

Policy on Criminalisation of Necrophilia Behaviour: Case Study of Junior High School Students in Mojokerto

Fuadi Isnawan

Fakultas Hukum Universitas Islam Indonesia

Email: fuadi.isnawan@uii.ac.id

*Corresponding author

Article info

Received: Feb 12, 2024

Revised: Mar 26, 2024

Accepted: Apr 12, 2024

DOI: <https://doi.org/10.31599/krtha.v18i1.1056>

Abstract : *This tragic story involves a young man named M. Adi (19 years old) in Mojokerto, East Java, who was desperate to rape the corpse of junior high school student AE (15 years old). This incident occurred after his life was taken by his classmate, AB (15 years old). Adi raped AE's corpse twice, as the victim's life was taken by AB. Adi's motive was lust. The young man worked as a labourer in an iron factory, earning around Rp500,000 per week. This case began with AB's murder in the rice field behind his house. AB then took AE's body on a motorbike belonging to the victim's uncle to his parents' house. There, Adi was invited by AB to help dispose of AE's body. Adi raped the victim's body twice in an empty house. AB confessed his actions to the police and explained that Adi committed the rapes when he went to buy raffia rope to tie the plastic sack that would be used to wrap the victim's body. This case revealed a cruelty and perversion of behaviour that was deeply disturbing, and society and the law responded strongly to it. Corpse rape, or necrophilia, is a highly reprehensible act that goes against moral and ethical values. Involving sexual acts against a dead human body, which lacks the ability or awareness to consent or engage in the relationship, necrophilia violates basic human principles and social norms held by society. This case also highlights the lacunae in the law regarding necrophilia. While there is a threat of punishment for individuals who engage in corpse rape or mutilation, the existing arrangements have not been specific and explicit enough in addressing acts of necrophilia. Therefore, it is important to consider criminalising necrophilia more explicitly in order to address such inhumane acts and protect human dignity even after a person has passed away. This research applies the normative juridical legal research method to analyse the criminalisation policy of the act of intercourse with a corpse in the case of a junior high school student in Mojokerto, with reference to Criminal Law and Pancasila. A case approach is used in analysing the criminalisation policy of Necrophilia from the perspective of Criminal Law and Pancasila.*

Keywords : *Criminal, Criminalisation, Necrophilia, Criminal Policy*

Abstrak : Kisah tragis ini melibatkan pemuda bernama M. Adi (19 tahun) di Mojokerto, Jawa Timur, yang nekat melakukan pemerkosaan terhadap mayat siswi SMP AE (15 tahun). Kejadian ini terjadi setelah nyawanya diambil oleh teman sekelasnya, AB (15 tahun). Adi melakukan pemerkosaan pada mayat AE dua kali, seiring dengan nyawa korban yang diambil oleh AB. Motif Adi adalah dorongan nafsu birahi. Pemuda ini bekerja sebagai buruh di pabrik besi dengan penghasilan sekitar Rp500 ribu per minggu. Kasus ini bermula dari tindakan pembunuhan yang dilakukan oleh AB di sawah belakang rumahnya. AB lalu membawa jasad AE menggunakan sepeda motor milik paman korban ke rumah orang tuanya. Di sana, Adi diajak oleh



AB untuk membantu membuang mayat AE. Adi melakukan pemerkosaan terhadap mayat korban dua kali di sebuah rumah kosong. AB mengakui perbuatannya kepada polisi dan menjelaskan bahwa Adi melakukan pemerkosaan saat dia pergi membeli tali rafia untuk mengikat karung plastik yang akan digunakan untuk membungkus jasad korban. Kasus ini mengungkapkan kekejaman dan penyimpangan perilaku yang sangat mengganggu, dan masyarakat serta hukum merespon dengan keras terhadapnya. Pemerkosaan mayat, atau necrophilia, adalah tindakan yang sangat tercela dan bertentangan dengan nilai-nilai moral dan etika. Melibatkan perbuatan seksual terhadap tubuh mayat manusia, yang tak memiliki kemampuan atau kesadaran untuk memberikan persetujuan atau terlibat dalam hubungan tersebut, necrophilia melanggar prinsip-prinsip dasar kemanusiaan dan norma sosial yang dipegang oleh masyarakat. Kasus ini juga menyoroti kekosongan dalam hukum terkait necrophilia. Meskipun ada ancaman hukuman bagi individu yang terlibat dalam pemerkosaan atau mutilasi mayat, pengaturan yang ada belum cukup spesifik dan eksplisit dalam mengatasi tindakan necrophilia. Oleh karena itu, penting untuk mempertimbangkan pengkriminalisasian necrophilia secara lebih tegas agar dapat mengatasi tindakan yang sangat tidak manusiawi dan melindungi martabat kemanusiaan bahkan setelah seseorang meninggal dunia. Penelitian ini menerapkan metode penelitian hukum yuridis normatif untuk menganalisis kebijakan kriminalisasi tindakan persetubuhan dengan mayat dalam kasus anak SMP di Mojokerto, dengan merujuk pada Hukum Pidana dan Pancasila. Pendekatan kasus digunakan dalam menganalisis kebijakan kriminalisasi Necrophilia dari perspektif Hukum Pidana dan Pancasila.

Kata kunci : Tindak Pidana, Kriminalisasi, Nekrofilia, Kebijakan Kriminal

I. INTRODUCTION

In humans, there is a natural urge related to sexuality. This urge is considered a gift and blessing from God Almighty. However, sexual urges are also a responsibility that must be taken care of properly. In this context, religion, especially Islam, teaches that this sexual drive should be directed in accordance with human nature and common sense, and pursued through the right path. The sexual urge is an integral part of human nature, so the desire to recognise it is natural and in accordance with religious normative principles. However, it is important to remember that religion prohibits sexual urges that lead to sexual acts that deviate from human nature and the norms of common sense, otherwise known as sexual perversion. This understanding arises because in the view of religion, sexual intercourse is not just an effort to fulfil sexual desires or achieve sexual pleasure alone, but also has a deeper meaning related to the human purpose to process reproduction in a healthy and correct manner.¹

However, in the channelling of sexual urges, deviation sometimes occurs. Sexual perversion involves a variety of sexual behaviours that fall outside the prevailing social norms. One form of sexual deviance that is very rare but has serious repercussions is necrophilia. Sexual intercourse with corpses, known as necrophilia, is an act that is considered highly reprehensible and incompatible with moral and ethical values.

¹ Masmuri dan Syamsul Kurniawan, "Penyimpangan Seksual: Sebuah Interpretasi Teologi, Psikologi Dan Pendidikan Islam," *Rabeema* 3, no. 1 (2016): 100.

Necrophilia involves sexual acts with human corpses, which by their very nature lack the ability or awareness to give consent or engage in such relationships.

The behaviour of necrophilia violates basic principles of humanity, disregards respect for human dignity, and goes against the social norms held by society. Corpses are the physical remains of deceased individuals, and sexual acts towards them are considered an act of dehumanising the life that has ended. Furthermore, this behaviour also disregards respect for the family and individuals who had a relationship with the corpse.

Religions and cultures generally teach values regarding respect for death, cleanliness, and human physical integrity. Necrophilia not only violates these values, but also dehumanises and disrespects the deceased. In many societies and legal systems, necrophilia is considered a serious offence that requires legal action and strict sanctions.

Regarding necrophilia, there is a lack of clarity in the Penal Code in many jurisdictions. However, there are still penalties for individuals who engage in corpse rape or corpse mutilation without involving other illegal acts regulated by the Penal Code. For example, in the case of mutilation of a corpse, an individual may be subject to criminal penalties if the act commences with the crime of murder of a corpse or the act of grave desecration pursuant to Article 180 of the Penal Code. While the law may respond to cases of mutilation, it needs to be emphasised that acts such as these not only pose a threat to the corpse itself, but also destroy the integrity of human dignity that must be preserved even after death. However, in the case of corpse rape, Article 286 of the Penal Code talks about the criminal penalties for such acts if committed against helpless individuals. Unfortunately, the law does not explicitly mention whether this also covers deceased individuals. This suggests a gap in the law that needs to be reviewed and clarified in order to address cases of necrophilia that may occur in society.²

A shocking story involves a young man named M. Adi (19 years old) in Mojokerto, East Java. Adi was desperate to rape the corpse of a junior high school student AE (15 years old) whose life had been taken by her classmate, AB (15 years old). Adi raped AE's corpse twice after AE's life was taken by AB. Adi admitted to committing the acts out of lust. Adi works as a labourer in an iron factory and earns around Rp500,000 per week. This case began when AB killed AE in a rice field behind the perpetrator's house. AB then took the victim's body to his parents' house using a motorbike belonging to the victim's uncle. After that, AB invited Adi to help dispose of AE's body. Adi raped the victim's body twice in an empty house. AB confessed his actions to the police and explained that Adi committed the rape while he was buying raffia rope to tie the plastic sack that would be used to wrap the victim's body. This case revealed a cruelty and perversion of behaviour that was deeply disturbing and provoked a strong reaction from society and the law. In the case you mentioned, the act of young man M. Adi raping the corpse of junior high school student AE is a clear example of the crime of necrophilia.³

² Kowland Hawary, "Gagasan Pidanaan Terhadap Pelaku Kejahatan Pemerkosaan Mayat (Nekrofilia) Dalam Hukum Positif Indonesia," *JOM Fakultas Hukum Universitas Riau* VI, no. 2 (2019): 2.

³ "Pemuda Mojokerto Perkosa Mayat Siswi SMP Korban Pembunuhan," *CNN Indonesia*, 14 Juni 2023, <https://www.cnnindonesia.com/nasional/20230614200723-12-961962/pemuda-mojokerto-perkosa-mayat-siswi-smp-korban-pembunuhan>.

From this, it is necessary to criminalise Necrophilia considering that the existing articles in the Criminal Code do not specifically regulate it. From this background, the author formulates the problem to be studied, namely: how is the criminalisation of necrophilia in Indonesian law based on the perspective of criminal law and Pancasila?

II. RESEARCH METHOD

This research uses normative legal research methods which focus on criminalization policy analysis regarding the act of sexual intercourse with a corpse in the case of junior high school children in Mojokerto in accordance with the Criminal Law and Pancasila. This normative legal research method is used to analyze in depth the reasons why these actions should be criminalized. The approach used is the case approach in the Necrophilia criminalization policy from the perspective of Criminal Law and Pancasila.

III. DISCUSSION

Sexual Perversion and Necrophilia

The term "sexual deviation" is often referred to as "sexual abnormality". Sexual deviation occurs when a person engages in activities that produce inappropriate or unnatural pleasure compared to what is generally considered normal by society. In some cases, sexual deviance may manifest as sexual behaviours or fantasies that lead to the achievement of orgasm through sexual intercourse outside the norms of heterosexual sex, with the same sex, or even with immature partners. All of these go against the norms of sexual behaviour that are generally accepted in society. In this context, the term "sexual deviance" refers to a variation or variation from the norms of sexual behaviour normally accepted by the majority of society. Sexual deviance encompasses various types of sexual behaviours or fantasies that are considered unconventional or contrary to existing cultural norms or social values. The term therefore describes a situation in which a person experiences sexual desires or behaviours that are considered inappropriate or "abnormal" by societal standards. Kartini Kartono, an expert in the field of psychology and sexology, came up with the term "sexual impropriety" to describe sexual deviance. In this concept, sexual impropriety refers to a variety of sexual behaviours or fantasies that have the direction or purpose of achieving orgasm through sexual intercourse outside the norms of heterosexual sex. In other words, sexual impropriety includes sexual acts involving the same sex, such as same-sex relationships, or even with partners who have not reached the age of majority. All of these go against the generally accepted norms of sexual behaviour in society.⁴

Necrophilia is an "obsession with and usually erotic interest in or stimulation by dead bodies." It is also known as necrophilism, necrolagnia, necrocoitus, necrochlesis, and thanatophilia. Necrophilia or love of the dead, can generally be applied to two types of phenomena: sexual necrophilia, which is the desire of a man to have sexual intercourse

⁴ Irvan Hidayatulloh, "Konsep Penjatuhan Sanksi Bagi Pelaku Eksibisionisme Dalam Perspektif Nilai Keadilan" (Universitas 17 Agustus 1945 Surabaya, 2021), 11.

or other sexual contact with a female corpse, or vice versa, and nonsexual necrophilia, which is the desire to hold, be near, and gaze at a corpse. The World Health Organisation (WHO) classifies necrophilia as a form of paraphilia in its diagnostic manual, the International Classification of Diseases (ICD), as does the American Psychiatric Association in its Diagnostic and Statistical Manual (DSM).⁵

The Diagnostic and Statistical Manual of Mental Disorders (DSM) by the American Psychiatric Association, categorises necrophilia as a paraphilic disorder. The classification of necrophilia as a paraphilic disorder was first introduced in the latest edition of the DSM, the DSM-5. Previous editions of the DSM only classified necrophilia as a paraphilia. The DSM-5 introduced a new distinction between the terms paraphilia and paraphilic disorder, namely, while paraphilia can be defined, paraphilic disorder can be diagnosed. The DSM-5 defines paraphilic disorder as "paraphilia that is currently causing distress or impairment to the individual, or paraphilia for which such gratification has caused personal injury or risk of injury to others." In contrast, paraphilia "denotes intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory grooming with phenotypically normal, physically mature, consenting human partners." Thus, although paraphilia is a prerequisite for having a paraphilic disorder, it alone is not enough to justify clinical intervention - diagnosis. The DSM-5 outlines a framework for establishing paraphilia and assessing its strengths. According to the definition in the DSM-5, paraphilia is first established by the presence of sexual interest in a person that deviates from the classic sexual arousal centres, i.e. "sexual interest in genital stimulation or preparatory grooming with a phenotypically normal, physically mature, consenting human partner." Once this exclusion of normality in sexual interest is proven, the second determinant is that the identified para-sexual interest must be "intense and persistent." The strength of a paraphilia is then measured by its intensity and persistence. As it is difficult to assess the intensity and persistence of a person's sexual interests (especially in the elderly and medically ill), the DSM-5 states that the assessment should be made in relation to the individual's normophilic sexual interests. Thus, the test is, a person has paraphilia if his or her paraphilic sexual interest is greater than normophilic sexual interest, at least equal to normophilic sexual interest, at worst. However, there is a whole realm of paraphilia that by its nature is not "intense and persistent," but rather preferential sexual interest.⁶

Dr Anil Aggarwal, a Professor of Forensic Medicine, has proposed a new classification based on his research on necrophilia that consists of ten levels. Here is the classification:⁷

⁵ Neelakshi Bhaskar, "Necrophilia Legal Perspective," *International Journal of Legal Science and Innovation* 2 No. 2 (2020): 242; Anand Kumar Vasudevan, Prashanthi Krishna Dharma, and L. Eccleston, "Necrophilia: A Study of the Psychoanalysis in the Characteristics of the Offenders Who Sexually Molest the Dead," *Medico-Legal Update* 19, no. 2 (2019): 13; Arif Billah and Mosharaf Hossain, "Necrophilia in Bangladesh: Psycho-Analytic Evaluation of a Case Study," *Teikyo Medical Journal* 44, no. 5 (2021): 1889.

⁶ Maame Efua Addadzi-Koom, "Medico-Legal and Ethical Issues of Necrophilia: A Ghanaian Perspective," *UCC Law Journal* 1, no. 2 (2021): 122.

⁷ Anubhav Yadav, "Laws Against Necrophilia in India and Other Parts of the World," *SSRN*, 2023, 3; Upasana Borah, "A Conceptual Study to Necrophilia – A Review," *Journal of Forensic Research* 11, no. 4 (2020): 2.

a. *Role Players*

This group includes individuals who enjoy certain types of role-playing and are only mildly pathological. They do not have sex with corpses, but interact with living people pretending to be corpses to get intense stimulation. This constitutes a form of sexual role play. This practice is called pseudo necrophilia by some authors. Also, a more appropriate term for this phenomenon is called necrobiophilia.

b. *Romantic Necrophiliacs*

This group has very mild necrophilia tendencies. They are ordinary grieving people, who find it difficult to be separated from a loved one for a long period of time. They do not seem to accept that the loved one has died. They interact sexually with the remains of their loved ones and usually recover from this psychopathology over time.

c. *Necrophiliac fantasizers*

This group has fantasies about necrophilia but does not have sexual contact with corpses. They only think about and imagine the act, and often visit cemeteries or funeral homes for stimulation.

d. *Tactile necrophiliacs*

Individuals in this group feel sexual gratification by touching dead bodies in an erotic way. They may touch or stroke parts of the corpse's body, such as the genitals or breasts, or even lick them. Some may become morgue attendants or workers who deal with corpses.

e. *Fetishistic Necrophiliacs*

This group has a fetish for certain objects related to corpses, such as retaining parts of the corpse as amulet objects.

f. *Necromutilomanacs*

This group is more extreme and involves the act of mutilating corpses, and their erotic gratification comes from the act.

g. *Opportunistic Necrophiliacs*

This group may prefer to have sex with living people but will have sex with corpses if the opportunity arises. Some in this group may engage in criminal acts to satisfy their sexual needs for corpses.

h. *Regular Necrophiliacs*

This is the "classic" category of necrophiliacs who have a strong preference for having sex with corpses over living people.

i. *Homicidal Necrophiliacs*

This group includes people who are willing to kill to satisfy their sexual needs towards corpses. They are the most dangerous cases in this context.

j. *Exclusive Necrophiliacs*

This is the rarest group, who can only have sex with corpses and cannot have sex with living people at all.

Criminalisation of Necrophilia in Indonesian Law Based on the Perspective of Criminal Law and Pancasila

"Necrophilia" is a term used to describe an unhealthy attraction to death and corpses. In Greek, "Nekros" means corpse and "Philia" means love. The combination of these words forms the term "Necrophilia," which refers to the sexual attraction to dead bodies. The World Health Organisation (WHO) and the American Psychiatric Association (APA) classify necrophilia as a type of paraphilia in their diagnostic manual, the International Classification of Diseases (ICD). Corpse abuse has been known for centuries, but it took time for it to be recognised as a serious medical condition. Paraphilia is a subcategory of psychosexual disorders involving unconventional or bizarre sexual fantasies or behaviours necessary to stimulate full sexual arousal. Necrophilia belongs to the group of psychosexual disorders and is classed as a paraphilia.⁸

The majority of research related to paraphilias focuses on sex offenders or individuals who have served sentences related to sex crimes. The results also show that individuals with paraphilic disorder (implying unconventional sexual interests and excessive sexual behaviour unrelated to paraphilia) have high levels of sexual impulsivity. They are also likely to have experienced childhood sexual abuse, as well as have a higher risk associated with comorbid problems such as alcoholism, personality disorders, and psychopathy. In addition, those who have served sentences related to sex crimes often re-offend (sex crime recidivism), and recently, many tools have been developed to evaluate the risk of sex crime recidivism in sex offenders. Most countries do not recognise paraphilic disorder as a basis for releasing a person from criminal responsibility.⁹

The criminal acts referred to in Necrophilia cases involve various forms of sexual activity with corpses, but also involve certain behaviours that do not physically damage the integrity of the corpse itself. These behaviours go against the moral norms of the surrounding society. These moral norms are based on long-held principles of respecting the dignity, peace and tranquillity of the deceased. Therefore, there is no doubt that in this context, there is a clear moral violation, which includes the defilement of the dignity of the corpse itself, or more precisely, the violation of the dignity and peace of the corpse, as well as the concept of the ontological existence of the deceased. From a bioethical perspective, Price has argued that bodily mutilation is incompatible with respect for the

⁸ Anibav Yadav, "Defiling The Dead: Laws On Necrophilia," *SSRN*, 2023, 2; Anna Tippet, "Shining Light On An Unspeakable Crime: Necrophilia and The Need For Legal Reform," *Current Issues In Criminal Law*, October 8, 2023, 1, <https://doi.org/10.1080/10345329.2023.2238378>; Diederik F. Janssen, "Medico-Forensic Pre-Histories Of Sexual Perversion: The Case Of Necrophilia (C. 1500–C. 1850)," *Forensic Science International: Mind and Law* 1 (2020): 2; Nurunnabi ASM et al., "Police Revealed a Case of Necrophilia in Dhaka, Bangladesh – Legal and Psychiatric Issues," *Community Based Medical Journal* 10, no. 2 (2021): 113.

⁹ Swapnajeet Sahoo, Sabaresh Pandiyan, and Rahul Chakravarty, "Paraphilias: An Update On Nosology And Diagnostic Challenges," *The Journal Of Forensic Psychiatry & Psychology* 34 (2023): 383.

dignity of the deceased individual, as the dignity of the individual cannot be separated from the dignity of the human corpse that represents a person who once lived.¹⁰

Although after death, the body loses its personal identity and technically becomes an object devoid of human nature, for someone with necrophiliac tendencies, the corpse can still be associated with the personality characteristics they associate with it. The necrophile may not view the corpse as a living individual, but in the context of death, the corpse becomes their desired entity. The corpse can become a 'partner' to the necrophile, who does not resist and becomes an engaged subject in their personal fantasy story. Such a false life or reality can be maintained until the moment the corpse shows signs of physical decay, without any preservation measures or long-term storage. When the decomposition stage begins, all the personality attributes that the necrophile previously associated with the corpse disappear, and the corpse becomes merely an object for the perpetrator. Despite this horrific change in the physical state of the body, for the necrophile, at this point, the corpse is no longer identified as an individual once known in life or as the subject of their post-death dreams.¹¹

The importance of criminalisation in the philosophy of law and criminal law has been the focus of substantial debate in the philosophical literature. Criminal sanctions are necessary to deter people from committing such acts. In the context of the criminalisation of necrophilia, similar debates may arise as to whether this act should be categorised as a crime, or whether criminal sanctions are necessary to protect the integrity of research and society. Ethical discussions about the criminalisation of necrophilia may also include considerations similar to those around scientific fraud, such as the negative impact on individuals and society. Therefore, exploring the links between the criminalisation of necrophilia and broader debates on criminalisation and scientific ethics could be an interesting aspect to discuss.¹²

Juridical Basis for Criminalising Necrophilia

The juridical reason for this research is the legal vacuum that is the main problem in the legal discussion on necrophilia. A glaring legal problem is the lack of criminal law regulations that specifically regulate necrophilia. This legal vacuum has resulted in legal uncertainty relating to the act. As such, it is necessary to explore the implications of this

¹⁰ Tomislav Nedić and Luka Janeš, "Bioetički Aspekti Kaznenopravne Regulacije Nekrofilije U Republici Hrvatskoj," *Glasnik Advokatske Komore Vojvodine* 92, no. 2 (2020): 197; Chatterjee P, "Necrophilia: A Complex Intersection of Crime and Psychological Disorder," *J Indian Acad Forensic Med* 2 (2023): 194; Michaela Cini and Mary Grace Vella, "Necrophilia: Notorious yet Obsure," *Symposia Melitensia* 17 (2021): 18.

¹¹ Mark Pettigrew, "The Sexually Sadistic Properties of Necrophilia, in the Context of Serial Killing, a Case Study," *Journal of Police and Criminal Psychology* 35, no. 1 (2019): 8; Pradeep Kumar, Sushma Rathee, and Rajiv Gupta, "Necrophilia: An Understanding," *The International Journal of Indian Psychology* 7, no. 2 (2019): 611; Paulo Drinot, "Necrophilia, Psychiatry, and Sexology: The Making of Sexual Science in Mid-Twentieth Century Peru," *Journal of Social History* 56, no. 4 (2023): 795; Md. Rabiul Islam, MMA Shalahuddin Qusar, and Md. Saiful Islam, "The First Necrophilia Incident In A Morgue Of Bangladesh: Evidence From Media Reports," *Current Research in Behavioral Sciences* 2 (2021): 2.

¹² William Bülow and Gert Helgesson, "Criminalization of Scientific Misconduct," *Medicine, Health Care and Philosophy* 22 (2019): 246.

legal vacuum in the context of necrophilia cases and consider whether or not criminalisation of the act is necessary to address the legal issues.¹³

According to TB Ronny R. Nitibaskara, necrophilia can be regulated through Articles 179 and 180 of the Criminal Code which relate to respect for the corpse or deceased person. This opinion is in line with Sahnan Sahuri who stated that in society there is an undeniable sociological fact, namely giving respect to the dead, such as commemoration after death and grave pilgrimage. Article 179 of the Criminal Code states that the act of deliberately and unlawfully destroying or damaging a memorial sign at a grave site is punishable by a maximum imprisonment of one year and four months. Meanwhile, Article 180 of the Criminal Code states that deliberately and unlawfully digging up, taking away, moving or transporting a body that has been dug up or taken away shall be punished by a maximum imprisonment of one year and four months or a maximum fine of four thousand five hundred rupiahs. Although these two articles regulate corpses, they do not clearly regulate necrophilia. Article 285 of the Criminal Code and Article 286 of the Criminal Code only regulate rape against a living person, not against a deceased person. Articles 179 of the Criminal Code and 180 of the Criminal Code also do not specifically describe immoral acts against corpses. This causes confusion and chaos in the community regarding the rules that should be applied. Thus, there is no legal provision that explicitly regulates necrophilia, and law enforcers do not have a strong reference to punish perpetrators of corpse rape cases because there is no article that clearly mentions it in the Criminal Code. This has led to confusion and chaos in society regarding the rules that should be applied.¹⁴

In the perspective of progressive law, which emphasises the principle of "law for man and man for law", law is expected to serve the conscience of humanity. The purpose of the function of law to serve the conscience of humanity is to return law to the foundation of morality, where existing and future laws must rest on a set of closely related moral values. This is very important because, as Satjipto Rahardjo states, law is not just a collection of regulations, but also reflects a framework of ideas, culture and aspirations. Therefore, the use of morals as a legal guide is a very appropriate step. When assessing the validity of a law, we not only consider its formal validity, but also its material validity. As stated by Satjipto Rahardjo above, a materially good law must reflect the values formulated by representatives of the people as representatives of society, in accordance with the culture and identity of the nation, and be a manifestation of the ideals of the state and society to be realised. Therefore, if it does not fulfil these material requirements, the law can become inconsistent with morality, and its validity becomes questionable.¹⁵

The process of criminalising Necrophilia must involve in-depth consideration of what acts should be criminalised, what requirements must be met to blame or hold

¹³ Nurzakiah and Wasis, "The Need for Criminalizing Online Prostitution in Indonesia," in *3rd International Conference on Law Reform (3rd INCLAR)* (3rd International Conference on Law Reform (3rd INCLAR), Malang: KnE Social Sciences, 2022), 369.

¹⁴ Husna Jauhara, "Kebijakan Hukum Pidana Terhadap Perkosaan Mayat (Necrophilia)" (Jambi, Universitas Jambi, 2021), 50.

¹⁵ Dicky Eko Prasetyo, Adam Ilyas, and Felix Ferdin Bakker, "Membangun Moralitas Dan Hukum Sebagai Integrative Mechanism Di Masyarakat Dalam Perspektif Hukum Progresif," *Mimbar Keadilan* 14, no. 2 (2021): 135.

accountable a person who commits such acts, and the type of criminal sanction that should be given to that person. Barda Nawawi Arief stated that in determining an act as a criminal offence, it is necessary to pay attention to the following general criteria:¹⁶

- a. Whether the act is disliked by society because it is harmful or potentially harmful and causes casualties.

Necrophilia, is widely unaccepted by Indonesian society as it is considered harmful or potentially harmful and has a negative impact on society. The practice of necrophilia involves the misuse of deceased bodies, which is a serious violation of the integrity and dignity of deceased individuals. This act not only violates the moral and ethical norms held by Indonesian society, but also violates laws governing the protection of human life and honour. In Indonesian society, which is based on the values of justice, unity and safety, necrophilia is not accepted as it involves inappropriate abuse of the dead body and violates human rights. In addition, the presence of necrophilia practices can cause trauma and suffering to the families and relatives left behind by the corpse.

- b. Whether the cost of criminalising such conduct is proportional to the results to be achieved. In this case, the costs of legislating, monitoring, enforcing the law, as well as the burdens borne by victims and offenders must be balanced against achieving an orderly state of law.

In the process of criminalising necrophilia, it is necessary to consider the balance between the costs incurred in carrying out the process and the expected results, as well as the burden borne by victims and offenders, with the aim of achieving an orderly state of law.

In addition to costs, it is important to consider the burden borne by victims and offenders. Victims of necrophilia and their families may experience significant trauma and suffering as a result of the act. Therefore, equal burdens on offenders need to be considered in order to achieve an orderly state of law.

- c. Whether criminalising the act will increase the burden on law enforcement officers that is unbalanced or clearly exceeds their capabilities.

In criminalising necrophilia, careful consideration needs to be made to prevent an unequal or excessive workload on law enforcement officials. The process of criminalising an act involves the efforts of law enforcement officers, including investigation, arrest, prosecution and enforcement. If necrophilia is made a legally prohibited act, this will increase the workload of law enforcement officers who are busy handling various other crime cases.

Therefore, in the process of criminalising necrophilia, it is imperative to consider the capacity of existing law enforcement officers and ensure that they have adequate

¹⁶ Kowland Hawary, "Gagasan Pemidanaan Terhadap Pelaku Kejahatan Pemerkosaan Mayat (Nekrofilia) Dalam Hukum Positif Indonesia," *JOM Fakultas Hukum Universitas Riau* VI, no. 2 (2019): 7; Kathryn Henne, *International Encyclopedia of Anthropology* (Wiley, 2018), 2.

resources and the necessary capabilities to handle necrophilia cases without compromising the handling of other cases.

- d. Whether such acts hinder or obstruct the ideals of the Indonesian nation, thereby endangering the entire society.

Acts of necrophilia, which involve sexual attraction or sexual behaviour towards corpses, can be considered as acts that hinder and threaten the ideals of the Indonesian nation, bringing harmful effects to the entire society. Indonesia's ideals include values such as justice, unity, and the welfare of society. Necrophilia contradicts these values as it involves the inappropriate abuse of deceased bodies. It undermines the dignity and integrity of deceased individuals, and violates the principle of respect for human life and honour.

Indonesian society, which is based on the values of justice and unity, will not accept necrophilia as part of its culture or respected norms. This practice destroys social norms that emphasise respect for human life and dignity.

The Moral Basis of Criminalizing Necrophilia

Both law and morality belong to the superstructure and are determined by certain economic grounds. Both are social norms to regulate people's behavior, which are determined by existing social and economic conditions. In terms of content, law and morality embody several social needs, and they permeate each other. On the one hand, the formulation of any law reflects a certain level of social morality. In modern states, laws are formulated by national legislative bodies and expressed as normative documents of social rules. As a system of social behavioral norms, morality is mainly manifested in a number of public opinions, so morality is relatively conservative and spontaneous to a certain extent. Therefore, the law must maintain a certain degree of harmony with social morality. On the other hand, every legal system embodies the moral values of freedom and justice, which also reflects the legislator's pursuit of certain moral concepts. Law is not only an external binding force, but also a connotation of morality. On the one hand, there is no vitality to laws that do not apply moral concepts, because there is only a written expression of the law, and no tactile force. On the other hand, society changes, people's behavior changes all the time, and no legal provisions can be comprehensive. Law cannot involve all areas, but morality can involve social issues that cannot be touched by law. On this basis, morality plays a role in repairing the loopholes. Therefore, we need to properly understand the important role of morality in building a just social order. Laws on morality can play clear characteristics as a coercive force, which is conducive to maintaining the stability of social order and popularizing moral concepts. Only by mutual assistance can law and morality play complementary roles in the optimal adjustment of society.¹⁷

The relationship between Morality and Law is a mutually influencing relationship, where in Kant's thought, Morality refers to the conformity of attitudes and actions with the norms or inner principles that exist within us. This moral life must be in harmony

¹⁷ Meng Wang, "The Dialectical Relationship Between Law and Morality," *International Journal of Social Science and Education Research* 4, no. 7 (2021): 435.

with the human values that exist in the human heart, thereby creating harmony between moral and legal aspects which are the basis of human life. On the other hand, an imbalance between morality and law can result in an inability to form norms or laws that underlie good behavior in society, thus potentially creating instability in social interactions between individuals in society.¹⁸

Deviant sexual behavior Necrophilia is sexual behavior that is not accepted by society because it does not comply with religious rules and norms. Deviant sexual behavior is influenced by neurotic needs that originate from non-sexual drives, more than erotic needs which should be the main drive. Ultimately, this behavior encourages someone to commit deviant actions. This deviant sexual behavior can harm other people and society at large. According to Kartono, sexual impropriety or 'sexual perversion' includes sexual behavior or sexual fantasies aimed at achieving orgasm through sexual relations outside heterosexual relationships or through relations with immature partners, which is contrary to the norms of sexual behavior generally accepted in society.¹⁹

According to Devlin in his book 'The Enforcement of Morals' (1965), he argued that the existence of shared morals in society and recognition from the government is very important, and the justification for enforcing them through law is to maintain the existence of society itself. Devlin finds an analogy between immorality, meaning the violation of moral rules in society, and betrayal. He argued that controlling immoral behavior was an entirely legal matter and could be justified on similar grounds as regulating subversive acts. In Lord Devlin's view, the primary function of criminal law is to maintain public morality. According to him, intolerance, anger, irritation and disgust need to be regulated using various criminal law instruments. Basically, Devlin connects morals and criminal law as two closely related entities, and the basic issues regarding the morality of criminal law are important. Jerome Hall also stated that 'the moral quality of criminal law is the central issue of our time and permeates all social disciplines'. The relationship between law and morals creates functional relations that are interrelated in the formation and enforcement of law. The function of morality in law includes being a source of ethics (values) in the formation of positive law, being a rule for positive law, being an evaluative instrument for the substance of legal rules, and being a reference for justification in resolving legal cases that do not have clear rules. On the other hand, the function of law on morals includes transforming individual moral rules into social legal rules with certain sanctions, strengthening moral values, principles and rules, forming new morality in society, and becoming a means of upholding moral values, principles and rules in social life.²⁰

Sexual deviation, sexual abnormality, sexual impropriety (sexual perversion), or sexual harassment refer to unusual and unusual forms of sexual desire and satisfaction

¹⁸ Takdir Yakindo et al., "Moralitas Dan Hukum Dalam Pandangan Immanuel Kant," *Praxis: Jurnal Filsafat Terapan* 1, no. 1 (2023): 6.

¹⁹ Achmad Anwar Abidin, "Perilaku Penyimpangan Seksual Dan Upaya Pencegahannya Di Kabupaten Jombang" (Prosiding Seminar Nasional & Temu Ilmiah Jaringan Peneliti, Banyuwangi: IAI Darussalam Blokagung Banyuwangi, 2017), 547.

²⁰ Lidya Suryani Widayati, "Kebijakan Kriminalisasi Kesusilaan Dalam Rancangan Undang-Undang Tentang Hukum Pidana Dari Perspektif Moral," *Negara Hukum* 9, no. 2 (2018): 188.

towards sexual objects. This term is used to describe sexual behavior accompanied by sexual fantasies that do not conform to generally accepted norms of sexual behavior in society. This deviant sexual behavior can occur when someone has sexual fantasies that are directed at achieving orgasm through sexual relations outside heterosexual relationships of the same sex, involving underage sexual partners, or involving sexual relations that are contrary to applicable social norms. . This concept is based on the assumption that sexual deviation is an abuse of human nature and is contrary to common sense, because this behavior is not in accordance with the norms and values generally recognized in society.²¹

The existence of crime in society shows that the perpetrator's morals have weakened. The perpetrator feels satisfied when he achieves his goals or desires without thinking about the impact the victim will experience in the future. This indicates that the morals and ethics within the perpetrator no longer exist. This weak moral condition is the trigger for crimes in various places, and because of this weak morals, punishment can be imposed on the perpetrators. Karl O. Christiansen stated that moral culpability is one of the conditions for punishment, while Herbert L. Packer added that only actions that are generally considered immoral should be considered crimes. J.E. Sahetapy also revealed that crime is closely related to and is part of the results of culture itself. The higher the level of culture and the more modern a nation is, the more modern crime is in its form, nature and method of implementation. Indonesia has established Pancasila and the 1945 Constitution of the Republic of Indonesia as its real and ideal basis. These principles are the main guidelines that must be reflected in all steps taken for the prosperity and welfare of all people. The principles of this state place elements of 'morality' such as 'by the grace of Allah' and 'Belief in the Almighty God' as very important. From this, it can be concluded that the relationship between law and morals cannot be separated and complement each other, both in the law-making process and in judges' decisions.²²

Philosophical Basis for the Criminalization of Necrophilia

The philosophical rationalization used in criminalizing necrophilia is based on the philosophy of Pancasila as the Indonesian way of life. The philosophy of life of the Indonesian people, which was adopted from the views of the founding fathers of the nation, became the philosophical basis for creating the basic principles of the state, namely Pancasila. The implementation of Pancasila values in the life of the Indonesian nation is an effort to realize the nation's goals and ideals. In the context of criminalization, Pancasila values can be used as justification for criminalizing sexual deviant behavior towards corpses. Pancasila values serve as a guide for legislators in determining legal policies, including in the context of discussing criminalization. National law is based on the principle of justice. Justice is a principle applied by law enforcers to provide rights and obligations to all living creatures, including humans, animals and plants, in a good

²¹ Masmuri Masmuri and Syamsul Kurniawan, "Penyimpangan Seksual: Sebuah Interpretasi Teologi, Psikologi Dan Pendidikan Islam," *Rabeema* 3, no. 1 (2016): 101.

²² Gea Illa Sevrina, "Kebijakan Kriminalisasi Terhadap Praktik Prostitusi Di Indonesia," *Law And Justice* 5, no. 1 (2020): 22.

environment. Providing punishment to perpetrators of crimes, mistakes and violations according to their actions is a form of implementing justice, even though in the case of necrophilia the victim is the body of an animal. This principle is an effort to uphold justice by providing proper rights to every entitled individual.²³

The formation of legal norms in Indonesia must be philosophically based on Pancasila as the source of all sources of law in Indonesia. Apart from Pancasila, it must also be guided by the Preamble to the 1945 Constitution of the Republic of Indonesia as the state constitution. Pancasila as the source of all sources of law is regulated in the provisions of Article 2 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations (UUP3). Legislative Regulations (UUP3). Thus, it can be seen that a legal norm in a statutory regulation must be based on and must not conflict with Pancasila and the 1945 Constitution of the Republic of Indonesia.²⁴

Pancasila is the foundation of the state which functions as a way of life for the Indonesian people. As a way of life, Pancasila reflects the national spirit and identity, and is a source of state law. The public is expected to always uphold the values of Pancasila in their guidelines and behavior. These values are in accordance with the five principles of Pancasila. The first principle, 'Belief in One God,' requires Indonesians to acknowledge the existence of God, carry out religious obligations, and respect each other's individual beliefs. The second principle, 'Just and Civilized Humanity,' emphasizes the need to recognize human equality and mutual respect for the rights and obligations of each individual. The third principle, 'Indonesian Unity,' emphasizes the importance of national unity and unity above personal and group interests. The fourth principle, 'A People Led by Solemn Wisdom in Deliberation/Representation,' encourages the use of deliberation in running a democratic state. The fifth principle, 'Social Justice for All Indonesian People,' underlines society's shared goal of creating justice and prosperity. If Pancasila is not implemented in everyday life, the Indonesian nation will face serious problems and conflicts. When the principles of Pancasila are not upheld, several things can happen. First, the emergence of conflict and disharmony between people with different beliefs or religions. Second, violations of rights and obligations may occur. Third, people will feel unsafe and uncomfortable. Fourth, creating disorder in society. Thus, it is important for Indonesian people to apply Pancasila values in everyday life to prevent conflict, violations, insecurity and disorder in society.²⁵

The criminalization of necrophilia can be linked to the Principles of Belief in One Almighty God in Pancasila. This first principle emphasizes the importance of compliance with the norms of religious life believed by religious adherents. In this context, the criminalization of necrophilia can be seen as a step in accordance with religious norms that respect human life and dignity. In many religions, including the majority religions in Indonesia such as Islam, Christianity, Hinduism and Buddhism, respecting life and death is a highly upheld value. The practice of necrophilia violates these religious values, as it

²³ Nadillah Maudi Cahyani and Nashriana Nashriana, "Kriminalisasi Perilaku Penyimpangan Seksual Terhadap Hewan," *Lex Lata* 2, no. 1 (2020): 449.

²⁴ Nurzakiah and Wasis, "The Need for Criminalizing Online Prostitution in Indonesia," 367.

²⁵ Dany Try Hutama Hutabarat et al., "Memahami Filsafat Pancasila Sebagai Pandangan Hidup Ideologi & Dasar Negara," *Journal Of Humanities, Social Sciences And Business (JHSSB)* 1, no. 2 (2022): 21.

involves inhumane treatment of corpses and insults the honor of the deceased. By basing the criminalization of necrophilia on the Precepts of Belief in One Almighty God, the government and legal system demonstrate their commitment to respect for life and death in a religious context. In maintaining social and moral order, the criminalization of necrophilia is an effort to protect human dignity and uphold the religious values adhered to by Indonesian society.²⁶

The first principle of Pancasila, known as 'Belief in One Almighty God,' has links to the criminalization of necrophilia in Indonesia. This precept reflects recognition of the existence of God and the importance of religious obligations, as well as mutual respect for individual beliefs. In the context of necrophilia, this behavior involves the abuse of the deceased's body, which clearly violates the principle of respect for human life and dignity. In view of the religions and beliefs held by the Indonesian people, maintaining the integrity and respecting the bodies of the deceased is an important part of religious obligations and highly upheld customs. As a result, the criminalization of necrophilia can be seen as an attempt to implement the values contained in the first principle of Pancasila. By punishing and regulating acts of necrophilia as a legal offense, governments and law enforcement agencies respect religious values, protect the integrity of deceased life, and maintain the unity and morality of society. In the Pancasila view, the criminalization of necrophilia is in line with the principle of respect for God and the dignity of human life. Therefore, the justification for criminalizing deviant sexual behavior can be related to the first principle of Pancasila, which is the philosophical basis of the Indonesian state.²⁷ Pancasila is a symbol and guideline in life which is filled with fundamental values that cannot be changed or opposed by any culture. Pancasila has balanced values that originate from the soul of the Indonesian nation, where these values are interrelated and have the highest value that must not be violated, namely the value of God. The three pillars or balance values of Pancasila are orientation to divine values (religious morals), orientation to human values (humanistic), and orientation to social values (nationalistic, democratic and social justice). The development of national legal philosophy must lead to the legal philosophy of Pancasila. Pancasila as the basis of the state and the basis of national legal philosophy has an imperative nature which is not only a basis and guideline in the development of national legal philosophy, but also a reference in compiling, building and developing a legal philosophy that is consistent and relevant to the values of Pancasila itself. The existence of Godly values also requires that every action we take comes from God's guidance and must not conflict with what God commands. Divine values are sacred values and must be maintained in Indonesia. As a country that believes in God, Indonesia cannot carry out actions or behavior that are contrary to what God wills as stated in the holy books of each religion. However, over time, these values of divine purity have been

²⁶ Memo Bayu Pratama, "Kriminalisasi Perbuatan Zina Sebagai Perwujudan Implementasi Sila Ketuhanan Yang Maha Esa Dalam Rancangan Kitab Undang-Undang Hukum Pidana (RKUHP)," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 589.

²⁷ Hariyanto, "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila," *Volkgeist* 1, no. 1 (2018): 58.

eroded due to actions that are prohibited and contrary to God's decrees, one of which is necrophilia.²⁸

The second precept of Pancasila, namely 'just and civilized humanity,' is related to the criminalization of necrophilia in Indonesia. This letter underlines the recognition of equal positions and mutual respect for the rights and obligations of each individual. In the context of necrophilia, this act involves the abuse of a deceased body, which clearly violates the principle of respect for human life and dignity. The second precept of Pancasila emphasizes the importance of respecting fair and civilized human values and dignity, including the protection of individual rights and promoting good ethics and behavior. The criminalization of necrophilia can be seen as an effort to apply the values contained in the second precept of Pancasila. By punishing and regulating the act of necrophilia as a violation of the law, the government and law enforcement officers uphold the principles of fair and civilized humanity. This step aims to protect the dignity of the human who has died, respect the rights of individuals, and defend ethics and behavior in accordance with respected human values.²⁹

The fifth precept, Social Justice for All Indonesians, as one of the five precepts in Pancasila, emphasizes the importance of social justice to create prosperity for all Indonesians. Social justice requires the protection of human rights. The criminalization of necrophilia involves actions that violate basic human rights, such as the right to life, bodily integrity, and the honor of the corpse. In this context, the criminalization of necrophilia aims to protect those rights. The act of necrophilia violates social norms that prohibit inhumane treatment of corpses and can disrupt social harmony. By criminalizing necrophilia, the continuity of good social life and in line with social values can be maintained. The criminalization also has the purpose of providing protection for the dignity of human beings who have died. Respecting and maintaining the dignity of each individual is the main principle of social justice. The criminalization of necrophilia aims to protect the dignity of the dead and preserve their honor after death. The criminalization of necrophilia is an important and real step in law enforcement to maintain social order and prevent violations of prevailing social norms. Through this criminalization, the government shows its commitment to fair law enforcement and provides appropriate sanctions for violations of social justice. Overall, the connection between the principles of Social Justice for All Indonesian People and the criminalization of necrophilia lies in the protection of human rights, the continuation of a good social life, the protection of human dignity, the development of well-being, and the enforcement of fair laws. The criminalization of necrophilia is a concrete step in maintaining social justice and protecting Indonesian society from inhumane practices that violate social norms.

²⁸ Indra Tua Hasangapon Harahap, Iqbal Kamalludin, and Nila Arzaqi, "Kebijakan Hukum Pidana Dalam Upaya Menanggulangi Lgbt (Lesbian, Biseksual, Dan Transgender) Berbasis Pancasila," *Masalah-Masalah Hukum* 47, no. 4 (2018): 402.

²⁹ Rini Aristin, "Aktualisasi Sila Kemanusiaan Yang Adil Dan Beradab Di Era Reformasi," *Aspirasi* 1, no. 1 (2016): 6.

IV. CONCLUSION

The conclusion obtained in the article above is that 'Necrophilia' is an unhealthy interest in death and corpses. This is considered a paraphilia, which is a psychosexual disorder involving abnormal fantasies or actions necessary to stimulate full sexual desire. Necrophilia is classified as an extreme act of surrender, in which the partner is unable to defend himself or is outside the boundaries of the realm of privilege and protection. The practice of necrophilia involves sexual acts with corpses and other acts that do not physically damage the corpse itself, but are contrary to society's moral attitudes. Abuse of corpses destroys the dignity, peace and tranquility of the deceased who have long been respected in society. Although corpses lose personality after death, necrophiles may imbue the corpse with the personality characteristics they attribute to it. For the necrophile, the corpse can become a non-rejecting 'partner' and can be included in his personal fantasy life.

To regulate necrophilia, Articles 179 and 180 of the Criminal Code can be used which relate to respect for corpses or people who have died. However, the Criminal Code still does not specifically regulate necrophilia, causing confusion in society. The process of criminalizing necrophilia must consider whether the act is detrimental or has the potential to harm society, whether the costs of criminalization are commensurate with the results achieved, whether the burden on law enforcement officers is balanced, and whether the act hinders the ideals of the Indonesian nation. Necrophilic sexual behavior is deviant sexual behavior and not accepted by society because it goes against religious norms. This behavior is influenced by non-sexual neurotic needs, causing deviant actions. The UN Congress emphasizes the harmonization of law with socio-philosophical and cultural values. The moral weakness of criminals is a factor causing crime. Criminalization must consider philosophical, moral, religious and humanist approaches. The relationship between law and morals is important in implementing the values of Pancasila as a guide to life for the Indonesian people. Pancasila as the Indonesian way of life is the philosophical basis for criminalizing necrophilia. This criminalization is based on Pancasila values which reflect respect for life, human dignity and the principles of social justice. In the Pancasila view, the criminalization of necrophilia can be justified by referring to the principles of Belief in One Almighty God, Just and Civilized Humanity, and Social Justice for All Indonesian People. The implementation of Pancasila values in law and policy aims to realize prosperity and social order in Indonesian society.

V. SUGGESTION

Suggestions that can be proposed for dealing with necrophilia cases in the context of government policy are that there needs to be firm and clear steps to prohibit this practice. The government should consider changes or expansions in laws focused on protecting the dignity and integrity of deceased victims. In this case, the establishment of appropriate punishment, including significant criminal sanctions, can be an effective basis for preventing and punishing necrophilia perpetrators. These steps should be strengthened by increasing public awareness through preventive educational campaigns. In addition,

cooperation between law enforcement agencies, forensic experts and medical institutions is also important to ensure that these cases are handled professionally and fairly. It is hoped that the active involvement of various parties will create a safer legal climate and provide a strong signal that the country will not tolerate criminal acts such as necrophilia. By taking these concrete steps, governments can ensure that society's ethical and legal norms are respected, as well as protect the rights of deceased victims from unscrupulous exploitation.

BIBLIOGRAPHY

Books

- Amrani, Hanafi. *Politik Pembaruan Hukum Pidana*. Yogyakarta: UII Press, 2019.
- Chandra, Tofik Yanuar, and Yasmon Putra. *Hukum Pidana*. Jakarta: Sangir Multi Usaha, 2022.
- Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.
- Suyanto. *Hukum Acara Pidana*. Sidoarjo: Zifatama Jawara, 2018.
- Wahyuni, Fitri. *Dasar - Dasar Hukum Pidana*. Tangerang: Nusantara Persada Utama,

Journals

- Abidin, Achmad Anwar. "Perilaku Penyimpangan Seksual Dan Upaya Pencegahannya Di Kabupaten Jombang." In *Prosiding Seminar Nasional & Temu Ilmiah Jaringan Peneliti*. Banyuwangi: IAIDA Blokagung Banyuwangi, 2017.
- Anna Tippett. "Shining Light On An Unspeakable Crime: Necrophilia and The Need For Legal Reform." *Current Issues In Criminal Law*, October 8, 2023. <https://doi.org/10.1080/10345329.2023.2238378>.
- Addadzi-Koom, Maame Efua. "Medico-Legal and Ethical Issues of Necrophilia: A Ghanaian Perspective." *UCC Law Journal* 1, no. 2 (2021).
- Alhakim, Abdurrakhman. "Urgensi Perlindungan Hukum Terhadap Jurnalis Dari Risiko Kriminalisasi UU Informatika dan Transaksi Elektronik di Indonesia." *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022).
- Bhaskar, Neelakshi. "Necrophilia Legal Perspective." *International Journal of Legal Science and Innovation* 2, no. 2 (2020).
- Billah, Arif, and Mosharaf Hossain. "Necrophilia in Bangladesh: Psycho-Analytic Evaluation of a Case Study." *Teikyo Medical Journal* 44, no. 5 (2021).
- Borah, Upasana. "A Conceptual Study to Necrophilia – A Review." *Journal of Forensic Research* 11, no. 4 (2020).
- Cahya Wulandari. "Kedudukan Moralitas Dalam Ilmu Hukum." *Jurnal Hukum Progresif* 8, no. 1 (n.d.).
- Cahyani, Nadillah Maudi, and Nashriana Nashriana. "Kriminalisasi Perilaku Penyimpangan Seksual Terhadap Hewan." *Lex Lata* 2, no. 1 (2020).
- Chatterjee P. "Necrophilia: A Complex Intersection of Crime and Psychological Disorder." *J Indian Acad Forensic Med* 2 (2023).
- Dicky Eko Prasetyo, Adam Ilyas, and Felix Ferdin Bakker. "Membangun Moralitas Dan Hukum Sebagai Integrative Mechanism Di Masyarakat Dalam Perspektif Hukum Progresif." *Mimbar Keadilan* 14, no. 2 (2021).
- Diederik F. Janssen. "Medico-Forensic Pre-Histories Of Sexual Perversion: The Case Of Necrophilia (C. 1500–C. 1850)." *Forensic Science International: Mind and Law* 1 (2020).
- Gea Illa Sevrina. "Kebijakan Kriminalisasi Terhadap Praktik Prostitusi Di Indonesia." *Law And Justice* 5, no. 1 (2020).

- Hariyanto. "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila." *Volkegeist* 1, no. 1 (2018).
- Hawary, Kowland. "Gagasan Pemidanaan Terhadap Pelaku Kejahatan Pemerksaan Mayat (Nekrofilia) Dalam Hukum Positif Indonesia." *JOM Fakultas Hukum Universitas Riau* VI, no. 2 (2019).
- Husna Jauhara. "Kebijakan Hukum Pidana Terhadap Perkosaan Mayat (Necrophilia)." Universitas Jambi, 2021.
- Hutabarat, Dany Try Utama, Roffi Rivaldo Arya Sutta, Wahyu Habib Wardana, Zahra Nur Fadila, Prety Sapahira, and Rani Tanjung. "Memahami Filsafat Pancasila Sebagai Pandangan Hidup Ideologi & Dasar Negara." *Journal Of Humanities, Social Sciences And Business (JHSSB)* 1, no. 2 (2022).
- Indra Tua Hasangapon Harahap, Iqbal Kamalludin, and Nila Arzaqi. "Kebijakan Hukum Pidana Dalam Upaya Menanggulangi Lgbt (Lesbian, Biseksual, Dan Transgender) Berbasis Pancasila." *Masalah-Masalah Hukum* 47, no. 4 (2018).
- Kendra, Welly. "Kriminalisasi Terhadap Perilaku Penyimpangan Seksual." *Swara Justicia* 4, no. 1 (2020).
- Kathryn Henne. *International Encyclopedia of Anthropology*. Wiley, 2018.
- Langgeng Priasih, Sindi Dwianjani, Tiara Salsabila R, and Shilvy Apriliani. "Implementasila Kemanusiaan Yang Adil Dan Beradab Dalam Konteks Hak Asasi Manusia." *ADVANCES in Social Humanities Research* 1, no. 4 (2023).
- Masmuri, and Syamsul Kurniawan. "Penyimpangan Seksual: Sebuah Interpretasi Teologi, Psikologi Dan Pendidikan Islam." *Rabeema* 3, no. 1 (2016).
- Md. Rabiul Islam, MMA Shalahuddin Qusar, and Md. Saiful Islam. "The First Necrophilia Incident In A Morgue Of Bangladesh: Evidence From Media Reports." *Current Research in Behavioral Sciences* 2 (2021).
- Memo Bayu Pratama. "Kriminalisasi Perbuatan Zina Sebagai Perwujudan Implementasi Sila Ketuhanan Yang Maha Esa Dalam Rancangan Kitab Undang-Undang Hukum Pidana (RKUHP)." *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022).
- Meng Wang. "The Dialectical Relationship Between Law and Morality." *International Journal of Social Science and Education Research* 4, no. 7 (2021).
- Mgr. Adam Briedik. "Post-Modernism, Paraphilia, Sadism, Necrophilia, and Sexually Motivated Homicide: An Interdisciplinary Reading of Dennis Cooper's 'Frisk.'" *International Journal of English Literature and Social Sciences* 8, no. 3 (2023).
- Michaela Cini and Mary Grace Vella. "Necrophilia: Notorious yet Obsure." *Symposia Melitensia* 17 (2021).
- Nedić, Tomislav, and Luka Janeš. "Bioetički Aspekti Kaznenopravne Regulacije Nekrofilije U Republici Hrvatskoj." *Glasnik Advokatske Komore Vojvodine* 92, no. 2 (2020).
- Nurunnabi ASM, Sultan MT, Islam MM, and Shaikh MAK. "Police Revealed a Case of Necrophilia in Dhaka, Bangladesh – Legal and Psychiatric Issues." *Community Based Medical Journal* 10, no. 2 (2021).
- Nurzakiah and Wasis. "The Need for Criminalizing Online Prostitution in Indonesia." In *3 Rd International Conference on Law Reform (3rd INCLAR)*. Malang: KnE Social Sciences, 2022.

- Paulo Drinot. "Necrophilia, Psychiatry, and Sexology: The Making of Sexual Science in Mid-Twentieth Century Peru." *Journal of Social History* 56, no. 4 (2023).
- Pettigrew, Mark. "The Sexually Sadistic Properties of Necrophilia, in the Context of Serial Killing, a Case Study." *Journal of Police and Criminal Psychology* 35, no. 1 (2019).
- Pradeep Kumar, Sushma Rathee, and Rajiv Gupta. "Necrophilia: An Understanding." *The International Journal of Indian Psychology* 7, no. 2 (2019).
- Riadhus Sholihin, Rahma, and Zaiyad Zubaidi. "Kriminalisasi Homoseksual Sebagai Tindak Pidana (Studi Determinasi Moral Sebagai Hukum Pidana)." *Tasyri' Journal of Islamic Law* 2, no. 1 (2023).
- Rini Aristin. "Aktualisasi Sila Kemanusiaan Yang Adil Dan Beradab Di Era Reformasi." *Aspirasi* 1, no. 1 (2016).
- Septiasari, Nabila Layalia, and Ajeng Nova Dumpratiwi. "Penyimpangan Seksual Voyeurisme Dan Masturbasi Pada Klien Di Rumah Sakit X." *Epigram* 19, no. 1 (2022).
- Situmeang, Sahat Maruli Tua. "Politik Hukum Pidana Terhadap Kebijakan Kriminalisasi Dan Dekriminalisasi Dalam Sistem Hukum Indonesia." *Res Nullius* 4, no. 2 (2022).
- Swapnajeet Sahoo, Sabaresh Pandiyan, and Rahul Chakravarty. "Paraphilias: An Update On Nosology And Diagnostic Challenges." *The Journal Of Forensic Psychiatry & Psychology* 34 (2023).
- Takdir Yakindo, Astri Evarianti, Nova Rahayu Rohadatul Aisy, Rahma Nursyifa, and Amanda Amalia Sapriwa. "Moralitas Dan Hukum Dalam Pandangan Immanuel Kant." *Praxis: Jurnal Filsafat Terapan* 1, no. 1 (2023).
- Vasudevan, Anand Kumar, Prashanthi Krishna Dharma, and L. Eccleston. "Necrophilia: A Study of the Psychoanalysis in the Characteristics of the Offenders Who Sexually Molest the Dead." *Medico-Legal Update* 19, no. 2 (2019).
- Widayati, Lidya Suryani. "Kebijakan Kriminalisasi Kesusilaan Dalam Rancangan Undang-Undang Tentang Hukum Pidana Dari Perspektif Moral." *Negara Hukum* 9, no. 2 (2018).
- William Bülow and Gert Helgesson. "Criminalization of Scientific Misconduct." *Medicine, Health Care and Philosophy* 22 (2019).
- Yadav, Anubhav. "Laws Against Necrophilia in India and Other Parts of the World." *SSRN*, 2023.

Thesis

- Hidayatulloh, Irvan. "Konsep Penjatuhan Sanksi Bagi Pelaku Eksibisionisme Dalam Perspektif Nilai Keadilan." Universitas 17 Agustus 1945 Surabaya, 2021.

News

- CNN Indonesia. "Pemuda Mojokerto Perkosa Mayat Siswi SMP Korban Pembunuhan." June 14, 2023. <https://www.cnnindonesia.com/nasional/20230614200723-12-961962/pemuda-mojokerto-perkosa-mayat-siswi-smp-korban-pembunuhan>.

