# THE DEVELOPMENT OF THE CRIMINAL LAW PARADIGM IN INDONESIA

**PUTU AGUS PARTHA WIJAYA, RENDY AIRLANGGA, DINDA AJENG PUSPANITA, KAUTSAR ISMAIL**
Universitas Airlangga, Surabaya, Indonesia
putu.agus.partha-2021@fh.unair.ac.id

**Abstract--** The formulation of Indonesian criminal law has been influenced by the principle of concordance, which involved the adoption of colonial law from the Netherlands. After relying on the Dutch Criminal Law as a guideline for several decades, the Indonesian government established the National Criminal Code to incorporate Indonesian values into the legal system. This research also raises two questions as problem formulation, namely whether the concordance principle is still applicable in Indonesia, and whether the development of the legal system in the country serves the best interests of the nation. To address these questions, the research adopts a prescriptive legal research method, which aims to uncover the coherence between legal norms, principles, and behavior. The study employs both a conceptual approach, to understand the underlying philosophy of the rule of law, and a historical approach, to trace the evolution of Indonesian criminal law over time. The Indonesian criminal law system has undergone significant changes, transitioning from the concordance principle to the adoption of the Dutch Criminal Code. The reforms introduced in the National Criminal Code seek to reflect a more just culture and approach to justice. The code emphasizes corrective, restorative, and rehabilitative justice, with a particular focus on prevention, the rights of victims, and the rehabilitation of offenders. It is crucial that criminal sanctions are established through legislation and adhere to the principle of proportionality. This renewal of the legal system is expected to foster a more equitable and rights-based approach to justice in Indonesia, ultimately benefiting the nation as a whole.

***Keywords—*** *Concordance Principle, Paradigm, Criminal*

## INTRODUCTION

The identity of a nation can be seen from the specificity of its cultural style, so that in the development of existing law it cannot be separated from the specificity and cultural pattern that exists in a nation. From a legal positivist perspective, it can be understood that the laws in a state are essentially legislative in nature (Fajrin & Triwijaya, 2019).

Prior to the Dutch colonization, the Indonesian nation had already established a legal framework known as customary law. Additionally, religious laws were also observed by the inhabitants in accordance with their respective beliefs, taking into consideration the diverse and multicultural nature of Indonesia. The arrival of Western nations, particularly the Dutch, to colonize Indonesia had a significant impact on the legal system of the country. During that period, numerous criminal cases were resolved by referring to the legal principles and practices of the Dutch (Iqbal, 2018). Consequently, the criminal law implemented in Indonesia reflects the influence of the Dutch colonialists, who possessed a more liberal approach towards the multicultural and multiethnic Indonesian society.

Indonesia adheres to the concordance principle, whereby the colonized nation adopts the legal framework of the colonial power, specifically the Netherlands. Consequently, Indonesian law encompasses criminal law, which is derived from legal doctrines originating from the Netherlands.

According to J. E. Jonkers' book titled "*Handboek Van Het Nederlandsch-Indische Strafrecht*" or "Introduction to Dutch East Indies Criminal Law" in English, it is highlighted that the application of Dutch Criminal Law in Indonesia differs from its application in the Netherlands. This disparity arises due to the distinct nature of the legal systems in both countries (Jonkers, 1987). According to this statement, it is evident that Dutch law cannot be applied in Indonesia due to differences in cultural patterns and geographical location. Additionally, societal changes and social interactions have created a significant disparity in the lives of Indonesian people, as the Criminal Code, which was derived from the Dutch Criminal Code, no longer aligns with their needs. Therefore, it becomes imperative to update the

existing criminal law in Indonesia. The term "renewal" in this context refers to the process of revising the current criminal law (*ius constitutum*) and establishing a new criminal law order (*ius constituendum*) that is in accordance with all aspects of Indonesian society.

The Indonesian government underwent a process of development that led to the establishment of the Criminal Code (KUHP). This was achieved through the enactment of Law Number 1 of 2023, commonly known as the National Criminal Code. The National Criminal Code was designed to incorporate the fundamental values of the Indonesian nation, as evidenced by Article 2 of the code. This particular article highlights the importance of laws that govern society and its members. Furthermore, the implementation of these laws at the local level is outlined in the Regional Regulation (*Peraturan Daerah* or PERDA).

In line with that, what is interesting in the National Criminal Code which increasingly shows the cultural features of the Indonesian nation, as contained in Pancasila, regarding the goals and patterns of sentencing, namely by paying attention to several aspects, 1) Restorative, 2) Rehabilitative, and 3) Corrective, this is in The National Criminal Code, does not only pay attention to aspects of the victims, but also for the accused and witnesses (See Article 54 paragraph 1 of Law Number 1 of 2023 on National Criminal Code).

The National Criminal Code's new paradigm shift not only involves the replacement of criminal norms but also encompasses the aspiration to establish a just, independent, and prosperous nation through its legal ideals. Muladi's perspective emphasizes the future objective of implementing a national criminal law that is rooted in Pancasila, the Constitution, and human rights. Additionally, it aims to incorporate legal principles that are acknowledged by civilized societies or nations (Faisal & Rustamaji, 2021).

Therefore, this research will elaborate on the Development of the Criminal Law Paradigm in Indonesia, by explaining some of the issues that became the formulation of the problem in this study, namely, First, is the concordance principle still relevant in Indonesia? Second, is the development of the legal system in Indonesia able to do good for Indonesia?

## METHODOLOGY

In this study, the method used is legal research, namely legal science has a prescriptive nature, where the object of legal science is a coherence between legal norms and legal principles, and between legal rules, legal norms, and coherence between behavior (act). not behavior (behavior) with legal norms, while in legal research that is finding the truth of coherence (Marzuki, 2016). The approach in this study uses a conceptual approach where the conceptual approach is used when the researcher does not move on to existing legal rules (Marzuki, 2016), then in this study also uses a historical approach (historical approach) which uses this approach to help understand the philosophy of the rule of law from time to time, in this case the paradigm of Indonesian criminal law (Marzuki, 2016).

## RESULTS AND DISCUSSION

### The Relevance of the Concordance Principle to Criminal Law in Indonesia

Criminal law is the entire regulation in a country which regulates the basic provisions of a prohibited thing accompanied by a criminal threat, to determine what things are prohibited and then carried out so that a criminal penalty can be given, to then also determine what is prohibited. criminal sanctions given when the act is suspected of committing a crime (Moeljatno, 2002).

Furthermore, regarding criminal law, it is a law which in terms of being formed with the aim of intentionally adding to sorrow, which is set forth in the criminal law itself, even though with the formation of criminal law it also has other functions apart from just adding to sorrow (Van Bemmelen, 1987).

Law has a coercive and binding nature that will have an impact on its implementation, the intended impact is criminal sanctions and action sanctions (*maatregel*) (Ramadhani et al., 2012). When looking back historically the existence of Indonesian criminal law is the adoption of Dutch law, or what we can recognize by the existence of the concordance principle, namely the law of the colonized country adheres to the law of the colonizing country. Therefore, the criminal law that we know today is

regulated in statutory regulations, namely *Wetboek van Straftrecht* (WvS), hereinafter referred to as the Criminal Code (Putri & Purwani, 2020).

Efforts from various experts and experts as well as the Indonesian government to reform criminal law in Indonesia with the aim that Indonesian criminal law has its own style, with the values contained in the Indonesian nation, as well as to carry out legal reforms to replace legal codification in the colonial era, namely *Wetboek van Strafrecht Voor Nederlands Indie* 1915 which is a derivative of WvS Netherlands in 1886 (Muladi, 2005).

Gustav Radbruch, in his work titled "*Vorschule der Rechtsfilosofie*," posited that the primary objective of Legal Studies is to comprehend the inherent objectivity of positive law. Consequently, it is imperative for the field of legal science to remain detached from any political ideology, as this detachment is crucial for facilitating meaningful progress and upholding equilibrium. Within the realm of Criminal Law, the central aim is to grasp the objectivity of positive criminal law. The theory of objectivity in positive criminal law becomes apparent through the essence of criminal law, which governs prohibited actions (Moeljatno, 2002).

Given that a country can be said to be civilized or not, it can be seen from the provisions of its criminal law, so regarding the provisions of criminal law in Indonesia it should indeed be seen based on the cultural values contained within the Indonesian nation itself, bearing in mind that Indonesia has values contained in Pancasila, which is the basis of the identity of the Indonesian nation.

In Indonesia, sources of criminal law are divided into 3 (three) sources in Prof.'s book. Didik Endro explained about the three sources namely: (Purwoleksono, 2023)

1. Primary Source (written)

a) Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations
b) Law of the Republic of Indonesia Number 20 of 1946 concerning Closing Punishment
c) Law of the Republic of Indonesia Number 7 Drt. 1955 concerning Investigation, Prosecution and Trial of Economic Crimes
d) Law of the Republic of Indonesia Number 1 of 1960 concerning Amendments to the Criminal Code
e) Law of the Republic of Indonesia Number 16 PrP. 1960 concerning Several Changes in the Criminal Code
f) Law of the Republic of Indonesia Number 1 PnPs 1965 concerning Prevention of Religious Abuse and/or Blasphemy
g) Law of the Republic of Indonesia Number 7 of 1974 concerning Controlling Gambling
h) Law of the Republic of Indonesia Number 11 of 1980 concerning the Crime of Bribery
i) Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Corruption Crimes, as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes
j) Perpu Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism jis Law of the Republic of Indonesia Number 15 of 2003 jis Law of the Republic of Indonesia Number 5 of 2018 concerning Amendments to Law of the Republic of Indonesia Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Laws Republic of Indonesia Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism Becomes Law
k) Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection Jis Law of the Republic of Indonesia 35 of 2014 concerning Amendments to Laws. Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection Jis Law of the Republic of Indonesia No 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law of the Republic of Indonesia Number 1 of 2016 concerning the Second Amendment to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection Became a law
l) Law Number 21 of the Eradication of the Crime of Trafficking in Persons
m) Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions. Jo Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions
n) Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics
o) Law of the Republic of Indonesia Number 8 of 2010 Prevention and Eradication of Money Laundering Crimes

p) Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Justice System
q) Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code (which came into force on January 2, 2026)

2. Customary Criminal Law

Several regions in Indonesia still take into account the customary criminal law, which means an act or activity or activity which, although not regulated under the Criminal Code or Indonesian criminal law, however, if the act or activity violates local customary criminal provisions, it can still be subject to criminal penalties. based on customary law.

Some examples of criminal impositions based on the enactment of customary crimes by the District Court include:

a) Gianyar District Court Decision dated 29 January 1986 Number: 43/PTS.Pid/B/1985/P.N Gir
b) Denpasar District Court Decision dated 14 September 1987 Number: 153/Pid/S/1987/P.N DPS
c) Decision of the Klungkung District Court dated 23 September 1986 Number 18/Pid/S/1986/PN.KLK
d) Decision of the Klungkung District Court dated August 6, 1992, Number 24/Pid/S/1992/PN. KLK
e) Decision of the Tahuna District Court dated August 18, 1990, Number 76/Pid/S/1990/PN.THNA
f) Decision of the Supreme Court of the Republic of Indonesia dated 15 May 1991 Number 1644/K/Pid/1988
g) Decision of the Supreme Court of the Republic of Indonesia dated 16 November 1990, Number 948/K/Pid/1996

At present, after the National Criminal Code has been promulgated, it officially accommodates the enforceability of customary criminal law by calling it the law that lives in society. Based on Article 2 of the National Criminal Code, what is meant by the law living in society that determines that a person should be punished is customary criminal law. The law that lives in the community in this article relates to the law that is still valid and developing in people's lives in Indonesia. In certain areas in Indonesia there are still unwritten legal provisions that live in society and apply as law in that area, which determines that a person should be punished. In order to provide a legal basis regarding the enactment of customary criminal law (adat offense), it needs to be confirmed and compiled by the government originating from regional regulations of each place where customary criminal law applies. This compilation contains laws that live in society that qualify as customary crimes. Such a situation will not be ruled out and will still guarantee the implementation of the principle of legality and the prohibition of analogy adopted in the National Criminal Code.

3. M.v.T (*Memorie Van Toelichting*)

An explanation of the planned criminal law (W.v.S) submitted by the Dutch minister of justice along with the proposed law to Tweede Kamer (Dutch Parliament). M.v.T is always referred to as the legal basis, because the name of the Criminal Code is another designation of WvS (*wetboek van Starfrecht*) for the Dutch East Indies (Article VI Law No. 1 of 1946 Jo. Law 73 of 1958) WvS Dutch East Indies which came into effect on January 1, 1881 is a copy of WvS Netherlands 1886 (which was enforced in Indonesia based on the concordance principle). Thus, the M.v.T from the Dutch W.v.S 1886 can be used to obtain an explanation of the articles mentioned in the current Criminal Code.

At the beginning of 2023, on January 2 2023 to be more precise, changes to regulations regarding criminal law occurred, this can be seen by the promulgation of Law Number 1 of 2023 concerning the Criminal Code (State Gazette of the Republic of Indonesia of 2023 Number 1, Supplementary Sheet Republic of Indonesia Number 6842)

Article 623 Law Number 1 of 2023 concerning the Criminal Code, which provides confirmation that this Law can then be called the Criminal Code (Purwoleksono, 2023).

Based on the opinion of Didik Endro Purwoleksono in his book Development of 3 Pillars of Criminal Law in Indonesia, he stated that the new Criminal Code is the National Criminal Code, several basics that form the basis of the National Criminal Code, namely, 1. The National Criminal Code will apply 3 (three) years since it was promulgated in Jakarta, more precisely will take effect on January 2, 2026,

which is as stipulated in the provisions of Article 624, 2. The current Criminal Code, which applies based on Article VI of Law Number 1 of 1946 concerning Indonesian Criminal Law Regulations (which will hereinafter be referred to as the Indonesian Criminal Code). Colonial), 3. Providing and cultivating a sense of pride and a sense of nationalism as an Indonesian nation which in the end is able to have a National Criminal Code which is the toil of the minds of the Indonesian people, 4. Thus the presence of the National Criminal Code and its promulgation cannot be separated from problems regarding legal renewal crime in Indonesia or the development of Indonesian National Law (Purwoleksono, 2023).

Conceptually, there are several main ideas or basic ideas that form the basis and guide in changing the national criminal law. According to Muladi, there are at least five main ideas or guidelines in reforming the national criminal law. First, criminal law reform must be prepared consciously based on the national ideology of Pancasila, even though it is carried out for sociological, political and practical reasons. Second, in the process of reforming criminal law, aspects related to the human condition, nature, and Indonesian traditions must be considered, while still recognizing the law that applies in society as a source of positive and negative law. Third, criminal law reform must be adapted to universal trends that develop in civilized society. Fourth, bearing in mind the firmness of criminal justice and the aim of preventing punishment, changes to criminal law must also consider aspects of prevention. Fifth, in reforming criminal law, it must always pay attention to the development of science and technology in order to increase its effectiveness in society (Sudarto, 1989).

With the existence of the National Criminal Code, it can also be seen regarding the development of the paradigm of criminal law in Indonesia which is no longer only focused on correcting the perpetrators of criminal acts but also looking at fulfilling the rights of victims of criminal acts which are intended as a victim recovery process.

The presence of the current National Criminal Code has no orientation towards retributive justice or revenge, but is based on modern criminal law which includes corrective justice, restorative justice and rehabilitative justice. This corrective justice provides the goal of preventing the perpetrators of criminal acts from committing repeated crimes (*recidive*), then for restorative justice it has the goal of recovering victims from criminal acts, then for rehabilitative justice it has the goal not only of criminal acts being given criminal sanctions, but also with the aim of correcting the actions of the perpetrators of criminal acts (Kemenkumham, 2022).

**The Impact of the Development of the Criminal Law System in Indonesia**

The development of the legal system essentially refers to the purpose of the existence of the law itself. A legal system that provides goodness is of course in line with the realization of legal objectives in people's lives in a country. From the perspective of the rule of law, the development of this legal system has occurred because of the formulation of the people's legal awareness (Almendo, 2016). So that this legal awareness underlies the need for a legal system to regulate and protect society that is oriented towards the goals of the law itself, namely legal certainty (*rectssicherheit*), expediency (*zweckmassigkeit*), and justice (*gerechtigheit*) (Mertokusumo, 2019). The legal system is a unit consisting of various elements that are interrelated and work together with one another in order to realize a predetermined goal (Mahendra, 2020).

The need for a legal system that regulates society has an impact on the enactment of a criminal system which is a Dutch heritage with its product, namely *Wetboek van Strafrecht* (WvS) or the Criminal Code (hereinafter referred to as the Criminal Code). In essence, in implementing a legal system, it is necessary to review and reassess based on socio-political, socio-philosophical, and socio-cultural values which can later underlie various social policies, criminal policies, and law enforcement policies in Indonesia (Arief, 2011). Therefore, there is a need for efforts to reform criminal law in Indonesia which aims to create a codification of national criminal law that will replace the codification of criminal law inherited from the Dutch WvS or Criminal Code.

The urgency of reforming the criminal system refers to fundamental changes in order to create the ideals of a criminal law that is better and focuses more on protecting human rights (Lilik, 2008). This is in line with Sudarto's opinion regarding the urgency of the need for criminal law reform, among others (Amalia, 2012) : a) political reasons that Indonesia's eligibility as an independent country needs to have

a national Criminal Code so that it becomes a matter of pride when the country has broken away from the codification of Dutch heritage, b) Sociological reasons namely that in essence the Criminal Code is a reflection of the cultural values that lived in the a nation, c) Practical reasons which show that basically WvS is a codification written in Dutch, d) Relating to the understanding of the Dutch language by law enforcement which is feared to be no longer relevant.

The development of life which is increasingly complex and creates new problems in people's lives is also one of the reasons for the importance of significant changes to the criminal law system. Some of the concepts that are the main focus in changing the legal system in the new Criminal Code, among others: (Tim Publikasi Hukumonline, 2020)

a) Balance the principle of legality and the principle of guilt because the old Criminal Code only applied the principle of legality,
b) Expansion of the recognition of living law (unwritten law/customary law) as a basis for deserving an act to be punished as long as the act has no equivalent or is not regulated in law
c) Criminal Responsibility, this refers to the concept of formulating the principle of error explicitly/explicitly,
d) Reasons for Criminal Elimination, this is based on the concept of separating reasons for criminal write-offs in the form of "reasons for justification" and "reasons forgiving".
e) Problems related to the formulation of accountability by corporations,
f) Guidelines for sentencing, this is related to the criminal system which provides guidelines for judges and other law enforcement officials,
g) Types of punishments and actions, which are most highlighted are the shifting of the position of capital punishment based on the view that death penalty is not the main means to achieve the goal of punishment,
h) The amount and duration of sentences, as in this case relates to the specific minimum for imprisonment and fines, the amount of punishment that is threatened in the formulation of offenses using a category system, and the maximum sentence for crimes of conspiracy to commit crimes are defined equally and in proportion to their respective *doluses*.

The development of the legal system in Indonesia has brought about significant changes that have had a profound impact on society. One notable change is evident in the types of criminal sanctions outlined in the latest legal codification, known as Law Number 1 of 2003, which is commonly referred to as the new Criminal Code. A comparison between the old Criminal Code and the new Criminal Code reveals several differences in the types of criminal sanctions. Under Article 10 of the old Criminal Code, punishment was categorized into two types: principal punishment and additional punishment. However, Article 64 of the new Criminal Code introduces a more comprehensive classification of criminal sanctions, dividing them into three categories: principal punishment, additional punishment, and specific punishment for certain criminal acts as specified in the law.

Moreover, the old Criminal Code, in Article 10 letter a, listed the main punishment options as death penalty, imprisonment, confinement, fines, and imprisonment. In contrast, Article 65 of the new Criminal Code presents a revised list of main punishments, which includes imprisonment, confinement, surveillance, crime fines, and social work punishment. These changes in the legal system necessitate adjustments to other legal regulations to ensure that there is no overlap in the rules governing these different types of crimes. It is crucial to establish a coherent and harmonious legal framework that effectively addresses the evolving nature of criminal activities and their corresponding sanctions (Hutabarat et al., 2022).

The occurrence of overlapping situations can arise when the legal rule designer fails to consider the principle of no punishment without representation, as the formulation of criminal penalties must undergo the approval process by the people's representatives in the DPR (Tim Publikasi Hukumonline, 2020). Consequently, the provisions concerning criminal penalties cannot be governed by derivative regulations such as government or presidential regulations, but rather, they can only be regulated through laws and regional regulations (Tim Publikasi Hukumonline, 2020). This stipulation is outlined in Article 15 of Law Number 15 of 2019, which pertains to the Amendments to Law Number 12 of 2011

regarding the Formation of Legislation.

Article 15 paragraph (1) states that "content material regarding criminal provisions can only be contained in: a. Law, b. Provincial Regulation, or c. Regency/city Regional Regulations. Furthermore, in paragraph (2) it is stated that "The criminal provisions referred to in paragraph (1) letters b and c are in the form of a threat of imprisonment for a maximum of 6 (six) months or a fine of up to Rp. 50,000,000.00 (fifty million rupiah)". Whereas paragraph (3) states that "Provincial Regulations and Regency/City Regional Regulations may contain threats of imprisonment or fines other than as referred to in paragraph (2) in accordance with what is stipulated in other Laws and Regulations". According to Feri Amsari, arrangements for criminal sanctions must be regulated at the level of law through the approval of the people as in this case the DPR and with regard to criminal sanctions relating to restrictions on people's rights should be regulated in law" (Tim Publikasi Hukumonline, 2020).

Due to the aforementioned principles and regulations, if the new Criminal Code omits the provision for imprisonment, it becomes impossible for other regulations to address this matter. Consequently, when examining Article 2, paragraph (1) of the new Criminal Code, it becomes evident that it governs the societal law that mandates punishment for individuals, even if their actions are not explicitly outlined in the Criminal Code. As a result, there arises a necessity for limitations on regional regulations concerning the types of penalties that can be imposed. This is crucial in order to ensure compliance with the principle of legality, as other laws and regional regulations are unable to govern imprisonment, which has already been eliminated from the new Criminal Code.

In essence, related to the positive impact of reforming the legal system, it can be seen from whether the system significantly encourages the realization of legal objectives. Apart from that, one can also observe the legal culture of the Indonesian people as one of them is related to the concept of restorative justice. In the new Criminal Code, the focus of punishment is not only on convicting perpetrators but also on efforts to recover victims. Punishment of perpetrators also aims to strengthen a justice system that is Godly, humane and just. This is as stated in Article 51 of the Criminal Code which emphasizes efforts to re-educate criminal offenders, as well as Article 52 of the new Criminal Code which emphasizes that punishment is not allowed to degrade human dignity. As basically the concept of the new legal system is more focused on human rights.

In the end, this reform of the legal system in Indonesia can be said to have had a good impact when carried out in accordance with the objectives of the law itself, namely the realization of legal certainty, benefits and justice. Moreover, the purpose of benefit in this case refers to benefits that depart from the principle of a monodualistic balance between the interests of society and individuals. Therefore, if implemented correctly, a legal society that is obedient and prioritizes the public interest will be realized in order to achieve a sovereign rule of law.

## CONCLUSION

Criminal law in Indonesia has undergone significant changes over time, moving away from the principle of concordance. The adoption of Dutch criminal law as the Criminal Code (KUHP) in Indonesia has highlighted the need for reform to ensure that the legal system reflects cultural values and promotes justice. The introduction of Law Number 1 of 2023, which pertains to the National Criminal Code, represents a positive step towards achieving this goal. During the process of reforming criminal law, several key ideas and guidelines have been considered. These include the incorporation of Pancasila, the national ideology, as a basis for the legal system. Additionally, social conditions, the nature of Indonesian traditions, and universal trends in civilized society have been taken into account. The National Criminal Code also places emphasis on preventing sentencing, protecting the rights of victims, and rehabilitating offenders. It recognizes the importance of corrective, restorative, and rehabilitative justice, rather than solely focusing on retribution or revenge. As a civilized nation, Indonesia recognizes the need to adapt its criminal law to advancements in science and technology. This is crucial in order to enhance the effectiveness of the legal system and ensure that it remains relevant in society. By continuously evolving and adapting, Indonesian criminal law can better serve its purpose of maintaining social order and promoting justice.

The development of the legal system is centered around the fundamental goals of the law itself,

which include ensuring legal certainty, promoting societal benefit, and upholding justice. The establishment of a legal system that effectively regulates and safeguards society is contingent upon the legal consciousness of individuals. Any modifications made to the National Criminal Code will undoubtedly have far-reaching consequences for society, particularly in terms of the types of criminal penalties that align with the principle of no punishment without representation. The implementation of criminal sanctions must be carried out in accordance with the law and with the consent of the people. The revitalization of Indonesia's criminal law system can yield positive outcomes if it aligns with the legal objectives, the legal culture of the Indonesian people, and prioritizes the protection of human rights. The rehabilitation of victims and the imposition of humane punishments are the focal points of the National Criminal Code. It is anticipated that changes to the national criminal law system, which take into account the interests of society, justice, and human rights, will result in a more equitable and advantageous legal system for all Indonesian citizens.

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