

## Legal Reconstruction of Chemical Castery for Perpetrators of Sexual Crimes against Children Based on Restorative Justice Values

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### **Abstract**

In general, children are a group that is very vulnerable to sexual violence because children are positioned as weak figures and are dependent on the adults around them. This research aims to: 1) analyze the law on chemical castration for child sex offenders that is not yet based on restorative justice; 2) identify its current legal weaknesses; and 3) propose a reconstruction grounded in restorative justice values. Using a constructivist paradigm, the research applies a socio-legal and normative legal approach with a descriptive type. Data sources include primary and secondary legal materials, collected through literature review and analyzed qualitatively. The study found: 1) The regulation of chemical castration for perpetrators of sexual violence against children is not yet based on restorative justice values; 2) Current legal weaknesses include: a) Substantive weaknesses—sexual violence against children is an extraordinary crime that seriously harms victims' lives, development, and public order, yet the existing law fails to provide adequate protection or justice; b) Structural weaknesses—the absence of approval from the Indonesian Doctors Association (IDI) prevents implementation of chemical castration; c) Cultural weaknesses—low sentencing may allow perpetrators to reoffend after serving time, undermining deterrence and protection; 3) The proposed reconstruction includes aligning the law with restorative justice values to focus on victim recovery, community protection, and offender accountability. This involves value reconstruction of the chemical castration policy and normative reconstruction in: Article 20 of Law No. 12/2022 on Sexual Violence Crimes; Article 81(7) of Law No. 17/2016, which amended Law No. 23/2002 on Child Protection; and Article 1(2) of Law No. 35/2014, which further amended the Child Protection Law. These changes aim to ensure that the legal response is more just, rehabilitative, and aligned with restorative principles

**Keywords:** *Reconstruction; Chemical Castration; Sexual Violence*

## Introduction

Criminal castration can be done in two types, namely castration physical and castration chemical. Castration physique done with method amputate the testicles so that make lack hormone testosterone affects encouragement his sexuality. While That castration chemistry, different with castration physical, no done with amputate the testicles, but with method enter substance antiandrogen chemicals that can weakening testosterone hormone. How to Can past pill or injection. If the testosterone hormone weaker, then ability erection, libido, or desire sexual somebody will reduce even is lost The same very. Although castration will lower encouragement sexual in a way drastic, but Still There is factors psychological that can cause return encouragement sexual like existence feeling Sick heart, anger, and revenge.<sup>1</sup>

Punishment castration chemistry during This associated with perpetrator various sex men, but No demand possibility punishment castration chemistry enforced to women, because in Constitution No say that only the man who will charged punishment castration chemistry.<sup>2</sup> Whereas punishments imposed on women, dominant hormones that play a role important in development and growth characteristics sexual woman and the reproduction process is the estrogen hormone produced in the ovaries. As already discussed, castration using technique surgery on men done with cut the testicular sac then sew it up back, thing This is similar for castration women, who with operation for removal of the ovaries. In case castration chemistry in women, not yet found literature that discusses in a way explicit about matter this. But a number of say that can be used injection *Depo Provera*. This Injection, Actually is one of from type drug for control pregnancy (Family Planning). However, *Depo Provera* Alone only own effect as inhibitor fertility women and not as libido control as in castration chemistry for men. There are also idea for use anti-*aphrodisiacs* for suppress the perpetrator's libido with type genitals Woman.<sup>3</sup>

In general general child become highly vulnerable groups to violence sexual Because child positioned as weak figure as well as own dependence with the adults around him. This is what makes child No Can empowered when threatened For No to inform what he experienced.<sup>4</sup> Attention towards the victims in Handling case criminal should done on base twelve pity as well as respect on dignity victims' dignity ( *compassion and respect for their dignity* ).<sup>5</sup>

Barda Arief Nawawi explains what is called update law Indonesian criminal law is a process of reorientation and reevaluation the main points thoughts, basic ideas or values central sociopolitical, socio-philosophical and socio-cultural Indonesian society that underlies policy social, policy crime and policy enforcement law in Indonesia.<sup>6</sup> For ensure aspect certainty law for for power medical as executor and perpetrator in imposition sanctions castration is For quick emit regulation executor in frame prepare the appropriate *ius constituendum* with human rights development.<sup>7</sup>

Imposition sanctions action castration No in line with objective from the holding of sanctions action. In general in study law criminal, concept sanctions differentiated to in two forms that is criminal ( straf ) and action ( *maatregel* ).<sup>8</sup> Various background behind can associated with increasing problem

<sup>1</sup> The Holy Name of Allah Qur'aini, 2017, Implementation Punishment Chemical Castration for Perpetrators Violence Sexuality, *Journal*, Vol 4, No 1, 219.

<sup>2</sup> Implementation Sanctions Chemical Castration in Indonesia, 42.

<sup>3</sup> Implementation Sanctions Chemical Castration in Indonesia, 47

<sup>4</sup>Novian, I, 2015, Violence Sexual Against Children: Impact and Handling, *Jurnal Sosio Informa* 1 (1).

<sup>5</sup>Rena, Y, 2016, Revisiting the Position of Crime Victims in System Justice Criminal. *Journal Legal Pulpit* 28 (1).

<sup>6</sup> Ariyanti, V, 2019, Reform of Criminal Law in Indonesia that is Gender Equitable in the Policy Realm Formulation, Application, and Execution, *Halu Oleo Law Review*, 3 (2).

<sup>7</sup>Kartika, AP, Farid, ML, & Putri, I. R, 2020, Reformulation Execution Chemical Castration to Ensure Legal Certainty for Medical Personnel /Doctors and Legal Protection for Pedophiles, *Ius Quia Iustum Journal*, 27 (2), 362.

<sup>8</sup>Kansil, F. I, 2014, Sanctions Criminal in System Criminalization According to the Criminal Code and Outside the Criminal Code, *Lex Crimen*, 3 (3), 31.

violence sexual such as; weakness enforcement law, regulation existing legislation, lack of tool evidence, role government in Handling and information about violence sexual.<sup>9</sup> Basically, almost all countries in the world are experiencing problem violence sexual, even though with different levels. There are countries that have level violence high sexual including Indonesia.<sup>10</sup>

First case, in which the Panel of Judges at the Mojokerto District Court handed down a verdict criminal to Muhammad Aris (20), in the form of criminal 12 years in prison and a fine of Rp. 100 million, subsidiary to 6 months confinement. Also provides punishment addition in the form of castration chemistry. On April 25, 2019, the Mojokerto District Court sentenced Decision Number: 69/Pid.Sus/2019/PN.MJK which contains existence sanctions criminal addition castration chemistry to The convict Muhammad Aris bin Syukur who has done coercion intercourse to child aged 5 (five) years and 8 (eight) months. Decision the become decision the first in Indonesia to drop sanctions criminal addition castration chemistry. Verdict This more light when compared to with The demands of the Public Prosecutor (JPU) who demanded 17 years imprisonment and a fine of Rp. 100 million, subsidiary 6 months confinement, where moment that's not the prosecutor's opinion include punishment castration in his demands. Punishment castration imposed by the Mojokerto District Court is the first since implementation Constitution number 17 of 2016, where the Decision This has powerful law still or inkrah so that Want to No Want to must done execution. However thus execution No will be implemented in time near Because the rules punishment castration new will implemented when convict has finished undergo punishment the main thing is.

Second case is The Drop punishment addition in the form of the second castration handed down by the panel of judges at the Surabaya District Court against Rahmat Santosa Slamet (30), who was charged with do molestation towards 15 of his students, besides punishment the main thing is in the form of 12 years in prison and a fine Rp. 100 million subsidiary 3 months prison. In case This punishment castration is demands from the Public Prosecutor, where the demands criminal the main thing is 14 years in prison and a fine Rp. 100 million subsidiary 3 months prison.

In one side existence criminal addition castration chemistry expected can give effect deterrent to perpetrator at a time prevention. However, the existence of the opposing party to matter the based on on reason that punishment the violate code ethics Medicine and Human Rights Human Rights (HAM). Regulations related sanctions criminal addition castration loaded chemicals in Article 81 Paragraph (7) Law no. 17 of 2016 no listed in consideration Judge's law. The judge decides with runway that the judge has freedom in to cut off case. The judge gave sanctions criminal addition in the form of castration chemistry Because stated in the facts trial that Defendant has do intercourse with different children 9 (nine) times, whichever is related with Article 81 Paragraph (5) in elements, 'causing more victims from 1 (one) person' so also related to Article 81 Paragraph (7) which reads in element 'perpetrator' as referred to in paragraph (5) can charged action in the form of castration chemistry ', but the Judge did not mentions Article 81 Paragraph (7) in part consideration judge's law in the verdict the.

In the United States, only There is eight states that enforce punishment castration chemistry, except for Texas which uses punishment castration operations. California becomes a state first to enforce punishment castration chemical castration in 1996. On June 11, 2019, the US state of Alabama enacted a chemical castration law. chemistry as condition liberation conditional for convict offender sexual children under age. Law new to explain that those who abuse children under 13 years old will injected with drug inhibitor hormone before leave prison," wrote US media, The Atlantic.

<sup>9</sup> Soejoeti, AH, & Susanti, V, 2020, Discussion Justice Restorative in Context Violence Sexuality on Campus, *Deviance Journal criminology*, 4(1), 67-83.

<sup>10</sup> Windari, R., & Syahputra, A, 2020, Measuring Aspect Benefit and Justice in Sanctions Chemical Castration Against Perpetrator Violence Child Sexual Abuse in Indonesia, *Soumatara Law Review*, 3(2), 247-264.

Estonia also participated enforce castration chemistry in his country. The rules law This own provision certain where castration chemistry done to perpetrator crime seriously, like activity collect pornography child. Castration process chemistry done as part from treatment complex and as alternative from punishment prison. The former Soviet republic of Moldova has also been to validate law that requires castration chemical for offender sexual children under age in 2012. But the bill Then revoked in 2013 with reason " violation right basic " human being ". Pakistani President Arif Alvi on December 15, 2020 approved the anti- rape law. new that allows castration chemistry for convict rapists. Under the Anti- Rape Act 2020, all case related rape will be settled by the court special in time four month. The perpetrator rape repeating will also castrated in a way chemical. Kazakhstan government introduces new law about castration chemistry to perpetrator crime sex children in early 2018. In addition, the perpetrator will also be punished up to 20 years prison.

English has applied punishment castration chemistry since the 1950s. In 1952, one researcher mathematics and computers, Alan Turing, must undergo castration chemistry force on behavior homosexual. South Korea is the first country in Asia to introduce a castration law chemistry in 2011 after a number of crime sexual to children under age happened in that country.

Based on description above, author interested for to study matter the more in with do study for writing dissertation entitled: " Reconstruction of the Law on Chemical Castration for Perpetrators " Crime Sexual Towards Children Based on Justice Values Restorative".

### Research Methods

Writer in study This use paradigm constructivism, a paradigm that views that knowledge law That only deal with regulation legislation solely. Law as something that must be done applied, and more tend for No to question mark justice and its usefulness for public.

According to Soerjono Soekanto and Sri Mamudji, study law norm active m covers study to principles - principles law, taraf synchronization law.<sup>11</sup> Approach study Which used in study This is study law sociological or normal called study *socio legal research* and research normative law. In this research, law conceptualized as u one symptom empiris which can he died inside life real.

Types of research which is used in finish dissertation This is method study *yuridis descriptive analysis*, that is study Which done with method research material pus taka (data s secondary ) or study law library, then described in the analysis and discussion. This type of research is *socio<sup>12</sup>-legal research*. The type of data used are primary and secondary data. For to obtain primary data, researchers refer to data or facts and cases law obtained direct through field research including information from related respondents with object research and practice that can see as well as relate with object research. While the data secondary done with method studies bibliography. Secondary data This useful as runway theory for underlying analysis the main points existing problems in study This.

Study This uses primary data collection in the form of observation and interviews, while secondary data collection uses Library Research (studies). bibliography) namely collection of data obtained from literature sources, works scientific, regulatory legislation, sources written other related with

<sup>11</sup> Soerjono Soekanto and Sri Mamudji, 2001, *Normative Legal Research Review In short*, King Grafindo Jakarta, h lm. 13 - 14.

<sup>12</sup> Ed iwarm an, 2010, *Mon o g r a f, M e t o d o l o g i S t u d y L a w*, Medan: P r o g r a m P o s t g r a d u a t e U n i v. Muhammad mad iyah S u m a t e r a North, Medan, h lm. 2 4.

the problem being studied as runway theory. From research This is the data obtained called secondary data.

Data analysis methods used is descriptive analysis, namely with notice the existing facts in practice the field then compared to with description obtained from studies bibliography. From the analysis the can know effectiveness system law of a nature educational.

## **Discussion**

### **1. Chemical Castration Law for Perpetrators Crime Sexual Not Yet Fair to Children**

Implementation execution castration must be done by the team specially formed Dokpol (Police Doctor), as already listed in Government Regulation in Lieu of Law Castration Article 81A Paragraph (2) implementation action as referred to in paragraph (1) below supervision in a way periodically by organizing affairs government in the field law, social and health, paragraph (3) implementation castration chemistry accompanied by with rehabilitation. ministry which Article (4) provisions more carry on about procedures implementation action and rehabilitation set up with regulation government.<sup>13</sup> Not quite enough answer ethics and issues other related police Already taken by the state and state apparatus only as implementer, thing That must done after a fair trial process, with the judge holding firm mark Minister Women's Empowerment and Child Protection (PPPA) Yohana Yembise praised the panel of judges at the Mojokerto District Court for this reason be the first apply punishment Chemical Castration in Indonesia, against perpetrator rape of nine children in Mojokerto, East Java, and sentenced guilty Because has to molest children since 2015. And in Sorong, Papua, Minister of Social Affairs Khafifah Indar Parawansa also approved Punishment Castration was imposed on the perpetrator rape and murder boy Woman.

Constitution Number 23 of 2002 concerning Child Protection as has changed with Constitution Number 23 of 2002 concerning Child Protection has arranged sanctions criminal for perpetrator violence sexual to child However the fall criminal the Not yet give effect deterred and not yet capable prevent in a way comprehensive the occurrence violence sexual to child. For overcome phenomenon violence sexual to child, give effect deterrent to perpetrators, and prevent the occurrence violence sexual to children, government need add criminal main in the form of criminal death and criminal lifelong live, and criminal addition in the form of announcement identity the perpetrator. In addition, it is necessary add about action in the form of castration chemistry, installation tool detector electronics, and rehabilitation. Based on consideration above, the Government need quick to order Regulation Government Replacement Constitution about Change Second on Invite Number 23 of 2002 concerning Child Protection.<sup>14</sup> Temporary that, organization defender right child In addition, the National Commission for Child Protection (Komnas PA) urged the Indonesian government to immediately publish Government Regulation in Lieu of Law Castration. Support on publishing Government Regulation in Lieu of Law Castration also comes from parliament, Member Commission III Arsul Sani is of the view that the punishment castration to pedophile need enforced. The reason is, the victim of pedophile often happens, even the victim does not just be executed in place quiet, but at school. Deputy Chairman of the MPR, Hidayat Nur Wahid reminded, the revision of Law No. 35 of 2014 becomes road go out overcome weakness existing rules related child protection<sup>68</sup>. On May 11, 2016, the limited President with the Coordinating Minister Human Development and Culture Sector, Minister of Religion, Minister of Health, Minister of Social Affairs, Minister of Law and Human Rights and Commission Child Protection finally decided that government will publish Government Regulation in Lieu of Law for burdensome perpetrator

<sup>13</sup> Government Regulation in Lieu of Law Castration, Castration First, CV. Bagiz Graphics (Jl. Cipinang Lontar No.5, Cipinang Muara, Jatinegara, East Jakarta), 4

<sup>14</sup> Government Regulation in Lieu of Law Castration, 1st printing, CV. Bagiz Graphics (Cipinang Muara- Jatinegara -East Jakarta), 8.

crime sexual to the child is one of them is apply punishment castration. Then later ratified by President Jokowi Dodo and has been approved by the DPR for Government Regulation in Lieu of Law This made into Constitution May 25, 2016, for overcome phenomenon violence sexual to child, give effect deterrent to perpetrators and prevent the occurrence violence sexual to child, government need add criminal main in the form of criminal death and criminal lifelong live, and criminal addition in the form of announcement identity perpetrator. In addition, it is necessary add provision about Child Protection. Action in the form of castration chemistry, installation detector electronics, and rehabilitation. Based on consideration said, the government pearl quick set Regulation Government Replacement Constitution about Change Second on Constitution Number 23 of 2002 concerning On its journey Government Regulation in Lieu of Law This approved become Legislation by the DPR, on Thursday, July 21, 2016 in Meeting Work Commission VIII DPR all factions in Commission VIII of the DPR have agreed will discuss more carry on Regulation Government Replacement Law (Perpu) No. 1 of 2016 concerning protection child, or more popularly known as government regulation castration plan will held on the day Monday July 25, 2016.

Eight from ten faction agree will discuss government regulation more in the meeting Next. Two faction's others, PDIP and PPP, completely support government regulation enacted. In the meeting said, some aspects contained in government regulation questioned. Among them executor punishment castration, technical rehabilitation perpetrator violence sexual, and punishment addition What will give effect deterrent. After several meetings or the trial was postponed several times decision about Government Regulation in Lieu of Law No. 1 of 2016 concerning protection child become Constitution or no, because Not yet the occurrence agreement by all element factions in the DPR and not yet Enough to explain explanation government about questions raised by the DPR regarding Government Regulation in Lieu of Law Castration This. Finally, on October 12, 2016, the Indonesian House of Representatives ratified Government Regulation in Lieu of Law Child Protection. For to validate government regulation This become the DPR RI law carries out collection voice. Session had time suspended with position six faction agree; 2 factions No agree and 1 faction abstained. after through the lobbying process, the Indonesian House of Representatives finally approved Perpu No. 1 of 2016 was ratified become Constitution with notes will become revision second to Constitution protection Child No. 23 of 2002 concerning Child Protection, and was established in Jakarta, on May 25, 2016 with sign hand President of the Republic of Indonesia Joko Widodo.

Decide and determine Regulation Government Replacement Constitution About Change Secondly, under the Law Number 23 of 2002 Concerning Child Protection.

Law of action castration chemistry for perpetrator crime sexual to child Not yet fair that imposition sanctions action castration No in line with objective from the holding of sanctions action. In general, study law criminal law concept sanctions differentiated to in two forms that is criminal (*straf*) and action (*maatregel*). Various background behind can associated with increasing problem violence sexual such as; weakness enforcement law, regulation existing legislation, lack of tool evidence, role government in Handling and information about violence sexual.

## **2. Weaknesses of Chemical Castration Law for Perpetrators Crime Sexual Towards Today's Children**

### **a. Weakness Aspect Legal Substance**

Weakness aspect substance law that is that violence sexual to child is crime outside extraordinary crimes that are increasingly increase from time to time and in a manner significant threatening and dangerous soul child, damaging life personal and growing flower children, and disturbing the sense of comfort, peace, security and order society. There are provisions about action castration chemistry to perpetrator crime sexual This is something new in the system law criminal law in Indonesia. However,

provision castration chemistry Alone in a way Substance Not yet clear, criteria, including form sanctions the criminal, including in the possibility restorative justice is applied, if of course action perpetrator Still classified as light.

### **b. Weaknesses of Aspects Legal Structure**

Weakness aspect structure law that is Not yet existence IDI approval for do castration chemistry. IDI rejects for become executor castration chemistry. Implementation punishment castration by a doctor considered violate oath doctor and code ethics Indonesian Medicine. Punishment castration violate right basic man as contained in various convention international which has ratified in law national We among them Covenant on Civil and Political Rights (ICCPR), Convention Against Torture (CAT), and also the Convention on the Rights of the Child (CRC), corporal punishment, in form whatever must interpreted as form torture and acts to humble dignity humans, especially if intended for revenge with reason main effect doubtful deterrent in a way scientific.

### **c. Weaknesses of Aspects Legal Culture**

Weakness aspect culture law is low punishment will open opportunity perpetrator repeat his actions again, because own chance for repeat his actions after undergo punishment. On the side child will cause trauma and fear, will recurrence return action violence to the victims, and even child who is not or Not yet being a victim will also feel worry, can So forward perpetrator will do action violence to they.

## **3. Legal Reconstruction of Chemical Castration Actions for Perpetrators Crime Sexual Towards Children Based on Justice Values Restorative**

### **a. Comparison with Foreign Countries Chemical Castration Actions for Perpetrators Crime Sexual Towards Children**

#### **1) South Korea**

At the moment implementation punishment castration has implemented more from 19 countries in the world, including are South Korea and Germany. The implementation castration chemistry in South Korea becomes interesting thing for discussed. The South Korean government is very open about information crime sexual abuse in children.

South Korean government is implementing openness information That No only reveal the name of the perpetrator, but also the location place He stay, photos, and so on. Although However, the South Korean government remains provide a sense of security to perpetrator with No to list number House the perpetrators on the online page provided. On the side, In addition, the South Korean government is also very aware of matter This. The South Korean government is very committed for eradication matter Where is this government provide funding and support full to non- governmental organizations. They do socialization and campaign resistance self to schools as well as give education pattern foster towards parents.

#### **2) United States of America**

The critics punishment castration state when the castration process has been violated right basic humans, and the effects side effects obtained is painful suffering and for term time long one of which is osteoporosis. John Stinneford, a professor law that originates from the University of Florida stated, "the subject from castration chemical will undergoes a process he calls 'organ immobilization' and can called as a torture. In the same writing, he state when castration chemical is a cruel and constitutive act

punishment that is not normal, because violate The 8th Amendment to The Constitution of the United States.<sup>15</sup>

Measuring effectiveness action intervention with give injection chemical medroxyprogesterone acetate (MPA) (United States) or Cyproterone acetate (CPA) (Europe, e.g. Androcur) against perpetrator crime sexual No Can necessarily generalized from One condition to other conditions. Related factors with methodology from One research certain need be noticed such that tightness before conclude One action certain effective lower level recidivity perpetrator crime sexual. Castration of course can lower encouragement sexual on the perpetrator crime sexual, but thus If done castration with removal of the testicles, then will remove organs permanent. Besides that, although will down in a way drastic encouragement sexuality, still can return if injection chemical treatment was stopped, because Still existence factors psychological that can cause return encouragement sexual. Castration can also cause possibility perpetrator become more aggressive Because factor psychological and social, feelings negative, such as Sick heart, anger, and revenge, already formed since perpetrator feel victimization of himself. Although in a way medical give impact decline encouragement sexual, but must under review in a way deep, impact social and psychological effects on castrated perpetrators so that required mentoring psychological and social to perpetrator during and after serve his sentence.<sup>16</sup> Difficulty find factor appropriate triggers and treatment to perpetrator crime sexual is difficulty methodology that must be apply design experimental. Sample only limited to the perpetrators who are undergo punishment.

In order to enforce a punishment weighting for perpetrator crime sexual and at the same time give protection society, no may only base on considerations emotional, common sense, imaging, serving demands more public Lots is consideration emotional. For scientists, practitioners power health, and apparatus enforcer law every consideration or recommendation must be based on consideration scientifically marked existence conformity between idea with facts and at the same time is implementation trust constitution namely protect and educate life nation.

### 3) German

In principle castration chemistry is an action do injection anti- testosterone substances to body man for lower testosterone hormone levels. Testosterone is hormones that function for sexual or hormone gender that can increase excitement sexual men. Chemical Castration Action according to Head of Andrology and Sexology Department Faculty Udaya Denpasar Medical Doctor, Wimpie Pangkahila, is known with Kastari. Carrying out castration often misinterpreted but implementation castration can't remove the testicles, but done chemistry. Antiandrogen hormone is an anti -hormone men, giving this antiandrogen drug Can make man lack hormone testosterone so that not There is Again sexual desire.<sup>21</sup> In execution castration chemistry cause many pros and cons No only in Indonesia but in developed countries. In the modern era now objective castration diverse kinds, start from get soprano voice in children men, until action not morals in some religions. By historical, castration chemistry forced to to a number of group like race homosexual, transgender, on the perpetrator pedophilia. Castration known in two forms that is physical castration with method amputate testi perpetrator pedophilia so that perpetrator testosterone hormone deficiency and affects sexual desire as in the Czech Republic. And Germany. Castration chemistry with enter substance antiandrogen chemicals that can weakens the testosterone hormone which ultimately weaken sexual desire someone. As for the influence castration chemistry No permanent. When giving fluid chemistry stopped then sexual desire increase back. Influence drug like medroxyprogesterone acetate (MPA) and cyproterone acetate (CPA), which are used in castration

<sup>15</sup>The Eighth Amendment to the US Constitution reads: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual: punishments inflicted. (<http://www.opposingviews.com/i/world/law-south-korea-permits-chemical-castration-sex-offenders> and [https://www.law.cornell.edu / constitution / eighth\\_amendment](https://www.law.cornell.edu / constitution / eighth_amendment)).

<sup>16</sup> <http://serendip.brynmawr.edu/exchange/serendipupdate/chemical-castration-benefits-and-disadvantages-intrinsic-injecting-male-pedophiliacs->.

chemistry, only in progress range from 40 hours to 3 months. Reviewed from Health corner castration chemistry Can cause impact negative in the form of aging early in the body. This is caused by anti - androgen fluid give effect reduce density bone or speed up porous bone or osteoporosis.

Germany implements system castration through surgery through operation surgical removal of the testicles permanent, but the process must be done in a way voluntary without existence intervention from party wherever. Procedure castration in Germany must be through agreement agreed and signed statement willing to the party concerned with a minimum age limit for the accused of 25 years. For respect their human rights, before undergo castration process they given understanding about possibilities and impacts effect the side that will happened. Besides that, they were also given outlook in the form of understanding about maintenance after the castration process.

#### **b. Reconstruction of Chemical Castration Action Norms for Perpetrators Violence Sexual Towards Children Based on Justice Values Restorative**

Reconstruction mark in study This is reconstruction law action castration chemistry for perpetrator violence sexual to the child who used to be Not yet based on justice now based on mark restorative justice.

#### **c. Reconstruction of Chemical Castration Action Norms for Perpetrators Violence Sexual Towards Children Based on Justice Values Restorative**

Criminal castration can be done in two types, namely castration physical and castration chemical. Castration physique done with method amputate the testicles so that make lack hormone testosterone affects encouragement his sexuality. While That castration chemistry, different with castration physical, no done with amputate the testicles, but with method enter substance antiandrogen chemicals that can weakening testosterone hormone. How to Can past pill or injection. If the testosterone hormone weaken, then ability erection, libido, or desire sexual somebody will reduce even is lost The same very. Although castration will lower encouragement sexual in a way drastic, but Still There is factors psychological that can cause return encouragement sexual like existence feeling Sick heart, anger, and revenge.<sup>17</sup>

Based on description on so presented reconstruction table as following:

Table 5.1. Reconstruction Chemical Castration Law for Perpetrators Violence Sexual Towards Children Based on Justice Values Restorative

No.	Construction	Weakness	Reconstruction
1	Constitution Number 12 of 2022 Concerning Action Criminal Violence Sexual Article 20 Investigation, prosecution and examination in court to Action Criminal Violence Sexually carried out based on The law that regulates about criminal procedure law, including that which is enforced in a way	Not based on justice restorative	Reconstruction Constitution Number 12 of 2022 Concerning Action Criminal Violence Sexual, in Article 20 with change sentence part end with consideration implementation of restorative justice and carrying out effort rehabilitation use recovery Good to the victims and the perpetrator, so that reads: Article 20 Investigation, prosecution and examination in court

<sup>17</sup>Holy Name of Allah Qur'aini, 2017, Implementation Punishment Chemical Castration for Perpetrators Violence Sexuality, *Journal*, Vol 4, No 1, 219.

	special in Case handling Action Criminal Violence Sexual certain, except otherwise specified in Constitution This.		to Action Criminal Violence Sexually carried out based on The law that regulates about criminal procedure law, including that which is enforced in a way special in Case handling Action Criminal Violence Sexual certain, with consideration implementation <i>restorative justice</i> and doing effort rehabilitation use recovery Good to the victims and perpetrator.
2	Constitution Number 17 of 2016 Concerning Determination Regulation Government Replacement Constitution Number 1 of 2016 Concerning Change Secondly, under the Law Number 23 of 2002 Concerning Child Protection Becomes Constitution Article 81 Verse 7 To perpetrator as referred to in paragraph (4) and paragraph (5) may charged action in the form of castration chemistry and installation tool detector electronics.	Not based on mark justice	Reconstruction Constitution Number 17 of 2016 Concerning Determination Regulation Government Replacement Constitution Number 1 of 2016 Concerning Change Secondly, under the Law Number 23 of 2002 Concerning Child Protection Becomes Law, in Article 81 Paragraph 7 with add words in section end based on mark justice, so that reads: Article 81 Verse 7 To perpetrator as referred to in paragraph (4) and paragraph (5) may charged action in the form of castration chemistry and installation tool detector electronic based on mark justice.
3	Constitution Number 35 of 2014 Concerning Changes to the Law Number 23 of 2002 Concerning Child Protection article 1 Number 2 Child Protection is all activity For guarantee and protect children and their rights so that they can live, grow, develop and participate optimally according to with dignity and honor humanity, as well as get protection from violence and discrimination.	It's not clear yet distinction violence, especially violence physical and violence sexual.	Reconstruction Constitution Number 35 of 2014 Concerning Changes to the Law Number 23 of 2002 Concerning Child Protection, in Article 1 Number 2 with differentiate term violence physical and violence sexual, so that reads: article 1 Number 2 Child Protection is all activity For guarantee and protect children and their rights so that they can live, grow, develop and participate optimally according to with dignity and honor humanity, as well as get protection from violence physical, violence sexual, and discrimination.

## Closing

## Conclusion

Find that arrangement action castration chemistry for perpetrator violence sexual to child Not yet fair restorative; 2). Weaknesses regulation action castration chemistry for perpetrator violence sexual to child moment This consists of from weakness aspect substance law, structure law and weaknesses aspect culture law. Weaknesses aspect substance law that is that violence sexual to child is crime outside extraordinary crimes that are increasingly increase from time to time and in a manner significant threatening and dangerous soul child, damaging life personal and growing flower children, and disturbing the sense of comfort, peace, security and order society. Weaknesses aspect structure law that is Not yet existence IDI approval for do castration chemistry. Weaknesses aspect culture law is low punishment will open opportunity perpetrator repeat his actions again, because own chance for repeat his actions after undergo punishment; 3). Reconstruction law action castration chemistry for perpetrator violence sexual to child based on mark justice restorative among others: reconstruction its value is law action castration chemistry for perpetrator violence sexual to the child who used to be Not yet based on justice now based on mark restorative justice, reconstruction of norms on Constitution Number 12 of 2022 Concerning Action Criminal Violence Sexual, in Article 20, Law Number 17 of 2016 Concerning Determination Regulation Government Replacement Constitution Number 1 of 2016 Concerning Change Secondly, under the Law Number 23 Years 2002 About Child Protection Becomes Law, in Article 81 Paragraph 7, and Law Number 35 of 2014 Concerning Changes to the Law Number 23 of 2002 Concerning Child Protection, Article 1 Number 2.

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### Magazine / Journal Scientific

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