

DISKURSUS PENERAPAN SANKSI KEBIRI KIMIA BAGI PELAKU KEKERASAN SEKSUAL TERHADAP ANAK DI INDONESIA

INTISARI

I Nyoman Ngurah Suwarnatha,¹ Marcus Priyo Gunarto,² Agustinus Supriyanto³

Penelitian ini dilakukan dengan tujuan untuk menganalisis dan menjawab permasalahan pokok yang berkaitan dengan diskursus penerapan sanksi kebiri kimia bagi pelaku kekerasan seksual terhadap anak di Indonesia. Tujuan penelitian ini adalah untuk menganalisis, mendeskripsikan, menginterpretasi serta mensitesiskan urgensi sanksi kebiri kimia bagi pelaku kekerasan seksual terhadap anak ditinjau dari pandangan *rechtsidee* bangsa Indonesia, sanksi kebiri kimia bagi pelaku kekerasan seksual terhadap anak ditinjau dari tujuan pemidanaan, dan kriteria pelaku kekerasan seksual terhadap anak dapat dikenakan sanksi kebiri kimia.

Penelitian mengenai diskursus penerapan sanksi kebiri kimia bagi pelaku kekerasan seksual terhadap anak di Indonesia dapat dikualifikasikan sebagai penelitian hukum normatif. Sumber data dalam penelitian ini diperoleh dari sumber data sekunder yang didukung dengan data primer. Pengumpulan data dilakukan melalui studi dokumen dengan didukung juga data dari hasil wawancara dengan narasumber yang relevan terhadap objek yang diteliti. Data sekunder dan primer yang diperoleh dalam penelitian ini dianalisis secara kualitatif yang artinya analisis ini hendak mencari kebenaran berdasarkan nilai atau kualitas data yang diperoleh.

Urgensi sanksi kebiri kimia bagi pelaku kekerasan seksual terhadap anak ditinjau dari pandangan *rechtsidee* bangsa Indonesia memiliki nilai filosofis, sosiologis dan yuridis. Urgensi penerapan sanksi tindakan kebiri kimia, karena tingginya kasus kekerasan seksual terhadap anak, untuk melindungi anak-anak Indonesia dari kekerasan seksual, sebagai upaya memberikan efek jera bagi pelaku dan mewujudkan rasa keadilan bagi korban kekerasan seksual. Pengenaan sanksi tindakan kebiri kimia bagi pelaku kekerasan seksual, berlandaskan pada dasar pembenaran penjatuhan pidana perspektif teori gabungan, kontemporer dan pelumpuhan, sehingga tidak hanya sebagai pembalasan yang setimpal atas tindakan kekerasan seksual yang telah dilakukan oleh pelaku, melainkan juga sebagai tujuan rehabilitasi melalui perawatan psikiatri terhadap diri pelaku kekerasan seksual untuk mengobati dorongan seksual yang tidak dapat dikendalikan sendiri oleh pelaku tersebut. Kriteria seorang pelaku kekerasan seksual terhadap anak yang dapat dikenakan perawatan psikiatri berupa tindakan kebiri kimia, adalah, *pertama*, pelaku memiliki gangguan seksual atau perilaku *paraphilic*, dan *kedua*, pelaku menyesali perbuatannya yang dengan sadar memohon perawatan psikiatri.

Kata Kunci: kekerasan seksual; anak; kebiri kimia.

¹ Mahasiswa Program Doktor Ilmu Hukum Fakultas Hukum Universitas Gadjah Mada.

² Guru Besar Ilmu Hukum Fakultas Hukum Universitas Gadjah Mada.

³ Guru Besar Ilmu Hukum Fakultas Hukum Universitas Gadjah Mada.

DISCOURSE ON THE APPLICATION OF CHEMICAL CASTRATION SANCTIONS FOR PERPETRATORS OF SEXUAL VIOLENCE AGAINST CHILDREN IN INDONESIA

ABSTRACT

I Nyoman Ngurah Suwarnatha,¹ Marcus Priyo Gunarto,² Agustinus Supriyanto³

This research was conducted with the aim of analyzing and answering the main problems related to the discourse on the application of chemical castration punishment for perpetrators of sexual violence against children in Indonesia. The purpose of this study was to analyze, describe, interpret and synthesize the urgency of chemical castration punishment for perpetrators of sexual violence against children from the perspective of Indonesian future legal framework, chemical castration punishment for perpetrators of sexual violence against children in terms of the purpose of punishment, and criteria for perpetrators of sexual violence against children can be subject to chemical castration punishment.

Research on the discourse on the application of chemical castration sanctions for perpetrators of sexual violence against children in Indonesia can be qualified as normative legal research. Sources of data in this study were obtained from secondary data sources supported by primary data. Data collection is carried out through the study of documents supported by data from interviews with sources that are relevant to the object under study. The secondary and primary data obtained in this study were analyzed qualitatively, meaning that this analysis wanted to find the truth based on the value or quality of the data obtained.

The urgency of chemical castration punishment for perpetrators of sexual violence against children viewed from the perspective of Indonesian future legal framework has philosophical, sociological and juridical values. The urgency to apply punishment for chemical castration, due to the high number of cases of sexual violence against children, to protect Indonesian children from sexual violence, as an effort to provide a deterrent effect for perpetrators and realize a sense of justice for victims of sexual violence. Imposing of chemical castration punishment for perpetrators of sexual violence, based on the justification of the imposition of criminal perspectives on combined theory, contemporary and paralysis, so that not only as appropriate retaliation for acts of sexual violence committed by the perpetrators, but also as a goal of rehabilitation through psychiatric care against self-perpetrators of sexual violence to treat sexual drives that cannot be controlled by the perpetrators themselves. The criteria for a perpetrator of sexual violence against children who can be subject to psychiatric care in the form of chemical castration are, first, the offender has a sexual or paraphilic disorder, and secondly, the offender regrets his actions which consciously invoke psychiatric care.

Keywords: sexual violence; child; chemical castration.

¹ Student of Doctoral Program of Legal Studies, Faculty of Law, Gadjah Mada University.

² Professor of Law at Faculty of Law, Gadjah Mada University.

³ Professor of Law at Faculty of Law, Gadjah Mada University.