECEHAN SEKSUAL (Kajian Analisis Yuridis-Sosiologis PERPPU No. 1 Tahun 2016 Dalam Perspektif Kriminologi Hukum). *Khazanah: Jurnal Studi Islam Dan Humaniora*, 13(2), 110. <https://doi.org/10.18592/khazanah.v14i1.1052>

- Aulya Dwisudarini, & Muridah Isnawati. (2021). Juridical Review of Chemical Castration Action In The Perspective of Criminal Law And Human Rights. *YURISDIKSI: Jurnal Wacana Hukum Dan Sains*, 17(3), 305–321. <https://doi.org/10.55173/yurisdiksi.v17i3.92>
- Azzahra, M., & Laela, S. (2025). Perspektif Kriminologi terhadap Kejahatan Seksual Anak dan Efektivitas Hukuman Kebiri Kimia. *Decisio: Law Journal*, 2(2), 36–40. <https://doi.org/10.52249/decisio.v2i2.31>
- Bhaskar, A., & Desikan, G. (2025). The interrelation of medical science and law in the administration and prevention of sexual offences. *Medico-Legal Journal*, 93(3), 133–136. <https://doi.org/10.1177/00258172251321248>
- Darlisma. (2022). The Perspective of Human Rights and Criminal Law in Viewing the Criminal Law Policy on Chemical Castration Sanctions in Indonesia. *Legal Brief*, 11(5), 2752–2759. <https://doi.org/10.35335/legal2752>
- Eddyono, S. W., Kamilah, A. G., & Napitupulu, E. A. T. (2017). *Ancaman Overkriminalisasi, dan Stagnansi Kebijakan Hukum Pidana Indonesia : Laporan Situasi Hukum Pidana Indonesia 2016 dan Rekomendasi di 2017*. Institute for Criminal Justice Reform (ICJR).
- Hasanah, N. H., & Sopyono, E. (2018). Kebijakan Hukum Pidana Sanksi Kebiri Kimia dalam Perspektif HAM dan Hukum Pidana Indonesia. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 7(3), 305. <https://doi.org/10.24843/JMHU.2018.v07.i03.p03>
- Hathout, H. K. (2025). Punishment for chemical castration for sexual crimes committed against children in modern legislation (A comparative study). *Tasnim International Journal for Human, Social and Legal Sciences*, 4(1), 382–393. <https://doi.org/10.56924/tasnim.12.2025/20>
- Hermawanti, K. (2024). Harmonisation of Legal Rules on Chemical Castration as a Lex Specialist Based on The Principle of Legality in The Perspective of Criminal Law. *Intellectual Law Review (ILRE)*, 2(1), 13–22. <https://doi.org/10.59108/ilre.v2i1.56>
- Herring, J., & Wall, J. (2017). THE NATURE AND SIGNIFICANCE OF THE RIGHT TO BODILY INTEGRITY. *The Cambridge Law Journal*, 76(3), 566–588. <https://doi.org/10.1017/S0008197317000605>
- Jafar, M., & Abdullah Lawang, K. (2024). CHEMICAL CASTRATION PUNISHMENT IN THE PERSPECTIVE OF GOVERNMENT REGULATION NUMBER 1 OF 2016 ON CHILD PROTECTION AND ISLAMIC CRIMINAL LAW. *PRANATA HUKUM*, 19(1), 55–67. <https://doi.org/10.36448/pranatahukum.v19i1.335>
- Kartasasmita, M. S. H., Warda, W., Musahib, A. R., & Nurbaiti, A. S. (2023). PENGATURAN HUKUM NASIONAL DAN HUKUM INTERNASIONAL DALAM UPAYA PENCEGAHAN PELECEHAN SEKSUAL TERHADAP ANAK: A REVIEW. *Tolis Ilmiah: Jurnal Penelitian*, 5(1), 77. <https://doi.org/10.56630/jti.v5i1.513>
- Kurniawan, M. D., & Maryani, H. (2025). CHEMICAL CASTRATION PUNISHMENT FOR PERPETRATORS OF SEXUAL VIOLENCE AGAINST CHILDREN AS REVIEWED FROM CRIMINAL LAW POLICY. *Jurnal Meta Hukum*, 4(2), 79–88. <https://doi.org/10.47652/metahukum.v4i2.758>
- Maharani, A. E. P., & Pangestu, B. (2024). *The Threat of Chemical Castration Punishment for Perpetrators of Obscene Crimes from a Medical Point of View and Law Number 39 of 1999* (pp. 105–117). https://doi.org/10.2991/978-94-6463-634-5_13
- Mangesti, Y. A. (2022). Chemical Castration Sanctions in an Ethical Perspective. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 11(3), 507–523. <https://doi.org/10.24843/JMHU.2022.v11.i03.p03>
- Marune, A. E. M. S. (2022). Relevance of Legal Research Methodology in Addressing Modern Legal Challenges. *Pena Justisia*, 21(2), 1–15. <https://doi.org/10.31941/pj.v21i2.4278>
- Marune, A. E. M. S. (2023). Metamorfosis Metode Penelitian Hukum: Mengarungi Eksplorasi yang Dinamis. *Civilia: Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan*, 2(4), 73–81. <https://doi.org/10.572349/civilia.v2i4.896>
- Maslov, W. A. (2022). ON THE FOREIGN PRACTICE OF APPLYING THE DEATH PENALTY AND CHEMICAL CASTRATION AS MEASURES OF CRIMINAL LEGAL IMPACT. *Вестник Пермского Университета. Юридические Науки*, 4(58), 709–737. <https://doi.org/10.17072/1995-4190-2022-58-709-736>
- Perrotta, G., Eleuteri, S., Grilli, S., D'Urso, G., & Petruccioli, I. (2025). The System of Corrective Interventions in the Sex Offender Population and the Proposed “Trident Statal Program” (TSP) in the Field of Italian Sex Crimes. *Behavioral Sciences*, 15(8), 1085. <https://doi.org/10.3390/bs15081085>
- Reza, M. H. M., & Kamila, S. (2025). CHEMICAL CASTRATION PUNISHMENT: AN INTERNATIONAL HUMAN RIGHTS LAW PERSPECTIVE. *Realism: Law Review*, 3(1), 18–30. <https://doi.org/10.71250/rlr.v3i1.54>
- Saputra, R., Zaid, M., Suwadi, P., Barkhuizen, J., & Tioline, T. (2023). Reconstruction of Chemical Castration Sanctions Implementation Based on the Medical Ethics Code (Comparison with Russia and South Korea). *Lex Scientia Law Review*, 7(1), 61–118. <https://doi.org/10.15294/lesrev.v7i1.64143>
- Satodiya, R., Bied, A., Shah, K., Parikh, T., & Ash, P. (2024). A Systematic Review of Multisystemic Therapy

- in Adolescent Sex Offenders. *J Am Acad Psychiatry Law*, 52(1), 51-60. <https://doi.org/10.29158/JAAPL.230117-23>
- Utami, A. R., Akbar, K., & Nursiti, N. (2023). SANKSI TINDAKAN KEBIRI PERSPEKTIF TEORI PEMIDANAAN ISLAM (Telaah Kritis Terhadap Perppu Nomor 1 Tahun 2016). *Ensiklopedia of Journal*, 5(2), 120-126. <https://doi.org/10.33559/eoj.v5i2.1471>
- Wahyuni, F. (2017). 296HUKUMAN KEBIRI TERHADAP PELAKU TINDAK PIDANA PEMERKOSAAN ANAK DAN KAITANNYA DENGAN HAK ASASI MANUSIA. *Jurnal Hukum Dan Peradilan*, 6(2), 279. <https://doi.org/10.25216/jhp.6.2.2017.279-296>
- Waluyo, W., & Nugraha, R. W. (2024). *The Legal Policy Of Chemical Castration Sanctions From A Human Rights Perspective In The Era Of Contemporary Democracy* (pp. 132-143). https://doi.org/10.2991/978-94-6463-634-5_16
- Ward, T., & Beech, A. (2006). An integrated theory of sexual offending. *Aggression and Violent Behavior*, 11(1), 44-63. <https://doi.org/10.1016/j.avb.2005.05.002>
- Yuningsih, H. (2020). Ratio Legis of Chemical Castration to the Perpetrators of Sexual Violence against Children. *Sriwijaya Law Review*, 285-303. <https://doi.org/10.28946/slrev.Vol4.Iss2.652.pp285-303>
- Zsófia, N.-S. (2023). Ethical Analysis of the Possible Introduction of Chemical Castration as a Criminal Sanction. *Lex Prudentium Law Journal*, 2(1), 26-43.
- ZUBAIDAH, S., SHADIQ, M. A., KARIM, A., & MUSTARI, R. (2023). PENALTIES FOR CHEMICAL CASTRATION FROM THE PERSPECTIVE OF NON-DEROGABLE RIGHTS FOR CONVICTS. *RUSSIAN LAW JOURNAL*, 11(5), 2030-2037.