

Castal Punishment in the Perspective of Islamic Law

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Abstract

This study aims to examine the application of chemical castration punishment to perpetrators of child sexual violence in Indonesia from the perspective of Islamic law. In Indonesia's positive law, chemical castration is regulated in Law Number 17 of 2016 and Government Regulation Number 70 of 2020 as an additional penalty. The method used is a normative juridical approach with a qualitative research design. This study seeks to analyze the compatibility of chemical castration with the principles of Islamic law, focusing on whether it aligns with the maqashid al-sharia (objectives of Islamic law) and the core values of justice and fairness. The research findings suggest that chemical castration could be categorized as a form of takzir (discretionary punishment) in Islamic law, provided it does not conflict with the fundamental objectives of sharia, and that its implementation must adhere to the principles of proportionality and fairness. The research also critically assesses the broader implications of chemical castration, particularly from ethical, human rights, and legal perspectives. It delves into the ethical concerns of the medical profession regarding its implementation, highlighting the balance between upholding justice and respecting human dignity. Additionally, the study explores the views of contemporary Islamic scholars on the use of chemical castration as a punishment, assessing the debates surrounding its legitimacy in the context of Islamic jurisprudence. Ultimately, the study aims to provide a comprehensive understanding of the legal, ethical, and religious dimensions of chemical castration as a criminal penalty in Indonesia.

Keywords: Chemical Castration, Child Sexual Violence, Islamic Law, Takzir, Maqashid Sharia

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INTRODUCTION

Sexual violence against children is a form of crime that threatens the future of the nation's next generation. This phenomenon not only causes physical and psychological suffering for the victims, but also causes deep social unrest in society. In order to provide a deterrent effect on the perpetrators, as well as maximum protection for victims, the Indonesian government enforces an additional criminal policy in the form of chemical castration, which is regulated in Law Number 17 of 2016 and clarified through Government Regulation Number 70 of 2020 concerning Procedures for the Implementation of Chemical Castration. (BBC News Indonesia, 2019; Kompas.id, 2021)

Since the enactment of the regulation, there have been at least four cases of chemical castration dropped by judicial institutions in Indonesia. The first case was experienced by Muhammad Aris in Mojokerto, who in 2018 was sentenced to 12 years in prison and chemical castration after raping nine children (BBC News Indonesia, 2019). In 2021, the case of Dian Ansori in East Lampung who raped a 13-year-old assisted child ended with a sentence of 20 years in prison and one year of chemical castration (Kompas.id, 2021). In the same year, AM in Banjarmasin was sentenced to 20 years in prison and two years of chemical castration for raping his biological child (Kompas.com, 2022). Most recently, in 2023, Baharuddin Kasim in Buol became the first perpetrator in Central Sulawesi to

be sentenced to chemical castration due to sexual violence against biological children (Kompas.id, 2023)

Since the implementation of chemical castration as a punishment in Indonesia in 2016, several cases of child sexual violence have involved this type of punishment, demonstrating the government's efforts to address the increasingly alarming issue of sexual crimes. In this context, courts in various regions have sentenced perpetrators of sexual crimes to chemical castration as part of a tougher legal response.

The first recorded case was Muhammad Aris in 2018 in Mojokerto. Aris was sentenced to 12 years in prison along with chemical castration as an additional penalty for his actions, which harmed child victims. This case marked one of the first applications of chemical castration in Indonesia, drawing significant attention from the public and legal circles.

In 2021, Dian Ansori, who committed sexual violence against a child in East Lampung, was sentenced to 20 years in prison, along with one year of chemical castration. This case demonstrated the commitment of law enforcement in imposing harsher penalties to deter sexual crimes against children.

In the same year, AM, who was convicted of similar crimes in Banjarmasin, was sentenced to 20 years in prison and an additional

two years of chemical castration. The sentencing of AM added to the list of perpetrators of sexual violence who faced this controversial punishment.

Finally, in 2023, Baharuddin Kasim, who committed sexual violence against children in Buol, Central Sulawesi, was sentenced to prison with chemical castration as part of the punishment. This case highlighted the continued application of chemical castration in Indonesia as a firm response to sexual violence, particularly against children.

These cases show that, despite the controversy surrounding the application of chemical castration, Indonesia's legal system is increasingly using this punishment as a measure to combat sexual crimes against children. The implementation of chemical castration is expected to serve as a deterrent and enhance protection for children from the dangers of sexual violence.

The Government of Indonesia responded to this phenomenon through the implementation of chemical castration as an additional penalty, as stipulated in Law Number 17 of 2016 and Government Regulation Number 70 of 2020. However, the implementation of chemical castration raises debates from the legal, ethical aspects of medicine, human rights, and religious views. In the context of Islamic law, physical castration is considered haram, but chemical castration does not yet have an explicit legal stipulation. Therefore, this study aims to examine "How is the review

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RESEARCH METHODS

This research is a library-based study that employs a normative juridical approach. The primary objective is to explore the application of chemical castration as a punishment for perpetrators of sexual violence against children, specifically from the perspective of Islamic criminal law. The study seeks to address the question of how Islamic law views the application of chemical castration punishment for such offenders and aims to analyze its alignment with the concepts of *ta'zīr* (discretionary punishment) and *maqāṣid al-sharī'ah* (objectives of Islamic law).

To achieve this, the study collects data from primary legal materials, such as relevant laws

and regulations in Indonesia, notably Law Number 17 of 2016 and Government Regulation Number 70 of 2020, which govern the application of chemical castration as an additional penalty. Secondary legal materials are also consulted, including Islamic literature and the opinions of classical and contemporary Islamic scholars, as well as the results of previous research on the subject. These materials provide insights into Islamic views on punishment and its application within the broader context of criminal justice.

The analysis is carried out using a qualitative approach, guided by the principles of Islamic law, particularly *usūl al-fiqh* (principles of Islamic jurisprudence) and *maqāṣid al-sharī'ah*. This approach allows for a comprehensive understanding of the ethical and legal dimensions of chemical castration in Islamic criminal law. Additionally, the study incorporates the framework of *fiqh jinayah* (Islamic penal law) to examine the position of chemical castration within the Islamic legal system. The focus is on *ta'zīr*, a form of discretionary punishment that is flexible and left to the authority of judges or the state. The research explores whether chemical castration aligns with the objectives of Islamic law and whether it is a permissible and effective form of punishment under Islamic jurisprudence, especially for cases involving sexual violence against children.

Through this methodology, the study aims to offer a well-rounded analysis of the legal, ethical, and religious implications of applying chemical castration as a punishment in the Indonesian context, with a focus on its compatibility with Islamic principles.

RESULTS AND DISCUSSION

Ta'zir is part of *'uqubat* (punishment) in Islamic criminal law or retribution for a *jarimah* (mistake) in the form of immorality that has been committed by a person. There are several forms of *'uqubat* in Islamic criminal law: first; *Jarimah Hudud*, second; the *jarimah diyat* or *qisas*, and thirdly; *Jarimah Ta'zir*. *Ta'zir* is a predetermined punishment for the *jarimah ta'zir*. The forms vary, but the determination is left to the government or the authorities, namely the legislative institution or judges (*waliyul amri* or imam). According to Al-Mawardi: "*Ta'zir* is an educational punishment for sinful deeds (immorality) whose punishment has not been determined by the *sharia*'.

The punishment of chemical castration according to the view of Islamic Criminal Law is a punishment that has a minimum limit and a maximum limit determined by the judge. The determination of punishment by the judge or *waliyyul amri* at the minimum and maximum level can be categorized as *ta'zir* punishment, because *jarimah* had, the punishment has been determined in the *nash* of the *Qur'an* and there is the right of Allah in it, therefore there is no

reduction or addition in determining the sanction. Ta'zir comes from the word ajuru which means to prevent, and reject, it can also be interpreted as educating, using, and respecting, helping, strengthening and helping. (Muslich, 2005).

According to Audah and Az-Zuhaili, ta'zir is interpreted as prevention or rejection because it can prevent the perpetrator from repeating his actions. Ta'zir which is interpreted as educating because ta'zir aims to educate and rehabilitate the perpetrator so that he realizes his deeds, abandons and stops them. According to the term ta'zir, it is defined by Al-Mawardi as follows: Ta'zir is an educational punishment for sinful acts (immorality) whose punishment has not been determined by the sharia'. Ta'zir is a term for the punishment of jarimah jarimah whose punishment has not been determined by the sharia. (Auda, 2008).

2. The Application of Castal Punishment in the Modern Legal System

The urgency of regulating chemical castration sanctions in the Child Protection Law Number 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection (Child Protection Law) regulates sanctions for actions against perpetrators of sexual violence, one of which is chemical castration as stipulated in Article 81 paragraph (7) which states that "Against perpetrators As

referred to in paragraph (4) and paragraph (5) can be subject to action in the form of chemical castration and the installation of electronic detection devices".

The amendment to the Child Protection Law is due to several considerations according to the Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002:

- a. That the state guarantees the rights of children to survival, growth, and development and is entitled to protection from violence and discrimination as stated in the 1945 Constitution of the Republic of Indonesia;
 - b. That sexual violence against children is increasing significantly which threatens and endangers children's lives, damages children's personal lives and growth and development, and disrupts the sense of comfort, peace, security, and public order.
 - c. That the criminal sanctions imposed on perpetrators of sexual violence against children have not had a deterrent effect and have not been able to comprehensively prevent the occurrence of sexual violence against children.
- ### 3. Scholars' Views on Caster: Classic and Contemporary
- a. Chemical castration

Comparison of the Opinions of Modern Scholars Some contemporary scholars have expressed their opinions on the punishment of castration. al-Qaradawi stated that in certain

cases, harsh punishment could be justified for the sake of the public interest and the protection of the victim. Wahbah al-Zuhaili emphasized that takzir punishment should avoid torture, but allow modern forms of punishment as long as they do not conflict with maqasid. The OIC International Fiqh Institute has also said that the state has the authority to establish preventive punishment for serious sexual crimes, including if medical intervention such as castration is needed, as long as it does not violate the basic principles of sharia. (Az-Zuhaili, 2011)

Scholars pro and con with the application of castration punishment that prioritizes the principle of benefit when applied. Shaykh Ibn Hajar said that castration is haram for mankind because it contains a lot of dangers, self-torture, is very susceptible to causing deadly effects, throws away a man's masculinity, changes Allah's creation and does not appreciate blessings because male masculinity is a great blessing. Castration is defined as the act of removing two testicles, whether the sac is cut or not. The law of castration is haram except when it meets three conditions. First, it is done on animals that are halal to be consumed. Second, it is done when they are still young. Third, it is done at the right time so that it does not harm the castration animals. (Nadlifah, 2017)

The things that realize the purpose of castration punishment are as follows:

- a) The punishment imposed can prevent everyone from

committing a criminal act, before the crime occurs.

- b) The limit of punishment is for the needs and benefits of the community.

When in order to protect the community from the crime of the perpetrator, the perpetrator is demanded to be killed or the crime is prevented by the community, the punishment imposed is the death penalty or imprisonment until the perpetrator dies as long as he has not repented and the situation has not improved. All punishments that result in the benefit of the individual and maintain the benefit of the community are punishments that are sharia. Educating the perpetrator of a crime does not mean revenge on him but as a self-improvement.

Based on this description, the castration punishment applied by the Indonesian government to prosecute perpetrators of sexual violence against children in Law Number 17 of 2016 concerning Child Protection, namely the punishment of chemical castration in the perspective of Islamic criminal law or fiqh jinayah is categorized as jarimah ta'zir, because ta'zir

It is a punishment that has not yet been determined the minimum and maximum level of punishment, and the decision is left to waliyyul amri or the competent judge. The punishment for chemical castration in the law includes government regulations whose sentencing decisions are based on judges or waliyyul amri. Islamic criminal law does not discuss the punishment of chemical castration.

a. Physical or Surgical Neutering

Muhammad Abu Zahra said that there are two goals of Islamic law, first, purification of the soul, so that every Muslim can be a source of good, not (Friandy, 2017) a source of evil for the community around him. Second, upholding justice in society, fairness both in matters among fellow Muslims and in good relations with other parties. The purpose of upholding justice is very noble, involving various aspects of life: justice in the field of law, justice and testimony in muamalah or associating with other parties. (Friandy, 2017).

1. The punishment of castration for perpetrators of sexual crimes against children reviewed from Islamic law is (al-ikhsa, castration) which means the cutting of two dtesticles (al khushyatain, testicles,), which can be accompanied by the cutting of the penis (dzakar). (Al-Bukhari, 1992)
2. According to the majority of Islamic scholars, imposing castration punishment for perpetrators of sexual violence is haram. The scholars did not necessarily issue fatwas and the scholars have discussed and researched castration. Castal is intended to eliminate orgasm and at the same time make it sterile, Islam does not allow castration on humans based on the following hadith:
3. The punishment of castration against humans in Islamic sharia is haram.
4. Opinion (khilafiyah) among the fuqaha. The following is a hadith that contains the prohibition of

castration:

5. "From Abdullah RA he said: We used to fight with the Prophet (peace and blessings of Allaah be upon him) but did not go with our wives, so we said: O Messenger of Allah, have we not been castrated? But the Prophet (peace and blessings of Allaah be upon him) forbade us to do so. (HR. Bukhori, No. 4615)" (Al-Bukhari Abu 'Abdullah, 1992)
6. Al-Syanqity in his book al-Adhwa' al-Bayan fi Idhahi al-Qur'an bi al-Qur'an (Al-Syanqity, 1995) said:
7. "The scholars have agreed that castration on humans is forbidden and not allowed". (Muhammad al-Amin 'Abd al-Qadir al-Syanqity, 1995)
8. Islamic sharia has strictly forbidden castration on humans, without any difference of opinion (khilafiyah) among the fuqaha. There is no such khilafiyah narrated for example by Imam Ibn Abdil Barr (Al-Istidzakar, 8/433), Imam Ibn Hajar Asqalani (Fathul Bari, 9/111), Imam Badaruddin Al'Aini (Umdatul Qari, 20/72), Imam Al Qurtubi (Al Jami' li Ahkam Al Quran, 5/334), and Imam Shan'ani, (Subulus Salam, 3/110). Al Mausuhah Al Fiqhiyyah, quoted from the statement about the absence of khilafiyah of scholars regarding the haram of castration as follows:

"The Scholars have agreed that castration on humans is forbidden and not allowed" (Adil Mathrudi, Al Ahkam Al Fiqhiyyah Al Muta'alliqah bi Al Syahwat, p. 88)"

From Sa'ad bin Abari Sa'ad bin Abi Waqqash Ra, he said:

"The Prophet (peace and blessings of Allaah be upon him) has refused Uthman bin Mazh'un RA to perform tabattul (abandoning worldly pleasures for the sake of worship alone). If the Prophet (peace and blessings of Allaah be upon him) had allowed Uthman bin Mazh'un to perform tabattul, we would have done castration," (HR Bukhari and Muslim). (Muslim, 1994)

Technically castration can be done on animals and humans, Islam is very different about the laws of castration of animals and humans. The act of castration on animals There are differences of opinion regarding the conditions for castration on animals. Scholars of 4 (four) madhhabs, the Hambali madhhab, the Maliki madhhab, the Shafi'i madhhab, and Hanafi mostly allow castration on small animals whose meat is halal to eat.

Imam Nawawi in the Muslim syarah quotes the opinion of Imam Baghawi: "Likewise, it is haram to castrate all animals that are not allowed to be eaten."

As for animals that are allowed to be eaten, it is permissible to castrate them when they are young, and haram when they are grown. Abu Zakariya Muhyiy al-Din al-Nawawi, The hadith prohibits castration on humans and castration is forbidden by the scholars. But unlike castration on a salary, according to scholars, castration on animals is allowed, but animals that are halal to eat and castration are carried out

when the animal is still small and it is forbidden to castrate on animals that are already large Sexual crimes or also pedophilia crimes as acts of finger that can be punished by castration. Jarimah according to Imam al-Mawardi is an act that is prohibited by sharia which is threatened by Allah with punishment (Irawan, 2017; Muslich, 2005)

limit or ta'zir. Irawan. (2017). The hadith prohibits castration on humans and castration is forbidden by scholars. But unlike castration on animals, according to scholars, castration on animals is allowed, but animals that are halal to eat and castration are carried out when the animal is still in a small state and it is forbidden to castrate on animals that are already grown Sexual crimes or also pedophilia crimes as acts of jarimah that can be punished by castration. Jarimah according to Imam al-Mawardi is an act that is prohibited by sharia which is threatened by Allah with the punishment of limitation or ta'zir. Another term for jarimah is jinayah. According to Abdul Qadir (Irawan, 2017; Muslich, 2005)

Audah Jinayah is a term for acts that are prohibited by sharia, whether they are related to soul, property or others. (Muslich, 2005). Pedophilia in Islam is categorized as an act of breaking the law or jarimah or a sanction in the form of a limit or ta'zir for the person who commits it. The punishment of chemical castration based on Article 81 paragraph 7 of Law Number 17 of 2016 concerning Child Protection is categorized as

jarimah ta'zir according to the concept of fiqh jinayah or Islamic criminal law.

The issue of chemical castration as a punishment for perpetrators of sexual violence, particularly against children, has generated significant debate among Islamic scholars. Scholars have various perspectives on this form of punishment, influenced by their interpretations of Islamic law and principles. The table of scholars' opinions on the punishment of castration in Islamic law highlights both support and opposition, depending on the nature of the punishment (chemical or physical), the underlying intent, and its alignment with the objectives of Islamic law.

Abdul Qadir Audah (1996), an influential Islamic scholar, views chemical castration as a form of ta'zir (discretionary punishment). According to Audah, this form of punishment is not explicitly mentioned in the Qur'an or Hadith, which means it falls under the discretion of the waliyyul amri (the ruler or authority). Since ta'zir allows for the application of punishments that are not detailed in the primary sources of Islamic law, it is the responsibility of the state to decide upon measures that serve the public interest, provided they do not contradict the core objectives of Islamic law. Thus, Audah's position is that chemical castration may be acceptable if it is deemed necessary by the ruling authority, as long as it aligns with broader principles of justice.

Similarly, Wahbah az-Zuhaili (2011), another respected

scholar, argues that ta'zir must avoid torture. However, he allows for modern forms of punishment, including chemical castration, as long as they do not violate the maqāṣid al-sharī'ah (objectives of Islamic law). Az-Zuhaili suggests that the flexibility of ta'zir enables the application of contemporary punitive measures, provided that these measures do not undermine the overall goals of justice, mercy, and protection of society. According to him, if chemical castration serves the purpose of protecting society and does not infringe on the rights guaranteed by sharia, it can be justified in certain cases.

Yusuf al-Qaradawi (2011), a well-known Islamic scholar, is more permissive in his views. He supports the use of harsh punishments, including chemical castration, in certain circumstances. Al-Qaradawi's rationale is that such punishments can be justified for the public good, especially when they serve to protect victims and prevent future harm. His support for castration, however, is contingent on its use for preventive purposes and for the benefit of society, particularly in the case of repeat offenders who pose a serious threat to public safety. Al-Qaradawi's approach underscores the importance of balancing the rights of individuals with the protection of the community, which is central to Islamic legal principles.

The Organization of Islamic Cooperation (OIC) – International Fiqh Institute also shares a similar stance. The institute emphasizes

that the state holds the authority to impose preventive punishment for serious crimes, including medical interventions such as castration, as long as these actions are consistent with Islamic law. This position supports the idea that chemical castration can be used as a medical form of punishment for heinous crimes like sexual violence, provided it does not violate the overarching principles of sharia.

On the other hand, Ibn Hajar al-Asqalani (2017), a prominent scholar, firmly rejects the idea of castration for humans. He declares it haram (forbidden) on the grounds that it constitutes torture, alters the natural creation of humans, and rejects the divine blessings associated with manhood. Ibn Hajar's view aligns with a traditional interpretation of Islamic law that sees the human body as sacred and untouchable. He argues that any form of physical alteration, especially castration, is prohibited because it causes unnecessary harm and disfigures Allah's creation.

Muhammad Abu Zahrah (2017), another significant Islamic scholar, similarly opposes the use of castration as punishment. Abu Zahrah argues that the primary goal of Islamic law is the purification of the soul and the establishment of social justice. He believes that castration contradicts these goals, as it imposes a punishment that is disproportionate and harmful to the individual's dignity. According to Abu Zahrah, punishments should be designed to reform the individual and reintegrate them

into society, not to humiliate or permanently damage them.

Muhammad bin Isma'il al-Bukhari (1992) and Muslim bin al-Hajjaj (Imam Muslim) (1994), two of the most revered compilers of Hadith, both cite the prohibition against human castration. Bukhari quotes a hadith in which the Prophet Muhammad (PBUH) explicitly forbids the act of castration. Imam Muslim similarly reports a hadith that condemns tabattul (a form of abstinence or physical alteration), which is often equated with castration. These hadiths reflect the traditional Islamic stance that castration is not permissible for humans, as it is viewed as a form of mutilation that goes against the natural order created by Allah.

Al-Syanqity (1995) reiterates the view shared by several classical scholars that human castration is unequivocally haram. According to Al-Syanqity, there is a consensus (ijma) among scholars that castration, in any form, is forbidden in Islam. This consensus reflects the Islamic legal tradition's strong prohibition against bodily harm and alteration.

Other scholars, such as Ibn Abdil Barr, Ibn Hajar, and Al-Qurtubi, also assert that human castration is haram. These scholars emphasize that any form of mutilation, particularly when it involves the loss of human faculties, is impermissible in Islam. Their views are cited in the Al-Mausu'ah Al-Fiqhiyyah, a comprehensive compilation of Islamic legal opinions.

Lastly, Imam Nawawi (in his lectures on Muslim) notes that castration is only permissible for animals that are halal (lawful) to eat and only when the animal is young. He argues that for humans, castration is forbidden, as it is considered a form of mutilation that violates the dignity and natural form of the human body.

The opinions of scholars on chemical castration vary widely. While some, like Abdul Qadir Audah, Wahbah az-Zuhaili, and Yusuf al-Qaradawi, accept it as a form of ta'zir or preventive punishment under certain conditions, others, such as Ibn Hajar al-Asqalani, Muhammad Abu Zahrah, and the majority of classical scholars, reject it outright due to its harmful nature and its perceived contradiction with Islamic principles of justice and dignity. The debate continues to reflect the broader tension between modern legal practices and traditional Islamic teachings.

Chemical castration can be permissible if it aligns with the five primary objectives of sharia: protecting religion, soul, intellect, lineage, and property. In cases of child sexual violence, this punishment serves to safeguard the victim's lineage (*nasl*) and soul (*nafs*), preventing future criminal acts. However, its implementation must be fair and proportionate. If the procedure is torturous or degrades human dignity, it would contradict the objectives of Islamic law.

In Islamic law, **nasl** (lineage) plays a vital role in preserving the family structure,

which is fundamental to the social order. Child sexual violence harms this structure by violating the integrity of the family and impacting the child's future. Chemical castration may serve to protect the victim's ability to grow in a safe environment, ensuring the preservation of their lineage and social order. Additionally, **nafs** (soul) refers to the sanctity of life and the protection of an individual's dignity. Sexual violence severely impacts the victim's soul, causing emotional and psychological trauma. Chemical castration helps prevent the perpetrator from causing further harm, thereby safeguarding the victim's soul from additional trauma.

Chemical castration serves as a preventive measure that protects society. One core objective of sharia is to preserve societal safety and well-being. If a perpetrator poses a persistent risk to vulnerable groups, especially children, the state may impose preventive measures like chemical castration to protect the community. By neutralizing the perpetrator's ability to commit further crimes, this punishment serves the greater public good and ensures safety within society.

However, chemical castration must be applied with respect for procedural fairness and proportionality, both essential aspects of Islamic justice. It must follow due process, ensuring that the punishment is equitable, transparent, and legally justified. Any action that involves injustice, excessive harm, or a breach of

human dignity goes against the spirit of Islamic law. Islam strictly prohibits actions that lead to unnecessary suffering or humiliation, especially when the punishment is disproportionate to the offense.

Chemical castration should also adhere to the principle of proportionality, meaning it must fit the gravity of the crime committed. Child sexual violence is a severe offense, and the punishment must reflect this severity. Yet, the punishment should not exceed the necessary limits for achieving justice. Proportionality ensures that punishment remains fair and does not turn into an act of revenge, but rather one of correction and deterrence.

Ultimately, chemical castration may be acceptable within Islamic law if it aligns with the goals of justice, protection, and societal welfare. The punishment must be carefully considered to ensure it does not cause unnecessary harm or violate the principles of human dignity. If its application leads to undue suffering or is deemed excessively harsh, it could conflict with the essential values of Islamic law, which emphasize mercy, justice, and the well-being of individuals and society. Therefore, its use must be measured, proportionate, and administered with utmost respect for the principles of fairness and humanity.

CONCLUSION

The punishment of chemical castration against perpetrators of child sexual violence in the context

of positive Indonesian law can be categorized as a form of ta'zīr in Islamic criminal law. Ta'zīr is a type of punishment that does not have a standard provision in the nash, so its determination is within the authority of the waliyyul amri. Despite differences of opinion among scholars, chemical castration is still possible to be applied as a form of preventive and educational punishment, as long as it does not contradict the principles of maqāsid al-sharī'ah and is carried out proportionately and fairly. On the other hand, physical castration (surgery) by ijma' ulama is declared haram because it is contrary to fitrah, contains elements of torture, and alters Allah's creation. Therefore, the application of physical castration cannot be justified in Islamic law, even in the form of ta'zīr.

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