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Study of Law Number 1 of 2023 concerning the Criminal Code (KUHP)

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ABSTRACT

The Criminal Code (KUHP) Law Number 1 of 2023 is a modification of the existing Criminal Code that has been in force since 1918. The reform of the Criminal Code aimed to align with advancements in criminal law in Indonesia and address the evolving legal requirements of society. The amendment to the Criminal Code encompasses several modifications, including the incorporation of novel criminal offenses, such as offenses against the environment, offenses against public assets, and offenses against human rights. Abolition of antiquated penal offenses, such as adultery, abortion, and offenses against moral principles. Revisions to the definition of criminal offenses, such as modifications to the definition of theft, embezzlement, and domestic violence. The amendment to the Criminal Code has both favorable and unfavorable consequences. Overall, many consider the amendment of the Criminal Code a favorable measure that aligns with advancements in criminal law in Indonesia and addresses the increasing legal requirements of society. This change is also deemed capable of offering enhanced legal safeguards for the community while simultaneously achieving justice and legal clarity.

1. Introduction

The Criminal Code (KUHP) Law Number 1 of 2023 is a piece of legislation that governs criminal offenses and their corresponding penalties. This legislation constitutes an amendment to the Criminal Code, which has been in force since 1918. This amendment to the Criminal Code aligns with advancements in criminal law in Indonesia and addresses the evolving legal requirements of society. This modification also seeks to enhance legal safeguards for the community while simultaneously striving to achieve justice and legal clarity.¹

This iteration of the Criminal Code introduces several new criminal acts, including offenses against the environment, offenses against state assets, and offenses against human rights. Abolition of various antiquated offenses, including adultery, abortion, and crimes against morality. Revisions to the wording of current criminal offenses, such as theft, embezzlement,

and domestic abuse. This analysis aims to assess and evaluate the outcomes of amending Law Number 1 of 2023, which pertains to the Criminal Code. This study will examine various crucial elements of the modification of the Criminal Code, encompassing: The philosophical aspects pertain to the examination of the reasoning and goals behind the reform of the Criminal Code. The objective is to examine the modifications in the content of the updated Criminal Code from a legal perspective. The primary objective is to examine the practical implications of the Criminal Code reform on both Indonesian society and the legal system.²

Philosophical perspective

The purpose and objective of revising the Criminal Code are to align with advancements in criminal law in Indonesia and to address evolving legal requirements in society. This amendment also seeks to enhance legal safeguards for the community while

simultaneously achieving justice and legal clarity. The existing Criminal Code has surpassed a century in age. Throughout this period, Indonesia has witnessed numerous advancements in criminal law, encompassing both theoretical and practical aspects. The purpose of this modification of the Criminal Code is to align it with advancements in criminal law. Several advancements in Indonesian criminal law have served as the foundation for the modification of the Criminal Code. These developments encompass advancements in the field of criminal law theory, such as the evolution of restorative justice theory and preventative theory. The evolution of criminal law practice encompasses the emergence of novel offenses, including crimes pertaining to environmental degradation and crimes targeting state-owned resources. Addressing the increasing legal demands of society.³

In addition to accommodating changes in criminal law, the reform of the Criminal Code also seeks to address evolving legal requirements in society. The legal requirements in society might evolve in accordance with the prevailing zeitgeist and societal values. The purpose of this reform of the Criminal Code is to address the evolving legal requirements of society. Several emerging legal requirements in society are driving the revision of the Criminal Code. These include the imperative for enhanced legal safeguards for society, particularly in relation to novel offenses like environmental crimes and crimes against state assets, and the requirement for improved justice and legal assurance within society.⁴

The amendment to the Criminal Code also seeks to provide legal safeguards for the community. A variety of means, including the imposition of penalties, can achieve legal protection. Punishment serves as a deterrent for criminals, effectively deterring the occurrence of future crimes. Furthermore, non-criminal methods like rehabilitation and social reintegration can also be utilized as legal safeguards, in addition to punitive measures. The updated Criminal Code also takes into consideration these non-criminal endeavors. The amendment of the Criminal Code also seeks to achieve justice and ensure legal certainty. Implementing equitable and unbiased legislation achieves legal justice. Ensuring clear and consistent application of the law can achieve legal certainty. The new Criminal Code aims to achieve justice and legal

certainty through multiple methods, including the establishment of more explicit and stringent provisions pertaining to criminal offenses and their corresponding penalties.⁵

Legal aspect

The updated Criminal Code incorporates various more criminal offenses, notably transgressions against the environment, such as environmental pollution, environmental harm, and illicit trade of animals. Offenses committed against government assets, such as corruption, collusion, nepotism, and theft of public funds, Violations of human rights, such as torture, enslavement, and people trafficking. This novel criminal offense is included to align with advancements in Indonesian criminal legislation and address evolving societal legal requirements.⁶

The Criminal Code reform abolishes a number of antiquated offenses, such as: The act of adultery, which is seen as incompatible with current legal advancements and the societal norms upheld in Indonesia, The act of abortion, which is widely regarded as a source of intense debate and disagreement, Offenses against propriety, which are deemed to perpetuate gender-based discrimination, The objective of abolishing outdated criminal offenses is to streamline and adjust to advancements in the Indonesian criminal justice system. The rewriting of the Criminal Code entails altering the wording of certain preexisting criminal offenses, which include: authorities reformulated the crime of stealing to clarify its constituent elements. Lawmakers have revised the crime of embezzlement to provide a clearer definition of its constituent aspects. The crime of domestic violence is defined as encompassing a range of different forms of domestic violence. The objective of this modification in the formulation of criminal offenses is to ensure legal clarity and prevent the unjust punishment of conduct that does not warrant criminalization.⁷

Introducing new criminal offenses to the Criminal Code aligns with advancements in criminal law in Indonesia and addresses the increasing legal demands of society. These newly committed criminal acts are significant to include as they can enhance the legal safeguarding of the community and promote the principles of justice and legal clarity. Eliminating outdated criminal charges in the Criminal Code

commendably streamlines and aligns with advancements in criminal law in Indonesia. The current legal advancements and societal norms upheld in Indonesia deem these antiquated offenses incompatible. Modifications to the wording of criminal offenses in the Criminal Code are a commendable measure to provide legal clarity and prevent the unjust punishment of conduct that does not warrant prosecution. A more explicit and resolute articulation of criminal offenses can assist law enforcement authorities in implementing the law impartially and without discrimination. Overall, stakeholders consider the modification of the Criminal Code a favorable measure to align with advancements in criminal law in Indonesia and address the increasing legal demands of society. This change is also deemed capable of offering enhanced legal safeguards for the community while simultaneously achieving justice and legal clarity.^{6,7}

Implementation considerations

The updated Criminal Code introduces a number of additional criminal offenses, including offenses related to environmental violations, offenses related to state property, and offenses related to violations of human rights. These novel criminal acts can enhance the legal safeguarding of the community against a range of offenses that have the potential to cause harm. The amended Criminal Code modifies the wording of certain current criminal offenses, including the definition of stealing and the offense of domestic abuse. Enhancing the clarity and precision of criminal offenses helps establish legal certainty for both the general public and law enforcement authorities. The updated Criminal Code eliminates certain antiquated offenses, such as the offense of adultery and the offense of abortion. The eradication of past criminal offenses might enhance societal legal justice, particularly for women.⁸

The amendment to the Criminal Code abolishes a number of outdated criminal offenses that are no longer in line with legal advancements and the societal ideals upheld by Indonesian society. The eradication of these antiquated criminal offenses can streamline the criminal legislation in Indonesia. The amendment to the Criminal Code modifies the wording of certain pre-existing criminal offenses. A more explicit and resolute articulation of criminal offenses can offer

legal assurance to law enforcement authorities in the execution of the law. The updated Criminal Code eliminates certain antiquated criminal offenses that discriminate against women. Eradicating antiquated criminal offenses can enhance the efficacy of legal justice for women. The reform of the Criminal Code is considered a favorable measure to align with advancements in criminal law in Indonesia and address the increasing legal requirements of society. This change is also deemed capable of offering enhanced legal safeguards for the community while simultaneously achieving justice and legal clarity.^{9,10}

The inclusion of many additional criminal offenses, such as offenses against the environment and offenses against human rights, may lead to the possibility of penalizing conduct that should not be subject to punishment. The inclusion of multiple new criminal offenses and alterations to the formulation of existing criminal offenses might augment the burden on law enforcement agents in enforcing the law. The inclusion of multiple new criminal offenses and modifications to the formulation of existing criminal offenses might lead to an escalation in legal expenses for the community. The government and society should proactively anticipate these adverse effects in order to ensure a smooth implementation of the Criminal Code amendment and maximize its societal advantages.^{11,12}

2. Conclusion

The Criminal Code (KUHP) Law Number 1 of 2023 is a revised version of the Criminal Code that has been in force since 1918. The updated Criminal Code has several modifications, encompassing the inclusion of novel criminal offenses, such as offenses against the environment, offenses against state assets, and offenses against human rights. The amendment of the Criminal Code has both advantageous and detrimental effects. Overall, society regards the reform of the Criminal Code as a favorable measure that accommodates advancements in criminal law in Indonesia and addresses increasing legal requirements. This change is also deemed capable of offering enhanced legal safeguards for the community while simultaneously achieving justice and legal clarity.

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