

ARTICLE

## Legal Review of Chemical Castration for Child Rape Offenders under Indonesia's ICCPR and CAT Ratification

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### ABSTRACT ENGLISH:

Sexual violence against children represents one of the most severe forms of crime, which not only causes physical harm to the victims but also profoundly affects their psychological, social, and future well-being. In an effort to deter perpetrators of sexual violence against children, the Indonesian government has introduced chemical castration as an additional criminal sanction through Law Number 17 of 2016. However, the implementation of chemical castration as part of Indonesia's criminal justice system raises various legal implications that require further in-depth examination. This research employs a normative approach using library research methods. The application of chemical castration should be regarded as a last resort, implemented only when all other alternatives have been exhausted. The legal implications of imposing chemical castration on child rape offenders within Indonesia's criminal justice system present numerous challenges when analysed through the lens of justice theories. Chemical castration has the potential to conflict with principles of justice if it is not carried out carefully and proportionally.

**Keywords:** Chemical Castration, Child Rape, ICCPR and CAT

### ABSTRACT INDONESIAN:

Penelitian Tindakan kekerasan seksual terhadap anak merupakan salah satu bentuk kejahatan serius yang tidak hanya merugikan korban secara fisik, tetapi juga berdampak mendalam pada aspek psikologis, sosial, dan masa depan korban. Dalam rangka memberikan efek jera kepada pelaku kejahatan kekerasan seksual terhadap anak, pemerintah Indonesia telah mengatur sanksi pidana tambahan berupa kebiri kimia melalui UU Nomor 17 Tahun 2016. Namun, penerapan sanksi kebiri kimia sebagai bagian dari sistem hukum pidana Indonesia menimbulkan berbagai implikasi hukum yang perlu dikaji lebih mendalam. Penelitian ini menggunakan jenis penelitian kepustakaan (dengan pendekatan normatif). Penerapan kebiri kimia harus dipandang sebagai langkah terakhir yang hanya dilakukan jika semua alternatif lain telah gagal. Implikasi yuridis dari penerapan sanksi kebiri kimia terhadap pelaku pemerkosaan anak dalam sistem hukum pidana Indonesia menunjukkan banyak tantangan ketika dianalisis melalui perspektif teori keadilan. Kebiri kimia memiliki potensi untuk bertentangan dengan prinsip-prinsip keadilan jika tidak dilaksanakan dengan hati-hati dan proporsional.

**Kata Kunci:** Kebiri Kimia, Pemerkosaan Anak, ICCPR dan CAT

## Introduction

Sexual violence against children is one of the most serious forms of crime, causing harm not only physically but also profoundly impacting the psychological, social, and future well-being of the victims (Lewoleba & Fahrozi, 2020). This crime has multidimensional implications that require comprehensive handling, encompassing both prevention and law enforcement (Christensen et al., 2021). Thus, to deter perpetrators of sexual violence against children, the Indonesian government has introduced chemical castration as an additional criminal sanction through Law Number 17 of 2016, which amends Law Number 23 of 2002 on Child Protection. This sanction is expected to address public demands for justice for victims and protection for the younger generation (Schneider & Hirsch, 2020).

However, the implementation of chemical castration as part of Indonesia's criminal justice system raises various legal implications that require deeper analysis. A key issue is its compliance with human rights principles mandated by international instruments ratified by Indonesia, namely the International Covenant on Civil and Political Rights (ICCPR) through Law Number 12 of 2005 and the Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment through Law Number 5 of 1998. Both ICCPR and CAT explicitly prohibit torture, inhumane treatment, and any form of punishment that degrades human dignity. The imposition of chemical castration without the free consent of the perpetrator may conflict with these fundamental human rights principles (Daming, 2020). Additionally, ethical, medical, and high-cost considerations in implementing chemical castration must also be carefully evaluated (Meynen et al., 2023).

The retributive legal approach underlying the imposition of chemical castration is often viewed as focusing solely on punishing the perpetrator without holistically addressing the interests of the victim (Millenia, 2023). This approach tends to overlook restorative principles that prioritize restoring the victim's rights and rehabilitating the offender (Omowon & Kunlere, 2024). However, the national legal reform and the direction of criminal law policy in Indonesia aim to create peace (justice for peace) in accordance with Pancasila, the nation's philosophical foundation. Therefore, it is crucial to explore whether chemical castration aligns with the ultimate goal of responsive criminal law, which is to ensure the fair and proportional protection of human rights (Puteri et al., 2020).

In the domestic context, Law Number 1 of 2023 on the Criminal Code (KUHP) provides a new perspective on the regulation of crimes and penalties within Indonesia's legal system. The new KUHP emphasizes the importance of justice, proportionality, and respect for human rights in sentencing (Kusumawati & Poernomo, 2024). This is relevant to the implementation of chemical castration, which, although regulated in earlier legislation such as Law Number 17 of 2016 on Child Protection, must still align with the fundamental principles of criminal law enshrined in the KUHP (Fajrin, 2019). For instance, if chemical castration is carried out without considering the principle of individual autonomy or without clear and voluntary consent from the perpetrator, it could be deemed to violate the legality principle and human rights foundations of the KUHP. Furthermore, the KUHP stresses the need for a balanced approach between societal interests, victim protection, and offender rehabilitation, meaning that the application of chemical castration must be carefully evaluated

to avoid violating restorative justice principles, which are central to Indonesia's criminal law reforms (Tarore & Laksana, 2024).

Additionally, Government Regulation Number 70 of 2020 on the Procedures for Implementing Chemical Castration, Electronic Monitoring, Rehabilitation, and Public Disclosure of Child Sexual Offenders' Identities provides a technical framework for executing chemical castration. However, this regulation does not fully address normative challenges related to ethical, medical, and human rights aspects. For example, the regulation does not explicitly outline an adequate mechanism for informed consent, which is essential to ensure that offenders fully understand the medical risks and long-term impacts of chemical castration. This lack of clarity adds complexity to the implementation of chemical castration, particularly when viewed in light of Indonesia's ratification of ICCPR and CAT.

Theoretically, the application of chemical castration should also be examined through the lens of responsive legal theory, which emphasizes the importance of balancing retributive and restorative justice (Byrne, 2024). This theory suggests that criminal law should not merely serve as a tool for retribution against offenders but also as a means to restore victims' rights and foster societal compliance with the law. In this context, chemical castration may be considered less effective if not accompanied by efforts to rehabilitate offenders and protect victims. Therefore, it is important to evaluate whether this sanction truly aligns with the goals of responsive and human rights-based criminal law (Demeke, 2024).

Based on the above discussion, several fundamental questions need to be addressed to provide a comprehensive understanding of the application of chemical castration. First, how does the implementation of chemical castration for child rapists comply with the human rights principles outlined in ICCPR and CAT? Second, what are the legal implications of imposing chemical castration on child rapists within Indonesia's criminal justice system when analyzed through the lens of justice theories? Answers to these questions are expected to significantly contribute to the development of a more responsive, fair, and human rights-based criminal law.

## Method

This research employs a library research method with a normative approach (Rizkia & Fardiansyah, 2023). The normative approach was chosen because the study aims to examine and analyze legal aspects related to the implementation of chemical castration sanctions against child rapists, viewed from the perspective of Indonesia's ratification of the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). This approach is also relevant for exploring the compatibility of domestic regulations, such as Law Number 1 of 2023 concerning the Criminal Code (KUHP), with international human rights principles.

Data collection in this study was carried out through document analysis or library study. Data sources were obtained from primary legal materials, such as laws, government regulations, and international instruments ratified by Indonesia. Additionally, secondary legal materials, including scientific journals, reference books, articles, and other related literature, were utilized to support the research analysis. The collected data were then processed and analyzed

systematically to address the formulated research problems.

The data analysis method used in this study is qualitative, employing an inductive reasoning approach. The inductive reasoning approach was selected because the study aims to generate general conclusions based on specific data obtained from relevant legal sources. Through this method, researchers can identify legal patterns, evaluate the alignment between domestic and international regulations, and provide recommendations based on the research findings. The analysis results are presented in descriptive-analytical form to provide a comprehensive overview of the legal implications of implementing chemical castration sanctions within the framework of Indonesia's criminal law.

## **Result and Discussion**

### **Compliance of Chemical Castration Sanctions Against Child Rapists with Human Rights Principles Under ICCPR and CAT**

The implementation of chemical castration sanctions against child sexual offenders in Indonesia has sparked serious debate within the context of criminal law and human rights. This policy, regulated under Law Number 17 of 2016 on Child Protection, has garnered both support and opposition from various circles, particularly concerning its compliance with international human rights instruments that Indonesia has ratified. Two key instruments relevant to this discussion are the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Das, 2018).

As a core component of the International Bill of Human Rights, the ICCPR explicitly protects fundamental human rights, including prohibitions against torture or cruel, inhuman, or degrading treatment or punishment (Kinanthi et al., 2022). The ICCPR emphasizes the prohibition of torture or inhumane treatment as part of human rights. Although chemical castration is not direct physical torture, it must still be evaluated to determine whether it constitutes a violation of this principle (Nour, A., 2020). If the measure causes significant psychological or medical suffering for the perpetrator, it may be considered a violation of the ICCPR (Maymon, 2021). Similarly, the CAT explicitly prohibits all forms of torture or inhumane treatment. Even though chemical castration is intended for prevention, this permanent medical intervention could be regarded as inhumane treatment if not carried out with the voluntary consent of the individual. This raises challenges regarding the compatibility of chemical castration with the CAT (Sveaass, 2017).

Human dignity is one of the fundamental principles in both the ICCPR and CAT. Every individual has the right to be treated with dignity, including during the penal process (Weber, 2024). Chemical castration, which is permanent and alters the physical and psychological condition of the offender, can be seen as degrading human dignity if not conducted through transparent procedures and in accordance with medical ethics (Hasanah & Soponyono, 2018). On one hand, the ICCPR and CAT guarantee the human rights of offenders. On the other hand, society has the right to protection from serious crimes such as child rape. Therefore, a balance is needed between protecting the human rights of offenders and ensuring justice for victims. Chemical castration must be evaluated to determine whether

it can meet both aspects proportionally (Sifferd., 2020).

Indonesia has ratified the ICCPR through Law Number 12 of 2005 and the CAT through Law Number 5 of 1998, thereby assuming international obligations to comply with the principles outlined in these conventions. The application of chemical castration must be evaluated to ensure compliance with these obligations, especially regarding respect for human rights. Article 7 of the ICCPR explicitly prohibits torture or inhumane treatment. Chemical castration could be considered a violation of this article if it causes significant physical or psychological suffering for the offender. Therefore, the implementation of this sanction must be carefully executed and adhere to medical ethical standards.

The CAT further reinforces the prohibition of torture and inhumane treatment. Although chemical castration is performed for preventive purposes, it must still adhere to principles of proportionality and fairness to avoid being regarded as a human rights violation. One of the human rights guaranteed by the ICCPR is the right to individual autonomy. Chemical castration, as a form of medical intervention, should be based on informed consent from the offender. Without such consent, the imposition of this sanction could be considered a violation of the principle of individual autonomy (Nour, A., 2020). Some human rights enshrined in the ICCPR and CAT are non-derogable, meaning that they cannot be suspended under any circumstances. If chemical castration is deemed a violation of these rights, it would constitute a serious breach of Indonesia's international obligations. The ICCPR emphasizes that any criminal sanction must be proportional to the offender's level of culpability. As an additional penalty, chemical castration must be carefully considered to avoid being deemed excessive or unjust (Waluyo & Nugraha, 2024).

Further, chemical castration can have significant psychological impacts on offenders, such as depression, social isolation, and loss of personal identity. These effects must be considered when evaluating the compatibility of this sanction with human rights principles (Noviana et al., 2020). The implementation of chemical castration creates a dilemma between victim protection and offender rights. On one hand, the sanction aims to protect children from sexual violence. On the other hand, the offender's right to fair and dignified treatment must also be respected.

Several countries, such as Germany and the United States, have also implemented chemical castration as a penalty for sex offenders. However, such implementations often face criticism related to human rights violations (Maslov, 2022). Indonesia needs to learn from the experiences of these countries to ensure that the implementation of chemical castration is conducted fairly and ethically. The effectiveness of chemical castration in preventing sexual crimes remains a subject of debate. Some experts argue that this sanction is insufficient because it merely reduces sexual drive without addressing the underlying psychological issues of the offender.

One of the main challenges in implementing chemical castration is its high cost and long-term medical risks. Additionally, there is no clear mechanism to ensure that offenders fully understand the medical risks associated with the procedure. The implementation of chemical castration may increase social stigma for offenders, potentially hindering their reintegration into society. This contradicts the goals of responsive criminal law. The role of

medical professionals is crucial in the implementation of chemical castration. Doctors and medical personnel must ensure that the procedure adheres to medical ethical codes and respects individual autonomy (Saputra et al., 2023). Government Regulation Number 70 of 2020 provides a technical framework for implementing chemical castration. However, this regulation is considered insufficiently comprehensive as it does not explicitly address the mechanism of informed consent from offenders. Informed consent is an absolute requirement for carrying out chemical castration. The main challenge lies in whether offenders truly understand the medical risks and long-term impacts of the procedure.

The ICCPR emphasizes the principle of non-discrimination in sentencing. Chemical castration must ensure it is not discriminatory against specific groups, such as based on age, gender, or social status of the offender. Psychological and social rehabilitation could serve as a more ethical alternative to chemical castration. Through rehabilitation, offenders can be given the opportunity to correct their behaviour without compromising human dignity. International human rights committees can play a significant role in evaluating the ethics of chemical castration implementation. Such evaluations can help ensure that this sanction does not violate human rights principles. To ensure that chemical castration aligns with human rights principles, strict oversight and transparency are required in the process of imposing this sanction. Based on this analysis, regulatory improvements regarding chemical castration are necessary, particularly in terms of informed consent mechanisms, oversight, and evaluation of long-term medical impacts.

Overall, the implementation of chemical castration can be considered inconsistent with ICCPR principles if not carried out while respecting human rights, such as individual autonomy and human dignity. Similarly, the application of chemical castration may violate the CAT if it causes significant psychological or medical suffering for the offender without a strong ethical basis. Further research is needed to evaluate the effectiveness of chemical castration in preventing sexual crimes, as well as its impact on the human rights of both offenders and victims. The application of chemical castration as a sanction for child rapists is a complex issue requiring a holistic approach. Evaluating the compatibility of this sanction with international human rights principles is crucial to ensure that the policy not only delivers justice for victims but also respects the human rights of offenders. In a global context, the application of chemical castration should be regarded as a last resort, implemented only when all other alternatives have failed. It is essential to ensure that this policy aligns with universal human rights values, including human dignity, individual autonomy, and the principle of non-discrimination.

Additionally, chemical castration raises questions about its effectiveness in preventing sexual crimes. Most sexual offenders have underlying psychological issues driving their actions. Therefore, a more appropriate solution might be psychological rehabilitation aimed at addressing the root causes of these problems. Rehabilitation can provide offenders with the opportunity to improve their behaviour without undergoing permanent and potentially harmful medical interventions.

On the other hand, the implementation of chemical castration also presents ethical challenges. For instance, the procedure requires medical intervention involving hormonal

drugs to suppress the offender's sexual drive. This process is not only expensive but also requires long-term medical supervision to ensure no serious side effects occur for the offender. Moreover, there is currently no clear mechanism to ensure that offenders fully understand the medical risks of the procedure before giving their consent.

In the domestic context, the implementation of chemical castration must also consider changes in Indonesia's criminal justice system, particularly with the introduction of the new Criminal Code (KUHP) through Law Number 1 of 2023. This KUHP emphasizes the importance of the principles of justice, proportionality, and respect for human rights in sentencing. Therefore, the implementation of chemical castration must align with these fundamental principles of the KUHP to avoid being considered inconsistent with national law. The application of chemical castration also needs to consider the social impacts it may cause. Offenders undergoing chemical castration might face significant social stigma from both their communities and families. This stigma could hinder their reintegration into society after serving their sentences. Hence, this policy must be carefully considered to avoid causing broader negative effects on offenders.

Moreover, the implementation of chemical castration must take gender aspects into account. The majority of sexual offenders are male, so this policy could be considered discriminatory if applied only to specific groups. The ICCPR affirms the principle of non-discrimination in sentencing, meaning that the application of chemical castration must ensure compliance with this principle. Rehabilitation as an alternative to chemical castration can be a more ethical and humane solution. Through rehabilitation, offenders can be provided with psychological and social support to improve their behaviour. This approach not only focuses on punishment but also on efforts to restore and reintegrate offenders into society. Therefore, rehabilitation can serve as a more suitable alternative in accordance with international human rights principles. To ensure that chemical castration complies with human rights principles, strict oversight by independent institutions is required. This oversight aims to ensure that the procedure is carried out transparently and in accordance with medical ethical standards. Additionally, long-term medical impact evaluations must be conducted to ensure that offenders do not experience serious side effects from the procedure.

The application of chemical castration must also consider moral aspects within the legal system. Criminal law does not only aim to punish offenders but also to restore justice for victims and protect society from similar crimes in the future. Therefore, the implementation of chemical castration must be carefully weighed to avoid causing moral controversy in society. Chemical castration should be regarded as a last resort, implemented only when all other alternatives have failed. It is crucial to ensure that this policy aligns with universal human rights values, including human dignity, individual autonomy, and the principle of non-discrimination. In this way, chemical castration can become a fair and proportional solution in sentencing child rapists. Furthermore, chemical castration raises questions regarding its effectiveness in preventing sexual crimes. Most sexual offenders have underlying psychological issues driving their actions. Therefore, a more appropriate solution might be psychological rehabilitation aimed at addressing the root causes of such behaviour. Rehabilitation provides offenders with the opportunity to correct their behaviour without undergoing permanent and potentially harmful medical intervention.

On the other hand, the implementation of chemical castration also poses ethical challenges. For instance, the procedure requires medical intervention involving the administration of hormonal drugs to suppress the offender's sex drive. This process is not only costly but also requires long-term medical supervision to ensure no serious side effects occur for the offender. Moreover, there is currently no clear mechanism to ensure that offenders fully understand the medical risks of the procedure before giving consent. In the domestic context, the implementation of chemical castration must also consider changes in Indonesia's criminal justice system, particularly with the introduction of the new Criminal Code (KUHP) through Law Number 1 of 2023. This KUHP underscores the importance of justice, proportionality, and respect for human rights in sentencing. Therefore, the implementation of chemical castration must align with these fundamental principles of the KUHP to avoid being deemed inconsistent with national law.

The application of chemical castration also needs to account for the social impacts it generates. Offenders subjected to chemical castration might encounter significant social stigma from both their communities and families. Such stigma could impede their reintegration into society after completing their sentences. Consequently, this policy must be carefully evaluated to prevent broader adverse effects on offenders. Additionally, the implementation of chemical castration must consider gender-related aspects. Since the majority of sexual offenders are male, this policy could be viewed as discriminatory if applied exclusively to specific groups. The ICCPR emphasizes the principle of non-discrimination in sentencing, meaning that the application of chemical castration must ensure adherence to this principle.

Rehabilitation as an alternative to chemical castration can provide a more ethical and humane solution. Through rehabilitation, offenders can receive psychological and social support to improve their behaviour. This approach not only focuses on punishment but also on restoring offenders and reintegrating them into society. Therefore, rehabilitation can serve as a more suitable alternative in line with international human rights principles. To ensure that chemical castration aligns with human rights principles, rigorous oversight by independent bodies is necessary. This oversight aims to ensure that the procedure is conducted transparently and adheres to medical ethical standards. Furthermore, long-term medical impact assessments must be performed to confirm that offenders do not suffer serious side effects from the procedure.

Further, the implementation of chemical castration must also consider the moral aspects within the legal system. Criminal law does not only aim to punish offenders but also to restore justice for victims and protect society from similar crimes in the future. Therefore, the application of chemical castration must be carefully considered to avoid causing moral controversy within society. Ultimately, the implementation of chemical castration should be regarded as a last resort, carried out only when all other alternatives have failed. It is crucial to ensure that this policy aligns with universal human rights values, including human dignity, individual autonomy, and the principle of non-discrimination. In this way, chemical castration can serve as a fair and proportional solution in sentencing child rapists.

Moreover, chemical castration raises questions about its effectiveness in preventing sexual crimes. Most sexual offenders have underlying psychological issues driving their actions. Therefore, a more appropriate solution might be psychological rehabilitation aimed at addressing the root causes of such behaviour. Rehabilitation provides offenders with the opportunity to correct their behaviour without undergoing permanent and potentially harmful medical intervention.

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## **Legal Implications of the Application of Chemical Castration Sanctions Against Child Rapists in Indonesia's Criminal Justice System from the Perspective of Justice Theory**

The application of chemical castration sanctions against child rapists in Indonesia raises significant legal implications within the criminal justice system, especially when analysed through the lens of justice theory. Justice theories, both classical and modern, emphasize the importance of equality, proportionality, and respect for human dignity in sentencing (Manikis, 2022). In this context, the implementation of chemical castration must be evaluated to determine whether it meets the principles of justice or contradicts the fundamental values underlying the criminal justice system.

Retributive justice theory asserts that punishment must be proportional to the offender's level of culpability (Ali, 2018). In the context of chemical castration, the question arises: Is this sanction truly commensurate with the crime committed? The rape of a child is an egregious act because it involves the exploitation of a vulnerable group. However, chemical castration as a form of permanent medical intervention has profound physical and psychological impacts on offenders. Side effects such as metabolic disorders, osteoporosis, depression, and loss of sexual identity may be considered disproportionate to the purpose of the punishment itself. From the perspective of retributive justice, punishment should symbolically reflect the principle of "an eye for an eye," while still adhering to moral and humane limits. If chemical castration causes excessive physical and mental suffering without providing tangible benefits to victims or society, this sanction could be deemed disproportionate and contrary to the principles of retributive justice.

Utilitarian justice theory emphasizes that punishment should be designed to achieve maximum societal benefit (Rahmawati et al., 2024), such as preventing crime and protecting victims. In the context of chemical castration, its effectiveness in preventing sexual crimes is a key question. Research indicates that factors driving sexual offenses are not solely biological but also involve psychological, social, and environmental aspects. Therefore, suppressing sexual drive through chemical castration may not suffice to address the root causes of an offender's behaviour. If chemical castration proves ineffective in preventing recidivism or protecting children from sexual violence, this sanction fails to meet the principles of utilitarian justice. Conversely, holistic approaches such as psychological rehabilitation, behavioural counselling, and social reintegration programs may contribute more significantly to creating a safer society. In other words, chemical castration may not be the optimal solution when viewed through the lens of utilitarian justice.

Restorative justice theory emphasizes the importance of restoring relationships between victims, offenders, and society as the primary goal of the criminal justice system (Omowon & Kunlere, 2024). In the context of child rape, the primary focus should be on victim recovery, including the provision of psychological support, education, and long-term protection. However, chemical castration as an additional sanction tends to focus on physical punishment of the offender without directly contributing to victim recovery. Moreover, the social stigma attached to offenders undergoing chemical castration can hinder their reintegration into society. This contradicts the principles of restorative justice, which

emphasize the importance of rehabilitation and reintegration of offenders as part of efforts to create a fairer and more peaceful society. Thus, chemical castration may be considered less aligned with the values of restorative justice.

Distributive justice emphasizes the importance of equality in sentencing (Sarwandari & Fauzi, 2025). In the context of chemical castration, one major challenge is the potential for gender discrimination. This sanction applies only to male offenders, while female offenders involved in similar crimes do not receive equivalent punishment. This contradicts the principle of equality before the law, guaranteed in various human rights instruments. Additionally, chemical castration has the potential to create inequality among offenders with varying levels of culpability. For instance, offenders who commit minor sexual offenses may receive the same severe punishment as those who commit repeated or extreme violent offenses. This inconsistency indicates that chemical castration does not meet the principles of distributive justice, which demand equality in sentencing.

Corrective justice emphasizes the importance of correcting injustices without undermining human dignity (Nurjannah et al., 2023). In the context of chemical castration, respect for human dignity becomes a central issue. The process involves permanent medical intervention that drastically alters the physical and psychological condition of the offender. If the implementation of chemical castration is not based on the voluntary consent of the offender, it can be considered a violation of the principles of individual autonomy and human dignity. Furthermore, chemical castration raises serious questions about the offender's basic rights, such as the right to health, privacy, and bodily integrity. From the perspective of corrective justice, punishment should aim to correct wrongdoing without sacrificing the offender's basic rights. Therefore, chemical castration must be evaluated to determine whether it truly respects human dignity or instead diminishes it.

Procedural justice theory emphasizes the importance of transparency and the protection of human rights in the sentencing process (Brems, E., & Lavrysen, 2013). In the context of chemical castration, the mechanisms for implementing this sanction are still considered insufficiently comprehensive. For example, there is no clear protocol to ensure that offenders fully understand the medical risks and long-term impacts of the procedure before giving consent. Moreover, long-term medical supervision is not yet regulated in detail, potentially leading to violations of medical ethics. From the perspective of procedural justice, the implementation of chemical castration must be based on transparent, fair, and ethically sound procedures. Without clear mechanisms, the enforcement of this sanction may be deemed unfair and contrary to the principles of procedural justice.

In the context of Indonesia's national law, the application of chemical castration must align with the fundamental principles outlined in the new Criminal Code (KUHP). The KUHP emphasizes the importance of justice, proportionality, and respect for human rights in sentencing. Therefore, the implementation of chemical castration must be evaluated to ensure compliance with these principles to avoid being considered inconsistent with national law. Additionally, Article 28I paragraph (1) of the 1945 Constitution, which guarantees the right not to be tortured as an inalienable human right, serves as a crucial legal foundation for assessing the legitimacy of chemical castration. If chemical castration causes significant

physical or psychological suffering for the offender, it may be considered a violation of the constitution.

To ensure that Indonesia's criminal justice system remains fair and grounded in universal values, alternative policies more aligned with justice theory need to be considered. Psychological rehabilitation programs, for instance, can help offenders correct their behaviour without undergoing permanent and potentially harmful medical interventions. This approach aligns better with the principles of restorative and corrective justice while providing offenders with the opportunity for societal reintegration. Furthermore, investments in sex education, public awareness campaigns, and strengthening child protection systems are essential as preventive measures. These steps not only respect the rights of offenders but are also more oriented toward long-term prevention and victim recovery.

## Conclusion

The application of chemical castration must be regarded as a last resort, carried out only when all other alternatives have failed. It is crucial to ensure that this policy aligns with universal human rights values, including human dignity, individual autonomy, and the principle of non-discrimination. In this way, chemical castration can become a fair and proportional solution in sentencing child rapists.

The legal implications of applying chemical castration sanctions against child rapists within Indonesia's criminal justice system reveal numerous challenges when analysed through the lens of justice theory. From the perspectives of retributive, utilitarian, restorative, distributive, and corrective justice, chemical castration has the potential to conflict with principles of justice if not implemented carefully and proportionally. Therefore, an in-depth evaluation of this policy is essential to ensure that the punishment not only effectively protects children from sexual crimes but also respects the human rights of offenders as individuals. Alternative policies that are more humane and grounded in justice theory, such as psychological rehabilitation and restorative justice approaches, may serve as more appropriate solutions aligned with the spirit of modern criminal law. Thus, Indonesia's criminal justice system can achieve a balance between justice for victims and respect for the rights of offenders.

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