



Criminal sanctions for murder with necrophilia (case study 519/PID.B/2021/PN.JKT.PST)

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ABSTRACT

Today's rapes typically involve murder, and criminals have sexual relations with corpses. This research asks: how are criminal consequences for murderers who have sexual contact with a body related to the Central Jakarta District Court Decision Number 519/Pid.B/2021/PN.Jkt.Pst? How should the victim's family handle the judge's sentencing for murder with sexual contact with a corpse? This research uses normative juridical legal research. Secondary data informs normative legal research. Primary, secondary, and tertiary legal materials provide secondary data. The research found that the public prosecutor's indictment does not require legal regulation of murder accompanied by sexual intercourse with a corpse because it is difficult to charge perpetrators of rape of corpses with the Criminal Code and there are no articles that explicitly regulate sexual intercourse/rape (creating a legal vacuum). Indonesian law does not yet define corpse rape/sexual intercourse. Sexually interacting with a corpse is not rape. The Central Jakarta District Court Decision Number 519/Pid.B/2021/PN Jkt.Pst. addresses murder with sexual contact with a corpse. The author believes the perpetrator's punishment has not deterred the crime and has not satisfied the victim's family and society. The victim's family can ask the judges to sentence the defendant to the death penalty because the actions were cruel, barbaric, and inhumane. This is hoped to give the family a sense of justice and have an impact. prevention for criminals.

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1. Introduction

As indicated in the murder article, specifically Article 338 of the Criminal Code, it is specified that the sanction or criminal punishment is imprisonment for a maximum of fifteen years. Here it is mentioned the longest therefore it is possible that the judge will impose a criminal sentence of less than fifteen years in jail. There are no provisions in the Criminal Code that specify a murderer will face harsher punishment for the purposeful killing of a person because of that person's status or relationship to the killer (Maitulung, 2013).

It's not uncommon for murderers to commit additional crimes after killing someone, such as having sexual relations with the body (Beauregard dkk., 2022). This is especially true of murderers who either kill themselves or others before committing murder (Thomson, 2016). Since the Criminal Code does not specify any penalties for engaging in sexual intercourse with a corpse, there is obviously a regulatory gap, or legal vacuum, in this area (Boëtsch, 2004).

The author begins by discussing Central Jakarta District Court Decision No. 519/Pid.B/2021/PN Jkt.Pst, in which the defendant Ivan was sitting in front of his house playing with his cell phone when the victim Bunga came to his door seeking a loan. The defendant Ivan initially refused to lend the victim money on the grounds that Bunga had previously borrowed money from him. Hearing the Defendant's answer, the victim grew enraged and yelled at Defendant Ivan. The defendant entered the house while taking the victim into the house, Defendant Ivan told the victim to masturbate on Defendant Ivan in exchange for money, the victim declined Bunga's invitation and cursed Defendant Ivan again. Defendant Ivan slammed the victim to the ground after hearing the curse and immediately becoming enraged. victim stumbled backwards and collapsed.

Defendant Ivan quickly strangled and covered the victim's mouth using his left hand. In addition, for roughly 30 minutes, until the victim is not moving and is not breathing, Defendant Ivan crushed the victim's solar plexus with the knee of Defendant Ivan's right leg so that the victim did not move.

In an effort to have sexual intercourse with the victim, Defendant Ivan opened the victim's shirt below the knees, lifted the victim's legs, and inserted his genitals into the victim's genitals until Defendant Ivan was satisfied (Carter & Hollin, 2014). Once Defendant Ivan had accomplished what he set out to do, he dragged the victim to the backyard of his home. Defendant Ivan walked up behind the victim and searched for asbestos fiber and tree branches to use as a makeshift shroud ((Oliver) Chan, 2017). Defendant Ivan covered the victim's body and then went outside to smoke and play on his phone. Defendant Ivan departed his home shortly thereafter.

In circumstances where Article 340 of the Criminal Code serves as the principal indictment, Article 338 as the subsidiary indictment, and Article 351 of the Criminal Code serves as a further subsidiary indictment. This is why the researcher is interested in the legal facts and criminal responsibility of the Defendant Ivan during the trial; specifically, they want to know how to satisfy the elements in each article regarding the criminal act committed by the Defendant Ivan. The Central Jakarta Court panel decided that there wasn't enough evidence to convict Defendant Ivan of premeditated murder, but that he did commit the crime of murder.

Abdul Aziz Nasihudin, a lecturer in the Faculty of Law at Soedirman University in Purwokerto, explains that it is difficult to charge perpetrators of rape of corpses under the articles in the Criminal Code because of the case of murder accompanied by sexual intercourse with the deceased person. Because there is no section that specifically addresses the rape of dead bodies. Only sexual activity with a defenseless person is subject to the provisions of the Criminal Code. This means that the culprit can only be held accountable when the victim is either a living person in a helpless position or a dead person who has already passed away. In addition, there is a lack of definitive case law for how law enforcement should penalize those responsible for corpse rape (Pramesti, 2021).

In light of the information provided thus far, the author has settled on the following questions to investigate: (1) How are the criminal sanctions regulated for perpetrators of the crime of murder accompanied by sexual intercourse with a corpse in relation to Decision Number 519/Pid.B/2021/PN.Jkt. PS? and (2) How is the family of the deceased reacting to the news that their loved one committed murder followed by sexual activity with the body?

This study's real-world impact calls for reforms to the way the law handles criminal cases involving necrophilia. To make law enforcement more effective, it may be required to reform certain laws or procedures.

This research has the potential to spark interest in further investigations into necrophilia and related subjects, such as the mentality of those who commit this crime and methods to identify and stop them.

2. Method

This study employed a normative juridical legal research methodology. To gain something that is axiologically a value or statute/rule as a reference for study, the author has chosen this research method in their pursuit of the truth of coherence (Mahmud Marzuki, 2011). Analytical descriptive research was employed, with the stated goal of providing a full, methodical explanation of all aspects of the issue at hand (Soekanto, 2007).

The author relies on tertiary sources. Literature and literature reviews are excellent sources of secondary data that can be used to address legal questions and recommend appropriate research methods. In the realm of law, secondary sources include both secondary and tertiary sources (Adi, 2021).

The author mostly relied on a literature review, also known as (library research), to gather information for this study. This study employs a deductive legal material analysis approach, wherein the author draws conclusions from a more general topic to the specific problem at hand by explaining general concepts in terms of the specifics. Who has the solutions to the issues raised in this text.

3. Analysis and Results

3.1 Arrangement of Criminal Sanctions for Perpetrators of the Crime of Murder Accompanied by Sexual Intercourse with a Corpse

Penal codes are developed in relation to the outlawing or ordering of preexisting norms that have the support of the legislature. This agreement can be read as either a criminal policy (the making of an act illegal) or a decriminalization policy (making an act legal) (Gunarto, 2012). assessing the ingredients of a criminal crime is easier than assessing the gravity and severity of the criminal consequence that should be applied. In other words, punishment is a form of coercion. Punishment, in its broader sense, serves as a deterrent as well as a deterrent. Punishment serves two purposes: first, to modify the offender's outlook or conduct so that he will not repeat his criminal behaviour in the future; second, to deter others from engaging in similar conduct (general deterrence) (Ar, 2012).

As stated in the essence of rehabilitation theory, deterrence theory, and doel theory, the sentence imposed should also be oriented towards aspects and dimensions of rehabilitation or recovery and usefulness for the perpetrator of the crime under the policy/philosophy of punishment that creates justice and prevents disparities in punishment (sentencing of disparity) adopted by the Indonesian legal system (Saly & Pratama, 2023).

Specifically, because the scientific method is not taken seriously in contemporary criminal law, punishments must be enacted in accordance with the retributive theory, rehabilitation theory, deterrence theory, and doel theory (Azizah, 2023). Therefore, in this respect, the panel recognises that the Dutch legal model, which is "dader-strafrech oriented" (oriented towards the perpetrator) or *ius constituendum* (referring to the American model system) is fundamentally relatively inadequate, and as a result, the panel has made a legal discovery (*rechtsvinding*) by imposing criminal sentences in accordance with the "daad-dader strafrecht" model (Endri et al., 2020).

If someone is found guilty of a crime, the law allows for two types of punishments to be imposed on them: the "main penalty" and "additional penalties," both of which are outlined in Article 10 of the Criminal Code. The major sanctions consist of: death penalty, imprisonment, imprisonment and fines. Meanwhile extra punishments consist of: revocation of some privileges, confiscation of certain items, and notification of the judge's verdict.

Because the penalties for engaging in sexual activity with a deceased person vary from country to country, the author has compiled a table detailing these differences:

Table 1. Punishment of perpetrators of sexual intercourse with corpses in Several Countries (Hawary et al., 2019)

No.	Country	Regulations Regulating Corpse Rapists	Punishment for the perpetrator
1	English	Sexual Offenses Act 2003	If you're caught sexually assaulting a dead body and found guilty on indictment, you might face up to two years in prison.
2	California	Health and Safety Code - HSC code 7052	Any unlicensed individual who knowingly commits acts of mutilation, destruction, exhumation, or sexual penetration on, or sexual contact with, human remains is guilty of a felony. No one covered by this provision is subject to the maximum penalty of three years in jail for breaching this legislation.
3	Nevada	Nevada Revised Statutes Section 201.450 -	In addition to a fine of no more than \$20,000, anyone found guilty of sexually penetrating a human corpse faces life in prison with the possibility of parole, parole eligibility beginning after a 5-year minimum sentence has been served.
4	Indonesia	Criminal Code	No protections exist against the rape of the dead.

It is clear from table 1 that the criminal sanctions for perpetrators of raping corpses vary from country to country, depending on the implementation of regulations or laws, with some countries imposing sentences of more than 2 years on average and others imposing life sentences, while in Indonesia the criminal sanctions are it is not clear (there are no regulations regarding punishment for perpetrators of raping corpses), and judges usually sentence perpetrators to other crimes such as theft.

in connection with the sexually motivated murder offence. The most serious kind of murder is covered under Article 338, which states, "Anyone who intentionally takes the life of another person shall be punished for murder with a maximum imprisonment of 15 years." (Kaudis, 2021). In addition to establishing the subjective aspect of will and the objective form of the act of elimination, it is necessary to show that the act of taking another person's life was carried out soon after the will (the intention to take another person's life) arose (Marentek, 2019).

Furthermore, Article 285 of the Criminal Code states, "Anyone who, by force or threat of violence, forces a woman who is not his wife to have sexual intercourse with him, shall be punished, for rape, with a maximum prison sentence of twelve years."

What this means is when a guy threatens or actually uses physical force on a woman who is not his wife so that she will have sexual contact with him against her will. On the other hand, Article 286 of the Criminal Code stipulates, "Anyone who has sexual intercourse with a woman who is not his wife, while he knows that the woman is unconscious or incapacitated, shall be punished by imprisonment for a maximum of nine years."

A woman who is not his wife is still alive and cognizant when the rape is committed under Article 285 of the Criminal Code, but under Article 286 of the Criminal Code, a woman is unconscious or faints. This means that offenders of rape against someone who is no longer alive are not regulated and are not mentioned in the Criminal Code. In other words, the offense of

sexual intercourse with a deceased person is not addressed in either the old Criminal Code or the current Criminal Code.

The commission of murder followed by the commission of the crime of sexual intercourse with a corpse or body is not generally governed by the Criminal Code. There are currently no laws in place to prosecute anyone responsible for raping a dead body. The principle of legality, or "Nullum delictum nulla poena sine praevia lege," which means no offense, no punishment without prior regulations, is codified in Book I of the Criminal Code, to which criminal law still refers (Moeljatno, 2002).

Here it can be observed that there is not a single judge who makes or gives birth to jurisprudence, of course this causes a legal vacuum in a criminal act. The judge will only bring murder charges even if there was sexual contact with the body. Despite the fact that it's obvious this treatment is cruel.

Case 519/Pid.B/2021/PN Jkt.Pst. exemplifies this point. The elements of Article 338 of the Criminal Code have been met, and there is no justification or excuse that frees the defendant from punishment, so the defendant must take responsibility for his actions by serving out his 11-year prison sentence in Decision Number 519/Pid.B/2021/PN Jkt.Pst.

The author is of the opinion that the application of criminal law by the judge in cases of murder and rape with Decision Number 519/Pid.B/2021/PN Jkt.Pst, namely Article 338 of the Criminal Code concerning ordinary murder is not appropriate considering that the act committed by the defendant was not only murder but also sexual intercourse. with corpses is also done. When it was determined that the defendant had sexual contact with the deceased victim. This is obviously quite cruel.

This was a particularly horrific crime, and the judge should have given the penalty more weight as a result. As was previously established, there are no hard and fast laws prohibiting homosexual acts or the rape of the dead. A woman who was not his wife was raped while she was asleep or sleeping, according to this report. Because of this, there are no consequences for those who commit rape against the dead.

The next articles likewise solely prohibit adultery and child rape. Since the Criminal Code defines rape as an offense committed against a living person, and the regulations for the treatment of the unconscious do not apply to the deceased, rape of a corpse cannot be considered a crime. Indeed, rapes of the dead are extremely uncommon in Indonesia. There have been very few of these. However, in practice, there are no well-defined rules surrounding this type of illegal activity.

On the other hand, the initial criminal act committed by the offender of this crime is the victim's murder. Perhaps the killer's initial aim was to have sex with the victim, but when the victim resisted, the killer's thoughts turned to killing him and then having sex with his body. This indicates that if you look at the actions carried out by the criminal, it is between opportunity and intention. It's possible to call the behavior of someone who gets spontaneous sexual desire upon seeing the victim an opportunity, and to call the behavior of someone who sets out to rape the victim an intention.

Finally, the author argues that the public prosecutor's indictment does not need to include sexual intercourse with a dead body as an element of murder with premeditation. Remember Criminal Code sections are vague and make it hard to prosecute those who rape dead bodies. Because there is no section that specifically addresses the rape of dead bodies. Only sexual activity with a defenseless person is subject to the provisions of the Criminal Code. This means that the culprit can only be held accountable when the victim is either a living person in a helpless position or a dead person who has already passed away.

However, there is a legal vacuum in Indonesia because the criminal law does not address rape of corpses, meaning that those who commit such acts cannot be prosecuted and therefore are

not deterred by the possibility of punishment. The act of raping a corpse has met the general criteria for an act that can be said to be a criminal act, apart from that it has also fulfilled the juridical basis, theoretical basis and sociological basis for reforming norms, so that future criminal law policy updates can be carried out which regulate the act of raping corpses in the future. a crime prevention policy lens to provide legal clarity and citizen safety.

3.2. Efforts That Must Be Taken by the Victim's Family for the Crime of Murder Accompanied by Sexual Intercourse with a Corpse Related to the Sentence Sentenced by the Judge

To date, there has been no legislative rule governing penalty for the crime of murder that is accompanied by sexual intercourse with a body, creating a legal vacuum because the Criminal Code does not punish sexual intercourse with a corpse (Jauhara et al., 2021). The Criminal Code only applies to instances of sexual activity with a living person. If a man threatens or coerces a woman who is not his wife into having sexual contact with him, he is guilty of a crime under Article 285 of the Criminal Code. Article 286 of the Criminal Code states that a man is guilty of rape if he molests a woman who is not his wife when she is unconscious or unconscious.

Based on this, the legal vacuum about sexual intercourse with a corpse should be included in a violation of morality which explicitly violates the moral honor of a body, because sexual intercourse with a corpse is a crime of morality, namely the promotion of sexual impulses. There is no debate in the new Criminal Code that specifies criminal consequences for perpetrators who have sexual intercourse with corpses. The phrase "treating corpses in an uncivilized manner" appears in the new Criminal Code, although it can be interpreted in different ways, making it hard to catch people who engage in sexual intercourse with corpses.

As is well-known, engaging in sexual activity with a dead body is a form of aberrant conduct, as is the desire to engage in such activity. In the Criminal Code, rape is specifically addressed in Articles 285 and 288. While the Criminal Code does have provisions for dealing with dead bodies (Article 178 through Article 181), these provisions do not apply to those who engage in sexual activity with a corpse, as their elements do not match the crime of rape.

The Criminal Code does not specify any distinct components or procedures. The Criminal Code governs the circumstances under which a rapist may engage in sexual activity with a victim who is defenseless. The usage of the phrase helpless by judges is still construed in a limited sense, because those who are mentally retarded fall into this category of helpless. It is possible to classify as "helpless" women who lack agency due to mental retardation, which prevents them from thinking like typical adults and, thus, from realizing the consequences of their actions (Waluyo, 2022).

The theory that people who engage in sexual activity with a dead body should face criminal charges. Necrophilia disorder is the medical term for this illness. Abdullah (2022). Those who are afflicted with the illness or ailment an individual with necrophilia will find themselves drawn to activities that are associated with the "death" theme, including sexual encounters with dead bodies. This is because their vision of something that is living will only create damage and destruction, culminating in feelings of hatred for the sufferers. The majority of those who are afflicted value law and order.

Like is known, every perpetrator of a criminal act like in this case must be accompanied by another illegal conduct, namely starting his deed by killing the victim. Perhaps the killer's initial aim was to have sex with the victim, but when the victim resisted, the killer's thoughts turned to killing him and then having sex with his body. This indicates that if you look at the actions carried out by the criminal, it is between opportunity and intention.

One example of a concurrent criminal act (*concursum* or *samenloop*) is murder combined with sexual activity involving a corpse (Ali, 2022). If a person has committed many crimes and the court has not yet studied and decided on all of the crimes, the regulations regulating concurrent

action will govern how the cases will be resolved and sanctions (criminal sentence system) imposed. More specifically, the concurrent provisions control and determine: (a) the procedure for hearing or examining (resolving) cases; and (b) the procedure for imposing a punishment on a single offender for several crimes that have not been heard or determined by the court (John Anggina Hasibuan, 2018).

Arguments for and against the case are presented, with one pro being that no explicit articles in the Criminal Code regulate rape of corpses, making it difficult for perpetrators to be charged under the articles in the Criminal Code. This is according to Abdul Aziz Nasihudinas, an academic at the Faculty of Law, Soedirman University, Purwokerto. Only sexual activity with a defenseless person is subject to the provisions of the Criminal Code. This means that the culprit can only be held accountable when the victim is either a living person in a helpless position or a dead person who has already passed away. In addition, there is a lack of definitive case law for how law enforcement should penalize those responsible for corpse rape.

However, the 2023 Criminal Code describes how handling corpses is barbaric and provides for up to two years in prison or a fine in situations of sexual intercourse/rape on corpses. A deceased person or body must be treated with respect by those who are still alive. Traditional rites, bathing, purifying, a proper burial, visits from family, and even celebrations to honor the departure of the corpse at a set time are all examples of how corpses are treated with respect in many cultures. When taken at face value, this suggests that nobody living should show disrespect to the dead.

As a legislation that is hoped to be put into effect in the future, the Criminal Code of 2023 is considered *ius constituendum* (MUFTY, 2023). It is determined in Article 271 that "any person who unlawfully takes items from a corpse, digs up, dismantles, takes, moves, transports, or treats in an uncivil manner a corpse that has been exhumed or taken, shall be punished with a maximum imprisonment of 2 (two) years or a maximum fine of Category III." Article 271 clarifies that according to it "the target of the action in this provision is the corpse and the items that are with the corpse in the grave; and what is meant by" dead body "is a person who is dead and has been buried, whether still intact or not but most of the body organs are still intact." Based on the interpretation of Article 271 of the Criminal Code of 2023, in which the corpse that is the object of the crime is a corpse that has "been" buried, deviant sexual behavior of necrophiles committed against unburied corpses cannot be charged with committing a crime.

As a result, perpetrators of rape or sexual intercourse with a corpse cannot be charged with a crime and escape the threat of criminal punishment, creating a clear legal vacuum. There are no normative rules in positive law in Indonesia that regulate these criminal acts. In addition to meeting the broad conditions for an act to be regarded a criminal conduct, raping or having sexual intercourse with a corpse also satisfies the juridical basis, theoretical base, and social basis for implementing norm revisions. There is an urgent need for legal updates regarding future criminal law policies that regulate firmly regarding acts of rape or sexual intercourse with corpses in an effort to overcome crimes in the future, so that legal certainty can be guaranteed and citizens can be protected.

With reference to Central Jakarta District Court Decision Number 519/Pid.B/2021/PN Jkt.Pst, which deals with a case of murder and sexual intercourse with a corpse, Author believes victim's family and society are left with an unsatisfied feeling of justice and no deterrence effect from the perpetrator's punishment. Meanwhile, the victim's family can seek justice through the legal system by asking the panel of judges to impose the maximum sentence, namely the death penalty, on the defendant because the crimes committed were so heinous that no punishment short of death would be fitting.

However, if the judge's verdict for the perpetrator of a murder victim accompanied by rape of a deceased person's (corpse) is deemed unsatisfactory, then one or both parties in a lawsuit against a District Court decision can request one of the typical legal remedies. If either party is dissatisfied with the ruling in the lower court, they may file an appeal with the High Court

through the lower court. In accordance with Article 67 of the Criminal Procedure Code, either the defendant or the public prosecutor may file a legal appeal. The defendant or his or her authorized representative may also file an appeal with the High Court.

It is important to realize that a defendant or public prosecutor might take legal action if they disagree with the verdict. A defendant may file an appeal either on his own behalf or through counsel. Seven days after the verdict or trial decision is made, an appeal may be filed per Article 223 paragraph (2) of the Criminal Procedure Code. Defendant is presumed to have accepted the ruling if no appeal is filed within this time frame.

Meanwhile, in regards to the concept of regulating rape against corpses, it is proposed that the perpetrator of necrophilia can be sentenced to death if the rape of a corpse precedes another criminal act, such as torture accompanied by murder which causes death, and that a minimum prison sentence of 2 years can be imposed if the necrophiliac perpetrator only commits rape against the corpse without any other criminal act being preceded. Necrophilic rape of a corpse should be punishable by criminal penalty because humans must be able to discriminate between good and bad, right or wrong and humans can be responsible for what they do since raping corpses is an act that profoundly violates norms and morality. along with faith.

On the other hand, necrophiles who "cooperate" with corpses should be subject to criminal law prosecution, or at least to action as specified in Article 103 of the 2023 Criminal Code, in the form of handing over to the government; or if the principal criminal sanction is imposed in the form of imprisonment or a fine, the perpetrator should also be given a secondary criminal sanction of community service. The perpetrator's mental health greatly benefits from psychotherapy.

4. Conclusion

It is well knowledge that the crime of rape against a corpse or a deceased person is not yet precisely regulated in Indonesian law. So, sexual intercourse with a corpse is not a criminal act of rape. The act of raping a corpse has met the general criteria for an act that can be said to be a criminal act, apart from that it has also fulfilled the juridical basis, theoretical basis and sociological basis for reforming norms, so that future criminal law policy updates can be carried out which regulate the act of raping corpses in the future. policy analysis from the standpoint of criminal law to guarantee legal certainty and shield citizens in the name of crime prevention.

If the prosecutor does not file an appeal, the author argues, the victim can seek restitution from the criminal in the civil court system. In addition, if the prosecution does not file an appeal when the judge's decision is less than two-thirds in favor of the prosecution, particularly when the case involves the public interest, the decision will stand. If it is shown that the prosecutor did not file an appeal, disciplinary action may be taken.

Because there is now no definitive regulation of sexual intercourse with a corpse in Indonesian criminal law sources, the offender may be able to avoid punishment. As a result of the extreme brutality of the crime, the judge should impose harsher penalties on the offender. Based on this, the Legislative Institution needs to establish a law that specifically or at least regulates this act in order to give legal clarity for the perpetrator, justice for the victim, and advantages for members of the community.

The findings of this study may persuade legal analysts to reevaluate the punishments meted out in such instances. This must be done to make sure that the penalty is appropriate for the offence and will deter others from committing the same or similar acts. The significance of public education and counselling on the legal ramifications of necrophilia is another practical consequence. A great way to do this is to launch public awareness campaigns that educate people on the significance of honouring the rights and dignity of individuals, even after they pass away.

The Legislative Body and the Executive should make the Criminal Code of 2023 a National Legislation Program (Prolegnas) to address the existing regulatory void, notably with regards to the rape of corpses. The victims' families deserve increased attention from law enforcement regarding the rights that have been infringed by those who engage in sexual intercourse with corpses. This should be done without disregarding proper conduct, social mores, or the law.

References

- Adi, R. (2021). *Metodologi Penelitian Sosial dan Hukum*. Yayasan Pustaka Obor Indonesia.
- Ali, M. (2022). *Dasar-Dasar Hukum Pidana*. Sinar Grafika.
- Ar, S. A. S. (2012). PERUMUSAN SANKSI PIDANA DALAM PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN. *Perspektif*, 17(1), Article 1. <https://doi.org/10.30742/perspektif.v17i1.91>
- Azizah, N. A. (2023). *Sanksi Pidana Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual Dalam Perspektif Tujuan Pemidanaan*. <https://dspace.uui.ac.id/handle/123456789/43418>
- Beauregard, E., Chopin, J., & Darjee, R. (2022). Foreign Object Insertion in Sexual Homicide: A New Perspective. *Journal of Interpersonal Violence*, 37(11-12), NP8350-NP8368. <https://doi.org/10.1177/0886260520976209>
- Boëtsch, G. (2004). A metaphor of primitivism: Cannibals and cannibalism in French anthropological thought of the 19th century. *Estudios del Hombre. Man as Meat, Universidad de Guadalajara*, 19, 56-72. <http://148.202.18.157/sitios/publicacionesite/ppperiod/esthom/esthompdf/esthom19/55-72.pdf>
- Carter, A. J., & Hollin, C. R. (2014). Assessment and Treatment When Sex Is Attached to a Killing: A Case Study. Dalam *Sex Offender Treatment* (hlm. 286-304). John Wiley & Sons, Ltd. <https://doi.org/10.1002/9781118674352.ch16>
- Endri, E., Suryadi, S., & Sucipta, P. R. (2020). Proporsionalitas Putusan Hakim Berdasarkan Ide Keseimbangan. *Jurnal Selat*, 7(2), Article 2. <https://doi.org/10.31629/selat.v7i2.2391>
- Gunarto, M. P. (2012). ASAS KESEIMBANGAN DALAM KONSEP RANCANGAN UNDANG-UNDANG KITAB UNDANG-UNDANG HUKUM PIDANA. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 24(1), Article 1. <https://doi.org/10.22146/jmh.16143>
- Hawary, K., Artina, D., & R, M. (2019). GAGASAN PEMIDANAAN TERHADAP PELAKU KEJAHATAN PEMERKOSAAN MAYAT (NEKROFILIA) DALAM HUKUM POSITIF INDONESIA. *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Hukum*, 6(2), Article 2. <https://jnse.ejournal.unri.ac.id/index.php/JOMFHUKUM/article/view/26415>
- Jauhara, H., Usman, U., & Wahyudhi, D. (2021). *Kebijakan Hukum Pidana terhadap Perkosaan Mayat (Necrophilia)* [Other, Universitas Jambi]. <https://doi.org/10.3.%20Persetujuan%20%2B%20Pengesahan.pdf>
- Jhon Anggina Hasibuan, J. A. H. (2018). *TINJAUAN FIQH JINAYAH TERHADAP SANKSI TINDAK PIDANA PERBARENGAN (CONCURSUS) DALAM KITAB UNDANG-UNDANG HUKUM PIDANA* [Diploma, Perpustakaan Syariah]. <http://eprints.radenfatah.ac.id/2442/>
- Kaudis, D. M. (2021). TINJAUAN YURIDIS TERHADAP PELAKU PEMBUNUHAN DALAM KEADAAN TERPAKSA UNTUK MEMBELA DIRI MENURUT PASAL 49 KUHP DAN PASAL 338 KUHP. *LEX CRIMEN*, 10(3), Article 3. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/33128>
- Mahmud Marzuki, Peter. (2011). *Penelitian Hukum*. Kencana Prenada Media Group.
- Maitulung, F. (2013). PENANGANAN TERHADAP PELAKU TINDAK PIDANA PEMBUNUHAN YANG DILAKUKAN PSIKOPAT. *LEX CRIMEN*, 2(7), Article 7. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/3168>
- Marentek, J. I. (2019). PERTANGGUNGJAWABAN PIDANA PELAKU TINDAK PIDANA PEMBUNUHAN BERENCANA DITINJAU DARI PASAL 340 KUHP. *LEX CRIMEN*, 8(11), Article 11. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/27953>
- Moeljatno, S. H. (2002). *Asas-asas Hukum Pidana*. Bina Aksara.
- MUFTY, A. M. (2023). *KEBIJAKAN PENEGAKAN HUKUM TERHADAP TINDAK PIDANA RINGAN DALAM PERSPEKTIF IUS CONSTITUENDUM* [Undergraduate, Universitas Islam Sultan Agung Semarang]. <http://repository.unissula.ac.id/32043/>
- (Oliver) Chan, H. C. (2017). Sexual Homicide. Dalam *The Handbook of Homicide* (hlm. 105-130). John Wiley & Sons, Ltd. <https://doi.org/10.1002/9781118924501.ch7>

- Pramesti, T. J. A. (2021). *Jerat Pidana Pelaku Mutilasi dan Pemerkosa Mayat – Klinik Hukumonline*.
<https://www.hukumonline.com/klinik/a/jerat-pidana-pelaku-mutilasi-dan-pemerkosa-mayat-lt567ac0977c701>
- Saly, J. N., & Pratama, H. I. (2023). Penerapan Sanksi Pidana bagi Pelaku Tindak Pidana Pembunuhan Disertai Persetubuhan dengan Orang Meninggal. *Jurnal Kewarganegaraan*, 7(2), Article 2.
<https://doi.org/10.31316/jk.v7i2.5410>
- Soekanto, S. (2007). *Penelitian hukum normatif: Suatu tinjauan singkat*. Raja Grafindo Persada.
- Thomson, S. B., Guy Ritty, Sarah Hainsworth, Grant. (2016). Introduction to Criminal Human Dismemberment. Dalam *Criminal Dismemberment*. CRC Press.
- Waluyo, B. (2022). *Vitikmologi: Perlindungan Korban dan Saksi*. Sinar Grafika.