

The Main Goals and Principles of The Indonesian Criminal Justice System

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Abstract

This study aims to establish the fundamental principles and guidelines of punishment in the enforcement of criminal law, as well as to evaluate the fairness of the sentences imposed by judges in criminal cases. The research uses a normative approach, which includes both the Statute and Conceptual approaches, and relies on primary and secondary legal sources through literature review. The analysis conducted is prescriptive in nature.

The study concludes that the objectives and guidelines of punishment within the criminal justice system are centered around the value of justice. Judges have the responsibility to uphold the law and ensure that justice is served. In situations where legal certainty and justice conflict, priority should be given to achieving justice. The proportionality of punishment imposed by judges in criminal cases ensures that the objectives and guidelines of sentencing serve as a mechanism for managing and steering, ensuring that the imposed penalty is intentional and well-oriented. Every criminal sentence should be carried out while considering the principles of certainty and proportionality, aiming to achieve justice in accordance with the Pancasila ideology and the 1945 Constitution of the Republic of Indonesia.

Keywords: main goals, principles, proportionality, criminal justice system

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1. Introduction

The Criminal Code (KUHP) was introduced in classical times, which resulted in draft punishment in the current Criminal Code is focused on principles revenge. Therefore, Indonesia criminal law justice system inversely proportional to national and globally development view. For overcome this, the policy steps have taken through integral approach, with the aim of carrying out integral policies involving a rational approach in planning social protection to overcome crime, with the main aim of achieving social welfare. In an effort to achieve this, integral policy proposes more changes wider and more specific in terms of the main concepts and principles to be developed. Holistically recognizes the need for a holistic approach to crime. Meaning, not only handle crime in a way reactive through punishment, but also prevent it through intervention social and rehabilitation. This requires cooperation between sectors, including law enforcement agencies, social services, educational, health and community. More specific, integral policies strive for repair criminal justice system with focus on recovery and reintegration perpetrator crime to in public for increase access to education, work training, and service mental health for perpetrator crime. In essence, integral policy conception thinking involves broad and specific changes in approach to crime, with focus on protection social and achievement public well-being. By involving approach rational and varied sector, integral policy endeavor for prevent crime, recover perpetrator evil, and creating more environment fair and safe for all inhabitant (Barda Nawawi Arief. 1996).

The Criminal Justice System is a system that exists in a society to overcome crime problems. The word overcoming in this context means efforts to control crime so that it remains within the limits of tolerance accepted by society. The criminal justice system is a working mechanism for dealing with crime that is based on a systems approach. This approach system refers to handling crime with involve various interconnected subsystems related and mutual influence. Generally, in criminal justice system there is a number of components, such as investigators, prosecutors, judges and officer's prison (Carolus Borromeus Mulyatno. 2023).

Indonesia's criminal justice system currently faces a precarious situation due to the absence of regulations, clear objectives, and established rules for punishment. As a result, it remains ineffective and lacks direction. The current situation arises because the Indonesian criminal justice system lacks well-defined objectives and guiding principles for punishment as outlined in the Criminal Code. Consequently, judges face ambiguity and lack specific instructions when making decisions. Given the current circumstances, it is accurate to assert that

Indonesia's criminal justice system lacks a well-defined direction, resulting in an uneven application of sentencing across different cases.

Sentencing objectives and guidelines serve as crucial directions for judges when determining the appropriate application and imposition of sentences. These sentencing objectives and guidelines act as a compass for judges. With these references, judges can consistently weigh the merits and implications of imposing a sentence, ensuring fairness and consistency across different judicial decisions. The presence of variations in sentencing or sentencing disparity is inherently acceptable, as each legal case possesses its own distinct characteristics. However, complications arise when significant disparities occur in the sentences handed down for the same case, resulting in an unjust outcome.

The evolution of punishment in modern time has undergone substantial changes. Originally centered around retribution, it has now shifted towards addressing broader societal interest and improving conditions impacted by criminal behavior. This transformation significantly influences legal thinking and the process of drafting new criminal code, as exemplified in Indonesia's recent efforts to revise its Criminal Code (Kelly Buchanan.2022)

In the new Criminal Code, several key modifications pertain to punishment. These alterations encompass the fundamental structure of punishment, including its core principles, objectives, guidelines, and adaptations for different criminal scenarios. The bedrock concept of punishment emphasizes equilibrium, serving as the cornerstone for determining criminal penalties. Furthermore, the purpose of punishment extends to guiding law enforcement and promoting transparency in its application.

The Criminal Code's introduction of novel concepts concerning the objectives and guidelines for punishment is a compelling area of study. It prompts examination into the fundamental essence and coherence of these principles within Indonesia's criminal justice system, particularly during court proceedings.

The authors conducted normative research in an article titled "The Essence of Objectives and Guidelines within the Indonesian Criminal Justice System". Within this research, the authors address the following questions 1) What constitutes the fundamental essence of objectives and guidelines for punishment in criminal law enforcement? 2) How proportional are the punishments imposed by judges in the context of criminal sanctions?

The Essence of Sentencing Objectives And Guidelines Within The Context of Criminal Law Enforcement

The core of essence of the criminal justice system culminates in punishment or sentencing. However, within the criminal justice framework, punishment often receives less attention, akin to stepchild, as it primarily centers on criminal actions and individual responsibility. Hulsman contends that the criminal system encompasses a collection of legal rules pertaining to punishment and the process of criminal imposition (Barda Nawawi Arief.2011).

Initiating reforms within the criminal system necessitates a reflective approach, infused with philosophical elements, to articulate the fundamental principles and concepts. The imposition of criminal sanctions emerges as a product of deliberate contemplation building upon the bedrock of punitive fundamentals (Asworth A.2005). In this context, Sholehuddin highlights the dual significance of punishment. Firstly, it serves as a foundational and normative principle that shapes the criminal justice system. Secondly, it assumes a theoretical role as a meta-theory, forming the bedrock for punishment theory (M Sholehuddin.2014).

The penal system, grounded in the principle of criminal individualization, does not imply unrestricted freedom for judges and other institutions. According to Barda Nawawi Arief, the legal penal system is essentially a framework that grants authority for imposing punishments (Saraya S.2019).

The primary objective of the criminal justice system is to administer fitting punishments. Consequently, having sentencing guidelines serves as a crucial foundation, providing direction and guidance when determining criminal penalties. In various countries, the Criminal Code employs several terms related to punishment including criteria for imposing fines, principles for determining sentences, general principles for determining sentences, determination of sentences and general principles for determining sentences (Marcus Priyo Gunarto. 2009).

Sentencing guidelines, also referred to as guidance for sentencing, serve as a crucial framework. They play a pivotal role by offering direction and guidance to judges during the process of sentencing determination and implementation. Additionally, these guidelines act as a control mechanism, ensuring that the criminal sanctions imposed align with specific objectives and yield relevant benefits (Noveria Devi Imawanti Et All.2021).

The expansion of the Ratio Legis necessitates the formulation of objectives and guidelines for punishment within the Indonesian criminal justice system, driven by the following reasons:

1. Within the Criminal Code, there exists no explicit and unequivocal elucidation concerning the direction and guidelines for punishment that must be adhered to within the sentencing framework. This underscores the imperative to extend the ratio legis to encompass these critical facets.
2. The objectives and guidelines for sentencing play a crucial role in providing direction, guidance, and methods for law enforcement officials when implementing criminal regulations. Without a clearly defined goal, law enforcement may encounter challenges in determining appropriate punishment and taking relevant action in specific cases.
3. The purposes and guidelines for punishment serve as fundamental prerequisites for devising appropriate methods, procedures, and actions within the penal system. By comprehending and adhering to well-defined guidelines, legal practitioners can execute their responsibilities with greater consistency and equity, thereby ensuring legal certainty for all parties involved in the criminal justice process. Consequently, expanding the ratio legis becomes crucial in addressing any shortcomings related to the objectives and guidelines for imposing sentences within the Indonesian criminal justice framework. The ultimate goal is to facilitate the effective, fair, and consistent functioning of the criminal justice system.

Establishing sentencing guidelines necessitates the inclusion of philosophical, juridical, sociological, and criminal justice system perspectives. The logical implication is that within a judge's decision, sentencing guidelines play a crucial role in achieving legal certainty, utility, and justice in handling cases. By having these guidelines in place, judges can adopt a more rational mindset, ensuring appropriate decision ratios during examinations, trials, and decision-making processes. Additionally, clarity in decisions helps overcome inconsistent variations in sentences (sentencing of disparity) (Alin F, 2017).

From a moral standpoint, criminal law reform fundamentally involves evaluating and reassessing the sociopolitical, sociophilosophical, and sociocultural values that underpin and shape the norms and substance of criminal law. This process aims to ensure that criminal law remains relevant and align with the evolving needs and perspectives of society (Rusli Muhammad.2019).

To enhance the efficiency of Indonesia's criminal justice system, Law Number 1 of 2023, which pertains to the Criminal Code, includes provisions outlining criminal justice objectives and guidelines. These provisions are articulated in various articles. Article 51 specifically delineates the objectives of punishment:

1. Anticipate the occurrence of criminal acts by enforcing regulations to safeguard and protect the community.
2. Nurturing and mentoring incarcerated individuals to contribute positively to the broader community.
3. Offering remedies for issues stemming from criminal behavior, restoring normalcy, and fostering peace in individuals' lives.
4. Motivating prisoners to acknowledge the weight of guilt and liberate themselves from its burden.

Meanwhile, Article 52 emphasizes that the imposition of punishment should not diminish human dignity. Additionally, Article 53 stipulates:

1. In the criminal trial process, the judge bears the responsibility of meticulously upholding the law and principles of justice.
2. When a conflict arises between legal certainty and the principles of fairness in law enforcement and justice, as stated in paragraph (1), the judge must prioritize the principles of justice.

Article 54 outlines the factors that must be taken into account during the sentencing process:

1. Representation of the offender's unlawful behavior.
2. The motivations and purposes behind an individual's engagement in criminal behavior.
3. Mens Rea of an individual who commits a criminal act.

4. The consideration of whether an action was carried out through premeditated planning or not is crucial in understanding the context and intent behind the act.
5. The approach or technique employed by the perpetrator when committing the crime.
6. The actions and conduct of the perpetrator following the commission of the crime.
7. The history, social context, and financial circumstances of the individual responsible for the crime.
8. The consequences of punishment for the perpetrator in the days ahead.
9. The profound effects of criminal acts on both victims and their families.
10. Reflect on the possibility of seeking forgiveness from the victim or their family.
11. Ethical principles and society's perception of justice.

Furthermore, in cases where the perpetrator's actions are minor, various factors including the perpetrator's individual circumstances, the context of the action, and subsequent events may serve as grounds for leniency in imposing specific penalties or actions. These considerations align with principles of justice and compassion.

According to Article 55 of the Criminal Code, an individual who commits a criminal act remains legally accountable without any exceptions, even if they intentionally create circumstances that could potentially justify canceling the sentence. Article 56 outlines considerations when imposing penalties on institutions. It emphasizes the following aspects:

1. The extent of the loss caused by the criminal act.
2. How significant is the role of institutions that hold positions within the corporation as superiors, supervisors, or profit-makers?
3. The period within which a corporation can be held responsible for criminal acts
4. The quantity of criminal acts committed by the corporation.
5. The type of error made during the act.
6. Involving those who wield corporate power.
7. The responsibility of the law to uphold moral and ethical standards for the public.
8. The reputation of the corporation in managing the program.
9. The repercussions of public denunciation on corporations.
10. The level of collaboration by the corporation in dealing with criminal acts.

The Criminal Code's Article 57 states that if a criminal act is punishable by a main criminal offense with an option, the lighter main criminal sentence shall take precedence if it is deemed appropriate to achieve the purpose of punishment. According to Article 58 of the Criminal Code, the following factors can increase the severity of punishment: a) An official who commits a criminal act by violating the specific responsibilities of their position or by abusing their power, opportunities, or resources. b) The use of the flag, national anthem, or symbol of the Indonesian state when violating the law. c) Repeated violations. And According to Article 59, the criminal burden as specified in Article 58 can be augmented by one-third of the maximum penalty that is to be imposed.

Article 60 of the Criminal Code specifies the following provisions:

1. The imposition of prison sentences and closing penalty on convicts who have been detained will occur only after the court decision is legally final.
2. The punishment outlined in paragraph (1) will be enforced when the court decision is implemented if the convict is not in custody.

Article 61 specifies the following provisions:

1. The duration of the prison sentence can be decreased in part or in full by considering the length of time the perpetrator spent in arrest and/or detention before an irresistible court order was issued.
2. The reduction of the fine, as described in paragraph (1), is considered to be a substitute for a prison sentence.

Article 62 specifies the following provisions:

1. The implementation of the criminal decision against the convict will not be halted by submitting a request for a reduction in sentence, unless the decision is a death sentence.
2. The requirements and procedures for applying for clemency, as described in paragraph (1), are subject to regulation by law.

According to Article 63 of the Criminal Code, the time spent by a prisoner in a state of escape will not be considered as part of the prison sentence. The sentencing guidelines in this context are consistent with the principles of justice outlined in Article 24 (1) of the 1945 Constitution, which emphasizes the importance of upholding the law and justice. The Criminal Code's sentencing guidelines highlight the obligation of judges to enforce the rules and achieve justice. In situations where a choice must be made between justice and legal

certainty, judges are expected to prioritize justice. Therefore, the purpose and guidelines for punishment in the criminal justice system are aimed at achieving justice.

The introduction of binding sentencing guidelines for all criminal justice subsystems is expected to yield greater benefits for perpetrators, victims, society, and the ultimate goals of the criminal justice system in the future.

The principle of proportionality in the sentencing of criminal witnesses by judges.

The goals and principles of punishment play a crucial part in determining criminal penalties, as they establish the limits, directions, and policy guidelines. These serve as the legal foundation for judges when imposing criminal sentences, enabling them to effectively contribute to crime prevention. One approach to addressing criminal behavior is through the use of penal measures, which involve the application of criminal penalties. Penal facilities, as components of the criminal justice system, provide a solution to the issue of crime (Alin, F. (2017)). The primary goal of criminal law is to promote social welfare, which includes personal protection and structuring, as well as protecting public interests. Social defense aims to restrain crime, prevent criminal aberrations, and restore the original state. In the classical tradition of punishment, criminal sanctions are used as an act of retaliation for actions that violate community law. The retributive approach is a normative justification for providing legal protection to society from crime by producing a psychological deterrent effect on perpetrators. However, there has been a shift in approach towards legal benefits. In terms of expediency, the imposition of criminal penalties is based on justification in the application of criminal sanctions, with the aim of creating better conditions (Marcus Priyo Gunarto. 2009).

The primary goal of punishment in criminal law is to achieve community protection and social welfare, which are also referred to as social defense and social welfare. The main objectives of this function are to provide protection and promote prosperity.

Sentencing guidelines serve as a guide for judges to carry out preventive, protective, and coaching actions. In the sentencing process, judges use these guidelines as a reference to decide whether to impose a sentence, grant forgiveness to the perpetrator without convicting them, or impose a sentence even though there are reasons to remove it. However, the Criminal Code's limited role of the victim results in punishment that tends to be limited to revenge without considering the interests and recovery of the victim (Marcus Priyo Gunarto. 2009).

Sentencing guidelines that are fair, legally certain, and prioritize expediency should be formulated by taking into account juridical, sociological, and philosophical perspectives. Ideally, these guidelines should be regulated through Supreme Court Regulations that provide judges with the space to find appropriate justice for the perpetrator, victim, and society. This model emphasizes the importance of protecting against social danger resulting from criminal acts, ensuring harmony in the protection of acts, perpetrators, and victims. Additionally, the objectives and guidelines of punishment should be the basis for justifying the existence of a crime, not only based on the objective conditions of the crime and the subjective conditions of guilt, but also considering the objectives to be achieved through punishment (Ramadhan, M., Ariyanti, D.O. 2023).

The implementation of Supreme Court Regulation (PERMA) Number 1 of 2020 concerning Guidelines for Sanctions Articles 2 and 3 of the Corruption Eradication Law preceded the Criminal Code. This Supreme Court Regulation has provisions that are binding on judges and aims to prevent disparities in decisions in similar cases without eliminating the independence of judges. The regulation is a response to the problem of criminal disparities that occur in corruption cases, with the aim of creating uniformity in the application of law to cases with characteristics and similarities.

Gustav Radbruch believed that the objectives of law include justice, certainty, and legal benefits. In the context of criminal sentencing, it is essential to consider certainty and proportionality in the sentencing process to achieve justice. This principle is reflected in Perma Number 1 of 2020, which states that in every punishment process, certainty and proportionate sanctions must be taken into account to achieve justice in accordance with the principles of Pancasila and the 1945 Constitution.

According to legal scholar Lawrence M. Friedman, the legal system is composed of three core elements: legal material, legal organization, and legal values. The legal substance subsystem is concerned with the regulation and content of the law, while the legal structure subsystem includes law enforcement officials and the legal infrastructure itself. The legal culture subsystem involves people's behavior related to the law. The Criminal Code and Perma No. 1 of 2020 are the legal subsystem itself, establishing the norms and rules that regulate

criminal law in that country. These regulations also play a role in forming the legal structure by regulating the roles and duties of law enforcement officials and providing the facilities and infrastructure needed to implement criminal law. Finally, these regulations can also influence legal culture or people's behavior regarding criminal law. Thus, the legal substance contained in the Criminal Code and Perma No. 1 of 2020 plays an important role in implementing the criminal legal system, while the legal structure and legal culture also play a significant role in implementing the law (Lawrence. M. Friedman.1975).

When imposing a sentence, it is crucial to respect the personal dignity of the perpetrator. This means that the severity or leniency of the punishment must be determined based on the type of act committed by the perpetrator. Punishment is a dialectical form of retribution that requires a balance between the crime committed and the punishment given. This balance does not mean that the punishment must be similar, but it is sufficient if the punishment given to the perpetrator has a value commensurate with the crime committed (Isak, Jayenov, Zulyadi, Rizkan, Ramadhan, M. 2023).

Criminal Code Law Number 1 of 2023 and Supreme Court Regulation Number 1 of 2020 are fundamental components of the criminal justice system in Indonesia. Both regulations determine the objectives and guidelines for punishment, making them the main components of the legal content of the criminal justice system in Indonesia. As legal elements or substance in the legal structure, Criminal Code Law No. 1 of 2023 and Supreme Court Regulation No. 1 of 2020 are essential factors in determining the proportionality of sentences against perpetrators in the criminal justice system in Indonesia.

Sentencing objectives and guidelines in the Criminal Code make it easier for judges to make decisions and prevent differences in sentencing decisions. The Criminal Code emphasizes the principle that judges are deemed to have adequate legal knowledge as an effort to legalize and implement laws and sentencing guidelines. This is a step forward that directs judges in carrying out their judicial duties with the aim of providing decisions that are more balanced, fair, and proportional (Isak, Jayenov, Zulyadi, Rizkan, Ramadhan, M. 2023).

5. Conclusion

The objectives and guidelines for punishment in the criminal justice system are essential to achieve justice as a core value. Judges have the responsibility to uphold law and justice, and when there is a conflict between legal objectives, namely legal certainty and legal justice, judges are expected to prioritize legal justice. Proportionality in the imposition of criminal sanctions by judges aims to ensure that the punishment given has a clear direction and provides benefits. The Criminal Code is an important part of the legal structure and serves as a guideline that determines proportionality in sentencing criminals to perpetrators in Indonesia. Therefore, every sentence must take into account the certainty and proportionality of the punishment to achieve justice according to the values of Pancasila and the 1945 Constitution.

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