

## Reform of Indonesian Criminal Law Reviewed From Law Number 1 of 2023 About the Criminal Code"

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**Abstract** Law Number 1 of 2023 concerning the Criminal Code (KUHP) is an important milestone in criminal law reform in Indonesia. This study aims to analyze the innovations presented in the new Criminal Code and the challenges of its implementation. Therefore, based on the legal reform through the latest Criminal Code, it can be seen what the reforms in criminal law are according to Law Number : 1 of 2023 concerning the Criminal Code, why Law Number: 1 of 2023 concerning the Criminal Code needs to be reformed, and how the implementation will be in the future in the application of Law Number: 1 of 2023 concerning the Criminal Code. This study uses a juridical-normative method with a statutory and conceptual approach, this study found that the new Criminal Code introduces the concept of restorative justice , recognition of customary law, and protection of vulnerable groups as a step towards modernization. However, its implementation faces challenges, such as the readiness of law enforcement officers, harmonization of customary and national law, and the potential for misuse of articles that are considered controversial. Nevertheless, the new Criminal Code has the prospect of strengthening Indonesia's criminal law system if supported by strict supervision, training of law enforcement officers, and involvement of various stakeholders. This reform is expected to create a legal system that is fairer, more responsive, and more relevant to the needs of society.

**Keywords:** Indonesian Criminal Law, Legal Reform, Restorative Justice ,.

### 1. INTRODUCTION

Criminal law is one of the main pillars in maintaining order and justice in society. The main function of criminal law is to provide sanctions for actions that are considered detrimental to individuals or society, and to prevent crime. Along with the development of the times, criminal law must be able to overcome various challenges that emerge, especially related to increasingly complex types of crimes. Therefore, updates in criminal law are very important so that the law can remain relevant and effective in carrying out its duties.

The history of the journey of Indonesian criminal law records that efforts to replace the colonial Criminal Code have begun since the early days of independence. Various commissions and expert teams have been formed to design criminal laws that are in accordance with the needs of the pluralistic and sovereign Indonesian society. However, this renewal is hampered by various factors, such as limited resources, pros and cons in the application of new values, and the influence of foreign legal systems that are still dominant. One of the major challenges is replacing a legal system that prioritizes retribution with a system that prioritizes reconciliation and restoration, as reflected in the concept of restorative justice. justice which is now integrated into the new Criminal Code (Siregar, 2020).

Criminal law reform in Indonesia is a long process influenced by social, cultural, political, and economic developments that continue to change. Since Indonesia's independence,

the criminal law system in force has largely adopted the Criminal Code ( KUHP) inherited from the Dutch colonial government through the Wetboek van Strafrecht ( WvS ) in 1915. This colonial Criminal Code no longer reflects the increasingly complex needs of Indonesian society, especially in dealing with various types of modern crimes and demands for more humane justice. Therefore, efforts to reform criminal law are very important to create a justice system that is fairer, more effective, and in accordance with Indonesia's social conditions.

In 2023, the efforts to Reform Indonesia's Criminal Law reached a milestone with the enactment of Law Number 1 of 2023 concerning the Criminal Code ( KUHP). This law is a milestone for significant change, replacing the colonial Criminal Code that has lasted for more than a century. The reforms contained in this law are not only limited to changes to the legal text, but also include changes in the legal paradigm that reflect the principles of restorative justice , strengthening human rights (HAM), and respect for local cultural values.

Law Number 1 of 2023 concerning the Criminal Code ( KUHP) replaces the Criminal Code which has been using the legacy of the Dutch colonial era, marking a paradigm shift towards a more contextual legal system with local values and global developments. Law Number 1 of 2023 includes various innovations, such as regulations regarding restorative justice , decolonization of law, and strengthening protection of human rights (HAM). The concept of restorative justice , for example, provides an alternative resolution of criminal cases that is oriented towards reconciliation and restoration of social relations, thereby reducing the burden on the criminal justice system which has so far been too retributive (Putri et al. al. , 2021). In addition, this law also emphasizes the principle of respect for local values and customs as an integral part of resolving criminal cases, in accordance with the principle of legal pluralism (Santoso & Yani, 2022).

Furthermore, this renewal also faces various challenges. The implementation of new concepts such as restorative justice requires changes in legal culture, training of law enforcement officers, and public awareness of alternative mechanisms for resolving criminal cases (Hasibuan, 2023). In addition, the regulation of several articles in this law has drawn controversy, especially regarding crimes that are considered to threaten freedom of expression and individual privacy, thus giving rise to debate between the effectiveness of criminal law and human rights protection (Anwar & Rahmadani, 2023).

Through an analysis of Law Number 1 of 2023, this article aims to evaluate the extent to which the criminal law innovations introduced are able to answer the challenges of modern law in Indonesia. This study is not only important in the context of implementing the law, but

also to provide input for the formation of more progressive and inclusive criminal law policies in the future.

## **2. FORMULATION OF THE PROBLEM**

Based on what has been conveyed in the background, the problems in the research on the Reform of Indonesian Criminal Law reviewed from Law Number: 1 of 2023 concerning the Criminal Code are as follows:

What are the Updates in Criminal Law according to Law Number: 1 of 2023 concerning the Criminal Code?

1. Why does Law Number: 1 of 2023 concerning the Criminal Code need to be reformed?
2. How will the Future Implementation of Law Number: 1 of 2023 Concerning the Criminal Code be?
3. Theoretical basis

Law is a set of rules (order) as a system of rules ( rules ) about human behavior. Thus, law does not refer to a single rule ( rule ), but a set of rules ( rules ) that have a unity so that they can be understood as a system. The consequence is that it is impossible to understand the law if we only pay attention to one rule. ( Asshiddiqie Jimly & Safa'at Ali: 2006).

In the matter of criminal punishment, there are two known systems or methods which are usually applied from the time of the Dutch WVS until now, namely in the Criminal Code:

That the person who is convicted must serve his sentence within prison walls. He must be isolated from the general public, separated from the habits of life as they would be free. Guidance for the convict must also be carried out behind prison walls.

That in addition to convicts being punished, they must also be trained to return to society or rehabilitation/resocialization. (Amir Ilyas: 2012)

Therefore, of the 2 (two) systems applied in criminal liability which are basically to provide a deterrent effect to perpetrators of criminal acts, they cannot be separated from the theories of punishment that have been formulated by experts. These theories are:

### **1. Retributive Theory**

In this theory, the legal basis for imposing criminal penalties is due to the crime itself. This theory focuses on punishment/criminalization as an absolute demand to take revenge on people who have committed evil deeds. Success in this theory is considered when a model like this provides suffering or pain, because punishment is compensation for the crime that has been committed. So the retributive theory legitimizes punishment as a means of revenge for the mistakes that have been made by someone.

2. Deterrence Theory

This theory is a form of punishment theory that is dominated by the consequentialist view . The difference is that in the retributive theory view , which emphasizes the imposition of criminal sanctions only as retaliation, then in the deterrence theory , there are other goals that are more beneficial than just retaliation. So from this view, criminal law should not only be used as a means of retaliation against criminals, but how to prevent a crime from happening.

3. Relative Or Objective

The Relative Theory or Theory of Purpose is called the Utilitarian theory , a reaction to the absolute theory. The purpose of punishment according to the relative theory is not merely revenge, but to create order in society.

4. Incapacitation Theory

This theory is a theory of punishment that restricts people from society for a certain period of time with the aim of protecting society in general. The purpose of this theory is to see the types of crimes that are dangerous to society. Such as genocide, terrorism, or those that disturb society such as rape. The measure of criminal policy using this theory approach, Incapacitation , is: Only imposed on perpetrators who endanger society, and the form of sanction is to isolate or separate the perpetrator from society for a certain period of time (usually for a long time).

5. Rehabilitation Theory

This rehabilitation theory focuses on reforming or improving the perpetrator. This theory is based on a positive view in criminology, so that the cause of a crime is due to mental illness or social deviation in the view of psychiatry or psychology. The characteristics of the application of rehabilitation theory are efforts to limit the application of prison sentences by granting probation, accelerating the sentence period by granting remission, parole, amnesty, and the abolition of the death penalty.

6. Restoration Theory

Restoration or known as Restorative Justice starting from the implementation of the settlement of criminal cases committed by children outside the conventional justice mechanism carried out by the community who are referred to as victims offender mediation . This program is carried out as an alternative measure in providing the best punishment for children who commit crimes. The perpetrator and victim are first brought together in a negotiation to prepare a proposed punishment for the child perpetrator which will then be

considered by the judge in deciding the case. Juan Sharpe stated that there are five principles in

restorative justice , namely:

1. Restorative justice contains full participation and consensus. In this case, victims and perpetrators must be actively involved in negotiations to find a comprehensive solution. In addition, it also opens up opportunities for the community who have felt their security and order have been disturbed by the perpetrators to sit together to solve this problem.
2. Restorative Justice seeks solutions to restore and heal the damage or loss caused by criminal acts committed by the perpetrator.
3. Restorative justice provides a complete sense of responsibility for the perpetrator to be held accountable for his actions. The perpetrator must show remorse and admit all mistakes and realize that his actions have caused harm to others.
4. Restorative justice seeks to reunite the perpetrator as a member of society with his/her society that has been separated due to the crime. This is done by reconciling the victim and the perpetrator and reintegrating both into normal community life. Both must be freed from their past for a brighter future.
5. Restorative justice empowers society to prevent crimes from happening again. Crime causes damage to people's lives, but crime can be a lesson for society to open up true justice for all people. This is because criminogenic correlative factors tend to be rooted in problems that exist in society itself, such as economic, social, cultural factors, and not from within the perpetrator. (Saragih Mandasari Yasmirah : 2020)

### **3. RESEARCH METHODS**

This study uses a juridical-normative method with a statutory and conceptual approach to analyze the innovations contained in Law Number 1 of 2023 concerning the Criminal Code ( KUHP). This approach aims to assess the extent to which the changes in the Criminal Code meet the demands of the development of a more just criminal law and in accordance with the principles of human rights. In this study, the data used consists of primary and secondary legal materials. Primary legal materials include Law Number 1 of 2023 concerning the Criminal Code, which is the main focus of the analysis, while secondary legal materials include research journals, books, scientific articles, and other related documents that explore criminal law issues, restorative principles justice , as well as the application of human rights in the criminal justice system.

Data collection was conducted through literature study by reviewing various relevant references. This literature study is important to explore various perspectives related to the impact and innovation carried by the new Criminal Code, especially regarding the application of more humanistic concepts such as restorative justice . In this process, this study also identified various opinions from legal experts who support or criticize the changes contained in the law.

Data analysis was conducted qualitatively by interpreting the legal provisions contained in Law Number 1 of 2023. This analysis links the contents of the law with modern criminal law theory and human rights principles. Evaluation of the innovations in this law was carried out by considering their relevance to the development of international criminal law and the needs of the Indonesian people. In addition, this study also assesses the effectiveness and challenges that may be faced in implementing these changes in legal practice in Indonesia. The results of this analysis are expected to provide deeper insight into the potential positive impacts and obstacles that may arise due to the implementation of the new Criminal Code.

#### **4. DISCUSSION**

##### **1. Updates to Criminal Law on Law Number: 1 of 2023 concerning the Criminal Code**

One important aspect in the renewal of Law Number 1 of 2023 concerning the Criminal Code (KUHP) is the paradigm shift in the approach to criminal law. In the old Criminal Code, criminal law tended to be retributive , namely prioritizing retaliation for criminal acts through punitive punishment . In the new Criminal Code, there is a shift towards a more restorative model by prioritizing the resolution of cases involving victims, perpetrators, and the community (Marwan, 2022). This is reflected in the regulation of alternative case resolution known as Restorative Justice . This concept offers a solution to reconcile the disputing parties, not just punishing the perpetrators, so that it can put more emphasis on restoring social relations damaged by criminal acts.

This renewal is also closely related to the implementation of a legal system that prioritizes human rights (HAM). Previously, in the old Criminal Code, regulations regarding the protection of individual rights in the criminal law process were still limited. For example, related to the rights of prisoners and the right to defense, which are not as comprehensive as those regulated in the new Criminal Code. With the presence of the new Criminal Code, there are efforts to strengthen individual rights, for example through more detailed regulations regarding the rights of women, children, and other vulnerable groups. In this case, articles

relating to criminal acts of violence against women and children receive special attention by providing better protection for victims (Utami, 2023).

In addition, the renewal in the regulation of criminal acts is also seen in the elimination or revision of several articles that are considered no longer relevant to prevailing social values. Several articles in the old Criminal Code that are considered colonial, such as those regulating insults to rulers or state officials, have been changed or eliminated in the new Criminal Code. This reflects changes in Indonesian society that increasingly value freedom of expression and the principles of democracy. This change is also a form of legal decolonization that seeks to free itself from the influence of Dutch colonial law that is not in accordance with the context of national law and Indonesian culture (Kusnadi, 2022).

However, this renewal process also faces major challenges, one of which is related to the application of new principles in the Criminal Code which are not always in accordance with legal practices in the field. For example, although there are more humanistic and progressive articles, several provisions in the new Criminal Code, such as those concerning criminal acts related to religion, still draw criticism from various community groups. Some parties consider that these provisions still contain elements of discrimination and hinder religious freedom, so they are not in line with the principles of pluralism in Indonesia (Wahyuni, 2020).

The most significant change is the renewal in terms of systematization and article formulation techniques. The new Criminal Code is more structured by placing each type of crime in a clear category, both related to crimes against the state, crimes against individuals, and crimes against society. This clearer structure allows for more effective and efficient legal drafting, and makes it easier for the public and law enforcement to understand (Surya, 2021). Several analyses have shown that this more detailed arrangement allows for more transparent and accountable law enforcement , as well as improving the quality of the criminal justice process (Sulaiman & Wibowo, 2021).

Furthermore , changes in criminal law are also motivated by Indonesia's commitment to the development of international law, especially those related to the protection of human rights. In several provisions of the new Criminal Code, Indonesia seeks to accommodate ratified international conventions, such as the International Convention on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child. Thus, although the new Criminal Code was drafted based on national needs, in practice it also reflects efforts to uphold the principles of human rights that have been recognized internationally (Rahmat, 2022).

Therefore, due to the updates that occurred in Law Number: 1 of 2023, there are several articles or criminal acts that are in the spotlight and have become problematic in society, namely: (Susanto Chabib )

a. Death Penalty

Criminal liability punishable by the death penalty as stated in Article 67 and 100 of Law No. 1 of 2023 concerning the Criminal Code stipulates that judges can impose the death penalty with a probationary period of 10 (ten) years by considering the defendant's remorse and there is hope to improve themselves, in addition the role of the defendant in a crime can be reviewed in its entirety, or there are reasons that mitigate the defendant. This provision is in accordance with the considerations in the Constitutional Court decision Number: 23 / PUU-V / 2007, which states that the formulation, application, and implementation of the death penalty in the Indonesian criminal justice system should be able to be imposed with a probationary period of ten years which if the convict behaves commendably can be changed to life imprisonment or 20 years.

b. Criminal acts have supernatural powers

In the old Criminal Code there is no criminalization of people who claim or have supernatural powers. So from the latest Criminal Code update, it is stated in Article 252 of the Criminal Code against people who claim to have supernatural powers. In this case, it is hoped that it can prevent the emergence of new crimes in the form of fraud, extortion, or the emergence of victims due to people who claim to have supernatural powers.

c. Criminal Act of Insulting the President

of Law No. 1 of 2023 concerning the Criminal Code states Regarding the criminal act of insulting the president, which in this case is not to revive Article 134 of the old Criminal Code as annulled by the Constitutional Court Decision No. 013-022 / PUU-IV / 2006 concerning Article 207 of the old Criminal Code which was implicitly stated as a complaint offense. However, Article 218 distinguishes between criticism and insults, and emphasizes that criticism intended for the public interest cannot be criminalized. This means that if the president or vice president feels that the criticism is an insult to him, then the president or vice president can file a complaint.

d. Cohabitation

According to Article 412 of Law No. 1 of 2023 concerning the Criminal Code, an act called Cohabitation is regulated. The act of cohabitation can be interpreted as a person, either a man or a woman who is the same and is not bound by marriage between each other but has



lived properly as a married couple without a legal marriage bond, or what we know as the term *kumpul kebo*. (Sulistiyono Budi: 2018).

## 2. Reform of Law Number: 1 of 2023 concerning the Criminal Code

Law Number 1 of 2023 concerning the Criminal Code (KUHP) is present after going through various changes and updates to Indonesian criminal law which was previously stated in the old Criminal Code regulated in *Staatsblad* 1848 No. 54, which is more than a century old. The update in Criminal law through Law Number: 1 of 2023 concerning the Criminal Code is not only intended to refresh outdated regulations, but also to adapt to developments in the era and social dynamics that occur in society. Several important changes can be found in the basic concepts, formulation techniques, and systematics in this new law.

Indonesia itself has formulated a criminal law reform since 1963. Where the old Criminal Code which is a Dutch product is felt to be no longer relevant to the conditions and needs of criminal law in Indonesia. So that through Law Number 1 of 2023 concerning the Criminal Code, it is a significant step in the modernization of criminal law in Indonesia. One of the main innovations is the adoption of the concept of restorative justice , which provides an alternative to the conventional retributive criminal law approach . This concept seeks to prioritize the restoration of social relations between the perpetrator, victim, and society, so that justice is not only realized in the form of punishment, but also reconciliation (Putri et al. , 2021).

Another striking innovation is the effort to decolonize the law through the revision of a number of articles that were previously considered irrelevant to the socio-cultural context of Indonesia. The new Criminal Code accommodates local values, including customary law that lives in society. This can be seen in Article 2 Paragraph (1), which recognizes customary law as part of the national legal system as long as it does not conflict with the principles of human rights (Santoso & Yani, 2022). Thus, criminal law is not only a legal instrument, but also a tool to maintain social harmony based on local wisdom.

However, the implementation of customary law has challenges in terms of standardization and supervision. Several studies have revealed that the diversity of customary law in Indonesia can give rise to inconsistencies in the application of criminal law, especially in areas with high cultural plurality (Hasibuan, 2023). Therefore, the government needs to ensure a regulatory framework that is able to integrate customary law effectively without sacrificing the principle of universality of law.

In addition, the new Criminal Code also introduces more comprehensive legal protection for the rights of vulnerable groups. For example, regulations on gender-based

discrimination and protection of child victims of sexual crimes are important highlights. These articles not only strengthen legal protection but also demonstrate Indonesia's commitment to various international conventions, such as the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women (Anwar & Rahmadani, 2023).

However, this innovation has drawn criticism from various groups. Several articles in the new Criminal Code, such as provisions on insulting the president or government, are considered to have the potential to limit freedom of expression. It is feared that these articles could be misused to silence public criticism of the government (Siregar, 2020). Therefore, the need for careful interpretation and strict monitoring mechanisms to prevent abuse of the law is a crucial issue in the implementation of the new Criminal Code.

Criminal liability in Law Number: 1 of 2023 concerning the Criminal Code currently prioritizes the restorative system. justice which can be interpreted broadly, because the implementation restorative justice in this law does not fully refer to a complaint offense. But the priority is the level of awareness for someone who has committed a crime. As stated above , the perpetrator of a crime who is sentenced to death can be changed to life imprisonment or to twenty years in prison with the conditions that have been determined, in this case Law No. 1 of 2023 concerning the Criminal Code has a modern view of criminal law.

a. Restorative Justice

Restorative approach Justice in resolving criminal cases is considered a new method, although most of the patterns applied are rooted in the local wisdom values of primitive communities. The restorative principle justice is an approach that focuses more on creating harmonious conditions and balanced justice for victims and perpetrators of criminal acts. The mechanism for implementing criminal and judicial justice as a form of criminal accountability for someone who commits a crime is shifted to a process of dialogue and mediation with an orientation towards restoring justice for victims and reaching an agreement on a more just and balanced settlement of criminal cases for victims and perpetrators of criminal acts. The restorative justice approach is a paradigm that can be used to frame a criminal case management strategy that aims to address dissatisfaction with the current criminal justice system. Restorative justice is a concept that responds to the development of thinking on the criminal justice system by emphasizing community involvement and the needs of victims who feel marginalized by the mechanisms that work in the criminal justice system that is currently being developed. On the other hand, restorative justice is also a new framework of thinking that can be used by law enforcement in responding to crime. (Saragih, 2021)

b. Customary law

In the latest Criminal Code as enacted on January 2, 2023 and its implementation began in 2026, a criminal act is recognized based on the law that lives in society, or what was previously known as customary law. This is in accordance with Article 2 Paragraph 2 of Law No. 1 of 2023 concerning the Criminal Code "the law that lives in society as referred to in paragraph (1) applies in the place where the law lives as long as it is not regulated in this law and in accordance with the values contained in Pancasila, the 1945 Constitution , Human Rights, and general principles recognized by the community of nations."

The concept of Indonesian customary law in customary justice institutions has also received a concept that can be said to be the root of restorative justice . In Indonesia, the characteristics of customary law in each region/province are generally very supportive in the implementation of restorative justice . Related to violations or violations of customs and their resolution mechanisms, customary law has its own views. This includes actions that disrupt the peace of life or violations of morality in society. The following are some examples of violations of customary law:

1. Action events from parties in society;
2. Actions that cause balance disorders;
3. Disturbances in balance cause reactions;
4. The reaction that arises serves to restore the state of disturbance to its original state. This concept is very different from the understanding of crime or offense in the sense of criminal law.

Based on this understanding, the essence of customary law can be stated as follows:

1. Comprehensive and integrated. Its comprehensive and integrated nature is due to the cosmic background of customary law which is interrelated with each other. As a result, one cannot be separated from the other. Likewise in the legal field, there is no separation between civil and criminal violations, religious or moral violations, and justice.
2. Open. Violation of customary provisions is intended to maintain a sense of justice according to the perception of community awareness and pay attention to time, place, and circumstances ("desa", "kala", and "patra" for the Balinese people). Along with the development of society, it will also affect the development of settlement provisions in customary law because these provisions are formulated based on deliberation and consensus.

3. Distinguishing the problem. Customary violations do not see the problem solely from the act and its consequences, but also consider the background and who is responsible. This view will provide a new form of resolution and legal action for criminal acts.
  4. Justice on demand. The judicial process and examination of cases that violate customary law are carried out upon request/or without request, and complaints from people who are harmed or treated unfairly.
  5. Reaction or corrective action. Law enforcement officers act based on customary reactions; by taking steps to resolve criminal acts not only against the perpetrators, but also taking corrective action against family members or other perpetrators, or against the legal community concerned, with the aim of restoring balance to its original state by holding customary ceremonies and so on. In the customary view, there is no legitimate condition that supports the use of violence to ensure compliance. The application of customary sanctions is an effort to return space (location) to a state that does not disturb public order. (Saragih, 2021)
3. Future Implementation in the Application of Law Number: 1 of 2023 Concerning the Criminal Code

The renewal of criminal law through Law Number 1 of 2023 is not free from various challenges, especially in implementing it in people's lives. If we examine the purpose of the law, especially criminal law, to create benefits, justice, and legal certainty, it has been summarized in the latest Criminal Code. But that does not mean that its implementation is very easy. One of the main challenges is the readiness of law enforcement officers to adopt new paradigms, such as restorative justice . The implementation of this concept requires intensive training and a change in work culture among law enforcement officers who have been accustomed to a retributive approach . As research shows, without adequate preparation , the implementation of restorative justice will not be successful. justice can actually create legal uncertainty and harm victims (Putri et al. et al. , 2021).

In addition, harmonization between customary law and national law is also a complex issue. In some cases, customary law often conflicts with the principles of Human Rights, such as in terms of gender discrimination and the treatment of perpetrators of certain crimes. Therefore, strict supervision and intensive dialogue between the government and indigenous peoples are urgently needed (Santoso & Yani, 2022).

Another challenge is criticism of a number of articles that are considered controversial. Several articles on insulting the government or state symbols, as regulated in Articles 218 to 220, are considered to have the potential to restrict freedom of expression and violate

democratic principles. In this context, legislators need to consider revising or reinterpreting these articles so that they do not conflict with the constitution and international standards (Anwar & Rahmadani, 2023).

However, behind these challenges, the new Criminal Code also opens up opportunities for Indonesia to demonstrate its commitment to modernizing criminal law. Strengthening protection of the rights of victims and vulnerable groups, for example, can be an indicator of the success of legal reform in Indonesia. With articles that protect children, women, and minority groups, Indonesian criminal law can become more inclusive and progressive (Hasibuan, 2023).

The future prospects of the new Criminal Code also depend on the synergy between the government, academics, and civil society. Continuous research and evaluation are needed to ensure that the implementation of the new Criminal Code is in accordance with its original purpose, namely to create a legal system that is fair, effective, and relevant to the needs of modern society. In addition, international cooperation in adopting best practices from other countries can also be a strategic step to improve the quality of criminal law in Indonesia (Siregar, 2020).

The renewal of criminal law through the latest Criminal Code in the author's view is a step forward that has the potential to strengthen the Indonesian legal system. Although there are challenges in its implementation, the reforms presented can be a foundation for building a criminal law that is more responsive to the needs of society, and this success depends on the commitment of all parties, especially law enforcement agencies, high legal awareness by upholding moral principles, integrity, and professionalism will be able to overcome various challenges that exist with an inclusive approach and based on the principle of justice.

## **5. CONCLUSION**

Law Number 1 of 2023 concerning the Criminal Code is a progressive step in criminal law reform in Indonesia, by presenting various innovations aimed at creating a legal system that is fairer, more inclusive, and relevant to the needs of modern society. Adoption of the concept of restorative justice, recognition of customary law, and protection of vulnerable groups are manifestations of the Criminal Law Reform. However, challenges such as the readiness of law enforcement officers, harmonization of customary and national law, and criticism of several controversial articles indicate that the implementation of this law requires serious attention.

To ensure its success, supervision, intensive training for law enforcement officers, and the involvement of various parties, including indigenous peoples, academics, and civil society are needed. With continuous evaluation and strong synergy between the government and the community, the new Criminal Code can become the foundation for an Indonesian criminal law system that not only respects universal justice but also values local wisdom. This opens up an opportunity for Indonesia to demonstrate its commitment to sustainable legal reform amidst global challenges.

In terms of substance, Law Number: 1 of 2023 concerning the Criminal Code is oriented towards a framework of thought that reviews criminal law in a modern way. It does not emphasize retaliation for criminal responsibility, but rather prioritizes corrective justice, restorative justice, and rehabilitative justice.

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