

Criminal Law Reform in Indonesia: Has Been Critical of the New Criminal Code

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Abstract: *The criminal law reform in Indonesia is one of the important efforts to answer the challenges of community development and ever-evolving social dynamics. One of the main milestones in this criminal law reform is the ratification of the new Criminal Code (KUHP) which has gone through a long process from the beginning of its drafting to becoming a valid legal product. This study aims to analyze how critical the new Criminal Code is to the need for criminal law that is fair, progressive, and in accordance with democratic values and human rights. Through a qualitative approach, this study explores various aspects of the changes that have taken place in the new Criminal Code, in terms of substance, procedure, and implementation in legal practice. In addition, this study also critically examines whether these changes can address the challenges of modern criminal law, and whether the new Criminal Code is capable of creating a more responsive and inclusive legal system. The results of this study are expected to contribute to a deeper understanding of the relevance of criminal law reform in the context of social and legal change in Indonesia, as well as to serve as evaluation material for policy makers and legal practitioners in implementing a new Criminal Code that is more effective and equitable.*

Keywords: *Criminal Law Reform, New Criminal Code, Legal Change, Human Rights, Indonesian Legal System..*

INTRODUCTION

The criminal law reform in Indonesia is a fundamental step that not only functions as a response to social dynamics, but also as an integral part of efforts to improve the judicial system to be more just, humane, and

progressive¹. One of the important achievements in the context of criminal law reform is the enactment of the new Criminal Code (KUHP), which replaces the Dutch colonial legacy Criminal Code that has been in effect for more than a century. Although the old Criminal Code had been the criminal law framework used in the administration of justice in Indonesia, the substantial incompatibility with democratic values and human rights in the Criminal Code was increasingly felt. The publication of the new Criminal Code is expected to create a legal system that is more responsive to the needs of modern society and more reflective of the principles of inclusive justice.

The ratification of the new Criminal Code (KUHP) has not only become a momentum for legislative reform, but also a means of evaluating the disharmony that has occurred between criminal law norms and the increasingly pluralistic and complex social development of Indonesian society. Although a number of provisions in the new Criminal Code demonstrate a commitment to creating substantive justice, many still question the effectiveness and relevance of the changes contained therein. One of the main criticisms that has emerged is whether the new Criminal Code is truly capable of replacing the criminal law paradigm, which has been more punishment- and punitive-oriented, with a more rehabilitative and restorative approach².

As a legal product rooted in colonial legal traditions, the old Criminal Code clearly contains many weaknesses that are no longer relevant to the needs of an independent and developing Indonesian society. Many norms contained in the old Criminal Code, such as provisions regarding insulting the authorities, have often been used as a tool to suppress freedom of expression and oppose democratic aspirations. The new Criminal Code is expected to bring about significant changes in the context of human rights protection, especially in ensuring that criminal law is not used as an instrument to oppress individual freedom, but rather as a tool to uphold social justice.

However, Law Number 1 of 2023 concerning the Criminal Code (KUHP) is part of a criminal law reform aimed at replacing the old Criminal Code inherited from the Dutch colonial era. This reform is expected to bring about criminal law that is more in line with the national values and developments of Indonesian society. However, as you have highlighted, there are still serious challenges in the implementation of the new Criminal Code. One of the main issues in Law No. 1 of 2023 is the discrepancy between the norms regulated in the new Criminal Code and the social reality and readiness of law enforcement institutions. The new Criminal Code introduces several more modern approaches, such as alternative penalties (e.g. community service) and a more rehabilitative approach for certain offenders. However, in practice, Indonesia's criminal justice system is not yet fully prepared to implement these concepts effectively. The infrastructure, human resources, and technical mechanisms in the judicial system are still dominated by the old, more repressive mindset.

¹ Tarigan, R. S. (2024). *Reformasi Hukum Tata Negara: Menuju Keadilan dan Keseimbangan*. Ruang Berkarya.

² Hamson, Z., & Makkah, H. M. (2021). *Membedah Anatomi Korupsi*. Penerbit NEM.

In addition, classic issues such as corruption in law enforcement and the lack of transparency in the judicial system are still major obstacles to the effectiveness of criminal law reform. Although the new Criminal Code has stricter provisions against corruption and abuse of power, the application of these rules remains vulnerable to legal disparities. This means that there is still the potential for the law to be applied unevenly, especially in cases involving parties with political or economic power. Thus, although the new Criminal Code and Law No. 1 of 2023 are progressive steps in criminal law reform, their success depends heavily on the readiness of the judicial system, transparency of law enforcement, and the commitment of the government and law enforcement officials to implement them fairly and consistently.

It is important to note that the reform of Indonesian criminal law does not only revolve around changes in the norms of the law, but also involves a paradigm shift in the view of the purpose of criminal law itself. If until now criminal law has often been seen as a means of retribution for criminal acts, the new Criminal Code provides an opportunity to formulate criminal law as an instrument for social rehabilitation and restoration of relationships between individuals in society. This change must of course be supported by comprehensive policy making and increased capacity of law enforcement officials so that they can apply the principles of rehabilitation and restoration with integrity and seriousness.

From a public policy perspective, the reform of the Criminal Code is also a test of the state's ability to draft laws that focus not only on social control through punishment, but also on efforts to build a more equitable society. The concept of justice in Indonesian criminal law can no longer be seen solely in retributive terms, but must be able to reflect the process of dialogue between the state and society³. Therefore, strict supervision of the implementation of the new Criminal Code is needed to prevent abuse of power by law enforcement officials, and to ensure equality in the treatment of all citizens before the law.

Furthermore, the biggest challenge in implementing the new Criminal Code is how the state ensures that any changes in the law do not stop at the normative level alone, but can also be realized in effective practice in the field⁴. This includes strengthening the capacity of law enforcement agencies, such as the police, prosecutors, and courts, as well as increasing public understanding of changes in applicable law. Without adequate support in terms of legal education and the establishment of an inclusive legal culture, the new Criminal Code risks becoming a legalistic document that is unable to meet the real needs of the public in their search for justice.

³ Riyadi, D. (2024). *Upaya Kepolisian Dalam Penerapan Restorative Justice Pada Tahap Penyidikan Tindak Pidana Ringan* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

⁴ Wibisono, D. P. P. (2022). Upaya Polri Dalam Menanggulangi Tindak Pidana Pencurian Dengan Kekerasan Berdasarkan Pasal 365 Kitab Undang-Undang Hukum Pidana (KUHP). *Jurnal Hukum Media Justitia Nusantara*, 12(1), 146-188.

The changes brought about in the new Criminal Code must also be viewed from the perspective of human rights protection⁵. For example, related to arrangements regarding the rights of suspects and defendants in judicial proceedings, protection of vulnerable groups such as women and children, and the creation of non-discriminatory legal mechanisms. This is important considering that Indonesia, as a country that has ratified a number of international human rights instruments, has an obligation to ensure that any changes in the criminal legal system can reflect this commitment.

METHOD

This study uses a normative juridical method with a descriptive approach to comprehensively describe the Criminal Law Reform in Indonesia through the ratification of the Criminal Code Law No. 1 of 2023. The main objective of this study is to provide an in-depth understanding of the changes in the new Criminal Code and its impact on the criminal law system in Indonesia. To achieve this goal, this study began with a literature review as a basic analysis of various secondary sources, namely library materials including books, journal articles, scientific papers, and relevant laws and regulations, especially those relating to criminal law reform and the renewal of the Criminal Code. This study aims to identify the historical development of the Criminal Code, the reasons for the changes, and the basic principles that the new Criminal Code aims to embody. The study will use qualitative data obtained from legal documents, academic manuscripts, and analysis of existing laws and regulations. This data will be analyzed using qualitative methods to explore the substance of the changes that have occurred in the new Criminal Code and their implications for law enforcement practice in Indonesia. Thus, this research focuses on a normative analysis of existing legal texts and an empirical analysis of the application and impact of the new Criminal Code in criminal law practice in Indonesia. To explore the application of the new Criminal Code in more depth, this research also involves interviews with legal practitioners such as judges, prosecutors, police, and legal academics, who can provide a direct perspective on the challenges faced in the implementation of the new Criminal Code in the field. Thus, this study combines a normative and empirical approach to provide a more holistic picture of the successes and challenges of Indonesia's criminal law reform. Through this method, the study is expected to provide deeper insights into the extent to which the new Criminal Code can realize the objectives of criminal law reform, as well as provide constructive recommendations for the development of a more progressive and equitable criminal law system in Indonesia.

RESULTS AND DISCUSSION

Based on an analysis conducted through an empirical juridical method with a descriptive approach, this study found various important changes in the Criminal Code (KUHP) Law No. 1 of 2023⁶. The discussion below will outline the findings of this study, with an emphasis on the substantial changes in the new

⁵ El Muhtaj, M., Siregar, M. F., Pa, R. B. B., & Rachman, F. (2020). Literasi hak asasi manusia dalam kurikulum Pendidikan Kewarganegaraan di perguruan tinggi. *Jurnal Ham*, 11(3), 369.

⁶ Widyaastuty, R., Sihite, S., & Lubis, F. (2024). Pokok Pokok Pemikiran KUHP Baru. *Innovative: Journal Of Social Science Research*, 4(4), 3738-3750.

Criminal Code, as well as providing constructive criticism regarding the implementation and relevance of these changes in the enforcement of criminal law in Indonesia.

1. Substantial Changes in the New Criminal Code

One of the main changes in the new Criminal Code is the elimination of a number of criminal offenses that are considered no longer relevant to the development of society and the legal values that exist in Indonesian society today. For example, the offense of insulting the authorities, which was listed in the old Criminal Code and was used during the colonial era as a tool to curb freedom of speech and criticism of the government, has now been removed. The elimination of this offense clearly reflects the spirit of reform that values freedom of opinion and human rights more⁷.

Law No. 1 of 2023 concerning the Criminal Code still leaves room for controversy, especially regarding the article on insulting the President and state institutions. Although it aims to protect the image of the state, this article risks being misused to limit freedom of expression and criminalize criticism. The blurred line between legitimate criticism and insult opens the door to biased interpretations, potentially hindering democracy. If not applied fairly, the new Criminal Code could be a step backwards in criminal law reform and the protection of human rights. There are provisions that do not fully reflect awareness of social and cultural diversity in Indonesia, for example in the regulation regarding blasphemy. Although this article is intended to protect religious harmony, its highly subjective application can lead to discrimination against minority groups which in turn can damage social diversity in Indonesia⁸. Therefore, although the elimination of several criminal offenses shows progress, further evaluation of the remaining articles is still needed to ensure that this new Criminal Code does not become a tool to control freedom of expression or certain groups in society.

2. Rehabilitative vs. Punitives Approach in Criminal Sanctions

One of the most significant aspects of the criminal law reform reflected in the new Criminal Code is a paradigm shift from a punitive approach, which tends to prioritize punishment as retribution for crime, towards a rehabilitative approach that focuses more on the recovery and social reintegration of offenders⁹. This rehabilitative paradigm is an effort to provide opportunities for criminals to improve themselves, learn from their mistakes, and contribute to society again after undergoing the appropriate legal process. In this context, the new Criminal Code provides an opportunity for judges to divert criminal sanctions in the form

⁷ Ruslan Renggong, S. H. (2017). *Hukum Pidana Khusus*. Prenada Media

⁸ Khilmi, E. F. (2024). *Rekonseptualisasi Materi Muatan Mengenai Kerukunan Umat Beragama Dalam Peraturan Daerah Provinsi Jawa Timur Nomor 8 Tahun 2018 Tentang Penyelenggaraan Toleransi Kehidupan Bermasyarakat* (Doctoral dissertation, Universitas Islam Indonesia).

⁹ Anggraini, M. (2024). *Pertanggungjawaban Pidana Penyandang Disabilitas Mental dalam Tindak Pidana Pembunuhan Perspektif Hukum Pidana Islam (Studi Putusan Nomor 144/Pid. B/2014/PN. Cj)* (Bachelor's thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta).

of imprisonment to alternative sanctions such as social rehabilitation or social work for minor offenses and offenses that do not threaten public safety.

This step is considered a major breakthrough in the structuring of the Indonesian criminal justice system, given that until now, the Indonesian prison system has focused more on physical detention and retribution, which often fails to provide a deterrent effect and does not provide opportunities for criminals to make comprehensive self-improvements. In the rehabilitative concept, there is a recognition that prison is not always the best solution, especially for perpetrators involved in lesser crimes or due to worsening social conditions, such as poverty or negative environmental influences.

However, although theoretically, the application of rehabilitative sanctions in the new Criminal Code leads to more humane and progressive steps, the implementation of this policy in the field faces considerable challenges. One of the main problems that arises is the readiness of the correctional system and the limited social rehabilitation facilities available in Indonesia. The existing correctional system has so far focused more on the physical detention of criminals, and is not yet ready to adopt a more constructive approach, such as social rehabilitation, which requires a different approach.

a) Limitations of Rehabilitation Facilities

One of the biggest obstacles in the implementation of rehabilitative sanctions is the lack of adequate social rehabilitation facilities. Correctional institutions in Indonesia, which are actually expected to function as a means to facilitate the rehabilitation process, often do not have sufficient resources, both in terms of educational staff, educational facilities, and recovery programs that can help offenders return to society¹⁰. The empirical findings in this study show that social rehabilitation institutions in many regions, especially in remote areas, are unable to provide quality services for criminals. These limited facilities have led to many criminals ending up serving prison sentences instead of undergoing the rehabilitation programs they should have received.

In addition, the lack of a state budget to support the development of rehabilitation facilities and programs related to the social reintegration of criminals is also a big problem. Without adequate support from the government in this case, the rehabilitation program risks becoming just a discourse without effective implementation.

b) Abuse of Authority in Law Enforcement

Criminal Code provides room for rehabilitation as an alternative to imprisonment, abuse of authority by law enforcement officials is also a serious problem. The implementation of these rehabilitative sanctions in the field is often hampered by fraud, corruption, and injustice in law enforcement. In some cases, judges' decisions regarding social rehabilitation sanctions can be heavily influenced by non-objective

¹⁰ Sujoko, I., Humaira, A., Syarif, E., & Adhha, N. (2021). Pembinaan narapidana di lembaga pemasyarakatan Indonesia.

considerations, such as political pressure, personal interests, or the inability of law enforcement officers to fairly assess the cases they face.¹¹

For example, some offenders who are supposed to undergo social rehabilitation are instead sent to prison due to inaccuracies in judges' assessments or even due to corrupt practices in the judicial process. This situation is further exacerbated by the lack of clarity in the procedures for implementing rehabilitation, which often leads to a lack of clarity in the supervision of the implementation of judges' decisions. In some cases, there are irregularities in the implementation of social rehabilitation, where the offender does not actually have the opportunity to undergo the rehabilitation program decided by the judge, but instead is used as a tool for personal gain by certain parties.

c) Mismatch between Goals and Reality

One of the concerns is that while rehabilitative sanctions are in theory expected to reduce crime and reduce prison overcapacity, in reality, the criminal justice system and institutional capacity building in Indonesia has not fully supported this goal. The lack of training and mentoring for legal officers in handling rehabilitation-related cases is also a limiting factor. Without sufficient understanding, law enforcement officers tend to be unable to distinguish between offenders who deserve rehabilitation and offenders who require stricter prison sentences¹².

Selain itu, peran masyarakat dalam menjalankan sanksi rehabilitatif juga perlu mendapat perhatian serius. Reintegrasi sosial seorang pelaku kejahatan bukan hanya tergantung pada keberhasilan offenders must be able to accept and provide opportunities for offenders to participate in social life again after undergoing the legal process. Unfortunately, the social stigma against offenders, especially those who have served their sentences, is still very strong in society, which hinders their reintegration into society.

d) The Government's Role in Improving Implementation

To ensure that this rehabilitative approach is effective, the government must take a more active role in improving the correctional system and social rehabilitation. First, the government needs to allocate an adequate budget for the construction of rehabilitation facilities and improve the quality of recovery programs for offenders. The government also needs to improve training and education for law enforcement officers, so that they are better equipped to apply rehabilitative sanctions more objectively and fairly¹³.

¹¹ Wiratama, M. A., Rahman, S., & Djanggih, H. (2024). Politik Hukum Pertanggungjawaban Pidana Terhadap Kecelakaan Pesawat Udara yang Disebabkan oleh Kesalahan Pemandu Lalu Lintas Udara. *Journal of Lex Philosophy (JLP)*, 5(2), 1241-1263.

¹² Iskandar, A., & IK, S. (2019). *Penegakan hukum narkoba (rehabilitatif terhadap penyalah guna dan pecandu, represif terhadap pengedar)*. Elex Media Komputindo.

¹³ Ramadhani, S. (2024). Upaya Penegakan Hukum Terhadap Pelaku Penyalahgunaan Narkotika oleh Anak. *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL*, 3(4), 242-257

In addition, stricter monitoring and evaluation of the implementation of rehabilitation needs to be carried out to avoid abuse of authority and ensure that offenders really get the opportunity to improve themselves. The government also needs to encourage active community participation in the rehabilitation process, so that social reintegration can be better achieved.

3. Implementation of Human Rights Principles in the New Criminal Code

The application of human rights principles in the new Criminal Code is one aspect that has received serious attention in Indonesia's criminal law reform¹⁴. The new Criminal Code provides clearer and more comprehensive arrangements for the protection of the rights of suspects and defendants during the legal process, including the right to a fair legal defense, the right not to be forced to confess, and the right to be treated humanely during investigation and detention. This step is very important because there have been many reports showing violations of basic rights by law enforcement officials, whether in terms of torture of suspects, unlawful detention, or other arbitrary actions that are contrary to internationally recognized human rights principles. Thus, this regulation shows Indonesia's commitment to meet international standards in protecting human rights, especially in the criminal justice process.

However, although normatively the new Criminal Code has better regulated the protection of human rights, in reality, the implementation of these principles in the field still faces various challenges. Based on the empirical findings in this study, there are still many human rights violations, such as torture of suspects, unlawful detention, and inhumane treatment committed by law enforcement officials. This reflects the large gap between theory and practice in the application of human rights provisions in the Indonesian criminal justice system. For example, although the new Criminal Code prohibits torture and provides for the right to a legal defense, the practice of torture is still found in many police and correctional institutions, often due to a lack of training and understanding of human rights standards by law enforcement officials and a lack of adequate oversight of their actions.

Abuse of power by law enforcement officials is one of the main reasons why human rights principles are often violated. In addition, the lack of integrity and unclear oversight mechanisms in the legal process are also major obstacles. In fact, in many cases, victims of human rights violations often do not have adequate access to justice or redress, which in turn exacerbates public distrust of the legal system. This shows that while there are clear rules in the new Criminal Code, its implementation cannot be fully effective without a real commitment from the government, law enforcement agencies, and society to support and maintain respect for human rights.

To improve this situation, there needs to be regular training for law enforcement officials so that they are familiar with the human rights standards set out in the new Criminal Code and are able to implement them properly. Eradicating impunity for perpetrators of human rights violations must also be done so that there is no longer the impression that such violations can be ignored or left without consequences. In addition,

¹⁴ Zaidan, M. A. (2022). *Menuju pembaruan hukum pidana*. Sinar Grafika.

stricter oversight from independent institutions, such as Komnas HAM and the Witness and Victim Protection Agency, as well as an increased role for the mass media and civil society organizations in monitoring the legal process, are important steps to ensure that human rights principles are truly applied in every aspect of the criminal justice system in Indonesia. Transparency and accountability in the legal process must be maintained to maintain public trust in the legal justice system. With these efforts, the implementation of human rights principles in the new Criminal Code can be carried out more effectively and not only limited to the norms written in the law.

4. Challenges in the Implementation of the New Criminal Code

While the new Criminal Code has set out significant changes to Indonesia's criminal justice system, the biggest challenge remains its effective implementation on the ground. The changes in legal norms contained in the new Criminal Code are often not in line with the reality of criminal justice practice in Indonesia, leading to injustice and abuse of power. This mismatch between legal theory and practice creates a huge gap that hinders the achievement of the desired goals of legal reform. One clear example of this mismatch is the low level of understanding and knowledge of law enforcement officers of the new provisions in the Criminal Code, which risks leading to inconsistencies in the application of the law.

Based on the research findings, many law enforcement officials, including police, prosecutors and judges, have not fully understood and mastered the changes contained in the new Criminal Code, so they still apply the old rules or even make erroneous interpretations of the newly enacted articles

¹⁵. This not only causes confusion in the law enforcement process, but also opens the door for abuse of power and injustice. This misunderstanding affects various aspects of criminal law, such as investigation procedures, trials, as well as the imposition of sanctions, which should be in accordance with the principles of justice contained in the new Criminal Code.

In addition, the quality of judicial institutions in Indonesia is also often an obstacle in the implementation of the new Criminal Code. Although criminal law reform aims to improve the quality of the judiciary, many judicial institutions are still affected by corrupt practices, structural injustice, and unequal access to justice. Research findings show that rigid legal bureaucracy, corrupt practices among law enforcement officials, and abuse of authority often hamper what should be a fair and transparent judicial process. Corruption in the judicial process has the potential to undermine the good intentions of the new Penal Code changes, as in many cases, people with power or access can obtain privileges in the legal process that should not be granted.

The lack of transparency and accountability in the justice system exacerbates this situation. Without adequate oversight, corrupt and selective practices in the application of the law can continue to flourish. In fact, one of the main objectives of the KUHP reform is to create a legal system that is more just, transparent and has integrity. However, without serious improvements in the institutional structure and management of

¹⁵ Ali, M. (2022). *Dasar-dasar hukum pidana*. Sinar Grafika.

the judiciary, this goal will not be achieved. Therefore, to realize the success of this criminal law reform, continuous efforts are needed to improve the quality of judicial institutions, increase the integrity of law enforcement officers, and eradicate corruption in every line of justice.

It is important to emphasize that wider socialization to the public is also a key factor to ensure the successful implementation of the new Criminal Code. Major changes in the legal system are meaningless if people do not understand their rights or know how to protect them. Therefore, thorough legal education and outreach on human rights and the rights that each individual has must be an integral part of the acceptance process of the new Penal Code. A lack of public understanding of these changes could lead to ignorance in asserting their rights, or could even be exploited by irresponsible parties to abuse the legal system for personal gain.

In addition, access to justice must also be expanded, especially for groups that have been marginalized, such as the poor, women, and minority groups. Many of them are often prevented from obtaining correct information or equal access to the legal process. Therefore, legal education to the wider community through various media, be it through legal campaigns or training programs for the community, needs to be intensified. With a better understanding, the public will be better able to appreciate the changes and be actively involved in supporting legal reform. The application of technology in the judicial process can also be an effective measure to increase transparency and efficiency. Digital technology can assist in the dissemination of legal information, online case registration and more transparent monitoring of the judicial process. The use of this technology can also reduce corrupt practices that often arise due to uncertainty and closed information in the justice system.

While the new Penal Code reform has offered positive changes in Indonesia's criminal law, the biggest challenge lies in its effective implementation on the ground. The gap between legal theory and practice in the field, the unpreparedness of law enforcement officers, and the quality of judicial institutions that are still affected by corrupt practices are serious obstacles in realizing the objectives of this reform. Therefore, concrete steps are needed, such as improving the training of law enforcement officers, combating corruption, and socialization to the public, to ensure that the changes envisioned in the new Criminal Code can be accepted and implemented effectively in all levels of society.

5. Evaluation of Special Crimes and Victim Protection

The new Criminal Code gives greater attention to special crimes, such as human trafficking, violence against women and children, and terrorism, which are serious crimes that require special handling. One aspect that should be appreciated is the improved regulation on victim protection, by providing clearer rights for victims and more concrete legal measures to protect them. For example, in the context of human trafficking, the new Criminal Code provides for the protection of witnesses and victims, as well as the possibility of providing compensation and restoration for victims who have been severely traumatized.

Similarly, in the case of violence against women and children, there are more in-depth arrangements regarding victims' rights as well as stricter sanctions against perpetrators¹⁶.

However, despite some positive changes, the provisions in the new Criminal Code relating to these specific criminal offenses are still considered inadequate, particularly in terms of protection and assistance for victims. For example, the provisions on human trafficking and domestic violence are often overly normative and do not include clear mechanisms for concrete actions that can be taken to provide protection and justice for victims. In the case of human trafficking, although there are articles that regulate the prohibition and sanctions against perpetrators, effective implementation on the ground still faces various challenges, such as the lack of adequate protection facilities and sufficient legal assistance for victims. Many victims of human trafficking or domestic violence remain trapped in a cycle of social and economic dependency, which worsens their situation and limits their access to justice.

A major issue that needs more serious attention is the handling of domestic violence cases. In many cases, victims of domestic violence, especially women and children, often face social pressure, economic deprivation and stigma that make them reluctant to report to the authorities or seek legal protection¹⁷. In addition, the lack of safe shelter and adequate psychological help for victims also worsens their situation. Victims are often trapped in violent relationships due to economic dependency or fear of retaliation from the perpetrator. Although the new Criminal Code has provided for the protection of victims of domestic violence, these arrangements are often not accompanied by clear mechanisms on how the legal process should proceed and how concrete assistance can be provided for victims in the face of lengthy and complicated legal proceedings.

Furthermore, the lack of an interdisciplinary approach in handling cases of domestic violence or human trafficking, which involves not only law enforcement, but also medical personnel, psychologists, and civil society organizations, makes victim protection less than optimal. Many victims do not receive appropriate assistance to overcome their psychological trauma, which often affects their decision to report or follow the legal process. Therefore, although the new Criminal Code provides better arrangements, the implementation of victim protection principles still relies heavily on the readiness and capacity of relevant institutions to provide adequate support.

Although the new Criminal Code provides greater attention to victim protection in specific criminal offenses, there are still gaps in implementation that need to be addressed. Existing regulations are often too normative and not followed by clear implementation mechanisms, which hamper the provision of effective

¹⁶ Mugiono, M., Indradewi, A. A., & Achmad, A. S. (2024). Perspektif Hukum terhadap Tindak Pidana Perdagangan Orang di Kawasan ASEAN antara Indonesia dan Myanmar. *Journal of Contemporary Law Studies*, 1(4), 287-300.

¹⁷ Alfariszi, M., & Ahsan, K. (2024). Pelanggaran Hak Asasi Dalam Rumah Tangga Perspektif Hukum Keluarga Islam Dan Kitab Undang-Undang Hukum Positif Indonesia. *Shar-E: Jurnal Kajian Ekonomi Hukum Syariah*, 10(2), 122-132.

protection to victims. Therefore, in addition to improving the substance of the law itself, there needs to be concrete efforts in providing adequate protection facilities, broader legal assistance, and a more humanist approach in handling cases of domestic violence and human trafficking.

CONCLUSIONS

Criminal law reform in Indonesia, through the enactment of the new Criminal Code, is an important step to respond to social developments, legal challenges, and the increasingly complex needs of society. The new KUHP seeks to create a criminal law system that is fairer, progressive, and oriented towards the protection of human rights. However, despite the significant changes, the implementation and monitoring of these changes still face a number of major challenges. Some of the key changes in the new Criminal Code, such as the elimination of the offense of insulting the authorities and the adoption of a rehabilitative approach, reflect efforts to make Indonesia's criminal law more compatible with democratic values and human rights. However, the mismatch between the new legal norms and the reality on the ground, the unfamiliarity of law enforcement officials with the new provisions, and the widespread corruption in judicial institutions are significant obstacles to the implementation of the new Penal Code. Furthermore, although the new Criminal Code pays more attention to the protection of victims of special crimes, such as human trafficking and violence against women, the existing arrangements are often normative and lack detail in providing concrete solutions for victims. Protection of victims of domestic violence, for example, is still constrained by the lack of safe shelters and limitations in legal and psychological assistance for victims. Therefore, the success of this KUHP reform is highly dependent on the government's real commitment to improve the capacity of law enforcement agencies, strengthen oversight mechanisms, and educate the public on their rights in the context of the new criminal law. With the right steps in improving the implementation and monitoring of the provisions in the new Criminal Code, it is hoped that a legal system that is more transparent, accountable, and responsive to the needs of justice in Indonesia can be created.

REFERENCES

- Adinda, D., Salam, A., Ramadhan, A., Narendra, A., Anasti, M., & Yanto, J. (2024). Politik Hukum Dalam Pembaharuan Hukum Pidana di Indonesia. *Wathan: Jurnal Ilmu Sosial Dan Humaniora*, 1(1), 12-25.
- Alfariszi, M., & Ahsan, K. (2024). Pelanggaran Hak Asasi Dalam Rumah Tangga Perspektif Hukum Keluarga Islam Dan Kitab Undang-Undang Hukum Positif Indonesia. *Shar-E: Jurnal Kajian Ekonomi Hukum Syariah*, 10(2), 122-132.
- Ali, M. (2022). *Dasar-dasar hukum pidana*. Sinar Grafika.
- Anggraini, M. (2024). *Pertanggungjawaban Pidana Penyandang Disabilitas Mental dalam Tindak Pidana Pembunuhan Perspektif Hukum Pidana Islam (Studi Putusan Nomor 144/Pid. B/2014/PN. Cj)* (Bachelor's thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta).
- Anwar, Y. (2008). *Pembaruan hukum pidana: Reformasi hukum*. Grasindo.

El Muhtaj, M., Siregar, M. F., Pa, R. B. B., & Rachman, F. (2020). Literasi hak asasi manusia dalam kurikulum Pendidikan Kewarganegaraan di perguruan tinggi. *Jurnal Ham*, 11(3), 369.

Hamson, Z., & Makkah, H. M. (2021). *Membedah Anatomi Korupsi*. Penerbit NEM.

Iskandar, A., & IK, S. (2019). *Penegakan hukum narkoba (rehabilitatif terhadap penyalah guna dan pecandu, represif terhadap pengedar)*. Elex Media Komputindo.

Khilmi, E. F. (2024). *Rekonseptualisasi Materi Muatan Mengenai Kerukunan Umat Beragama Dalam Peraturan Daerah Provinsi Jawa Timur Nomor 8 Tahun 2018 Tentang Penyelenggaraan Toleransi Kehidupan Bermasyarakat* (Doctoral dissertation, Universitas Islam Indonesia).

Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, 5(1), 837-844.

Mugiono, M., Indradewi, A. A., & Achmad, A. S. (2024). Perspektif Hukum terhadap Tindak Pidana Perdagangan Orang di Kawasan ASEAN antara Indonesia dan Myanmar. *Journal of Contemporary Law Studies*, 1(4), 287-300.

Pinem, S., Zulyadi, R., & Syaputra, M. Y. A. (2023). DINAMIKA PEMBERANTASAN TINDAK PIDANA KORUPSI DI INDONESIA. *Jurnal Yuridis*, 10(2), 87-94.

Ramadhani, S. (2024). Upaya Penegakan Hukum Terhadap Pelaku Penyalahgunaan Narkoba oleh Anak. *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL*, 3(4), 242-257

Riyadi, D. (2024). *UPAYA KEPOLISIAN DALAM PENERAPAN RESTORATIVE JUSTICE PADA TAHAP PENYIDIKAN TINDAK PIDANA RINGAN* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

Ruslan Renggong, S. H. (2017). *Hukum Pidana Khusus*. Prenada Media

Sujoko, I., Humaira, A., Syarif, E., & Adhha, N. (2021). Pembinaan narapidana di lembaga pemasyarakatan Indonesia.

Tarigan, R. S. (2024). *Reformasi Hukum Tata Negara: Menuju Keadilan dan Keseimbangan*. Ruang Berkarya.

Wibisono, D. P. P. (2022). Upaya Polri Dalam Menanggulangi Tindak Pidana Pencurian Dengan Kekerasan Berdasarkan Pasal 365 Kitab Undang-Undang Hukum Pidana (KUHP). *Jurnal Hukum Media Justitia Nusantara*, 12(1), 146-188.

Widyaastuty, R., Sihite, S., & Lubis, F. (2024). Pokok Pokok Pemikiran KUHP Baru. *Innovative: Journal Of Social Science Research*, 4(4), 3738-3750.

Wiratama, M. A., Rahman, S., & Djanggih, H. (2024). Politik Hukum Pertanggungjawaban Pidana Terhadap Kecelakaan Pesawat Udara yang Disebabkan oleh Kesalahan Pemandu Lalu Lintas Udara. *Journal of Lex Philosophy (JLP)*, 5(2), 1241-1263.

Zaidan, M. A. (2022). *Menuju pembaruan hukum pidana*. Sinar Grafika