

Analysis of the Classification of Crime of Sexual Intercourse with a Dead Body (Necrophilia) according to Anil Aggarwal in Indonesian Criminal Law

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Abstract

This research critically examines Indonesian criminal law in addressing necrophilia's various manifestations, emphasizing the protection of deceased dignity and human rights. Using normative legal analysis, the study reveals that Indonesian criminal law provides partial coverage for necrophilia cases. Role Player necrophilia is addressed by Articles 6b and 12 of the TPKS Law, focusing on victim dignity and perpetrator sanctions. Romantic necrophilia, involving exhumation or corpse concealment, may fall under Criminal Code Articles 180 and 181, aimed at protecting the sanctity of the deceased. Necrophiliac Fantasizers, though not explicitly penalized, raise concerns due to the potential transition from fantasy to criminal acts. Tactile necrophilia is punishable under Articles 6b and 6c of the TPKS Law when physical abuse of corpses occurs. Additionally, Fetishistic necrophiles and Necromutilomaniacs who exploit corpses are subject to Criminal Code Articles 180 and 181. The findings indicate a need for legal reform, as current laws fail to comprehensively cover all necrophilia types, especially Romantic necrophilia and Necrophiliac Fantasizers. Furthermore, Homicidal and Exclusive necrophiles, committing extreme offenses, fall under Articles 338, 339, and 340, along with Article 6b and 180, addressing severe harm, murder, and corpse exploitation. This study's novelty lies in categorizing necrophilia types within Indonesian law, highlighting gaps in legal protections. It recommends targeted legal amendments to ensure all forms of necrophilia are adequately recognized and prosecuted, thereby strengthening ethical and societal standards.

Keywords: *Criminal Code; Necrophilia; Protection of Corpse*

1. INTRODUCTION

Crimes against corpses, particularly sexual intercourse with a dead body or necrophilia,¹ are a rare and disturbing phenomenon that has received limited attention in Indonesian criminal law discussions². While Anil Aggarwal's classification has provided a detailed understanding of necrophilia from a forensic and psychological perspective,³ there remains a legal gap in Indonesia regarding how such acts are regulated. The Indonesian Criminal Code (KUHP) and Law Number 12 of 2022 concerning Sexual Violence (TPKS Law) do not explicitly address necrophilia, which raises concerns about legal uncertainty in the prosecution and punishment of such acts.⁴

¹ Aftab Ur Rahaman Zahin, "Psychoanalytical Interpretation of William Faulkner's A Rose for Emily: The Exposition of Unconscious Through Necrophilia," *International Journal of Academic and Practical Research* 1, no. 2 (2022): 54, <http://dx.doi.org/10.2139/ssrn.4279742>.

² Agnieszka Ogonowska, "Ukryta (Symboliczna) Nekrofilia. RealDoll, Sexroboty i Fembot, Czyli w Stronę Nowej Antropologii Seksualności i Antykulturoterapii," *Studia de Cultura* 11, no. 4 (2019): 101, <https://doi.org/10.24917/20837275.11.4.6>.

³ Robert J B Lehmann, Alexander F. Schmidt, and Sara Jahnke, "Stigmatization of Paraphilias and Psychological Conditions Linked to Sexual Offending," *The Journal of Sex Research* 58, no. 4 (May 4, 2021): 439, <https://doi.org/10.1080/00224499.2020.1754748>.

⁴ Virgin Muthia Imron, Febrian Arif Wicaksana, and Arif Dian Santoso, "Necrophilia In Perspectives Of Indonesian Positive Law And Islamic Law : Necrophilia," *Journal of Indonesian Comparative of Syari'ah Law* 6, no. 2 (January 22, 2024): 176, <https://doi.org/10.21111/jicl.v6i2.10487>.

The research question addressed in this study is: How can Anil Aggarwal's classification of necrophilia be analyzed and applied within the context of Indonesian criminal law? This research focuses on addressing the critical question of whether necrophilia is classified as a distinct criminal act under Indonesian law or if it is merely considered an offense against the dignity of the corpse.

The urgency of this research lies in the significant social, moral, and legal implications of necrophilia, a disturbing and ethically complex crime that, despite its rarity, poses profound challenges to Indonesian legal and cultural norms. From a social perspective, necrophilia disrupts deeply rooted societal values regarding respect for the deceased, provoking public outrage and creating a sense of injustice when legal frameworks fail to adequately address such acts. Morally, the act of necrophilia transgresses not only religious and cultural norms but also the fundamental human duty to honor the dead. The violation of these moral standards can erode public trust in the legal system if such offenses are not properly regulated or punished. From a legal standpoint, the absence of explicit regulations addressing necrophilia within Indonesian criminal law creates ambiguity in the enforcement and prosecution of these acts. This legal vacuum leaves room for inconsistent interpretations of necrophilic behavior, which undermines the justice system's ability to protect the dignity of the deceased and uphold societal ethical norms. Given that necrophilia is currently not categorized as a distinct criminal offense, it becomes crucial to evaluate whether the existing provisions, such as those in the Indonesian Criminal Code (KUHP) and the TPKS Law, sufficiently cover the complexity of necrophilic acts or if additional legal reforms are necessary. The urgency of this research is driven by the need to clarify the legal status of necrophilia in Indonesia to ensure that the law both reflects and enforces societal moral values while providing comprehensive protection for victims and their families. By addressing these legal gaps, this study contributes to the development of a clearer and more robust regulatory framework that can more effectively handle the complex nature of necrophilia cases, ensuring that justice is served and social and moral integrity is preserved.

Previous studies in Indonesia have either glossed over the complexity of necrophilia or focused on tangential aspects such as general offenses against corpses. For example, research by Abdullah has examined sexual intercourse with corpses primarily in terms of its impact on the family or society, but without delving into the specific forms of necrophilia as outlined by Aggarwal.⁵ Similarly, Loin, focused on specific legal cases without offering a comprehensive legal analysis of necrophilia.⁶ This research moves beyond these previous efforts by conducting a detailed investigation into the different types of necrophilia, as defined by Aggarwal, and assessing how each type might be classified under Indonesian law.

⁵ Jeane Neltje Saly and Hafidz Indra Pratama, "Penerapan Sanksi Pidana Bagi Pelaku Tindak Pidana Pembunuhan Disertai Persetubuhan Dengan Orang Meninggal," *Jurnal Kewarganegaraan* 7, no. 2 (2023), <https://doi.org/10.31316/jk.v7i2.5410>.

⁶ Rymundus Loin, Budimansyah, and Warriyodi, "Criminal Sanctions for Murder with Necrophilia (Case Study 519/PID.B/2021/PN.JKT.PST)," *Journal of Law Science* 6, no. 1 (2024), <https://doi.org/10.35335/jls.v6i1.4461>.

This study aims to bridge this gap by conducting a comprehensive analysis of relevant provisions in the Criminal Code and TPKS Law and comparing them with Aggarwal's classification of necrophilia. By integrating forensic, psychological, and legal perspectives, this research will propose regulatory improvements to address the existing deficiencies and enhance the legal framework's ability to handle cases of necrophilia. This research will also contribute to the broader reform of Indonesian criminal law by offering recommendations for clearer and more enforceable regulations against necrophilia.

The phenomenon of necrophilia, though rare, has severe social and psychological implications.⁷ In Indonesia, where cultural norms are deeply entrenched, public reactions to necrophilia cases have often been fueled by moral outrage and highlighted weaknesses in the legal system. The absence of a clear legal framework governing such acts can lead to inconsistent legal interpretations and a lack of justice for victims' families. Therefore, understanding necrophilia within the context of Indonesian legal and cultural norms is crucial to formulating effective policies and law enforcement strategies.

One of the key contributions of this research lies in the application of Anil Aggarwal's theory, which offers a structured classification of necrophilia,⁸ identifying various forms and motivations behind such acts.⁹ While Aggarwal's framework has been widely recognized in the international forensic literature, its application within the Indonesian legal system remains largely unexplored.¹⁰ This study seeks to fill that gap by assessing how Aggarwal's classification can be aligned with the Indonesian legal context and used to better categorize and regulate necrophilia offenses under national law.

By critically analyzing Aggarwal's classification and applying it to the Indonesian legal framework, this study offers novel insights into how necrophilia can be understood, classified, and regulated in Indonesia. The research will propose specific legal amendments to ensure that necrophilia is not only recognized as a crime but is also treated as a distinct and serious offense, rather than merely an insult to the dignity of the dead. This analysis will offer practical legal solutions that policymakers can use to strengthen legal protections and close the existing gaps in the regulation of necrophilia.

In conclusion, this research seeks to provide a deeper understanding of necrophilia within the context of Indonesian criminal law. By employing Anil Aggarwal's comprehensive classification and offering recommendations for clearer legal provisions, this study aims to contribute to both academic literature and practical law enforcement, ensuring that cases of necrophilia are handled with the seriousness they deserve. The

⁷ Pradeep Kumar, Sushma Rathee, and Rajiv Gupta, "Necrophilia: An Understanding," *The International Journal of Indian Psychology* 7, no. 2 (2019): 607, <https://doi.org/10.25215/0702.073>.

⁸ Athulya S Menon and Nitin Nishad, "Necrophilia: A Cruelty Towards Corpse-Review Analysis," *Indian Journal of Forensic Medicine and Toxicology* 18, no. 3 (2024): 34, <https://doi.org/10.37506/8bk74k78>.

⁹ Jessica Begon, "Sexual Perversion: A Liberal Account," *Journal of Social Philosophy* 5, no. 3 (2019): 7, <https://doi.org/10.1111/josp.12302>.

¹⁰ J. Nicolás I. Martínez-López et al., "Legal and Policy Implications in Mexico of Changes in ICD-11 Paraphilic Disorders," *The Journal of Sexual Medicine* 16, no. 10 (October 1, 2019): 1626, <https://doi.org/10.1016/j.jsxm.2019.07.022>.

research findings will help inform legal reform efforts, ensuring that Indonesia's criminal law is equipped to effectively deal with the complex and distressing issue of necrophilia.

2. METHOD

This research utilises the normative research method, which considers law as a unified system of norms. The focus is on understanding the law as a collection of norms that form a systematic structure, including legal principles, statutory norms, and rules from legal literature. Sources include scholarly journals, law books, and research results related to the topic.¹¹ A conceptual approach and state approach are used to examine relevant legal theories and apply them in practice, particularly in relation to the classification of necrophilia according to Anil Aggarwal in Indonesian criminal law.¹²

The specification of this research is descriptive-analytical, which not only describes existing phenomena or circumstances but also analyzes them to provide a deeper understanding.¹³ The primary legal materials used in this research are the Criminal Code (KUHP) and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. In addition, secondary legal materials in the form of research results published in international and national journals, as well as supporting reference books, are also important data sources in this research.¹⁴ Data collection techniques are carried out through literature studies of legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials, which are traced through the internet media.¹⁵ The data that has been collected will be analyzed using a qualitative descriptive approach to provide an in-depth narrative of the research results. This analysis process involves a detailed interpretation of information obtained from various sources, with the aim of revealing answers to the phenomena being studied.

3. RESULTS AND DISCUSSION

3.1 Classification of Necrophilia According to Anil Aggarwal in Indonesian Criminal Law Review

Necrophilia, as a sexual attraction or engagement with a corpse, is an extreme form of paraphilia that has garnered attention not only from psychological and medical perspectives¹⁶ but also within the realm of criminal law. Globally, the treatment of necrophilia within legal frameworks varies, with some countries explicitly criminalizing the act, while others address it under broader laws governing the desecration of human remains

¹¹ Muhaimin Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 45.

¹² Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Qiara Media, 2021), 60.

¹³ Sigit Sapto Nugroho, Anik Tri Haryani, and Farkhani, *Metodologi Riset Hukum* (Surakarta: Oase Pustaka, 2020), 42.

¹⁴ Muhammad Siddiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum* (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022), 12.

¹⁵ Nitaria Angkasa et al., *Metode Penelitian Hukum Sebagai Suatu Pengantar* (Lampung: Penerbit Laduny, 2019), 56.

¹⁶ Soumadip Kundu and Amit Ghosh, "Indian Journal of Forensic Medicine and Toxicology," *International Journal of Law Management and Humanities* 4, no. 3 (2021): 6145, <https://doi.org/10.1000/IJLMH.111215>.

or sexual violence.¹⁷ In Indonesia, the legal treatment of necrophilia remains relatively underexplored, with limited direct references to the behavior in national legislation, such as the Criminal Code (KUHP) and Law Number 12 of 2022 concerning Sexual Violence (TPKS Law).

One of the most comprehensive frameworks for understanding necrophilia from a psychological standpoint is presented by Anil Aggarwal, who classifies the behavior into ten distinct subtypes.¹⁸ This classification, while primarily psychological, has significant implications for legal discourse, particularly in jurisdictions like Indonesia, where the criminal law is yet to explicitly address the nuanced forms of necrophilic behavior.^{19,20}

The purpose of this section is to explore how Aggarwal's classification of necrophilia can be integrated into the Indonesian legal framework, analyzing the extent to which existing laws address the various forms of necrophilia, and identifying potential gaps in the legislation. This discussion is particularly relevant in light of Indonesia's evolving legal landscape, where issues of sexual violence and the protection of human dignity are increasingly at the forefront of legal reforms. The section will evaluate whether the current KUHP and TPKS Law are equipped to handle the complexities of necrophilia, as classified by Aggarwal, and will propose potential legal developments to ensure that the full spectrum of necrophilic behavior is adequately covered under Indonesian law.

By examining each of Aggarwal's classifications in relation to Indonesian law, this section seeks to fill a critical gap in legal scholarship, offering a nuanced understanding of how necrophilia is treated under Indonesian criminal law and providing a foundation for future legal reforms. Through this analysis, it will be shown that while some forms of necrophilia may be prosecuted under existing laws, others remain legally ambiguous, thus underscoring the need for clearer legal provisions that address the unique characteristics of necrophilic behavior. The ultimate aim is to contribute to the broader discourse on how contemporary legal systems, particularly in Indonesia, can more effectively respond to complex and often socially taboo criminal behaviors such as necrophilia. The classification can be seen in the table below:^{21,22}

¹⁷ Abu Sadat Mohammad Nurunnabi et al., "Police Revealed a Case of Necrophilia in Dhaka, Bangladesh—Legal and Psychiatric Issues," *Community Based Medical Journal* 10, no. 2 (2021): 112.

¹⁸ Palash Kumar Bose et al., "Necrophilia in a Forensic Morgue Staff in Bangladesh: Forensic Psychiatric Challenges and Implications," *Journal of Affective Disorders Reports* 5 (July 1, 2021): 2, <https://doi.org/10.1016/j.jadr.2021.100158>.

¹⁹ Mark Pettigrew, "Fantasy, Opportunity, Homicide: Testing Classifications of Necrophilic Behaviour," *Journal of Police and Criminal Psychology* 34, 2019, 15, <https://doi.org/10.1007/s11896-018-9259-z>.

²⁰ Julien Chopin and Eric Beauregard, "Patterns of Necrophilic Behaviors in Sexual Homicide: A Criminological Perspective," *International Journal of Offender Therapy and Comparative Criminology* 65, no. 15 (November 1, 2021): 4, <https://doi.org/10.1177/0306624X20969947>.

²¹ Fuadi Isnawan, "Policy on Criminalisation of Necrophilia Behaviour: Case Study of Junior High School Students in Mojokerto," 259.

²² Gurvinder S. Kalra, "Lights, Camera and Action: Learning Necrophilia in a Psychiatry Movie Club," *Journal of Forensic and Legal Medicine* 20, no. 3 (April 1, 2013): 141, <https://doi.org/10.1016/j.jflm.2012.06.001>.

Table 1 Anil Aggarwal Necrophilia's Classification

Class	Type	Characteristic
I	Role players	Enjoy sexual intercourse with a person pretending to be a corpse. ²³
II	Romantic necrophiles	Grieving people mummify the body parts of their recently deceased loved ones. ²⁴
III	Necrophiliac fantasizers	Having fantasies of having sexual intercourse with a corpse. ²⁵
IV	Tactile necrophiles	The interest in the corpse increases to the level of touching it. They like to caress the erotic body parts of the corpse, to reach orgasm. ²⁶
V	Fetishistic necrophiles	Cut off body parts of corpses, fetishise them, and keep them as a fetish. ²⁷
VI	Necromutilomaniacs	Necrophilic satisfaction comes from mutilating corpses. ²⁸
VII	Opportunistic necrophiles	This class of necrophiles is usually satisfied with sexual relations with the living, but if the opportunity arises, they will not refrain from having sexual relations with corpses. ²⁹ Necrophilic mortuary attendants belong to this class. ³⁰
VIII	Regular necrophiles	A person who tends to have sexual intercourse with corpses rather than with living individuals. ³¹
IX	Homicidal necrophiles	his category is the most dangerous, as they will kill someone to have sex with their corpse. They can have sex with a living person, but the need to have sex with a corpse is so great that they must kill a human in order to have sex with their corpse. ³²

²³ Upasana Borah, "A Conceptual Study to Necrophilia – A Review," *Journal of Forensic Research* 11, no. 4 (2020): 2, <https://doi.org/10.37421/jfr.11.461>.

²⁴ Sharol Steven, "Necrophilia: Loving the Dead," *International Journal of Engineering, Management and Humanities (IJEMH)* 4, no. 3 (2023): 89.

²⁵ Kim D. Ricardo, "Necrophilia: A New Social-Harm Taxonomy of U.S. Laws," *William & Mary Journal of Race, Gender, and Social Justice* 27, no. 2 (2021): 361.

²⁶ Anna Tippett, "Shining Light on an Unspeakable Crime: Necrophilia and the Need for Legal Reform," *Current Issues in Criminal Justice* 36, no. 1 (January 2, 2024): 116, <https://doi.org/10.1080/10345329.2023.2238378>.

²⁷ 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): 15, <https://doi.org/DOI Number: 10.5958/0974-1283.2019.00136.1>.

²⁸ Anubhav Yadav, "Defiling The Dead: Laws On Necrophilia," *SSRN*, 2023, 3, <https://dx.doi.org/10.2139/ssrn.4411070>.

²⁹ Poppy Sun, Eric Beauregard, and Julien Chopin, "The Significance of Unusual Acts in Sexual Homicide," *Journal of Investigative Psychology and Offender Profiling* 20, no. 3 (2023): 183, <https://doi.org/10.1002/jip.1619>.

³⁰ 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, <https://doi.org/10.1016/j.crbeha.2021.100020>.

³¹ Abhay Pachauri, "The Void Of Necrophilia Laws In Indian Criminal System: What Needs To Be Done," *Supremo Amicus* 25 (2021): 4, <https://doi-ds.org/doilink/08.2021-49632938/supremoamicus/v25/2021/27>.

³² Maame Efua Addadzi-Koom, "Medico-Legal and Ethical Issues of Necrophilia: A Ghanaian Perspective," *UCC Law Journal* 1, no. 2 (2021): 126, <https://doi.org/10.47963/ucclj.v1i2.414>.

X	Exclusive necrophiles	Sexual intercourse is only possible with corpses, with the total exception of living partners. ³³
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The table above presents Anil Aggarwal's detailed classification of necrophilia, which categorizes necrophilic behavior based on psychological motivation and the nature of interaction with corpses. Each category represents a specific form of necrophilia, ranging from fantasizers who engage only in mental imagery to homicidal necrophiles who commit murder solely for the purpose of engaging sexually with a corpse. This classification is essential for understanding the spectrum of necrophilic behaviors, which vary significantly in terms of severity and legal implications. In the context of Indonesian criminal law, this classification framework allows for a more nuanced approach to addressing different forms of necrophilia

3.2 Indonesian Criminal Law Analysis of Anil Aggarwal's Classification of Necrophilia

The importance of analysing Anil Aggarwal's classification of necrophilia in Indonesian criminal law cannot be underestimated. The ten-tier classification proposed by Aggarwal provides a very detailed and specific framework, which allows for a deeper understanding of the motivations, behaviour and psychology of necrophilia offenders.³⁴ In the context of Indonesian criminal law, the adoption of this classification can provide several important benefits.

Table 2 Potentially Used Article of Indonesian criminal Code to Anil Aggarwal

Necrophilia's Classification		
Class	Type	Potentially used articles
I	Role players	Pasal 6b UU TPKS Pasal 12 UU TPKS
II	Romantic necrophiles	Pasal 180 KUHP Pasal 181 KUHP
III	Necrophiliac fantasizers	Pasal 6b UU TPKS Pasal 12 UU TPKS
IV	Tactile necrophiles	Pasal 6b UU TPKS Pasal 6c UU TPKS
V	Fetishistic necrophiles	Pasal 180 KUHP Pasal 181 KUHP
VI	Necromutilomaniacs	Pasal 180 KUHP Pasal 181 KUHP
VII	Opportunistic necrophiles	Pasal 6b UU TPKS

³³ Mark Pettigrew, "Comorbid, Sequential, or Different Desires? Exploring the Relationship between Somnophilia and Necrophilia," *Journal of Sexual Aggression* 23 (2017): 2, <https://doi.org/10.1080/13552600.2017.1372937>.

³⁴ Jorge Beltran, Vilma Flores, and Eva Ordonez, "How Sadistic Behavior and Its Correlation to Sexual Coercion Leads to Fetishes and Sexual Aggression," *University of California Merced Undergraduate Research Journal* 11, no. 1 (2019): 79, <https://doi.org/10.5070/M4111041555>.

VIII	Regular necrophiles	Pasal 6b UU TPKS Pasal 12 UU TPKS Pasal 180 KUHP Pasal 181 KUHP
IX	Homicidal necrophiles	Pasal 340 KUHP
X	Exclusive necrophiles	Pasal 6b UU TPKS

The table below outlines the applicability of various articles within the Indonesian Criminal Code (KUHP) to Anil Aggarwal's ten classifications of necrophilia. Each article is carefully evaluated for its potential relevance to specific necrophilia categories based on the offense characteristics and legal ramifications. For example, as shown in Table 1, Romantic necrophilia, involving actions such as exhumation or concealment of corpses, can be addressed under Articles 180 and 181 of the KUHP, which focus on safeguarding the dignity of the deceased. This legal provision ensures that any violation against the sanctity of the deceased is prosecutable. Furthermore, Table 1 also illustrates that Fetishistic necrophilia, which includes acts of corpse mutilation for fetishistic purposes, is covered by Articles 180 and 181, offering a degree of protection against bodily desecration. These classifications help contextualize Indonesian criminal law's coverage of necrophilia and highlight areas where existing legislation aligns or lacks alignment with Aggarwal's framework. Each subsequent entry in Table 1 provides a similar analysis, demonstrating the law's reach and limitations across diverse necrophilic behaviors and underscoring areas for potential legal refinement. Below is an explanation of how each article corresponds to Aggarwal's classifications:

3.2.1 Analysing of Role Players in Indonesian Criminal Law

Necrophilic role players participate in sexual role-play involving simulated scenarios with corpses, without actual contact with the deceased. While this type of role-play does not involve real corpses, it may have legal implications if such materials are produced or disseminated. Under ITE Law which addresses the distribution of obscene materials, role-playing content that violates public morality could be penalized. Thus, while Indonesian law does not specifically criminalize necrophilic role-play, its dissemination could be subject to legal restrictions based on obscenity laws.

Article 6b of the TPKS Law stipulates that any person who commits physical sexual acts directed against the body, sexual desires, and/or reproductive organs with the intention of unlawfully placing a person under his power, both inside and outside of marriage, can be punished with imprisonment of up to 12 years and/or a fine of up to Rp300,000,000.00. In this case, if the Role Player type of necrophilia perpetrator forces their partner to play the role of a corpse and have sexual intercourse in that role, the act can be considered an

unlawful sexual act because it involves coercion and placing the victim under the power of the perpetrator.³⁵

Furthermore, Article 12 of the TPKS Law makes it clear that any person who by force, threat of force, or abuse of position, authority, trust, or vulnerability of a person for sexual gain, or exploits the sexual or other organs of the person, shall be punished for sexual exploitation. The punishment under Article 12 is more severe, with a maximum imprisonment of 15 years and/or a fine of up to IDR 1,000,000,000.³⁶ In the event that a Role Player type of necrophilia perpetrator takes advantage of a partner's vulnerability, dependency, or helplessness to force them to play the role of a corpse in sexual intercourse, the act may qualify as sexual exploitation.

3.2.2 Analysing Romantic necrophiles in Indonesian Criminal Law

The acts committed by Romantic Necrophiles may involve offenses against the provisions of Article 180 and Article 181 of the Criminal Code. Article 180 of the Criminal Code provides that any person who intentionally and unlawfully digs up or removes a corpse, or removes or transports a corpse which has been dug up or removed, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of three hundred Rupiahs.³⁷ In the case of Romantic Necrophiles, if the individual deliberately digs up a grave or removes the body of a loved one to fulfill their emotional or sexual desires, the act clearly violates Article 180 of the Criminal Code. This act is considered unlawful as it involves the exhumation and removal of the body without a valid permit, which is a violation of the legal norms and rules regarding the handling of the body.

In addition, Article 181 of the Criminal Code stipulates that anyone who buries, hides, carries away, or removes a corpse with the intention of concealing its death or birth, shall be punished by a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs.³⁸ In the context of Romantic Necrophiles, if the individual attempts to hide the corpse of a loved one, for example by reburying the corpse in an unauthorized location or carrying away the corpse to hide it from the authorities or family, the act violates Article 181 of the Criminal Code. These acts are not only unlawful but also undermine the administrative and law enforcement processes relating to the death of a person.

3.2.3 Analysis of Necrophiliac Fantasizers in Indonesian Criminal Law

Necrophilic fantasizers engage solely in fantasies about necrophilia without any physical interaction with corpses. Indonesian criminal law does not penalize mere thoughts

³⁵ Farly Renaldy Harikadua, Altje Agustin Musa, and Marhcel R. Maramis, "Sanksi Pidana Terhadap Pelecehan Seksual Nonfisik Dalam Konteks Undang-Undang No 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Lex Privatum* 13, no. 1 (2024): 8, <https://doi.org/10.31002/lh.v8i1.1423>.

³⁶ M. Chaerul Risal, "Perlindungan Hukum Terhadap Korban Kekerasan Seksual Pasca Pengesahan Undang-Undang Tindak Pidana Kekerasan Seksual: Penerapan Dan Efektivitas," *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan* 1, no. 2 (June 23, 2022): 89, <https://doi.org/10.24252/ad.v1i2.34207>.

³⁷ Opan Satria Mandala et al., "Penodaan Agama Dalam Perspektif Hukum Pidana Dan Hak Asasi Manusia Di Indonesia," *Al - Balad: Jurnal Hukum Tata Negara Dan Politik Islam* 4, no. 1 (2024): 13, <https://doi.org/10.59259/ab.v4i1.146>.

³⁸ Didi Hilman, "Tindak Pidana Agama Menurut Perspektif Hukum Islam, Hukum Positif Dan Hak Asasi Manusia," *MIZAN: Journal of Islamic Law* 4, no. 1 (2020): 36, <https://doi.org/10.32507/mizan.v4i1.593>.

or fantasies due to the principle of *actus reus*, which requires physical acts for criminal liability. Thus, fantasizers are not subject to criminal prosecution unless their fantasies translate into concrete actions. Necrophiliac Fantasizers are individuals who fantasize about necrophilia, but never actually have sexual intercourse with a corpse. In the context of Indonesian criminal law, specifically based on the provisions of Article 6b and Article 12 of the TPKS Law, acts that involve only fantasies without any physical action against corpses or other individuals do not directly fall under the category of criminal offences regulated by these articles.

Article 6b of the TPKS Law regulates physical sexual acts directed against the body, sexual desires, and/or reproductive organs of a person with the intention of unlawfully placing that person under his or her control. This article requires an element of physical action and coercion of another person to be sanctioned.³⁹ In the case of Necrophiliac Fantasizers, if the fantasies remain in the realm of the mind and do not translate into physical acts against corpses or other individuals, there is no element of physical sexual acts that can be penalised under Article 6b of the TPKS Law. However, if the fantasy turns into a physical act that involves unlawful coercion or control over a person, only then can Article 6b be applied. For example, if an individual who has necrophilia fantasies then forces another individual to act as a corpse or perform other sexual acts that involve coercion, then the act could be subject to Article 6b.

Article 12 of the TPKS Law regulates sexual exploitation that involves violence, threats of violence, or abuse of position, authority, trust, or vulnerability of a person to obtain benefits or utilize the sexual organs of that person.⁴⁰ Again, to be subject to Article 12, there needs to be an actual act involving sexual exploitation.⁴¹ In the context of Necrophiliac Fantasizers, as long as there is no physical act or exploitation of another person, this article cannot be applied. If a person with necrophiliac fantasies attempts to manipulate or exploit another individual based on their fantasies, using force or deception, then such acts may qualify as sexual exploitation under Article 12.

3.2.4 Analysis of Tactile necrophiles in Indonesian Criminal Law

Article 6b, and 6c of TPKS Law, we can explore how the act of erotic touching on a corpse can be classified as a serious legal offence. Firstly, Article 6b of the TPKS Law regulates physical sexual acts directed against a person's body or sexual desires with the intention of unlawfully placing the person under the power of the perpetrator. In the context of Tactile Necrophiles, the act of erotic touching on a corpse, such as touching or groping sexually sensitive body parts, can be considered an unauthorised physical sexual act.

³⁹ Elsyah Ikhsani Azzahra, "Tindak Pidana Kekerasan Seksual Inses Pada Anak Dalam Hukum Positif Indonesia," *Journal of Contemporary Law Studies* 2, no. 1 (2024): 71, <https://doi.org/10.47134/lawstudies.v2i1.2128>.

⁴⁰ Rizki Setyobowo Sangalang, "Perlindungan Hukum Terhadap Korban Tindak Pidana Kekerasan Seksual Dalam Lingkungan Pendidikan," *Jurnal Ilmu Hukum Tambun Bungai* 7, no. 2 (2022): 185, <https://doi.org/10.61394/jihtb.v7i2.230>.

⁴¹ Sinta Wahyu Kartika and Ifahda Pratama Hapsari, "Sanksi Pidana Terhadap Pelaku Eksploitasi Seksual Anak Dibawah Umur Menurut UU TPKS Dan UUPA Dalam Kacamata Hukum Pidana Di Indonesia," *UNES Law Review* 6, no. 1 (2023): 2843, <https://doi.org/10.31933/unesrev>.

Especially if such acts are performed without the consent or lawful permission of an authorized party or the heirs of the corpse, this may be subject to the necessary criminal sanctions in accordance with Article 6b of the TPKS Law.⁴²

Furthermore, Article 6c of the TPKS Law regulates the abuse of position, authority, or trust to force or influence another person to commit copulation or obscene acts.⁴³ Article 6c of the TPKS Law provides a strong legal basis to take action against Tactile Necrophiles who utilize their access to corpses to perform sexual acts. This abuse of position not only violates human rights but also tarnishes the dignity and integrity of the cadaver that should be respected. In addition, such acts violate professional ethics and moral standards prevailing in society. Indonesian criminal law through the TPKS Law seeks to provide protection not only to living victims but also to corpses that should be treated with respect and dignity.

3.2.5 Fetishistic Necrophiles Analysis in Indonesian Criminal Law

To analyze the necrophilia type of Fetishistic Necrophiles, we can look at how their behavior violates Indonesian criminal law, particularly under Articles 180 and 181 of the Criminal Code. Although they do not have sexual intercourse with corpses, their actions still constitute a serious offense against prevailing social and legal norms.

Article 180 of the Criminal Code, prohibits the deliberate and unlawful act of digging up, removing, moving, or transporting a corpse.⁴⁴ In the case of Fetishistic Necrophiles, they engage in deviant acts by indiscriminately cutting off body parts of corpses, such as breasts, for use in fetishistic activities later. Although they do not have sexual intercourse with the corpse, this act of mutilating the corpse clearly violates Article 180 of the Criminal Code as it involves removing or transporting the body parts of a corpse without valid authorization. This act not only violates the law but also insults the dignity of the corpse and violates social norms and professional ethics governing the handling of corpses. The enforcement of Article 180 of the Criminal Code in this case aims to protect the dignity of the corpse and ensure that any action taken against the corpse is done with respect and in accordance with the applicable law.

Second, Article 181 of the Criminal Code regulates the act of hiding or removing a corpse with the intention of concealing its death or birth.⁴⁵ In the case of Fetishistic Necrophiles, the act of keeping parts of a corpse, such as pubic hair or fingers, as a kept

⁴² Reza Mahendra, Elizabeth Siregar, and Erwin, "Implikasi Yuridis Pasca Pemberlakuan Undang – Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual Terhadap Pelecehan Seksual Pengidap Fetishistic Disorder Dalam Perspektif Hukum Progresif," *PAMPAS: Journal of Criminal Law* 2, no. 3 (2024): 52, <https://doi.org/10.22437/pampas.v5i1.31808>.

⁴³ I Made Dimas Widyantara, Rodliyah, and Rina Khairani Pancaningrum, "Tindak Pidana Kekerasan Seksual Terhadap Perempuan Dan Anak (Studi Di Subdit IV PPA Direktorat Reskrim Polda NTB)," *Indonesia Berdaya* 4, no. 3 (2023): 981, <https://doi.org/10.47679/ib.2023509>.

⁴⁴ Kadek Indra Adi Pranata, Ni Putu Rai Yuliantini, and Dewa Gede Sudika Mangku, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pembuangan Bayi Di Wilayah Hukum Kabupaten Buleleng," *E-Journal Komunikasi Yustisia* 5, no. 1 (2022): 130, <https://doi.org/10.23887/jatayu.v5i1.45939>.

⁴⁵ Rika Saraswati, "Rekognisi Pengalaman Perempuan: Studi Kasus Pelaksanaan Pasal 4 PERMA Nomor 3 Tahun 2017," *Arena Hukum* 16, no. 1 (2023): 76, <https://doi.org/10.21776/ub.arenahukum.2023.01601.4>.

object to maintain erotic stimulation or wearing them as an amulet, can be considered a form of concealment or misuse of the corpse for personal purposes. This clearly violates Article 181 of the Criminal Code which prohibits such acts without the lawful permission of the authorities.

3.2.6 Analysis of Necromutilomaniacs in Indonesian Criminal Law

In order to analyze the necrophilia type of Necromutilomaniacs in more detail, it is necessary to understand that the characteristics of these individuals, who derive satisfaction from mutilating corpses while masturbating without engaging in sexual intercourse, present a series of serious criminal law violations under the Indonesian legal framework. Firstly, when we look at Article 6b of the TPKS Law, which regulates sexual acts directed against a person's body without their consent or against their will,⁴⁶ Necromutilomaniacs' actions clearly meet this definition. Although in the case of Necromutilomaniacs, the abused subject is a corpse that no longer has a will, this act still fulfills the definition of an unlawful sexual act. Necromutilomaniacs mutilate corpses and derive sexual gratification from the act. Although no sexual intercourse occurs in the traditional sense, the act of mutilating a corpse while masturbating is clearly a form of unlawful sexual act as it involves the misuse of the corpse's body for personal gratification without authorization.

Furthermore, Article 180 and Article 181 of the Criminal Code are also relevant in this context. Article 180 of the Criminal Code prohibits the act of taking, excavating, or transporting a corpse without a valid permit. In the context of Necromutilomaniacs, the act of mutilating a corpse without permission clearly violates this provision. Perpetrators involved in this act usually take or dig up corpses from their resting places or from hospitals and funeral homes. These acts constitute a form of contempt for the corpse and violate legal provisions that protect the dignity and integrity of the corpse,⁴⁷ while Article 181 of the KUHP deals with the act of concealment or misuse of a corpse with the intention of concealing its death or birth. In the case of Necromutilomaniacs, the act of keeping the body parts of a corpse for sexual gratification can be considered a form of concealment or abuse of the corpse. This clearly violates the provisions of Article 181 of the Criminal Code, which prohibits such actions without valid permission from the authorities. The misuse of corpses for personal purposes, as practiced by Necromutilomaniacs, not only violates the law but also violates the ethical and moral norms prevailing in society.⁴⁸ In the case of Necromutilomaniacs, the act of mutilating a corpse without permission and then deriving sexual gratification from the act clearly violates the provisions of Articles 180 and 181 of

⁴⁶ Ikka Puspita Sari and Zaenudin, "Kebijakan Hukum Pidana Dalam Tindak Pidana Kekerasan Seksual Menurut Hukum Pidana Di Indonesia," *Jurnal Dialektika Ilmu Hukum* 3, no. 1 (2023): 9, <https://doi.org/10.56128/jkih.v3i4.300>.

⁴⁷ Mychael Harris P Sidabutar and Vientje Ratna Multiwijaya, "Pemidanaan Terhadap Gabungan Tindak Pidana Penganiayaan Yang Menyebabkan Mati Dan Menyembunyikan Kematian Orang (Studi Kasus Putusan Nomor52/PID.B/2021/PN. MSH)," *Reformasi Hukum* 5, no. 4 (2023): 1033, <https://doi.org/10.25105/refor.v5i4.18454>.

⁴⁸ Kadek Indra Adi Pranata, Ni Putu Rai Yuliantini, and Dewa Gede Sudika Mangku, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pembuangan Bayi Di Wilayah Hukum Kabupaten Buleleng," 161. <https://doi.org/10.23887/jatayu.v5i1.45939>

the Criminal Code, as it is a form of insult to the dignity of the corpse and abuse of the corpse.

3.2.7 Analysis of Opportunistic Necrophiles in Indonesian Criminal Law

To analyze the Opportunistic Necrophiles type of necrophilia, which tends to have a preference for sexual relations with living people but will take advantage of opportunities if they arise to have sexual relations with corpses, we can relate it to Article 6b of the TPKS Law in more detail. Article 6b of the Anti-Sexual Violence Law specifically regulates sexual acts that are physically directed against a person's body, sexual desires, and/or reproductive organs with the intention of unlawfully placing the person under his or her control. In the context of Opportunistic Necrophiles, their act of taking advantage of the opportunity to have sexual relations with corpses clearly fulfills the elements of this article. Even though the corpse is unable to give consent or refuse, it is still a form of unlawful sexual act as it takes advantage of the victim's (in this case, the corpse) inability to resist or give consent.⁴⁹

In a more in-depth analysis, we can consider that the behavior of Opportunistic Necrophiles demonstrates sexual abuse and misuse of corpses. Although they may not have the initial desire to have sexual relations with the corpse, taking advantage of a situation where the corpse is unable to give consent or go against its will for its own sexual purposes is a serious violation of human rights and moral norms and applicable laws. In this context, Opportunistic Necrophiles can be considered as sex offenders who have the potential to harm society and violate individual rights.

In addition to Article 6b of the TPKS Law, the actions of Opportunistic Necrophiles may also violate provisions in the Criminal Code, specifically Article 180 and Article 181. Article 180 of the Criminal Code prohibits the taking, exhuming, or transporting of a corpse without a valid permit,⁵⁰ while Article 181 of the Criminal Code regulates the concealment or misuse of a corpse.⁵¹ Article 180 of the Criminal Code prohibits the act of taking or removing corpses from their resting place without lawful authorization. If Opportunistic Necrophiles perform sexual acts on the corpse by removing the corpse from its rightful place, they can be penalized under this article. In addition, Article 181 of the Criminal Code prohibits the concealment or misuse of corpses, which in this context could include unauthorized sexual acts on corpses.

⁴⁹ Muhammad Anis Zayadi and Lumatul Aisyah, "Kriminalisasi Marital Rape Perspektif Maqashid Al-Syari'ah (Kajian Atas UU PKDRT, UU TPKS Dan RUU KUHP)," *Wasathiyah* 4, no. 2 (2022): 73, <https://doi.org/10.58470/wasathiyah.v4i2.33>.

⁵⁰ Jufri Febriyanto Poetra, Rafika Nur, and Sumiyati Bedu, "Analisis Hukum Terkait Transplantasi Organ Tubuh Mayat Tanpa Identitas," *Jurnal Ilmu Sosial Dan Pendidikan (JISIP)* 7, no. 3 (2023): 2280, <http://dx.doi.org/10.58258/jisip.v7i3.5317>.

⁵¹ Heppi Florensia and Mety Rahmawati, "Pemidanaan Terhadap Perbuatan Menghilangkan Mayat Yang Dilakukan Anak (Studi Terhadap Putusan Mahkamah Agung No. 774K / PID.SUS / 2015)," *Jurnal Hukum Adigama* 1, no. 1 (2018): 6, <http://dx.doi.org/10.24912/adigama.v1i1.2160>.

3.2.8 Analysis of Regular Necrophiles in Indonesian Criminal Law

To analyze regular necrophilia in more detail, it is necessary to understand that the main characteristic of these individuals is their preference for having sexual relations with corpses rather than living people. This is clearly a serious offense against prevailing social, ethical, and legal norms. First of all, let us review Article 6b of the TPKS Law. Although this article does not specifically mention necrophilia, the act of having sexual intercourse with a corpse without legal authorization clearly violates the provisions on sexual acts directed against a person's body with the intention of placing the person under unlawful control. In the context of regular necrophilia, this act constitutes a form of exploitation of the body of a corpse that is unable to give consent and is therefore subject to criminal sanctions under Article 6b of the TPKS Law.⁵²

Article 180 of the Criminal Code regulates the taking, exhuming, or transporting of a corpse without a valid permit. The act of stealing a corpse from a morgue or grave for sexual purposes is a direct violation of this article. Regular necrophiles who commit these acts damage a person's final resting place and commit a grave insult to the dignity of the corpse. Article 181 of the Penal Code deals with the concealment or abuse of a corpse with intent to conceal its death or birth, or for any other unlawful purpose.⁵³ In the case of regular necrophilia, the act of concealing or misusing a corpse for sexual gratification is a serious offense against this article. These acts demonstrate a profound contempt for the social and legal norms that protect the dignity of the corpse.

3.2.9 Analysis of Homicidal Necrophiles in Indonesian Criminal Law

Homicidal necrophiles are individuals who commit murder by having sex with the corpses of their victims. They differ from other necrophiles in that they actively seek out victims and commit murders to satisfy their sexual urges. 3 main characteristics of homicidal necrophiles include having a very strong sexual drive toward corpses,⁵⁴ which drives them to commit extreme acts such as murder. Second, the act of murder is committed so that they can have sex with the corpse.⁵⁵ Last, their actions show extraordinary cruelty and indifference to human life.⁵⁶

In the context of Indonesian criminal law, acts of murder with sexual motives such as those committed by Homicidal Necrophiles clearly violate the provisions of Article 338, Article 339, and Article 340 of the Criminal Code. Article 338 of the Criminal Code stipulates the punishment for people who intentionally take the life of another person. In the

⁵² Andraviani Fortuna Umbu Laiya, Karolus Kopong Medan, and Aksi Sinurat, "Analisis Pergeseran Budaya Kawin Tangkap Terhadap Perempuan Dalam Pemikiran Legal Feminist Di Kabupaten Sumba Tengah" 6, no. 3 (2024): 8047, <https://doi.org/10.31933/unesrev.v6i3>.

⁵³ Duwi Handoko, *Kitab Undang - Undang Hukum Pidana* (Pekanbaru: Hawa dan Ahwa, 2018), 40.

⁵⁴ Chopin and Beauregard, "Patterns of Necrophilic Behaviors in Sexual Homicide: A Criminological Perspective," 4.

⁵⁵ Mark Pettigrew, "Fantasy, Opportunity, Homicide: Testing Classifications of Necrophilic Behaviour," 15.

⁵⁶ Mark Pettigrew, "Necrosadism: Exploring the Sexual Component of Post-Mortem Mutilation of Homicide Victims," *The Journal of Forensic Psychiatry & Psychology* 33, no. 4 (July 4, 2022): 614, <https://doi.org/10.1080/14789949.2022.2070524>.

case of homicidal necrophiles, their actions clearly fulfil the elements of this article, namely the intent and deliberate act of taking the life of another person. However, due to the sexual motivation that accompanies the killing, their actions are often more heinous and premeditated.⁵⁷ Article 339 of the Criminal Code provides penalties for murder that is followed, accompanied or preceded by another criminal act. In the context of homicidal necrophiles, their murders are usually accompanied by other criminal acts, such as sexual violence against the corpse. This shows that murder is not the only crime committed, but rather part of a broader and more complex series of criminal act.⁵⁸⁵⁹ Article 340 of the Criminal Code prescribes penalties for murder with premeditation. Homicidal necrophiles often commit murder with careful planning to ensure that they can have sex with the newly deceased. This involves elements of planning and clear malice, which makes them subject to harsher penalties under Article 340 of the Criminal Code.⁶⁰

3.2.10 Analysis of Exclusive Necrophiles in Indonesian Criminal Law

Exclusive Necrophiliacs are the rarest of all necrophilia types. They have an absolute need for corpses as sexual objects and are incapable of having sexual relations with living beings. They do not cause direct violence to living people, but their absolute need for corpses as sexual objects makes them willing to go to extreme measures to obtain them. Although rare, their behavior poses a serious threat to the dignity and safety of society.

The behavior of Exclusive Necrophiliacs has several implications for Article 6b of the TPKS Law, Article 180, and Article 181 of the Criminal Code. Article 6b of the Anti-Sexual Violence Law regulates sexual acts directed against a person's body with the intention of placing that person under unlawful control. Although Exclusive Necrophiliacs only need the corpse for their sexual gratification, their attempt to obtain the corpse may be considered as misuse of the body without lawful authorization, thus violating the provisions of Article 6b of the TPKS Law.

Furthermore, Article 180 of the Criminal Code regulates the taking, excavating, or transporting of a corpse without a valid permit, while Article 181 of the Criminal Code regulates the concealment or misuse of a corpse.⁶¹ The actions of Exclusive Necrophiliacs to obtain a corpse by any means, even though criminal acts, will violate the provisions of Articles 180 and 181 of the Criminal Code as it is a form of insult to the dignity of the corpse and abuse of the corpse. The behaviour of Exclusive Necrophiliacs has a significant

⁵⁷ Aminatus Sholihah, "Penerapan Dolus Eventualis Dalam Pasal 338 KUHP Perspektif Hukum Pidana Islam," *Al-Jinayah: Hukum Pidana Islam* 4, no. 2 (2018): 56, <https://doi.org/10.15642/aj.2019.5.1.50-77>.

⁵⁸ Baharudin, Indah satria, and Rizky Muchlisin, "Tinjauan Yuridis Terhadap Pelaku Tindak Pidana Pembunuhan Berencana (Studi Kasus Putusan Nomor 2/Pid.B/2021/PN.Gdt Jo 56/Pid/2021/PT)," *Pagaruyuang Law Journal* 6, no. 2 (2023): 252, <https://doi.org/10.31869/plj.v0i0.4069>.

⁵⁹ Herlina Elza Rachmadani and Sri Wahyuningsih Yulianti, "Alasan Kasasi Penuntut Umum Dan Pertimbangan Mahkamah Agung Menjatuhkan Pidana Terhadap Terdakwa Pelaku Tindak Pidana Pembunuhan Diikuti Pencurian (Studi Putusan Nomor 24k/Pid/2016)," *Verstek* 6, no. 2 (2018): 12, <https://doi.org/10.20961/jv.v6i2.39144>.

⁶⁰ Totok Sugiarto et al., "Pembunuhan Berencana Dalam Pasal 340 KUHP Dalam Perspektif Justice Colaborator," *Al-Qānūn: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 1 (2023): 133, <https://doi.org/10.15642/alqanun.2023.26.1.121-136>.

⁶¹ Handoko, *Kitab Undang - Undang Hukum Pidana*, 40.

social impact on society. Their absolute need for corpses as sexual objects can cause fear and anxiety in society. The dignity and honor of corpses are respected in Indonesian culture, so the abuse of corpses by Exclusive Necrophiliacs is a serious violation of cultural and spiritual values.

4. CONCLUSION

The conclusion of this study confirms that Indonesian criminal law has a strong foundation in dealing with various forms of necrophilia. For Role Player necrophilia, the combination of Article 6b and Article 12 of the TPKS Law provides protection for the human rights and dignity of the victim with strict sanctions for the perpetrator. Meanwhile, Romantic-type necrophilia that involves grave digging or concealment of a corpse could potentially violate Articles 180 and 181 of the Criminal Code, which focuses on protecting the dignity of the corpse. In terms of Necrophiliac Fantasizers, while such fantasies are not yet directly sanctionable, the potential for their transition into actual acts remains a legal concern. The analysis of Tactile Necrophiles highlights the need to enforce Articles 6b and 6c of the TPKS Law to take action against perpetrators who abuse access to corpses. Fetishistic Necrophiles, who cut body parts of corpses for fetishistic purposes, violate Articles 180 and 181 of the Criminal Code, confirming that Indonesian criminal law also protects social and ethical norms. Meanwhile, Necromutilomaniacs and Opportunistic Necrophiles, who mutilate or exploit corpses without permission, violate human rights and moral norms as well as applicable laws. Finally, Homicidal Necrophiles and Exclusive Necrophiliacs show serious violations of Articles 338, 339, and 340 of the Criminal Code, as well as Article 6b and Article 180 of the Criminal Code with their extreme cruelty and exploitation of corpses, which undermine the dignity and security of society and Indonesian cultural values.

REFERENCES

- Abhay Pachauri. "The Void Of Necrophilia Laws In Indian Criminal System: What Needs To Be Done." *Supremo Amicus* 25 (2021). <https://doi-ds.org/doi/10.21203/rs.3.rs-10822938/v1>.
- Abu Sadat Mohammad Nurunnabi, Mohammad Tipu Sultan, Md Mozaharul Islam, and Muhammad Abdul Kayum Shaikh. "Police Revealed a Case of Necrophilia in Dhaka, Bangladesh—Legal and Psychiatric Issues." *Community Based Medical Journal* 10, no. 2 (2021).
- Addadzi-Koom, Maame Efua. "Medico-Legal and Ethical Issues of Necrophilia: A Ghanaian Perspective." *UCC Law Journal* 1, no. 2 (2021). <https://doi.org/10.47963/ucclj.v1i2.414>.
- Aftab Ur Rahaman Zahin. "Psychoanalytical Interpretation of William Faulkner's A Rose for Emily: The Exposition of Unconscious Through Necrophilia." *International Journal of Academic and Practical Research* 1, no. 2 (2022). <http://dx.doi.org/10.2139/ssrn.4279742>.

- Agnieszka Ogonowska. "Ukryta (Symboliczna) Nekrofilia. RealDoll, Sexroboty i Fembot, Czyli w Stronę Nowej Antropologii Seksualności i Antykulturoterapii." *Studia de Cultura* 11, no. 4 (2019). <https://doi.org/10.24917/20837275.11.4.6>.
- Aminatus Sholihah. "Penerapan Dolus Eventualis Dalam Pasal 338 KUHP Perspektif Hukum Pidana Islam." *Al- Jinayah: Hukum Pidana Islam* 4, no. 2 (2018). <https://doi.org/10.15642/aj.2019.5.1.50-77>.
- 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). <https://doi.org/DOI Number: 10.5958/0974-1283.2019.00136.1>.
- Andraviani Fortuna Umbu Laiya, Karolus Kopong Medan, and Aksi Sinurat. "Analisis Pergeseran Budaya Kawin Tangkap Terhadap Perempuan Dalam Pemikiran Legal Feminist Di Kabupaten Sumba Tengah" 6, no. 3 (2024). <https://doi.org/10.31933/unesrev.v6i3>.
- Armia, Muhammad Siddiq. *Penentuan Metode & Pendekatan Penelitian Hukum*. Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022.
- Athulya S Menon and Nitin Nishad. "Necrophilia: A Cruelty Towards Corpse-Review Analysis." *Indian Journal of Forensic Medicine and Toxicolog* 18, no. 3 (2024). <https://doi.org/10.37506/8bk74k78>.
- Baharudin, Indah satria, and Rizky Muchlisin. "Tinjauan Yuridis Terhadap Pelaku Tindak Pidana Pembunuhan Berencana (Studi Kasus Putusan Nomor 2/Pid.B/2021/PN.Gdt Jo 56/Pid/2021/PT)." *Pagaruyuang Law Journal* 6, no. 2 (2023). <https://doi.org/10.31869/plj.v0i0.4069>.
- Bose, Palash Kumar, S. M. Yasir Arafat, Sheikh Shoib, and A.M. Selim Reza. "Necrophilia in a Forensic Morgue Staff in Bangladesh: Forensic Psychiatric Challenges and Implications." *Journal of Affective Disorders Reports* 5 (July 1, 2021): 100158. <https://doi.org/10.1016/j.jadr.2021.100158>.
- Chopin, Julien, and Eric Beauregard. "Patterns of Necrophilic Behaviors in Sexual Homicide: A Criminological Perspective." *International Journal of Offender Therapy and Comparative Criminology* 65, no. 15 (November 1, 2021): 1676–99. <https://doi.org/10.1177/0306624X20969947>.
- Didi Hilman. "Tindak Pidana Agama Menurut Perspektif Hukum Islam, Hukum Positif Dan Hak Asasi Manusia." *MIZAN:Journal of Islamic Law* 4, no. 1 (2020). <https://doi.org/10.32507/mizan.v4i1.593>.
- Elsya Ikhsani Azzahra. "Tindak Pidana Kekerasan Seksual Inses Pada Anak Dalam Hukum Positif Indonesia." *Journal of Contemporary Law Studies* 2, no. 1 (2024). <https://doi.org/10.47134/lawstudies.v2i1.2128>.
- Farly Renaldy Harikadua, Altje Agustin Musa, and Marhcel R. Maramis. "Sanksi Pidana Terhadap Pelecehan Seksual Nonfisik Dalam Konteks Undang-Undang No 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual." *Lex Privatum* 13, no. 1 (2024). <https://doi.org/10.31002/lh.v8i1.1423>.
- Fuadi Isnawan. "Policy on Criminalisation of Necrophilia Behaviour: Case Study of Junior High School Students in Mojokerto." *Krtha Bhayangkara* 18, no. 1 (2024). <https://doi.org/10.31599/krtha.v18i1.1056>.
- Handoko, Duwi. *Kitab Undang - Undang Hukum Pidana*. Pekanbaru: Hawa dan Ahwa, 2018.

- Heppi Florensia and Mety Rahmawati. "Pemidanaan Terhadap Perbuatan Menghilangkan Mayat Yang Dilakukan Anak (Studi Terhadap Putusan Mahkamah Agung No. 774K / PID.SUS / 2015)." *Jurnal Hukum Adigama* 1, no. 1 (2018). <http://dx.doi.org/10.24912/adigama.v1i1.2160>.
- Herlina Elza Rachmadani and Sri Wahyuningsih Yulianti. "Alasan Kasasi Penuntut Umum Dan Pertimbangan Mahkamah Agung Menjatuhkan Pidana Terhadap Terdakwa Pelaku Tindak Pidana Pembunuhan Diikuti Pencurian (Studi Putusan Nomor 24k/Pid/2016)." *Verstek* 6, no. 2 (2018). <https://doi.org/10.20961/jv.v6i2.39144>.
- I Made Dimas Widyantara, Rodliyah, and Rina Khairani Pancaningrum. "Tindak Pidana Kekerasan Seksual Terhadap Perempuan Dan Anak (Studi Di Subdit IV PPA Direktorat Reskrim Polda NTB)." *Indonesia Berdaya* 4, no. 3 (2023). <https://doi.org/10.47679/ib.2023509>.
- Ikka Puspita Sari and Zaenudin. "Kebijakan Hukum Pidana Dalam Tindak Pidana Kekerasan Seksual Menurut Hukum Pidana Di Indonesia." *Jurnal Dialektika Ilmu Hukum* 3, no. 1 (2023). <https://doi.org/10.56128/jkih.v3i4.300>.
- Imron, Virgin Muthia, Febrian Arif Wicaksana, and Arif Dian Santoso. "Necrophilia In Perspectives Of Indonesian Positive Law And Islamic Law : Necrophilia." *Journal of Indonesian Comparative of Syari'ah Law* 6, no. 2 (January 22, 2024): 167–86. <https://doi.org/10.21111/jicl.v6i2.10487>.
- Jeane Neltje Saly and Hafidz Indra Pratama. "Penerapan Sanksi Pidana Bagi Pelaku Tindak Pidana Pembunuhan Disertai Persetubuhan Dengan Orang Meninggal." *Jurnal Kewarganegaraan* 7, no. 2 (2023). <https://doi.org/10.31316/jk.v7i2.5410>.
- Jessica Begon. "Sexual Perversion: A Liberal Account." *Journal of Social Philosophy* 5, no. 3 (2019). <https://doi.org/10.1111/josp.12302>.
- Jorge Beltran, Vilma Flores, and Eva Ordonez. "How Sadistic Behavior and Its Correlation to Sexual Coercion Leads to Fetishes and Sexual Aggression." *University of California Merced Undergraduate Research Journal* 11, no. 1 (2019). <https://doi.org/10.5070/M4111041555>.
- Jufri Febriyanto Poetra, Rafika Nur, and Sumiyati Bedu. "Analisis Hukum Terkait Transplantasi Organ Tubuh Mayat Tanpa Identitas." *Jurnal Ilmu Sosial Dan Pendidikan (JISIP)* 7, no. 3 (2023). <http://dx.doi.org/10.58258/jisip.v7i3.5317>.
- Kadek Indra Adi Pranata, Ni Putu Rai Yuliantini, and Dewa Gede Sudika Mangku. "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pembuangan Bayi Di Wilayah Hukum Kabupaten Buleleng." *E-Journal Komunikasi Yustisia* 5, no. 1 (2022). <https://doi.org/10.23887/jatayu.v5i1.45939>.
- Kalra, Gurvinder S. "Lights, Camera and Action: Learning Necrophilia in a Psychiatry Movie Club." *Journal of Forensic and Legal Medicine* 20, no. 3 (April 1, 2013): 139–42. <https://doi.org/10.1016/j.jflm.2012.06.001>.
- Kim D. Ricardo. "Necrophilia: A New Social-Harm Taxonomy of U.S. Laws." *William & Mary Journal of Race, Gender, and Social Justice* 27, no. 2 (2021).
- Lehmann, Robert J B, Alexander F. Schmidt, and Sara Jahnke. "Stigmatization of Paraphilias and Psychological Conditions Linked to Sexual Offending." *The Journal of Sex Research* 58, no. 4 (May 4, 2021): 438–47. <https://doi.org/10.1080/00224499.2020.1754748>.
- M. Chaerul Risal. "Perlindungan Hukum Terhadap Korban Kekerasan Seksual Pasca Pengesahan Undang-Undang Tindak Pidana Kekerasan Seksual: Penerapan Dan

- Efektivitas.” *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan* 1, no. 2 (June 23, 2022): 75–93. <https://doi.org/10.24252/ad.v1i2.34207>.
- Mark Pettigrew. “Comorbid, Sequential, or Different Desires? Exploring the Relationship between Somnophilia and Necrophilia.” *Journal of Sexual Aggression* 23 (2017). <https://doi.org/10.1080/13552600.2017.1372937>.
- . “Fantasy, Opportunity, Homicide: Testing Classifications of Necrophilic Behaviour.” *Journal of Police and Criminal Psychology* 34, 2019. <https://doi.org/10.1007/s11896-018-9259-z>.
- Martínez-López, J. Nicolás I., Rebeca Robles, Ana Fresán, Iván Arango-de Montis, Eszter Kismödi, Maria Elena Medina-Mora, and Geoffrey M. Reed. “Legal and Policy Implications in Mexico of Changes in ICD-11 Paraphilic Disorders.” *The Journal of Sexual Medicine* 16, no. 10 (October 1, 2019): 1623–37. <https://doi.org/10.1016/j.jsxm.2019.07.022>.
- 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). <https://doi.org/10.1016/j.crbeha.2021.100020>.
- Muhaimin, Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.
- Muhammad Anis Zayadi and Lumatul Aisyah. “Kriminalisasi Marital Rape Perspektif Maqashid Al-Syari‘ah (Kajian Atas UU PKDRT, UU TPKS Dan RUU KUHP).” *Wasathiyah* 4, no. 2 (2022). <https://doi.org/10.58470/wasathiyah.v4i2.33>.
- Mychael Harris P Sidabutar and Vientje Ratna Multiwijaya. “Pemidanaan Terhadap Gabungan Tindak Pidana Penganiayaan Yang Menyebabkan Mati Dan Menyembunyikan Kematian Orang (Studi Kasus Putusan Nomor 52/PID.B/2021/PN. MSH).” *Reformasi Hukum* 5, no. 4 (2023). <https://doi.org/10.25105/refor.v5i4.18454>.
- Nitaria Angkasa, Yulia Kusuma Wardhani, Zulkarnain, Yennie Agustin MR, Ali Faisal, Rita Susanti, Gunawan, Husni Mubaroq, and Maya Shafira. *Metode Penelitian Hukum Sebagai Suatu Pengantar*. Lampung: Penerbit Laduny, 2019.
- Opan Satria Mandala, Zubaedi, Suparlan, and Munawirsajali. “Penodaan Agama Dalam Perspektif Hukum Pidana Dan Hak Asasi Manusia Di Indonesia.” *Al - Balad: Jurnal Hukum Tata Negara Dan Politik Islam* 4, no. 1 (2024). <https://doi.org/10.59259/ab.v4i1.146>.
- Pettigrew, Mark. “Necrosadism: Exploring the Sexual Component of Post-Mortem Mutilation of Homicide Victims.” *The Journal of Forensic Psychiatry & Psychology* 33, no. 4 (July 4, 2022): 605–20. <https://doi.org/10.1080/14789949.2022.2070524>.
- Poppy Sun, Eric Beauregard, and Julien Chopin. “The Significance of Unusual Acts in Sexual Homicide.” *Journal of Investigative Psychology and Offender Profiling* 20, no. 3 (2023). <https://doi.org/10.1002/jip.1619>.
- Pradeep Kumar, Sushma Rathee, and Rajiv Gupta. “Necrophilia: An Understanding.” *The International Journal of Indian Psychology* 7, no. 2 (2019). <https://doi.org/10.25215/0702.073>.
- Reza Mahendra, Elizabeth Siregar, and Erwin. “Implikasi Yuridis Pasca Pemberlakuan Undang – Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual Terhadap Pelecehan Seksual Pengidap Fetishistic Disorder

- Dalam Perspektif Hukum Progresif.” *PAMPAS: Journal of Criminal Law* 2, no. 3 (2024). <https://doi.org/10.22437/pampas.v5i1.31808>.
- Rika Saraswati. “Rekognisi Pengalaman Perempuan: Studi Kasus Pelaksanaan Pasal 4 PERMA Nomor 3 Tahun 2017.” *Arena Hukum* 16, no. 1 (2023). <https://doi.org/10.21776/ub.arenahukum.2023.01601.4>.
- Rizki Setyobowo Sangalang. “Perlindungan Hukum Terhadap Korban Tindak Pidana Kekerasan Seksual Dalam Lingkungan Pendidikan.” *Jurnal Ilmu Hukum Tambun Bungai* 7, no. 2 (2022). <https://doi.org/10.61394/jihtb.v7i2.230>.
- Rymundus Loin, Budimansyah, and Warriyodi. “Criminal Sanctions for Murder with Necrophilia (Case Study 519/PID.B/2021/PN.JKT.PST).” *Journal of Law Science* 6, no. 1 (2024). <https://doi.org/10.35335/jls.v6i1.4461>.
- Sharol Steven. “Necrophilia: Loving the Dead.” *International Journal of Engineering, Management and Humanities (IJEMH)* 4, no. 3 (2023).
- Sigit Sapto Nugroho, Anik Tri Haryani, and Farkhani. *Metodologi Riset Hukum*. Surakarta: Oase Pustaka, 2020.
- Sinta Wahyu Kartika and Ifahda Pratama Hapsari. “Sanksi Pidana Terhadap Pelaku Eksploitasi Seksual Anak Dibawah Umur Menurut UU TPKS Dan UUPA Dalam Kacamata Hukum Pidana Di Indonesia.” *UNES Law Review* 6, no. 1 (2023). <https://doi.org/10.31933/unesrev>.
- Solikin, Nur. *Pengantar Metodologi Penelitian Hukum*. Pasuruan: Qiara Media, 2021.
- Soumadip Kundu and Amit Ghosh. “Indian Journal of Forensic Medicine and Toxicology.” *International Journal of Law Management and Humanities* 4, no. 3 (2021). <https://doi.org/10.1000/IJLMH.111215>.
- Tippett, Anna. “Shining Light on an Unspeakable Crime: Necrophilia and the Need for Legal Reform.” *Current Issues in Criminal Justice* 36, no. 1 (January 2, 2024): 114–24. <https://doi.org/10.1080/10345329.2023.2238378>.
- Totok Sugiarto, Purwanto, Enny Sunarlin, Azis Setyagama, and Wawan Susilo. “Pembunuhan Berencana Dalam Pasal 340 KUHP Dalam Perspektif Justice Colaborator.” *Al-Qānūn: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 1 (2023). <https://doi.org/10.15642/alqanun.2023.26.1.121-136>.
- Upasana Borah. “A Conceptual Study to Necrophilia – A Review.” *Journal of Forensic Research* 11, no. 4 (2020). <https://doi.org/10.37421/jfr.11.461>.
- Yadav, Anubhav. “Defiling The Dead: Laws On Necrophilia.” *SSRN*, 2023. <https://dx.doi.org/10.2139/ssrn.4411070>.