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Sexual Crimes, Abortion, and Chemical Castration Punishment in Indonesia: A Legal and Ethical Review

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ABSTRACT

Sexual crimes are a serious and growing problem in Indonesia and have far-reaching implications, including abortion. Indonesia's abortion regulations have evolved, particularly in providing exceptions for victims of sexual crimes with certain gestational age limits. However, the implementation of this policy still faces challenges, such as complex administrative procedures, limited health care facilities, and social stigma. On the other hand, the government has implemented chemical castration as an effort to reduce the number of sexual crimes against children. This policy aims to reduce the sexual drive of offenders and prevent recidivism. However, its effectiveness is still debated, especially regarding medical aspects, ethics, and limited medical personnel in its implementation. This research uses a normative juridical approach with a literature study mOethod to analyze the applicable regulations as well as the challenges of implementing policies related to sexual crimes, abortion, and chemical castration in Indonesia. The results show that the existing regulations still have some weaknesses in implementation, especially in access to health services for victims of sexual violence and the effectiveness of chemical castration in reducing the number of sexual crimes. Therefore, a more comprehensive approach is needed, including improved abortion regulations, improved services for victims, and sexual education as a long- term prevention effort against sexual crimes.

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INTRODUCTION

Sexual crimes are acts that demean, harass, or assault a person's body and reproductive functions. These crimes not only violate legal norms but also constitute a form of human rights violation, and their incidence continues to increase in various countries, including Indonesia (Jamaludin & Prayuti, 2022; Jiang et al., 2024; Latvala et al., 2023; Svensson et al., 2019). Various forms of sexual crimes, such as harassment, exploitation, and rape, can have significant impacts on victims—physically, psychologically, and socially.

According to data from the Online Information System for the Protection of Women and Children (Simfoni PPA), from January to June 2024, there were 7,842 reported cases of violence

against children, involving 5,552 female child victims and 1,930 male child victims. Sexual violence ranked as the most prevalent form of violence from 2019 to 2024.

Additionally, according to the 2024 National Survey on the Life Experiences of Children and Adolescents (SNPHAR), the prevalence of sexual violence against girls was around 8.4% in 2021, rising to 8.82% in 2024. Among boys aged 13–17, the prevalence increased from about 3.65% in 2021 to 8.34% in 2024. These figures indicate that sexual violence against children remains a serious issue in Indonesia, with the real number of cases likely being much higher due to widespread underreporting.

Based on the 2024 National Women's Life Experience Survey (SPHPN), the prevalence of physical and/or sexual violence against women aged 15–64 has decreased compared to 2021. In 2024, it was recorded that 1 in 4 women in Indonesia had experienced physical and/or sexual violence in their lifetime. This figure is lower than the global average in 2023, which showed that 1 in 3 women worldwide experienced similar violence. However, despite the decline in case numbers, efforts to prevent and protect women from violence must continue to be strengthened in order to fully achieve the goal of eliminating gender-based violence.

One of the main consequences of sexual crimes is unwanted pregnancy, which often leads to abortion. Abortion is the termination of pregnancy before the fetus reaches 20 weeks of gestation or weighs less than 500 grams.

According to 2023 data from the National Population and Family Planning Agency (BKKBN), it is estimated that around 2.6 million abortions occur annually in Indonesia, with approximately 700,000 involving teenagers. The majority of abortions are performed illegally and unsafely, with about 79% taking place outside officially licensed medical facilities. The World Health Organization (WHO) reports that unsafe abortions contribute to 4.7% to 13.2% of maternal deaths globally.

From a legal perspective, abortion regulations in Indonesia are governed by several laws. Law No. 1 of 2023 concerning the Criminal Code (KUHP) states that a woman who undergoes an abortion may be sentenced to a maximum of four years in prison (Article 463 Paragraph 1). However, exceptions are provided for victims of rape or other forms of sexual violence that result in pregnancy, with a gestational age limit of 14 weeks, and for situations involving medical emergencies (Article 463 Paragraph 2). Previously, Law No. 36 of 2009 on Health also exempted abortion in cases of pregnancies resulting from rape, which could cause psychological trauma to the victim. Law No. 12 of 2022 on Sexual Violence Crimes (TPKS) recognizes the right to health recovery and psychological support (Article 70) (Hasanuddin, 2022; Muhammad, 2022; Siregar et al., 2023; Sophie Nandita & Gialdah Tapiansari Batubara, 2023; Sukamarriko Andrikasmi & Rani Sri Wahyuni, 2022).

Similar provisions are reinforced in Law No. 17 of 2023 on Health, which prohibits abortion except under conditions permitted by the Criminal Code (Baroto SP, 2023; Undang-Undang Nomor 17 Tahun 2023 Tentang Kesehatan, n.d.; Wipra Pratistita & Syahuri, 2023; Wuryanto, 2023). More detailed regulations regarding the implementation of abortion are outlined in Government Regulation No. 28 of 2024, which states that abortion is allowed in two conditions:

when there is a medical emergency that threatens the life of the mother or fetus, and for victims of sexual violence, provided the pregnancy is no more than 14 weeks. In cases of sexual violence, a statement from law enforcement investigators is required as a prerequisite for abortion procedures.

As a legal measure to reduce the incidence of sexual crimes, the Indonesian government has implemented chemical castration for perpetrators of sexual offenses against children. Chemical castration is a procedure in which antiandrogenic chemicals are introduced into the perpetrator's body, either through injection or oral medication. The goal is to reduce testosterone levels, which are believed to lower libido or sexual desire (Abou-Khalil et al., 2020; Çöpür & Çöpür, 2021; Ibrahim et al., 2016; Spruijt et al., 2023; Tarigan, 2020).

This policy is regulated under Law No. 17 of 2016 on Child Protection and further clarified through Government Regulation No. 70 of 2020. This punishment is applied to perpetrators who meet certain criteria, such as repeat offenders or those whose crimes have caused severe psychological and physical harm to the victim. The chemical castration process involves an evaluation by a team of medical and psychiatric professionals before the procedure is carried out, along with two years of psychosocial rehabilitation afterward. In addition, the government may also impose the use of electronic monitoring devices to track the offender's movements after undergoing chemical castration.

However, the implementation of chemical castration still faces various challenges. One of the main issues is the lack of qualified medical personnel to carry out the procedure, as well as ethical dilemmas related to human rights. The Indonesian Medical Association (IDI) has expressed its refusal to participate in the implementation of chemical castration, arguing that it violates the medical oath and the professional code of ethics. IDI maintains that medical procedures should be performed for healing purposes, not as a form of punishment (IDI, 2016).

Furthermore, there has yet to be any long-term research that comprehensively evaluates the effectiveness of this punishment in reducing recidivism among sexual offenders. As a result, the effectiveness of this policy remains a subject of debate in various legal and criminological studies.

METHOD

This study is a literature review using a normative juridical approach, which examines sexual crimes, abortion, and chemical castration through an analysis of legislation and academic literature. Data were obtained from scientific journals, research reports, and primary legal sources such as the Criminal Code (KUHP), the Child Protection Law, the Sexual Violence Crimes Law (TPKS), and other related regulations. The analysis was conducted using a qualitative descriptive method to interpret the applicable regulations, assess the effectiveness of the policies, and identify implementation challenges. This approach was chosen to provide a comprehensive understanding of the legal and ethical aspects of the related policies.

RESULT AND DISCUSSION

The study found that sexual crimes—particularly sexual violence against women and children—have far-reaching impacts, including unwanted pregnancies. Based on data from the

Online Information System for the Protection of Women and Children (Simfoni PPA), during the period from January to June 2024, there were 7,842 reported cases of violence against children, with 5,552 female child victims and 1,930 male child victims. Sexual violence ranked first as the most common form of violence in terms of the number of victims from 2019 to 2024. Pregnancy resulting from sexual violence is one of the most complex consequences, psychologically, socially, and legally.

Abortion in Indonesia is regulated through several laws and Minister of Health regulations. According to Law No. 17 of 2023 on Health, as clarified in Government Regulation No. 28 of 2024, abortion is generally prohibited, except in cases of medical emergencies or for victims of rape or other forms of sexual violence.

Further provisions are outlined in Minister of Health Regulation (Permenkes) No. 3 of 2016 on Abortion Services, which states that to carry out an abortion in Indonesia, the case must be assessed by the Abortion Eligibility Team. This team consists of doctors who have obtained special certification and are responsible for evaluating whether a pregnancy meets the criteria for abortion, either due to a medical emergency or pregnancy resulting from rape.

If a primary clinic or equivalent health facility does not yet have an Abortion Eligibility Team, the medical indication is determined by a team formed by the Head of the District/City Health Office. This aims to ensure that abortion procedures are conducted in strict accordance with regulations and medical considerations.

In addition to abortion regulations, the Indonesian government also regulates chemical castration as a punishment for perpetrators of sexual violence against children. This is stipulated in Government Regulation (PP) No. 70 of 2020 concerning the Procedures for Implementing Chemical Castration, Installation of Electronic Monitoring Devices, Rehabilitation, and Disclosure of the Identity of Perpetrators of Sexual Violence Against Children. This regulation is a derivative of Law No. 17 of 2016 on Child Protection, which allows the imposition of additional punishment in the form of chemical castration for perpetrators of sexual intercourse with children.

The conditions for implementing chemical castration are regulated in the articles of Government Regulation (PP) No. 70 of 2020, which state that this punishment can only be imposed on male perpetrators who are repeat offenders (recidivists) in cases of sexual violence against children. The punishment must be based on a court decision with permanent legal force and carried out after a medical examination to ensure there are no health contraindications for the perpetrator. In addition to chemical castration, the perpetrator is also required to undergo psychosocial rehabilitation to reduce the likelihood of recidivism or the repetition of sexual crimes.

With stricter regulations on abortion and chemical castration, the Indonesian government is trying to balance the protection of victims with legal certainty for perpetrators. Although there is still public debate about the effectiveness and ethics of these policies, the implementation of clear, evidence-based regulations is expected to provide better protection for women and children in Indonesia.

DISCUSSION

The Link Between Sexual Crimes, Abortion, and Chemical Castration

Sexual crimes, particularly rape, often result in unwanted pregnancies. In many cases, victims suffer from deep psychological trauma and face social stigma. However, limited access to safe abortion services causes some victims to resort to unsafe abortions, which pose serious risks to their health and lives.

Chemical castration has been proposed as one solution to reduce the rate of sexual crimes by decreasing the sexual drive of perpetrators. However, this policy has not yet been proven effective in lowering recidivism rates, as psychological and social factors also play a role in sexual offending behavior. Therefore, there is a need for a more holistic approach, including psychosocial rehabilitation for perpetrators and stronger protection for victims.

Evaluation of Abortion Regulations in Cases of Sexual Crimes

Indonesia has relatively strict regulations regarding abortion, limiting the gestational age to a maximum of 14 weeks for victims of sexual violence. Some challenges in implementing these regulations include:

- Administrative difficulties, such as the requirement to obtain a statement from investigators before victims can access abortion services. This process often prolongs the time, causing it to exceed the permitted gestational age limit.
- A lack of healthcare facilities that provide safe abortion services, especially in remote areas.
- Social stigma and cultural barriers that discourage victims from seeking medical assistance.

To improve access for victims, policy reforms are needed, such as simplifying administrative procedures and enhancing reproductive health services for victims of sexual violence.

Effectiveness and Challenges of Chemical Castration Punishment

Chemical castration has been implemented as an effort to reduce sexual crimes against children. However, several aspects need to be considered:

- Medical aspects: Chemical castration requires strict medical supervision, and there are still few medical professionals competent to carry out this procedure.
- Ethical aspects: Some legal experts and human rights organizations argue that this punishment potentially violates human rights and does not address the root causes of sexual crimes.
- Long-term effectiveness: There is no strong scientific evidence that chemical castration significantly reduces the risk of recidivism among offenders. Sexual crimes are influenced not only by biological urges but also psychological, social, and economic factors.

As an alternative, the government needs to strengthen psychological rehabilitation for offenders, improve sexual education, and tighten supervision and prevention of sexual crimes in society.

CONCLUSION

Sexual crimes have wide-ranging impacts, including an increase in unwanted pregnancies that often lead to abortion. Although Indonesian regulations allow abortion for victims of sexual violence with a maximum gestational age of 14 weeks, its implementation still faces challenges such as complicated administrative procedures and limited access to health services. As a legal measure to reduce the incidence of sexual crimes, chemical castration has been implemented for perpetrators of sexual crimes against children. However, the effectiveness of this punishment remains debated, especially in preventing recidivism, considering that sexual crimes are influenced not only by biological urges but also psychological and social factors. Furthermore, chemical castration raises ethical dilemmas and has limitations in medical implementation. Therefore, a more comprehensive approach is needed, not only through law enforcement but also through improving abortion regulations, enhancing services for victims, and strengthening sexual education as long-term efforts to prevent sexual crimes.

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