



CHEMICAL CASTRATION EXECUTION MODEL THROUGH THE ADMINISTRATION OF POLICE MEDICAL OPERATION

Kodrat Alam

Fakultas Hukum Universitas Wiralodra, Indramayu, Jawa Barat

Corresponding email. Author: amuksamudrajustitia@gmail.com

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ABSTRACT

Prosecutors as executors of court decisions are required to be able to be anticipatory in the process of law enforcement against sexual violence crimes following medical doctors' refusal to be involved in the execution of chemical castration. This study aims to find a model of chemical castration execution that can be applied through the administration of police medical operation (Dokpol) which combines the roles and positions of medical doctors and law enforcers simultaneously to support the implementation of police duties. The statements of the problem are set to find answers to the questions: Should the execution of chemical castration imposed by the court always be carried out? And can chemical castration be carried out through the implementation of police duties? The research method used is a normative juridical method. The availability of resources of police medical operation who have competence in the health sector is expected to be a solution for prosecutors to prepare chemical castration executors in accordance with the provisions required in Article 9 letter b of Government Regulation No. 70 of 2020, in order to achieve legal certainty regarding the implementation of the Mojokerto District Court decision whose execution is planned to take place in 2031.

Keywords: castration; policy; chemical; medical; sexual

INTRODUCTION

Criminal law policies related to child protection have actually been integrated into national law scattered in the Civil Code, the Criminal Code, and several laws and regulations on child protection¹, most recently in Law No. 17 of 2016 concerning Stipulation of Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection Into Law as a regulation to overcome problems related to the high number of cases of sexual violence crimes against children² which are a manifestation of the obligations and responsibilities of the state in providing guarantees for the protection of children³, especially protection from sexual

violence against children⁴.

The issuance of Government Regulation No. 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence against Children which are derivatives of the enactment of Law No. 17 of 2016 does not seem to have ended the controversy over the appointment of medical doctors as executor of chemical castration which began with the issuance of Government Regulation in Lieu of Law No. 1 of 2016 and culminated in the imposition of decision No. 69/Pid.Sus/2019/PN.Mjk by the Mojokerto District Court.

¹ M Joni and Z Z Tanamas, *Aspek Hukum Perlindungan Anak Dalam Perspektif Konvensi Hak Anak* (Bandung: Citra Aditya Bakti, 2018), V.

² S Tunggal and Nathalina Naibaho, "Penjatuhan Kebiri Kimia Bagi Pelaku Kejahatan Seksual Terhadap Anak Dalam Perspektif Falsafah Pidana," *Jurnal Hukum & Pembangunan* 50, no. 2 (2020): 330, <http://www.jhp.ui.ac.id/index.php/home/article/view/2594/o>.

³ Sujatmiko Sujatmiko, "Hukuman Kebiri Bagi

Pelaku Tindak Pidana Kejahatan Seksual Terhadap Anak Ditinjau Dari Perspektif Hak Asasi Manusia," *Humanis (Warta Hukum & Hak Asasi Manusia)*, 2016, 25, https://www.balitbangham.go.id/po-content/po-upload/humanis_volume_1_tahun_2016.pdf.

⁴ Diana Yusyanti, "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 621-622, <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/1429>.

Chairman of the Indonesian Medical Association (IDI), Daeng M. Faqih, said that chemical castration is not related to the duties of medical doctors considering that chemical castration is a form of punishment, not a medical service⁵. On the other hand, the Head of the Mojokerto District Public Prosecutor's Office, Rudy Hartono, on August 24, 2019, stated that the execution plan was an obligation that had to be carried out. According to him, medical doctors may refuse to carry out court decisions, but the execution of chemical castration is an order of law. Therefore, it must be done. If they do not carry out the orders of the law, they can be punished⁶. Therefore, juridically, medical doctors are obliged to carry out their duties on the basis of orders of law, because this is state law⁷.

Long before that, the Honorary Council for Medical Ethics (MKEK) had also confirmed its position by issuing *Fatwa* No. 1 of 2016 concerning Chemical Castration which in principle rejects the involvement of medical doctors as executor of chemical castration, as stated in the *fatwa* dictums, namely:

1. The medical profession in Indonesia is strictly bound by a medical doctor's oath, so it cannot accept directly acting as an executor of chemical castration;
2. In-depth knowledge and understanding for non-medical circles, especially for high state officials, people's representatives, lawmakers, and law enforcers that the medical profession is not directly involved as an executor in the additional aggravation of punishment in the form of chemical castration;

⁵ CNN Indonesia, "DPR Minta IDI Laksanakan Putusan Pengadilan Soal Kebiri Kimia," last modified 2019, <https://www.cnnindonesia.com/nasional/20190827122640-32-424979/dpr-minta-idi-laksanakan-putusan-pengadilan-soal-kebiri-kimia>.

⁶ JawaPos.com, "Kejaksaan Mencari Eksekutor Kebiri Kimia Terhadap Pemerkosa 9 Bocah Di Mojokerto," last modified 2019, <https://www.liputan6.com/news/read/4046460/kejaksaan-mencari-eksekutor-kebiri-kimia-terhadap-pemerkosa-9-bocah-di-mojokerto>.

⁷ Syaiful Hidayatullah, Otto Yudianto, and Erny Herlin Setyorini, "Wewenang Dokter Sebagai Eksekutor Tindakan Kebiri Kimia," *Jurnal Akrab Juara* 5, no. 3 (2020): 22, <http://akrabjuara.com/index.php/akrabjuara/article/view/1114/975>.

3. Those medical doctors shall always be firm in carrying out the medical doctor's oath and are expected to get legal strengthening support from the government. Therefore, the government shall not include in the laws and regulations or the explanation article that a medical doctor is an executor of chemical castration.

This fact is contrary to the provisions of Article 9 letter b of Government Regulation No. 70 of 2020 which still include the medical profession as an executor of chemical castration:

within a period of no later than 7 (seven) working days from the receipt of the conclusion as referred to in letter a, the prosecutor instructs the medical doctor to carry out chemical castration on the perpetrators of sexual intercourse.

Apart from the conflicting roles and interests in the execution of chemical castration, prosecutors as the person in charge of the execution are required to be able to seek a solution that is a middle way, considering their obligation to implement the said punishment as decided by the court in 2019. In order to reach clarity regarding who will be appointed and act as the executor of chemical castration before the end of the principal punishment served by the convict.

Therefore, it is very important for the prosecutor to prepare new executors who can replace the involvement of medical doctors in chemical castration executions while still requiring competence in the health sector in accordance with laws and regulations. One way is through the implementation of the Police's duties in administering Police Medical Operation (Dokpol) so that there is legal certainty regarding the implementation of the Mojokerto District Court's decision whose execution is planned to take place in 2031.

Since the issuance of Government Regulation in Lieu of Law No. 1 of 2016 which gave rise to the polemic of medical doctors' involvement in chemical castration executions, it was noted that many studies had been conducted and published, most recently by Steven Artaxerxes⁸, Hilmia

⁸ Steven Artaxerxes, "Pelaksanaan Eksekusi Kebiri Kimia Bagi Narapidana Pencabulan Anak Menurut Regulasi Di Indonesia" (Tesis, Program Studi Hukum Program Magister, Fakultas Hukum, Universitas

Fahma⁹, and Andreas Adithya and Maharani Nurdin¹⁰. However, most of these studies are still limited to research on the ethical aspects of chemical castration and very few have reviewed the execution model. Although Hilmia Fahma specifically recommends a reception to the practice of chemical castration in Russia and South Korea, which positions medical doctors as advisory opinions where the execution can be carried out by court or prosecutor's office officials, this will still be hindered by the terms and competencies in the health sector stipulated by law. Similarly, in the research by Andreas Adithya and Maharani Nurdin, although both of them conducted a comparison of the practice of chemical castration in several countries, they did not explain further about the execution model.

Through the description of the background of the writing above, the statements of the problem are determined as follows: Should the execution of chemical castration imposed by the court always be carried out? And, can chemical castration execution be carried out through the implementation of police duties?

This study aims to seek a chemical castration execution model that can be an alternative in the midst of ongoing conflicting roles and interests between prosecutors and medical doctors in responding to criminal law policies relating to the prevention of crimes of sexual violence against children after the enactment of Government Regulation in Lieu of Law No. 1 of 2016.

RESEARCH METHOD

This study used a doctrinal legal research model with a normative juridical research method, namely exploring the rules or regulations of law as

a related system. The analysis was carried out on primary legal materials, secondary legal materials, and tertiary legal materials obtained from books, scientific journals, literature, to laws and regulations related to the execution of chemical castration.

DISCUSSION AND ANALYSIS

A. Provisions for Chemical Castration in Government Regulation No. 70 of 2020

The definition of chemical castration according to Article 1 number 2 of Government Regulation No. 70 of 2020:

Chemical castration is the administration of chemical substances through injection or other methods, which are carried out to perpetrators who have been convicted for committing violence or threats of violence forcing a child to have sexual intercourse with him or with another person, resulting in more than 1 (one) victim, resulting in serious injury, mental disorders, infectious diseases, impaired or lost reproductive function, and/or the victim dies, to suppress excessive sexual desire, which is accompanied by rehabilitation.

While other definitions are explained by:

a. Sulis Winurini¹¹:

Chemical castration is a method that aims to weaken the hormone testosterone by introducing antiandrogen chemicals, either through pills or injections, into the body which will have the effect of reducing or even eliminating the ability to have an erection or sexual desire.

b. Soetedjo, Julitasari Sundoro, and Ali Sulaiman¹²:

Chemical castration is the administration of chemical compounds that can weaken or eliminate the function of sex hormones. In terms of pathophysiology,

Pelita Harapan, Jakarta, 2021), <http://repository.uph.edu/44082/>.

⁹ Hilmia Fahma, "Sanksi Kebiri Kimia Pada Pelaku Kejahatan Seksual Anak Dalam Perspektif Kode Etik Kedokteran" (Tesis, Program Magister Hukum, Fakultas Hukum, Universitas Sebelas Maret, Surakarta, 2021), <https://digilib.uns.ac.id/dokumen/detail/85039/Sanksi-Kebiri-Kimia-Pada-Pelaku-Kejahatan-Seksual-Anak-Dalam-Perspektif-Kode-Etik-Kedokteran>.

¹⁰ Andreas Adithya and Maharani Nurdin, "Penerapan Peraturan Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak," *Jurnal Kertha Semaya* 9, no. 4 (2021): 643-659, <https://ojs.unud.ac.id/index.php/kerthasemaya/article/view/69172>.

¹¹ Sulis Wuryani, "Efek Jera Kebiri Kimia Bagi Pelaku Kekerasan Seksual Anak Dari Sudut Pandang Psikologi," *Info Singkat* XI, no. 17 (2019): 14, https://berkas.dpr.go.id/puslit/files/info_singkat/Info_Singkat-XI-17-I-P3DI-September-2019-217.pdf.

¹² Soetedjo Soetedjo, Julitasari Sundoro, and Ali Sulaiman, "Tinjauan Etika Dokter Sebagai Eksekutor Hukuman Kebiri," *Jurnal Etika Kedokteran Indonesia* 2, no. 2 (2018): 68, <http://www.ilmiah.id/index.php/jeki/article/view/20>.

chemical castration is done by injecting the hormone anti-testosterone into the convict's body. This hormone works by suppressing the production and activity of testosterone so that it does not trigger a libido race as long as the person is under the influence of the drug.

- c. Wahyu Agus Hartono and Puguh Dwi Hananto¹³:

Literally, castration is a surgical or chemical procedure, in which the testes as male biological organs will lose their function. This causes sterilization (that is, prevents the individual from being able to reproduce) and it also greatly reduces the production of certain hormones that affect sexual arousal, such as testosterone.

- d. Saharuddin Daming¹⁴:

Chemical castration is the injection of anti-testosterone substances into the male body to reduce the level of the hormone testosterone, which is produced by Leydig cells in the testicles. Chemical castration has the side effect of temporarily decreasing sexual arousal so that when anti-testosterone administration is stopped, the perpetrator will have the same sexual desire or arousal as before.

Chemical castration, together with the installation of electronic detection devices and rehabilitation, was first introduced through Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection, which by President Joko Widodo is intended to respond to the urgency caused by the significant increase in sexual violence against children¹⁵.

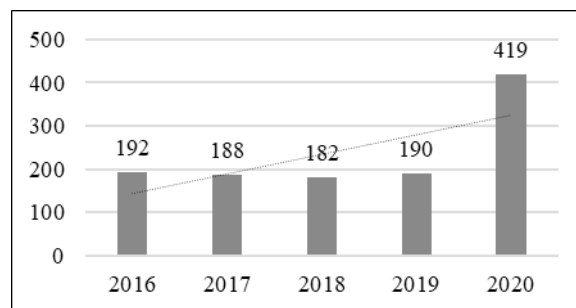
¹³ Wahyu Agus Hartono and Puguh Dwi Hananto, "Perbandingan Hukum Pidana Kebiri Bagi Pelaku Tindak Kekerasan Seksual Terhadap Anak Dibeberapa Negara," *Jurnal Hukum Pidana dan penanggulangan Kejahatan* 2, no. 3 (2013): 295, <https://jurnal.uns.ac.id/recvive/article/view/32716>.

¹⁴ Saharuddin Daming, "Mengkaji Pidana Kebiri Kimia Dalam Perspektif Medis, Hukum Dan HAM," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 9, no. 1 (2020): 30, <http://ejournal.uin-suka.ac.id/syariah/Supremasi/article/view/1803>.

¹⁵ Muhammad Zubedy Koteng, "Upaya Pencegahan

Data on Child Complaints Cases 2016-2020 which was broadcast by the Child Protection Commission (KPAI) on May 18, 2021, with primary databases sourced from KPAI Direct Complaints, Online Complaints from the Child Protection Data Bank, Complaints on the Results of Monitoring and Investigation of KPAI Cases, and Complaints through the KPAI Hotline Service, noted an increase in cases of sexual violence against children, especially children who were victims of crimes of rape or obscenity over the last 5 (five) years, with the following reports¹⁶:

Graph 1
Data on Children as Victims of Sexual Violence (Rape or Obscenity) in 2016-2020



Source: Child Complaint Case Data 2016-2020, KPAI, 2021

Referring to the Child Complaint Case Data for 2016-2020 above, on average in a month there are at least 15-16 cases of sexual violence against children in the form of rape or obscenity that occurred during the last 4 (four) periods, namely in 2016-2019. Meanwhile, in 2020 there was a spike in cases of 35 cases per month.

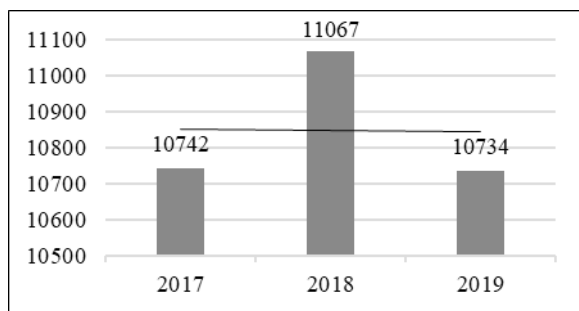
The Ministry of Women's Empowerment and Child Protection (KPPPA) has its own application for recording cases of violence experienced by women and children, namely the SIMFONI PPA. The data contained in the SIMFONI is obtained through the results of recording and reporting carried out by service units handling violence under various names, such as the Women Crisis Center, the Integrated Service Center, and the

Dan Penanganan Kejahatan Seksual Terhadap Anak," *Humanis (Warta Hukum & Hak Asasi Manusia)*, 2016, 10, https://www.balitbangham.go.id/po-content/po-upload/humanis_volume_1_tahun_2016.pdf.

¹⁶ Divisi Data dan Pengaduan (KPAI), *Data Kasus Pengaduan Anak 2016-2020, 2020*, <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020>.

Integrated Service Center for the Protection of Women and Children (P2TP2A) which is a team in providing services with related OPD (Regional Instrument Organization) elements, hospitals or medical services, Law Enforcement Officers, Non-Governmental Organizations, Child Protection Institutions, and Religious Organizations throughout Indonesia¹⁷. From 2017 to 2020, the number of cases of violence that occurred in children recorded through the Online Information System for the Protection of Women and Children (Simfoni PPA) is as follows¹⁸:

Graph 2
The Number of Cases of Violence Against Children in 2017-2020

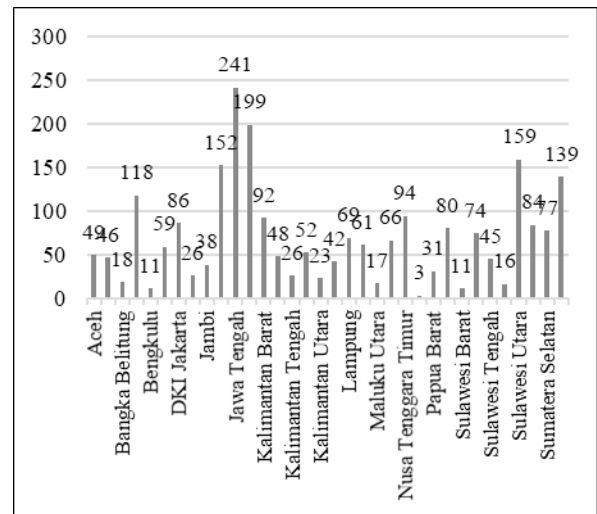


Source: Online Information System for the Protection of Women and Children (Simfoni PPA), KPPPA, 2020.

Taking into account the number of cases of violence against children as described above, on average in a month there are at least 895-922 cases of violence against children that occurred during the last 3 (three) periods, namely 2017-2019. Through the existing data, it is found that there was an increase of 325 cases in 2018 and a decrease in 2019 of 333 cases.

The Summary Map of the Distribution of the Number of Violence Cases by Province in 2022 which shows the number of child victims as compiled in the same source can be described as follows¹⁹:

Graph 3
Ratio of Children Victims of Violence (per 10,000 children) in 2022



Source: Online Information System for the Protection of Women and Children (Simfoni PPA), KPPPA, 2022.

In graph 3 above, it is found that there are at least 10 (ten) provinces with the highest number of cases of child violence, spread across Central Java (241 cases), East Java (199 cases), North Sulawesi (159 cases), West Java (152 cases), North Sumatera (139 cases), Banten (118 cases), East Nusa Tenggara (94 cases), West Kalimantan (92 cases), DKI Jakarta (86 cases), and West Sumatera (84 cases).

Punishment provisions in Law No. 23 of 2003 concerning Child Protection initially only contained the principal punishment threats in the form of imprisonment and fines as regulated in Articles 77 to 90 in accordance with the qualifications of the crimes committed. While specifically regarding the punishment imposed on perpetrators of sexual violence against children, Article 81 and Article 82 of this law stipulate maximum imprisonment of 15 years and a minimum of 3 years, a maximum fine of IDR 300 million, and a minimum of IDR 60 million.

These provisions subsequently underwent several changes following amendments to the law itself, most recently through Law No. 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection Into Law,

(per 10.000 Anak),” <https://kekerasan.kemenpppa.go.id/ringkasan>.

¹⁷ Laporan Akuntabilitas Kinerja Instansi Pemerintah, “Laporan Kinerja Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak 2020” (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2020), 70.

¹⁸ Et.all. Ika Maylasari, Rida Agustina, dan Nindya Riana Sari, “Indeks Perlindungan Anak (IPA), Indeks Pemenuhan Hak Anak (IPHA), Indeks Perlindungan Khusus Anak (IPKA) Indonesia” (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2020), 3.

¹⁹ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, “Rasio Anak Korban Kekerasan

which includes aggravation of criminal sanctions and fines for perpetrators of crimes against children, as well as the introduction of actions in the form of chemical castration, installation of electronic detection devices, and rehabilitation for perpetrators of sexual violence against children.

Several changes regarding the provisions on threats and types of punishment in the Child Protection Law can then be inventoried as follows:

Table 1
The Data of Comparison of Threats and Types of Punishment in the Child Protection Law

Type of Punishment	Law No. 23 of 2003	Law No. 35 of 2014	Govt. Regulation in Lieu of Law No. 1 of 2016	Law No. 17 of 2016
1 Principal Punishment				
a. Death Penalty	No	Yes	Yes	Yes
b. Imprisonment:				
1) For Life	No	Yes	Yes	Yes
2) For Certain Period:				
a) Minimum	5 years	5 years	10 years	10 years
b) Maximum	20 years	20 years	20 years	20 years
c. Fines:				
1) Minimum	IDR 60 million	IDR 20 million	No	No
2) Maximum	IDR 500 million	IDR 3 billion	IDR 5 billion	IDR 5 billion
2 Additional Punishment:				
Announcement of Perpetrator's Identity	No	No	Yes	Yes
3. Actions:				
a) Installation of Electronic Detection Device	No	No	Yes	Yes
b) Chemical Castration	No	No	Yes	Yes
c) Rehabilitation	No	No	Yes	Yes

Source: Processed Data, 2022.

Chemical castration is a part of the additional punishment in the form of an action that is imposed together with the principal punishment for perpetrators of sexual violence against children where the implementation is situational depending on the condition of the perpetrator. Regarding this, Tolib Setiady stated²⁰:

²⁰ T Setiady, *Pokok-Pokok Hukum Penitensier Indonesia*

- (1) Additional punishment can only be added to the principal punishment, except in the case of confiscation of certain items against children who are handed over to the government (this additional punishment is added not to the principal punishment but the action).
- (2) Additional punishment does not have to be compulsory as the principal punishment, so the nature of this additional punishment is facultative (meaning it can be imposed or not). This is an exception for crimes as mentioned in the provisions of Article 250 (addition), Article 261, and Article 275 of the Criminal Code where the additional punishment is imperative or mandatory.

Article 81 paragraph (7) of Government Regulation in Lieu of Law No. 1 of 2016 stipulates:

The perpetrators as referred to in paragraphs (4) and paragraph (5) may be subject to action in the form of chemical castration and installation of electronic detection devices.

The meaning of the word “may” in the above provision, when connected to the previous explanation, can be interpreted as a type of punishment that is not a necessity to be carried out. This means that chemical castration as an additional punishment can be carried out or abolished (facultative) based on certain considerations that is subject to the results of the examination of the convict as described in Article 8 paragraph (1) of Government Regulation No. 70 of 2020:

The conclusion as referred to in Article 6 letter b contains the results of a clinical assessment to ensure that the perpetrator of sexual intercourse is eligible or not eligible to be subjected to chemical castration.

The terms and conditions for the implementation of chemical castration according to Law No. 17 of 2016 and Government Regulation No. 70 of 2020 are stipulated as follows:

1. Shall be imposed on the perpetrator based on a court decision that has permanent legal force (*inkracht van gewijsde*);
2. Cannot be imposed on child perpetrators;
3. Shall be executed after the convict has served the principal punishment;

(Bandung: Alfabeta, 2010), 77.

4. Shall be imposed for a maximum period of 2 years;
5. The implementation of chemical castration is accompanied by rehabilitation;
6. Shall be executed by a medical doctor on the orders of the prosecutor after coordinating with the Ministry of Health, the Ministry of Law and Human Rights, and the Ministry of Social Affairs; and
7. Shall be executed under regular supervision by the Ministry of Law and Human Rights, the Ministry of Social Affairs, and the Ministry of Health.

As for the implementation, Articles 5-13 Chapter II Part Two of Government Regulation No. 70 of 2020 regulate the procedures for chemical castration with the following provisions:

1. Shall be executed through a series of stages that begins with clinical assessment, conclusion, and implementation;
2. The clinical assessment is preceded by a notification delivered by the Ministry of Law and Human Rights to the prosecutor no later than 9 months before the convict finishes serving the principal punishment. Within 7 days after the notification, the prosecutor submits notification to and coordinates with the Ministry of Health for a clinical assessment to begin no later than 7 days after receiving the notification. The clinical assessment is carried out by a team consisting of medical and psychiatric staff. This assessment includes:
 - a. A clinical interview, that is a process to obtain information about the physical health condition and mental health of the perpetrator for the purpose of initial/ interim clinical decisions regarding the health problems of the convict.
 - b. A psychiatric interview, that is an interview technique to assess the mentality of the convict in the form of structured or unstructured questions without the help of tools.
 - c. Physical examination, that is a process to determine whether there are physical abnormalities of the convict.
 - d. Supporting examination, that is a series of medical examination processes for certain indications in order to obtain

complete clinical conclusions to ensure that the perpetrator of sexual intercourse is eligible or not eligible to be subjected to chemical castration and it shall be submitted to the prosecutor in no later than 14 days after receiving the notification from the prosecutor.

3. Chemical castration is carried out after the conclusion stating that the perpetrator is eligible to be subjected to chemical castration. If the conclusion states that the perpetrator is not eligible to be subjected to chemical castration, then the implementation is postponed for a maximum of 6 months for clinical re-assessment and re-conclusion. In the event that the clinical re-assessment and re-conclusion still state that the perpetrator is not eligible to be subjected to chemical castration, the prosecutor shall notify in writing to the court that decided the case at the first level by attaching the results of the clinical re-assessment and re-conclusion.
4. Within a maximum period of 7 days after receiving the conclusion stating that the perpetrator is eligible to be subjected to chemical castration, the prosecutor orders a medical doctor to execute chemical castration on the perpetrator, immediately after the convict has finished serving the principal punishment.
5. The execution of chemical castration shall be carried out in an appointed government-owned hospital or regional hospital in the presence of the prosecutor, representatives of the Ministry of Law and Human Rights, the Ministry of Social Affairs, and the Ministry of Health.
6. The prosecutor informs the victim or his family that chemical castration has been executed and it is stated in the official report.

For a perpetrator who will be subjected to chemical castration but escapes, his execution will be postponed until the perpetrator is caught or surrenders. Meanwhile, if the perpetrator dies, the prosecutor will notify the court that decides the case at the first level in writing.

Specifically, regarding the technical procedures for clinical assessment, conclusion, and execution of chemical castration, Government Regulation No. 70 of 2020 delegates the

arrangement through the Regulation of the Minister of Health (Permenkes), as well as the procedure for notification to the prosecutor through the Regulation of the Minister of Law and Human Rights (Permenkumham).

B. Execution of Chemical Castration through Implementation of Police Duties in the Administration of Police Medical Operation (Dokpol)

The implementation of criminal justice is the mechanism by which criminal law enforcement officers work, starting from the process of preliminary investigation and investigation, arrest, detention, prosecution, to examination in court, or in other words, the work of police, prosecutors, judges, and correctional institution officers, which also means the process of criminal procedure law. These efforts are carried out in order to achieve the objectives of criminal justice²¹.

The criminal justice process can be interpreted as the entire stage of examining criminal cases to uncover criminal acts that occurred and take legal action against the perpetrators. By going through various institutions, the criminal justice process starts from the police institution, continues to the prosecutor's institution, to the court institution, and ends at the correctional institution²².

Imman Yusuf Sitingjak said²³:

In terms of criminal law, the institution in charge of implementing it is manifested in a criminal justice system, which is essentially a system of power to enforce criminal law which consists of investigative power, prosecution power, adjudicating power, and decision-making power as well as the power to implement decisions/punishment by the agency/executive/execution apparatus.

The ultimate goal of the Criminal Procedure Code which must be considered is the creation of justice in the execution process. In the event that the judge's decision that has been read out is accepted by the litigating parties and no legal remedy is requested by the parties or no further legal remedy can be requested, then the judge's decision is declared to have permanent legal force (*inkracht*). The judge's decision which has permanent legal force will then be carried out by the competent authority and it is commonly known as an execution²⁴.

Court decisions are the result or output of a justice process in court²⁵. The process of finalizing criminal justice which culminates in the implementation of a court decision that has permanent legal force (*inkracht van gewijsde*) makes execution the most important part of a series of law enforcement against a crime. Regarding this matter, Allan Rowman Supit stated²⁶:

Every decision must be able to be executed because there will be no meaning if the decision cannot be executed, as it is known that a judge's decision at any time will become a decision that has permanent legal force (*inkracht van gewijsde*).

In the context of law supremacy, the function of the prosecutor's office is very important in realizing the law *in concreto*. According to Bagir Manan, realizing law *in concreto* is not only a phenomenon of courts or judges but also includes administrative officials who provide legal services and law enforcement officers. The Prosecutor's Office and the Police are public institutions of law enforcement, which in the criminal justice system are actually the initial source of a justice process²⁷.

²¹ IKA Purnama, *Hukum Kepolisian: Sejarah Dan Peran POLRI Dalam Penegakan Hukum Serta Perlindungan HAM* (Bandung: PT Refika Aditama, 2018), 85.

²² Didit Ferianto Pilok, "Kedudukan Dan Fungsi Jaksa Dalam Peradilan Pidana Menurut Kuhap," *Lex Crimen* 2, no. 4 (2013): 143, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/3099>.

²³ Imman Yusuf Sitingjak, "Peran Kejaksanaan Dan Peran Jaksa Penuntut Umum Dalam Penegakan Hukum," *Jurnal Ilmiah Maksitek* 3, no. 3 (2018): 98, <https://makarioz.sciencemakarioz.org/index.php/JIM/article/view/29>.

²⁴ I Wayan Edi Kurniawan, Anak Agung Sagung Laksmi Dewi, and I Made Minggu Widyantara, "Jaksa Selaku Eksekutor Dalam Putusan Pengadilan Tindak Pidana Pembunuhan," *Jurnal Preferensi Hukum* 1, no. 2 (2020): 154.

²⁵ Fiona L Pelafun, "Pelaksanaan Putusan Pengadilan Dalam Perkara Pidana Berdasarkan Kitab Undang-Undang Hukum Acara Pidana," *Lex Crimen* 6, no. 3 (2017): 86, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/15603>.

²⁶ Allan Rouwman Supit, "Pelaksanaan Putusan Perkara Pidana Yang Telah Berkekuatan Hukum Tetap Menurut Kitab Undang-Undang Hukum Acara Pidana," *Lex Privatum* 4, no. 7 (2016): 117, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/13253>.

²⁷ M Yuhdi, "Tugas Dan Wewenang Kejaksanaan Dalam Pelaksanaan Pemilihan Umum," *Jurnal Ilmiah*

Article 270 of the Criminal Procedure Code states:

The execution of a court decision that has obtained permanent legal force is still carried out by the prosecutor, for which the clerk sends a copy of the decision letter to him.

Prosecutors by definition are functional officials who are authorized by law to act as public prosecutors and executors of court decisions that have obtained permanent legal force and other authority based on the law. While the Public Prosecutor is a prosecutor who is authorized by this law to carry out prosecutions and carry out judges' decisions. The definition of prosecutor's office itself is a government institution that exercises state power in the field of prosecution and other authority based on law.

Authority is what is called formal power, a power that comes from legislative power (given by law) or from executive/administrative power. Authority is power over a certain group of people or power over a certain area of government (or field of affairs) which is unanimous, while authority only concerns certain parts. Within authority there are powers. Authority is the power to carry out a public legal act²⁸.

Philipus M. Hadjon divides the sources of authority into three parts, namely²⁹:

An authority is obtained through three sources, namely attribution, delegation, and mandate. Attribution authority is usually outlined through the division of state power by the constitution, while delegation and mandate authority is the authority that comes from "delegation".

A similar division was also put forward by Indroharto who explained³⁰:

Authority is obtained by "attribution", namely the granting of new government authority by a provision in laws and regulations. Therefore, here is born/created a new government authority". In the delegation, there is a delegation of an existing authority by the State Administration Agency or Position that has obtained an attributive government authority to another State Administration Agency or Position. Therefore, a delegation is always preceded by attribution of authority. In the mandate, there is no granting of new authority or delegation of authority from one State Administration Agency or Position to another.

Regarding attribution, delegation and mandate, H.D. van Wijk/Willem Konijnenbelt defines them as follows³¹:

- a. *Attributie: toekenning van een bestuursbevoegheid door een wetgever aan een bestuursorgaan*, (attribution is the granting of government authority by legislators to government organs).
- b. *Delegatie: overdracht van een bevoegheid van het ene bestuursorgaan aan een ander*, (delegation is the delegation of government authority from one government organ to another).
- c. *Mandaat: een bestuursorgaan laat zijn bevoegheid namens hem uitoefenen door een ander*, (mandate occurs when a government organ allows its authority to be exercised by another organ on its behalf).

In connection with the division of sources of authority, Ridwan HR concluded that³²:

The authority that is obtained by attribution is genuine and comes from the laws and regulations. In other words, government organs obtain authority directly from certain articles in laws and regulations. In terms of attribution, the recipient of the authority can create new authority or expand the existing authority, with internal and external responsibility for the implementation of the authority being attributed wholly to the recipient of the authority (*atributaris*). In delegation there is no creation of the authority, there is only the delegation of

Pendidikan Pancasila dan Kewarganegaraan 27, no. 2 (2016): 94, <http://journal.um.ac.id/index.php/jppk/article/view/5520>.

²⁸ Prajudi Atmosudirdjo, *Hukum Administrasi Negara* (Jakarta: Ghalia Indonesia, 1981), 29.

²⁹ Philipus M. Hadjon, "Fungsi Normatif Hukum Administrasi Dalam Mewujudkan Pemerintahan Yang Bersih," in *Pidato Penerimaan Jabatan Guru Besar Dalam Ilmu Hukum Pada Fakultas Hukum Universitas Airlangga* (Surabaya, 1994), 7.

³⁰ Indroharto, *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara* (Jakarta: Pustaka Harapan, 1993), 90.

³¹ Ridwan HR, *Hukum Administrasi Negara, Edisi Revisi* (Jakarta: PT. RajaGrafindo Persada, 2014), 102.

³² *Ibid.*, 105-106.

authority from one official to another. Juridical responsibility no longer rests with the delegators (*delegans*), but shifts to the delegates (*delegataris*). While in the mandate, the mandate recipient (*mandataris*) only acts for and on behalf of the mandate giver (*mandans*), the final responsibility for decisions taken by the *mandataris* remains with the *mandans*.

In addition to being listed in the Criminal Procedure Code, the duties and authority of the prosecutor's office in carrying out its function as a subsystem/component of law enforcer for the Indonesian criminal justice system are stated in Law No. 16 of 2004 concerning the Prosecutor's Office³³. The duties and authority of the prosecutor's office according to Article 30 of Law No. 16 of 2004 covers: the criminal field, the civil and state administration fields, as well as the public order and peace sector.

The duties and authority of the prosecutor's office in the criminal field related to the criminal justice process according to Article 30 paragraph (1) of the Law are:

In the criminal field, the prosecutor's office has the following duties and authority:

- a. to carry out prosecutions;
- b. to carry out judges' decisions and court decisions that have obtained permanent legal force;
- c. to supervise the implementation of conditional punishment decisions, supervisory punishment decisions, and parole decisions;
- d. to conduct preliminary investigations into certain criminal acts based on the law;
- e. to complete certain case files and for that purpose can carry out additional examinations before being delegated to the court where the implementation is coordinated with investigators.

A public prosecutor is definitely a prosecutor, while a prosecutor is not necessarily a public prosecutor³⁴. The definition of a prosecutor in

Law No. 16 of 2004 is wider than Article 1 point 6 letter a of the Criminal Procedure Code. Therefore, the prosecutor's two authorities are: as a public prosecutor, and as an executor. While the public prosecutor has the authority to: carry out prosecutions and carry out court decisions. In other words, the prosecutor who handles cases in the prosecution stage is called a public prosecutor. It is the public prosecutor who can carry out the judge's decision. Therefore, other prosecutors (who are not public prosecutors) cannot carry out the judge's decision but the public prosecutor can carry out executions because he is a prosecutor (not as a public prosecutor)³⁵. Therefore, it can be concluded that the special mandate given by the law to prosecutors is to carry out court decisions³⁶.

Furthermore, if the task of the prosecutor in carrying out court decisions is connected to the execution of chemical castration, then this is clearly seen in the regulation:

Article 3 of Government Regulation No. 70 of 2020:

The implementation of chemical castration, installation of electronic detection devices, and rehabilitation are carried out by officers who have competence in their fields on the orders of the prosecutor.

Article 9 letter b of Government Regulation No. 70 of 2020:

Within a maximum period of 7 (seven) working days since the receipt of the conclusion as referred to in letter a, the prosecutor orders a medical doctor to carry out chemical castration on the perpetrators of sexual intercourse.

In view of the regulation on the execution of chemical castration in the above provisions, the position of the prosecutor, in this case, is to act as the person in charge of the execution where the execution itself is ordered to the medical doctor as an officer who has competence in the health sector.

The simultaneous involvement of prosecutors and medical doctors in the implementation of

³³ Pilok, "Kedudukan Dan Fungsi Jaksa Dalam Peradilan Pidana Menurut Kuhap," 145.

³⁴ Sitinjak, "Peran Kejaksaan Dan Peran Jaksa Penuntut Umum Dalam Penegakan Hukum," 100.

³⁵ Pilok, "Kedudukan Dan Fungsi Jaksa Dalam Peradilan Pidana Menurut Kuhap," 147.

³⁶ Nurafni Nurafni, Bambang Waluyo, and Beniharmoni Harefa, "Eksekusi Kebiri Kimia Pelaku Kekerasan Seksual Terhadap Anak Di Indonesia," *Nagari Law Review* 3, no. 2 (2020): 110, <http://nalrev.fhuk.unand.ac.id/index.php/nalrev/article/view/165>.

chemical castration has a close connection to the power to carry out court decisions as an authority attached to the prosecutor's office.

The medical doctor's authority to carry out chemical castration comes from the authority possessed by prosecutors in the punishment field, especially regarding the authority to carry out judges' decisions and court decisions that have obtained permanent legal force in accordance with Article 30 paragraph (1) letter b of Law No. 16 of 2004 concerning the Prosecutor's Office. This authority is distributed through orders given to medical doctors to act as chemical castration executors and place the prosecutor in charge.

The authority of a medical doctor to act as an executor of chemical castration is based on Article 9 letter b of Government Regulation No. 70 of 2020 as referred to, according to the source, comes from the authority obtained by mandate. That is the authority that makes medical doctors as *mandataris* (mandate recipient) who act for and on behalf of prosecutors as *mandans* (mandate giver). The position of the medical doctor, in this case, is solely to act for and on behalf of the prosecutor who has the authority as the executor of court decisions who gives orders, and is responsible for the implementation of chemical castration.

Law enforcement as a process does not merely mean the implementation of legislation. Law enforcement is not a definite action, namely applying the law to an event, which can be likened to drawing a straight line between two points. Law enforcement is not a mere logical process, but contains choices and possibilities, because of the conditions with human involvement with all its complexity³⁷.

The problem of law enforcement is a problem related to the existence of law and humans. The law may not be able to realize its own will, because it is only a rule. Therefore, it takes the presence of humans (law enforcement officers) to realize the will of the law³⁸. Likewise in sexual violence crimes, law enforcement and its execution require

the involvement of the prosecutor with the help of medical doctors in it.

The IDI policy, which closes the role and involvement of medical doctors as chemical castration executor, is predicted to be one of the obstacles that require prosecutors to prepare anticipatory steps, including by seeking technical support through the procurement of executor resources, especially those from law enforcement institutions, namely the police whose job is, among others, to administer police medical operation.

The task of the Indonesian National Police in realizing law enforcement in order to maintain security and order can essentially be seen as a living law because it is in the hands of the Indonesian National Police that the law becomes concrete or experiences its manifestation in society³⁹, which is considering the role and position of the Indonesian National Police themselves as a part of the law enforcement officers. Regarding this matter, I Ketut Adi Purnama specifically stated⁴⁰:

Among the work of law enforcement in the criminal justice system in Indonesia, which consists of the police, prosecutor's office, courts, lawyers, and correctional institutions, the work of the police is the most interesting, because it contains a lot of human involvement in decision making.

The definition of Police according to Article 1 number 1 of Law No. 2 of 2002 concerning the Police:

Police are all matters relating to police functions and institutions in accordance with laws and regulations, with the main tasks:

- a. To maintain public security and order;
- b. To enforce the law; and
- c. To provide protection, shelter, and service for the community.

The police duties based on Article 14 paragraph (1) of Law No. 2 of 2002 are:

In carrying out the main tasks as referred to in Article 13, the Indonesian National Police shall be tasked with:

- a. implementing regulation, guarding, escorting, and patrolling the community and government activities as needed;

³⁷ Ibnu Artadi, *Diskresi Polisi Dan Realitas Penegakan Hukum (Studi Tentang Penanganan Kasus Kriminal Tertentu Versi Keadilan Polisi)* (Yogyakarta: Deepublish, 2013), 8.

³⁸ Bambang Sutiyoso, "Penguatan Peran Komisi Yudisial Dalam Penegakan Hukum Di Indonesia," *Jurnal Hukum Ius Quia Iustum* 18, no. 2 (2011): 277, <https://journal.uui.ac.id/IUSTUM/article/view/4008>.

³⁹ Purnama, *Hukum Kepolisian: Sejarah Dan Peran POLRI Dalam Penegakan Hukum Serta Perlindungan HAM*, 61.

⁴⁰ Ibid.

- b. organizing all activities in ensuring security, order, and smooth traffic on the road;
- c. fostering the community to increase community participation, public legal awareness, and community compliance with laws and regulations;
- d. participating in the development of national law;
- e. maintaining order and ensuring public security;
- f. coordinating, supervising, and providing technical assistance to the special police, civil servant investigators, and other forms of self-service security;
- g. conducting preliminary investigations and investigations of all criminal acts in accordance with the criminal procedure law and other laws and regulations;
- h. organizing police identification, police medical operation, forensic laboratories, and police psychology for the purposes of police duties;
- i. protecting the safety of body, soul, property, society, and the environment from disturbances of order and/or disaster, including providing assistance and aid by upholding human rights;
- j. serving the interests of the community for a while before being handled by the authorized agency and/or party;
- k. providing services to the community in accordance with their interests within the scope of police duties; as well as
- l. carrying out other duties in accordance with laws and regulations.

Of the many tasks of the police mentioned above, the administration of police medical operation is the most relevant part to be proposed as an alternative in the context of carrying out chemical castration executions in accordance with Article 3 in conjunction with Article 9 letter b of Government Regulation No. 70 of 2020 which according to the elucidation is explained:

Police medical operation include, among others, forensic medicine, forensic odontology, and forensic psychiatry which are needed to support the implementation of police duties.

Meanwhile, the definition of police medical operation according to Article 1 number 1 of

Regulation of the Chief of the Indonesian National Police No. 12 of 2011 concerning Police Medical Operation:

Police medical operation, hereinafter abbreviated as Dokpol, is the application of medical science and technology along with the supporting sciences for the benefit of police duties.

The implementation of police medical operation is carried out by medical doctors who have the same qualifications and competencies as medical doctors and dentists in general based on Law No. 29 of 2004 concerning Medical Practice. Being under the auspices of the same professional organization, namely the Indonesian Medical Association (IDI), but officially bound to the police institution, police medical operation have their own characteristics that combine roles and positions as medical doctors and law enforcers simultaneously to support the implementation of police duties in accordance with Law No. 2 of 2002.

The proposal of police medical operation as an alternative that can assist the implementation of the prosecutor's duties in the execution of chemical castration becomes a necessity that can be applied following the various opinions expressed by:

- a. The Head of Public Relation Division of the Indonesian National Police, Inspector General Police Boy Rafli Amar⁴¹:
Police Medical Operation (Dokpol) are ready to carry out their duties if appointed to be the executor of the castration sentence. We are ready to assist the implementation (as the executor of the castration sentence) if they receive the same task as in the death penalty.
- b. Soetedjo, Julitasari Sundoro, and Ali Sulaiman⁴²:
Despite IDI's refusal, the police medical doctor (dokpol) stated that they were willing to carry out the procedure if ordered. This is based on one of the tasks of the Indonesian National Police (Polri) which must carry out legal provisions from the Supreme Court.

⁴¹ Zaenal Arifin, "Polri: Dokpol Siap Bila Ditunjuk Sebagai Eksekutor Kebiri," 2016, <https://www.winnetnews.com/post/polri-dokpol-siap-bila-ditunjuk-sebagai-eksekutor-kebiri>.

⁴² Soetedjo, Sundoro, and Sulaiman, "Tinjauan Etika Dokter Sebagai Eksekutor Hukuman Kebiri," 69.

- c. Saharuddin Daming⁴³:
If IDI remains firm in its refusal to be involved as the executor of the court's decision on chemical castration, then that should be the case. Because the party that can execute castration convicts is the Indonesian National Police through Police Medical Operation (Dokpol). Because Dokpol is different from the Indonesian Medical Association (IDI) based on authority and responsibility.
- d. Ali Dahwir and Barhamudin⁴⁴:
To carry out the chemical castration process, the president as the highest power holder gives a mandate or orders health workers through Police Medical Operation. According to Police Regulation No. 12 of 2011 Article 1 paragraph (1) Dokpol is the use of clinical science and innovation in addition to supporting science to assist the police's obligations. The chemical castration act is part of the police assignment related to the implementation of the law on the choices determined by the court to be carried out by the Dokpol.
- e. Neta S. Pane⁴⁵:
The task of the execution of castration against sexual predator convicts is the task of the Indonesian National Police, through Police Medical Operation (Dokpol), and is not the task of the Indonesian Medical Association (IDI). One of the tasks of the Indonesian National Police is to carry out executions after the prosecutor's office has received a legal ruling from the Supreme Court. In the execution of the death penalty, for example, it is the police who shall carry out the execution. Therefore, in the execution of castration against perpetrators of sex crimes, it is very natural for the Indonesian National Police to carry it out.

- f. Jusuf Kalla⁴⁶:
The government can use a castration executor from a police medical doctor if IDI refuses. The government also respects IDI's refusal. It is his right (as a medical doctor) but some medical doctors are not from IDI, police medical doctors, so just use the assigned police medical doctors.

By encouraging the involvement of the police in the execution of chemical castration, prosecutors are expected to be able to overcome the problem of "executor vacancy" through the administration of police medical operation whose legality meets the requirements of Government Regulation No. 70 of 2020, namely having competence in the health sector.

This is not the first time that police technical support in carrying out the duties of prosecutors in criminal executions has been carried out. The same assistance has long been given to executions involving the Mobile Brigade (Brimob) unit based on Law No. 2/PNPS/1964 concerning Procedures for Implementing the Death Penalty Imposed by the Courts in the General and Military Courts and Decree of the Commander of Mobile Brigade Corps No. Pol. : Skep/122/VIII/2007 concerning Guidebook for Execution of Death Convicts, which was later revoked and declared invalid based on the Regulation of the Chief of the Indonesian National Police No. 12 of 2010 concerning Procedures for the Implementation of the Death Penalty.

Article 10 paragraph (1) of Law No. 2/PNPS/1964:

For the execution of the death penalty, the Police Chief of the Regional Commissariat mentioned in Article 3 paragraph (1) shall form a Firing Squad consisting of a non-commissioned officer, twelve enlisted men, under the leadership of an officer, all from the Mobile Brigade.

Article 5 paragraph (2) of the Regulation of the Chief of the Indonesian National Police No. 12 of 2010:

After receiving the written request as referred to in paragraph (1), the Chief of Regional

⁴³ Daming, "Mengkaji Pidana Kebiri Kimia Dalam Perspektif Medis, Hukum Dan HAM," 32.

⁴⁴ Ali Dahwir and Barhamudin Barhamudin, "Penerapan Sanksi Kebiri Kimia Terhadap Pelaku Tindak Pidana Seksual Terhadap Anak," *Jurnal Solusi* 19, no. 3 (2021): 318-319, <https://jurnal.unpal.ac.id/index.php/solusi/article/view/422>.

⁴⁵ AS, "IDI Menolak, Dokter Polisi Yang Bertindak," last modified 2016, <https://pgi.or.id/idi-menolak-dokter-polisi-yang-bertindak/>.

⁴⁶ Faiq Hidayat, "IDI Tolak Suntik Kebiri, JK Sebut Bisa Pakai Dokter Polisi," 2016, <https://www.merdeka.com/peristiwa/idi-tolak-suntik-kebiri-jk-sebut-bisa-pakai-dokter-polisi.html>.

Police shall instruct the Head of the Regional Mobile Brigade Unit (Kasat Brimobda) to prepare for the execution of the death penalty.

Furthermore, in order to strengthen the role and position of police medical operation in chemical castration executions, at least the following adjustment steps are required:

First, the shift of chemical castration executions through the administration of police medical operation needs to get a legal umbrella as in the death penalty which is regulated by Law No. 2/PNPS/1964 and the Regulation of the Head of the Indonesian National Police No. 12 of 2010. The regulation on the execution of chemical castration including its executor is deemed insufficient if it only relies on regulations at the level of the Regulation of the Minister of Health in accordance with Article 13 paragraph (1) of Government Regulation No. 70 of 2020 because it has a lower position than Government Regulation. Specifically, regarding this matter, it is proposed to amend the Government Regulation No. 70 of 2020, the content of which regulates the appointment of police medical operation as the executor of chemical castration with technical procedures established by the Ministry of Health.

Second, there is a need for uniformity in the use of chemical castration executor nomenclature so as not to cause a wrong interpretation of who is ordered by the prosecutor to carry out chemical castration executions. This is based on the mention of 2 different clauses of the executor in the same Government Regulation, namely: "officers who have competence in the health sector" in Article 3 of Government Regulation No. 70 of 2020 and "medical doctor" in Article 9 letter b of Government Regulation No. 70 of 2020. Because, the mention of the term "officers who have competence in the health sector" in Article 3 of Government Regulation No. 70 of 2020 can be connoted as all health workers as referred to in Article 11 paragraph (1) of Law No. 36 of 2014 concerning Health Workers, which recognizes the classification of 13 groups of health workers. Whereas what is meant in Article 9 letter b of Government Regulation No. 70 of 2020 is only medical doctors, namely health workers who are included in the group of medical personnel, which in the Government Regulation amendments it is recommended to be described specifically as police medical operation.

Third, the Indonesian National Police should be able to follow changes in Government Regulation No. 70 of 2020 by issuing organic provisions at the level of the Regulation of the Chief of the Indonesian National Police which regulates the procedure for the execution of chemical castration, as stated in the Regulation of the Chief of the Indonesian National Police No. 12 of 2010 which became a derivative of the death penalty execution arrangement based on Law No. 2/PNPS/1964. This is important in order to prepare resources for chemical castration executors who come from police medical operation in each region, whose jurisdiction includes courts of the first instance that impose chemical castration execution decisions for perpetrators of sexual violence crimes against children.

Through the adjustment steps as proposed above, it is hoped that there will be a sufficient portion for police medical operation to act as an executor who is prepared to replace the involvement of medical doctors in the execution of chemical castration. Furthermore, it is a manifestation of the implementation of police duties in upholding law enforcement and implementing court decisions.

CONCLUSION

Referring to the description of the discussion and analysis of the problems above, the following conclusions can be drawn: *First*, that the act of chemical castration as part of the additional punishment imposed on perpetrators of sexual violence crimes against children does not always contain the obligation to be carried out as imagined by many people. In addition to the execution, which depends on the results of the clinical examination of the convict, the implementation is also accompanied by guarantees of comprehensive and continuous recovery; and *Second*, that the implementation of police duties in administering police medical operation is only a small part of the options offered to anticipate the obstacles faced by prosecutors in carrying out chemical castration executions in accordance with court decisions. The availability of police medical operation resources that have competence in the health sector is considered to meet the requirements of Article 3 in conjunction with Article 9 letter b of Government Regulation No. 70 of 2020 to act as an executor to replace the involvement of medical doctors in chemical castration executions, to achieve legal

certainty in the implementation of the Mojokerto District Court's decision No. 69/Pid.Sus/2019/PN.Mjk.

SUGGESTION

As long as there are no changes in Government Regulation No. 70 of 2020 which transfer the obligation to execute chemical castration to police medical operation as proposed, medical doctors will be burdened with the obligation to act as an executor of chemical castration, the refusal thereof is feared to lead to the enactment of Article 216 of the Criminal Code which can be imposed on medical doctors on charges of refusing to carry out the orders of the Law. Therefore, medical doctors as the party with the most interest in this matter are advised to apply for a judicial review to the Supreme Court against the enforcement of Article 9 letter b of Government Regulation No. 70 of 2020, so that they can be free from constitutional obligations that are considered contrary to the medical oath and their code of ethics.

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