

ABSTRAK

Penerapan sanksi kebiri kimia sebagai salah satu bentuk pidana tambahan terhadap pelaku kekerasan seksual terhadap anak di Indonesia telah menimbulkan perdebatan yuridis dan etik yang signifikan. Penelitian ini bertujuan untuk menganalisis pertentangan antara kebijakan sanksi kebiri kimia dengan asas equality before the law yang dijamin dalam konstitusi dan instrumen hukum nasional serta internasional. Dengan menggunakan pendekatan yuridis normatif dan studi kualitatif terhadap peraturan perundang-undangan, doktrin, serta yurisprudensi yang relevan, ditemukan bahwa penerapan sanksi kebiri kimia berpotensi melanggar prinsip kesetaraan hukum karena hanya ditujukan pada pelaku laki-laki serta menimbulkan diskriminasi berdasarkan jenis kelamin dan kondisi biologis. Selain itu, prosedur pelaksanaannya yang melibatkan tindakan medis invasif membuka ruang pelanggaran terhadap hak atas integritas fisik dan hak untuk tidak disiksa sebagaimana diatur dalam Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia dan Kovenan Internasional tentang Hak Sipil dan Politik (ICCPR). Penelitian ini juga menyoroti inkonsistensi regulasi seperti UU No. 17 Tahun 2016 dan PP No. 70 Tahun 2020, serta resistensi dari kalangan profesional medis dan akademisi hukum. Oleh karena itu, penelitian ini merekomendasikan peninjauan ulang terhadap kebijakan kebiri kimia dan mengusulkan alternatif pemidanaan yang lebih humanis, proporsional, dan sejalan dengan prinsip-prinsip keadilan dan penghormatan terhadap hak asasi manusia.

Kata Kunci: Pemidanaan, Kebiri Kimia, Hak Asasi Manusia

ABSTRACT

The implementation of chemical castration as an additional punishment for perpetrators of sexual violence against children in Indonesia has sparked significant juridical and ethical debate. This study aims to analyze the conflict between the policy of chemical castration and the principle of equality before the law, which is guaranteed by the constitution as well as national and international legal instruments. Using a normative juridical approach and qualitative analysis of laws, legal doctrines, and relevant jurisprudence, the study finds that the enforcement of chemical castration potentially violates the principle of legal equality, as it targets only male offenders and results in discrimination based on sex and biological conditions. Moreover, the invasive medical procedures involved open the possibility of violations against the right to physical integrity and the right not to be subjected to torture, as stipulated in Law No. 39 of 1999 on Human Rights and the International Covenant on Civil and Political Rights (ICCPR). The study also highlights regulatory inconsistencies, such as those found in Law No. 17 of 2016 and Government Regulation No. 70 of 2020, as well as resistance from medical professionals and legal academics. Therefore, this research recommends a policy review of chemical castration and proposes alternative forms of punishment that are more humane, proportionate, and aligned with principles of justice and respect for human rights.

Keywords: Criminal Sentencing, Chemical Castration, Human Rights