

Reform of the Indonesian Criminal Procedure Law: Urgency and Impact on The Criminal Justice System

Gunawan^{1*}, Mohammad Ilham², Fitra Mayesti³, Eni Rosimah⁴, Bara Parsaoran Limbong⁵

¹ Faculty of Law, University of Islam Nusantara, Indonesia.
Email: gunawan@uninus.ac.id

² Faculty of Law, University of Islam Nusantara, Indonesia.
Email: mohammadilham@uninus.ac.id

³ Faculty of Law, University of Islam Nusantara, Indonesia.
Email: fitramayesti@uninus.ac.id

⁴ Faculty of Law, University of Islam Nusantara, Indonesia.
Email: enirosimah@uninus.ac.id

⁵ Faculty of Law, University of Islam Nusantara, Indonesia.
Email: baraparsaoranlimbong@uninus.ac.id

*Corresponding author: Gunawan (gunawan@uninus.ac.id)

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Abstract

The criminal justice process, known as criminal procedural law, plays a central role in carrying out criminal law enforcement based on the Criminal Procedure Code (KUHAP). KUHAP has received sharp criticism and spotlight due to its difficulty in adjusting to changing times, resulting in a number of problems, shortcomings, and weaknesses in the criminal justice system in Indonesia. Therefore, it is necessary to reform the Indonesian criminal procedure law. Based on these problems, the purpose of this research is to analyze the urgency and impact of criminal procedure law reform on the criminal justice system in Indonesia. This research uses a juridical-normative approach, focusing on legal regulations, court decisions, legal theories, principles, and scholarly works. Secondary data includes primary, secondary, and tertiary legal materials. Data analysis is normative qualitative, referring to applicable legal norms including positive regulations, and without numbers/statistics. This study concluded that the reform of criminal procedure law is an urgent step in changing the Indonesian criminal justice system, so it has urgency in ensuring that the criminal justice system becomes more fair, efficient, and responsive to social and technological developments, and the reform of criminal procedure law in Indonesia has a positive impact on the Indonesian criminal justice system in order to protect the human rights of suspects, defendants, and convicts, increase the speed and efficiency of justice, and encourage inclusiveness and community participation in law enforcement.

Keywords

Reform, Criminal Procedure Law.

Almost every day in the life of society, criminal acts occur, be it crimes or offenses. A criminal offense refers to an act that may subject the perpetrator to criminal sanctions.² The state

has the authority to impose punitive sanctions under both substantive criminal law, often referred to as "criminal law" only (without the substance element), and formal criminal law,

also known as "criminal procedure law".³ The resolution of criminal law issues is carried out through criminal justice procedures known as criminal procedure law. Instructions on this procedure are described in the criminal procedure law book.⁴ In summary, due process in criminal justice can be defined as the steps taken by law enforcement officials (in the context of criminal law) to investigate individuals suspected of committing crimes, with the aim of gauging their level of culpability under the law. This series of actions includes the investigation/inquiry, prosecution stage, and ends with sentencing.⁵

Criminal law in Indonesia is regulated in detail in the Criminal Code (KUHP),⁶ On the other hand, the system of criminal procedure law in Indonesia generally refers to the formal codification of criminal law, called the Kitab Undang-Undang Hukum Acara Pidana (KUHAP), whose abbreviation comes from Law Number 8 of 1981 concerning the Criminal Procedure Code enacted in 1981, ⁷ which took over the role of the updated "Indonesian Reglement", better known as *Het Herziene Inlandsch Reglement* or HIR for short.

The Draft Law on Criminal Procedure or better known by the abbreviation KUHAP was approved by the President on December 31, 1981 and later became Law Number 8 of 1981 on Criminal Procedure (listed in State Gazette Number 76, Supplement to State Gazette Number 3209). The KUHAP was officially enacted on January 1, 1984, after undergoing a two-year transition period until December 31, 1983.⁸ KUHAP represents a significant transformation in Indonesia's criminal justice system, replacing the previous HIR approach.⁹ This fundamental transformation is in line with the intention of KUHAP itself, which is to ensure equal protection of the human rights of

individuals who are suspects or accused, while balancing the interests of society. At present, it seems that achieving legal order and certainty is not the primary objective of this law, but rather the protection of the integrity and dignity of individuals who are suspects, accused or accused.¹⁰

The emergence of the KUHAP was greeted with joy, with some even stating that it was a remarkable achievement for Indonesia, as it was the first legal guide formulated by Indonesians themselves.¹¹ Understandably, at that time, the influence of colonialism had a significant impact on the domain of criminal law. The aspiration was to achieve a sense of justice, the realization of certain legal provisions, and an orderly legal system based on the values of truth and justice.¹² Criminal procedural law is closely linked to the structure of the criminal justice system. Fundamentally, the Criminal Justice System is a series of steps to implement criminal law. Thus, the criminal justice system has a very close relationship with the criminal law regulation itself, both in the aspect of substantive criminal law and criminal procedural law. This explanation is formed because criminal law legislation basically represents criminal law enforcement in abstract form which will be implemented in real form.¹³

The presence of criminal procedural law as a formal regulation has a significant and crucial role in efforts to strengthen the criminal justice system in implementing criminal law. As a formal law, criminal procedural law plays a role in implementing, maintaining, and ensuring respect for criminal law in the practice of the criminal justice system. That is why, criminal law has a close relationship with criminal procedure law; both are complementary components and inseparable from each other. Criminal law cannot stand

³ H.M. Rasyid Ariman dan Fahmi Raghieb, *Hukum Pidana*, Malang: Setara Press, 2015, hlm 2 dan 3.

⁴ Syaiful Bakhri, *Sejarah Pembaruan KUHP & KUHAP*, Total Media, Yogyakarta, 2011, hlm 102-103.

⁵ Dossy Iskandar Prasetyo dan Bernar L. Tanya, *Hukum, Etika & Kekuasaan*, Yogyakarta: Genta Publishing, 2011, hlm 25-26.

⁶ Zainab Ompu Jainah, *Kapita Selekta Hukum Pidana*, Tangerang: Tira Smart, 2018, hlm 7.

⁷ Yesmil Anwar dan Adang, *Sistem Peradilan Pidana*, Widya Padjadjaran, t.k., 2009, hlm 64-65.

⁸ Nikolas Simanjuntak, *Acara Pidana Indonesia dalam Sirkus Hukum*, Ghalia Indonesia, Jakarta, 2009, hlm 44.

⁹ Suharto dan Jonaedi Efendi, *Panduan Praktis Bila Anda Menghadapi Perkara Pidana, Mulai Proses Penyelidikan Sampai Persidangan*, PT Prestasi Pustakaraya, Jakarta, 2010, hlm 75.

¹⁰ Suharto dan Jonaedi Efendi, *ibid*, hlm 75.

¹¹ Heri Tahir, *Proses Hukum yang Adil dalam Sistem Peradilan di Indonesia*, LaksBang PRESSindo, Yogyakarta, 2010, hlm 2.

¹² Syaiful Bakhri, *op.cit*, hlm 103.

¹³ Edi Setiadi dan Kristian, *Sistem Peradilan Piidana Terpadu dan Sistem Penegakan Hukum di Indonesia*, Jakarta: Prenadamedia Group, 2017, hlm 28.

alone apart from criminal procedural law, and vice versa; criminal procedural law cannot exist without criminal law.

Procedural law is one of the elements of the justice system, as is the related material law. A judicial system without material law will be powerless, as it has no knowledge of what to enforce. Conversely, a judiciary without formal law will lose direction, as there are no clear guidelines in the execution of its duties.¹⁴ However, Indonesia's criminal procedure law remains the focus of tremendous attention and criticism from the public.¹⁵ KUHAP, which was initially considered a great achievement at the time, is now limited in accommodating the changing times. The actual practice of implementing KUHAP has raised issues, shortcomings, and weaknesses, although in principle KUHAP introduced innovations, such as the principle of non selfincrimination, presumption of innocence, and others.¹⁶

KUHAP is considered to still face weaknesses and shortcomings, therefore, revisions are needed so that it can be more efficient in ensuring legal certainty and protecting human rights. After almost 42 years, the implementation of KUHAP has not achieved optimal results. This can be seen from the non-implementation of several articles, lack of support for implementation facilities, non-compliance by elements in the Criminal Justice System, as well as differences in interpretation due to several articles that are still unclear in meaning (have several interpretations).¹⁷

A number of issues, limitations and weaknesses in Indonesia's criminal procedure law that have an impact on the structure of criminal justice, require improvement and refreshment, especially in the form of reforming the KUHAP which is the main guide to the current criminal procedure law in the criminal justice system, which has been quite long since 1981. The current implementation of KUHAP has caused a number of problems,¹⁸ such as providing opportunities and political interference that undermine the independence

and unity of the judiciary, hindering the achievement of objective and impartial law enforcement; abuse of power within the framework of the judicial system that has the potential to undermine the integrity of the system and shake public confidence in the judiciary, as well as being vulnerable to acts of corruption and other unethical behavior.

Suboptimal bureaucracy within the framework of the justice system, which can erode the integrity and efficiency of the Indonesian criminal justice system, adversely impact and create harm to the rights of suspects, defendants, victims, and the overall effectiveness of the justice system itself. This signifies weakness, inadequacy, and backwardness in keeping up with the increasingly advanced development of law, science, and technology, which will ultimately affect the criminal justice process in the current justice system that has shifted to digital or electronic technology.

The various complaints and criticisms directed at KUHAP have led to the use of powerful interpretation tools that result in the granting of authority that is difficult to account for. For example, investigators do not return files to the public prosecutor to complete the investigation. Similarly, a letter of termination of investigation is not issued even when the investigation has gone on for years without a clear outcome. This kind of expansion in policy application clearly exceeds the bounds of reasonableness in terms of legal interpretation.¹⁹

The problems that arise in Indonesian criminal procedure law and its impact on the criminal justice system are exacerbated by the Government's lack of effort in providing understanding to the public. As a result, Indonesian criminal procedure law, which affects the criminal justice system, appears to be exclusive to the public. This is not only the case during the criminal justice process, but also at the sentencing and execution stages of court decisions, where community

¹⁴ Bambang Sutyoso, *Aktualita Hukum dalam Era Reformasi*, Jakarta: PT. RajaGrafindo Persada, 2004, hlm 122.

¹⁵ Rocky Marbun, *Sistem Peradilan Pidana Indonesia Suatu Pengantar*, Malang: Stara Press, 2015, hlm 2.

¹⁶ *Ibid*, hlm 12.

¹⁷ Siswanto Sunarso, *Filsafat Hukum Pidana: Konsep, Dimensi dan Aplikasi*, Jakarta, PT RajaGrafindo Persada, 2015, hlm 113.

¹⁸ Kurniawan Tri Wibowo, *Hukum Acara Pidana, Menggugat Kelemahan Kitab Undang-Undang Hukum Acara Pidana di Indonesia*, Jakarta: Papas Sinar Sinanti, 2020., hlm 1.

¹⁹ M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP, Penyidikan dan Penuntutan*, Jakarta: Sinar Grafika, 2021, hlm 17.

involvement is significantly neglected. It is as if the community has no stake in the entire criminal justice process, from start to finish. As a result, the purpose of the *idee des recht*, which involves providing legal certainty, justice, and benefits, has been undermined.²⁰ In understanding the Criminal Justice System, it is not only limited to Material Criminal Law, but also involves aspects of Formal Criminal Law. Therefore, since the beginning of its existence, criminal law and criminal procedure law have been designed to protect the public from the abuse of power of the authorities. In this context, J.E. Sahetapy refers to Jerome H. Skolnick's concept which states that "criminal procedure is intended to control authority, not criminals". The same concept is also emphasized by Mardjono Reksodiputro who explains that the purpose of criminal procedure law is to limit the authority of the state in acting against individuals in the judicial process. In response to this need, the Indonesian government has responded by drafting a Bill on Criminal Procedure.²¹

It should be noted that some steps have been taken to improve the criminal justice system in Indonesia, although these challenges are still issues that need to be addressed to ensure that the criminal justice system operates more efficiently and delivers better justice to the public. Therefore, the emergence of a discourse to review the Criminal Procedure Code, especially in the context of updating the KUHAP, is important. In accordance with current legal developments, the existence of criminal procedure law regulations that have a future view, are progressive, and responsive to changes in community law is a necessity that cannot be ignored. Especially considering the number of criminal cases that have increased significantly, it requires more professional handling and resolution. For this reason, an adequate legal instrument foundation is needed, which in this case involves criminal procedural law as a guide and rule for law enforcement officials. This situation shows that legal reform in the context of criminal procedure law is now very urgent and relevant to be carried out, and should not be delayed anymore. Criminal procedure law reform is an

effort to replace the existing criminal procedure law framework (*Ius Constitutum*) which is no longer in accordance with the times, social changes, and community expectations, with the expected criminal procedure law framework (*Ius Constituendum*) which is in line with the needs and demands of the current development of society. Updates to the existing criminal procedure framework must be implemented through the legislative process.

Pembaharuan hukum acara pidana Indonesia merujuk pada proses perubahan dan penyempurnaan sistem peraturan hukum yang mengatur tata cara penegakan hukum dalam kasus-kasus pidana di Indonesia. Pembaharuan hukum acara pidana dapat mencakup berbagai aspek, termasuk perubahan dalam prosedur, tahapan penyelidikan dan peradilan, hak-hak tersangka, terdakwa, dan korban, serta penggunaan teknologi dalam sistem peradilan pidana. Berdasarkan latar belakang di atas, penelitian ini diberi judul: Pembaharuan Hukum Acara Pidana Indonesia: Urgensi dan Dampaknya terhadap Sistem Peradilan Pidana. Penelitian ini dimaksudkan untuk memberikan sumbang saran dalam rangka pembaruan hukum acara pidana di Indonesia, yang bertujuan untuk menganalisis dan menemukan urgensi dan dampak pembaharuan hukum acara pidana terhadap sistem peradilan pidana Indonesia, yang dianalisis berdasarkan teori hukum progresif dan teori hukum responsif

The concept of progressive law was introduced by Satjipto Rahardjo (1930-2010), a leading Indonesian legal scholar, educator, writer and law enforcement activist. This idea was disseminated through various writings and seminars organized by him, and grew in the 2000s. Satjipto Rahardjo developed progressive legal theory as an innovation aimed at overcoming the dominance of formalistic and legalistic approaches to law. This revolutionary thinking changes the philosophical basis of the purpose of law, which previously tended to be "law for law," to "law for human beings." In this context, the term "people" reflects a symbol or emblem that reflects a fundamental view that directs legal thinking, attention, or

²⁰ Rocky Marbun, *Sistem Peradilan Pidana Indonesia Suatu Pengantar*, Malang: Stara Press, 2015, hlm 13.

²¹ *Ibid*, 13-14.

orientation to lead and serve society.²² The most fundamental characteristic of progressive law is to establish human beings as the central focus in the legal process. This is the main goal of progressive law. Law has a human-directed direction. Human-first law means that law is considered a tool to realize the principles of justice and human values.²³

The core principle of progressive law is humanity-oriented law. This is the basic spirit of progressive law. An understanding of law that prioritizes humanity implies that law is not just a collection of ready-made regulations, but must also be able to guide humans towards justice, happiness and welfare. For this reason, if there is an error in the law, in a progressive legal perspective, it is not humans who must be pressured to conform to an erroneous or no longer appropriate legal scheme, but the legal scheme that needs to be adjusted, improved so that it can adapt and respond to developments and changes in society. In other words, the law is not only for the law itself, but the law has aspirations, namely to serve and serve humans. With this view, progressive law encourages a legal approach that is more than just formalistic, namely substantial, with the aim of achieving justice and usefulness for humans. Therefore, legal innovation and the determination to make legal changes (breakthroughs) are important in the concept of progressive law. Through legal innovation or change, legal problems can be overcome and solutions can be sought when law enforcement is hampered by legal limitations or lacunae. In this way, the law remains present to provide services and respond appropriately. At this stage, there is one of the main meanings of progressive law.

Responsive law theory, proposed by Philippe Nonet and Philip Selznick (1919-2010), is a concept. It is a critique of the view of legal positivism or legalism that considers law as an autonomous entity consisting of objective and neutral rules and procedures. In the framework of responsive legal theory, this can cause the law to be trapped within itself (law for the law), stuck in an isolated space and sometimes no longer relevant to social change or evolution.²⁴

Within the framework of responsive legal theory, law is seen as a social institution, which means it is an entity tasked with providing services to society. This allows the law to be responsive to the changes and evolutions that occur in society. As a result, the law no longer focuses on itself, but rather becomes a tool to fulfill social needs and interests experienced or encountered by the people or society. Therefore, the law becomes a servant to social demands and aspirations that are constantly changing in a dynamic environment. The law no longer only complies with formal or procedural aspects, but is directed at achieving substantial legal goals, namely serving humans or society. In responsive legal theory, the rule of law is bound by the situation and context faced by society. Therefore, the law becomes flexible, sensitive to change, and also aspirational in an effort to achieve the transformation needed to serve human welfare.²⁵

Criminal Procedure Law reform based on progressive legal theory and responsive law is expected to have a positive effect in improving the quality of the Indonesian Criminal Justice System, directing it to be more fair, efficient, and in line with the spirit of public justice. It is anticipated that this research will provide a more comprehensive view and a more substantial contribution to the preparation of the new criminal procedure law regulation. With the introduction of a new criminal procedure law rooted in the spirit of reform, it is hoped that it can play a role in realizing aspects of legal certainty, a sense of justice felt by the community, and usefulness for the community in the context of the criminal justice system in Indonesia.

To verify the authenticity of this research and also to ensure the trustworthiness of this research, the author has made various efforts to search for legal science literature and other disciplines, both through conventional methods and by utilizing electronic and internet sources. This was done to identify whether there had previously been similar research on the same theme or issue. Based on the results of this search, there are several

²² I Gusti Kade Budhi H., *Hukum Pidana Progresif: Konsep dan Penerapan dalam Perkara Pidana*, Depk: PT RajaGrafindo Persada, 2021, hlm 2.

²³ *Ibid*, hlm 2-3.

²⁴ *Ibid*, hlm 18-

²⁵ *Ibid*, hlm 19-19.

studies that are close to similarities in the variables in the title such as the article written by M. Zen Abdullah with the title “Urgensi Perlunya Pembaharuan Hukum Acara Pidana Nasional di Indonesia yang Lebih Responsif” which discusses the renewal of a more responsive national criminal procedure law in Indonesia in the face of legal developments and the current era of globalization. The urgency of reforming the national criminal procedure law in Indonesia is more responsive, because the Criminal Procedure Code (KUHAP) is considered no longer in accordance with changes in the system of governance and legal developments in society. Then, an article written by Ratna Kumala Sari, Faatir Al Insaani, and Ledi Vebriani entitled “Urgensi Pembentukan Dasar Hukum Terhadap Proses Sistem Peradilan Pidana Di Masa Pandemi Covid-19” which examines the law enforcement process in the criminal justice system during the Covid-19 pandemic and encourages the government to form a legal basis for the law enforcement process in the criminal justice system process with the Covid-19 health protocol.

Research Methods

This research is a normative legal study. The normative legal research approach involves an in-depth analysis of legal issues with a focus on regulated legal norms, viewed from a legal science perspective.²⁶ Normative legal research or library legal research refers to a type of legal research that only focuses on secondary sources of information as the basis for analysis.²⁷ Basically, normative legal research is a form of doctrinal legal research or theoretical legal research. It is called such because in this type of normative research, the focus is on written analysis involving secondary

data such as laws and regulations, court decisions, legal theories, legal principles, and may also include scholarly works of scholars (doctrine).²⁸ In accordance with the characteristics of this type of research, this study has an analytical descriptive approach. This is because the main objective is to describe a particular society or group of individuals, as well as identify disorders or other symptoms.²⁹ The method and approach that is the focus of this research is a juridical-normative approach, which involves analyzing the relationship between laws and regulations with one another, as well as their relationship with implementation in practice.³⁰ The normative juridical method and approach is a method in normative legal research that uses the main source of secondary data or library references.³¹

Secondary data is information obtained through analysis of literature or sources related to the issue or research material, which is often referred to as legal sources³² which includes: 1) Primary legal materials, which include legal materials that have binding force,³³ such as: 1945 Constitution of the Republic of Indonesia, Criminal Code, Criminal Procedure Code, and other related laws and regulations; 2) Secondary legal materials, namely materials that provide an explanation of primary legal materials;³⁴ 3) Tertiary legal materials, namely materials that provide guidance and explanation of primary legal materials, and secondary legal materials.³⁵ Therefore, this article has the support of solid data and references to present a sharp and precise view of the discussion on the reform of criminal procedure law in Indonesia. The analytical approach used is normative qualitative. The normative approach refers to the applicable rules or principles,³⁶ Especially

²⁶ Hadin Muhjad dan Nunuk Nuswardani, *Penelitian Hukum Indonesia Kontemporer*, Yogyakarta: Genta Publishing, 2012, hlm 9.

²⁷ Soerjono Soekanto dan Sri Mamudji, *Pengantar Penelitian Hukum*, Jakarta: Universitas Indonesia, 2001, hlm 13.

²⁸ Irwansyah, *Penelitian Hukum: Piliham Metode & Praktik Penulisan Artikel*, Yogyakarta: Mirra Buana Media, 2023, hlm 09.

²⁹ Soerjono Soekanto *Pengantar Penelitian Hukum*, Jakarta: Universitas Indonesia Press, 2006, hlm 10

³⁰ Roni Hanitijo Soemitro, *Metodologi Penelitian Hukum dan Jurimetri*, Jakarta: Ghalia Indonesia, Jakarta, 2010, hlm 97.

³¹ Abdulkadir iMuhammad, *i iHukum idan iPenelitian Hukum*, Bandung: PT Citra Aditya Bakti, 2014, hlm 98.

³² Mukti Fajar ND, Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris*, Yogyakarta: Pustaka Pelajar, 2010, hlm 156.

³³ Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta: PT RajaGrafindo Persada, 2010, hlm. 116.

³⁴ *Ibid*, hlm 116-117.

³⁵ *Ibid*,ihlm 117.

³⁶Tim Redaksi Kamus Besar Bahasa Indonesia Pusat Bahasa Departemen Pendidikan Indonesia, *Kamus Besar Bahasa Indonesia Pusat Bahasa*, Jakarta: PT Gramedia Pustaka Utama, 2008, hlm 968.

on existing regulations as positive law, with an emphasis on qualitative analysis, which means the data is analyzed without involving numbers or statistical formulas.³⁷

Results and Discussion

The Urgency of Criminal Procedure Law Reform for the Indonesian Criminal Justice System

Criminal law includes all norms that identify which acts are considered crimes and what sanctions can be imposed on the perpetrators of those acts.³⁸ For the implementation of criminal law, criminal procedural law is used, which in principle is similar to other procedural laws, namely to implement substantive law. In other words, criminal procedure law is used to implement criminal law. Criminal procedural law basically contains guidelines on how to implement criminal law through the stages of the criminal justice process.³⁹

The criminal justice process is a series of actions that run in a continuous manner, describing a structured progression of steps, starting from the stages of investigation, arrest, detention, prosecution, trial in court, decision making of the judge, execution of the sentence, and ultimately involving reintegration in society.⁴⁰

Criminal procedural law is a set of rules or measures that regulate the procedure for implementing criminal law through a series of criminal justice system processes, starting from the initial stage of suspicion of a criminal offense to the end of the process of imposing punishment or rehabilitation. Criminal procedural law does not only apply during the trial process, but also includes the investigation stage to the stage of individual development in correctional institutions, or even the provision of alternative sanctions. Thus, the set of rules

or measures governing how to implement criminal law applies throughout the pre-adjudication to post-adjudication process.⁴¹

Criminal procedure law is first applied in police stations and prosecutors' offices before it is applied in the courts. In fact, it should be noted that the criminal procedure code does not end with the courts, as the final stage of its implementation includes correctional institutions.⁴²

The main function of criminal procedural law is to implement criminal law regulations, thus becoming a companion or complementary part of the law. There is a very close relationship between the two, making it sometimes difficult to distinguish whether a regulation falls under criminal law or criminal procedure law.⁴³ The goal of criminal procedure law in the search for truth is only an intermediary goal. The ultimate goal is to achieve order, harmony, tranquility, justice and prosperity in society.⁴⁴

The presence of criminal procedural law has a very important significance and is the main aspect in the framework of the implementation of material criminal law. In simpler terms, it can be explained that at large, the provisions of material criminal law do not have the ability to directly enforce (*dwingend recht*) if without the help of criminal procedural law. Therefore, from a theoretical and practical perspective, the existence of criminal procedure law has a crucial role in ensuring, implementing, and maintaining the integrity of material criminal law in the criminal justice system.⁴⁵

Mardjono Reksodiputro stated that the Criminal Justice System is an implementation or structure designed to overcome criminal acts, is one of the steps of society to control the occurrence of crime in order to remain within an acceptable tolerance threshold.⁴⁶ The primary purpose of the Criminal Justice System is to protect the public and enforce the

³⁷ Fuady, Munir, *Metode Riset Hukum: Pendekatan Teori dan Konsep*, Depok: Rajawali Press, 2018, hlm 95.

³⁸ Zainab Ompu Jainah, *Kapita Selekta Hukum Pidana*, Tangerang: Tira Smart, 2018, hlm 2.

³⁹ *Ibid*, hlm 7.

⁴⁰ Heri Tahir, *Proses Hukum yang Adil dalam Sistem Peradilan Pidana di Indonesia*, LaksBang PRESSindo Yogyakarta, 2010, hlm 9.

⁴¹ Kurniawan Tri Wibowo, *op.cit*, hlm 10

⁴² Erdianto Effendi, *Hukum Acara Pidana; Perspektif KUHAP dan Peraturan Lainnya*, Bandung: Refika Aditama, 2021, hlm 9.

⁴³ *Ibid*, hlm 9.

⁴⁴ Andi Hamzah, *Hukum Acara Pidana Indonesia*, Jakarta: Sinar Grafika, 2016, hlm 9.

⁴⁵ Lilik Mulyadi, *Hukum Acara Pidana Indonesia, Suatu Tinjauan Khusus terhadap: Surat Dakwaan, Eksepsi, dan Putusan Pengadilan*, Bandung: PT Citra Aditya Bakti, 2012, hlm 1-2.

⁴⁶ Marjono Reksodiputro, *Kriminologi dan Sistem Peradilan Pidana, Kumpulan Karangan Buku ke dua*, Lembaga Kriminologi UI, Jakarta, hlm 140.

law.⁴⁷ Since the enactment of KUHAP, the concept of an integrated criminal justice system has emerged, which is a series of four sub-systems of criminal law enforcement, including the investigation sub-system (investigating agency or institution), the prosecution sub-system (prosecuting agency or institution), the court sub-system (court body), and the decision execution sub-system (under the executing agency or apparatus, including comprehensive execution).⁴⁸

Essentially, an integrated criminal justice system has positive potential, namely to prevent personal or institutional interests, and with the hope that the criminal justice process can take place objectively, quickly and fairly. However, in practice, it appears that there are still obstacles in the smooth running of the criminal justice process.⁴⁹ Unfortunately, the concept of an integrated criminal justice system has not been fully reflected in the efficiency of each of the criminal justice sub-systems. Criminal procedural law, especially in the police, prosecutor's office, and courts, uses the guidance from KUHAP to ensure the implementation, enforcement, and preservation of material criminal law, both contained in the Criminal Code and outside the Criminal Code. It is appropriate to refresh the criminal procedure law that refers to the Criminal Procedure Code, especially on improvements in the Criminal Procedure Code itself.

KUHAP, which is almost half a century old, requires changes in order to be in line with technological developments, knowledge, and changes in the dynamics of society. Moreover, this becomes more important after various international conventions such as the International Criminal Court, United Nations Actions Against Corruption, International Convention Against Torture, and International Covenant on Civil and Political Rights (ICCPR) are recognized, either directly or indirectly, in criminal procedure law. The

provisions of these conventions must be integrated into national law, as evidence of commitment to international norms that have been recognized by us through ratification.⁵⁰

The author has outlined a number of issues, weaknesses and shortcomings in Indonesian criminal procedure law that affect the criminal justice system. This situation requires improvement and refreshment, especially in terms of improving the KUHAP, which is the main guide to criminal procedure law applied in the criminal justice system since 1981. The current implementation of KUHAP has created a number of challenges and problems,⁵¹ Such as providing opportunities and interference from political elements that affect the independence and honesty of judicial institutions, hindering the achievement of fair and neutral law enforcement; abuse of power within the judicial structure that has the potential to erode the integrity of the system and undermine public confidence in judicial institutions, as well as being vulnerable to acts of corruption and other unethical practices. Imperfections in bureaucratic governance within the judicial structure that can undermine the integrity and effectiveness of the Indonesian criminal justice system, resulting in a detrimental impact on the rights of suspects, defendants, victims, and the performance of the justice system itself, have weaknesses, shortcomings, and incompatibility with the development of law and science and technology that is increasingly advanced. This has an impact on the criminal justice process in the justice system which currently utilizes digital or electronic technology.

The problems arising from Indonesia's criminal procedural law that affect the criminal justice system are complicated by the Government's passivity in communicating these issues to the public, which in turn makes Indonesia's criminal procedural law, which affects the criminal justice system, seem like an exclusive matter for some people. This situation is not

⁴⁷ Tolib Effendi, *Sistem Peradilan Pidana. Perbandingan Komponen dan Proses Sistem Peradilan Pidana di Beberapa Negara*, Yogyakarta: Pustaka Yustisia, 2013, hlm 13-14.

⁴⁸ Yudi Kristiana, *Menuju Kejaksaan Progresif, Studi Tentang Penyelidikan, Penyidikan, dan Penuntutan Tindak Pidana Korupsi*, Jakarta Selatan: Masyarakat Transparansi Indonesia, 2009, hlm 40.

⁴⁹ Anthon F Susanto, "Membangun Sistem Peradilan Pidano Indonesia," *Jurnal Ilmu Hukum, LITIGASI-UNPAS*, Volume

3, Nomor I Januari-Juni 2002, hlm 26, dalam Yesmil Anwar dan Adang, *ibid*, hlm 332.

⁵⁰ Siswanto Sunarso, *Filsafat Hukum Pidana: Konsep, Dimensi dan Aplikasi*, Jakarta, PT RajaGrafindo Persada, 2015, hlm 109

⁵¹ Kurniawan Tri Wibowo, *Hukum Acara Pidana, Menggugat Kelemahan Kitab Undang-Undang Hukum Acara Pidana di Indonesia*, Jakarta: Papis Sinar Sinanti, 2020., hlm 1.

only limited to the criminal justice process, but also when it comes to the imposition of punishment or the announcement of court decisions and the execution of sentences, public participation is completely ignored. It seems as if the community has no meaningful role in the criminal justice process, both in the initial and final aspects, so that the basic principles of law which include legal certainty, justice and benefits (*idee des recht*) do not seem to be sincerely felt.

In understanding the Criminal Justice System, its complexity is not only dependent on the material criminal law, but is also the result of the development of the formal criminal law. Therefore, since its conception, criminal law and criminal procedure law have been designed to protect the public from abuse of power by the authorities. This concept is found in the view of J.E. Sahetapy who adopted the idea of Jerome H. Skolnick who stated: "criminal procedure is intended to control authorities, not criminals". A similar concept is expressed by Mardjono Reksodiputro, who states that the purpose of criminal procedure law is to regulate the limits of state power in actions against individuals involved in the judicial process. In this context, the government's response to the need for criminal procedure law reform in Indonesia was answered by the development of the Draft Law (RUU) on Criminal Procedure. 52

A number of efforts have been taken to renovate the criminal justice system in Indonesia, but the challenges still require constant attention in order for this system to function more optimally and provide more equitable justice for the community. Therefore, there is a need to improve the Criminal Procedure Code, particularly the Criminal Procedure Code, to be in line with current legal developments. The importance of a progressive, responsive, and forward-looking criminal procedure law is becoming increasingly apparent, as this allows for the anticipation of changes and dynamics in the legal community, which cannot be ignored. In particular, the growth in the number of criminal cases has shown a significant increase over time, requiring a professional approach

and handling. This becomes stronger if supported by adequate legal instruments, and in this case, the Criminal Procedure Code serves as a guideline and foundation for law enforcement.

This situation indicates that efforts to rejuvenate the law in the field of criminal procedure are currently very urgent and very relevant to be implemented, and cannot be ignored. The reform of criminal procedure law represents a step to replace the established criminal procedure law framework (*Ius Constitutum*) which is no longer in accordance with current developments, social changes, and community aspirations, with the desired criminal procedure law framework (*Ius Constituendum*), which is in line with the needs of society and the demands of the times. The need to reform the established criminal procedure framework must be immediately considered by the legislature.

These reform initiatives can be driven by a variety of factors, including the desire to improve efficiency and transparency in the judiciary, safeguard human rights, accommodate technological developments, and adapt to dynamic social and cultural developments. The process of criminal procedure reform generally involves legislative action or changes to laws, and sometimes also involves decisions from the Constitutional Court or new interpretations of existing regulations. Such reforms aim to address weaknesses or discrepancies in the existing criminal justice system, as well as to ensure that the judicial process can be conducted fairly, efficiently and in accordance with applicable legal standards.

Refreshing the criminal procedure code in Indonesia is an important aspect of ensuring that the criminal justice system operates efficiently, fairly, and in line with the dynamics of society and technological developments. There are several arguments that suggest the urgency of reforming criminal procedure law in Indonesia, among others: First, the Impact of Social and Technological Change: Evolution in society and technology has affected the methods of crime and the nature of evidence. There is a need to update the criminal

⁵² Rocky Marbun, *Sistem Peradilan Pidana Indonesia Suatu Pengantar*, Malang: Stara Press, 2015, hlm 13-14.

procedure law to address these changes, such as adapting to the collection, utilization, and protection of digital data, as well as the emergence of new potential criminal offenses that may arise from technological developments. Second, Efficiency and Speed of Justice: Criminal procedure reform can be carried out with the aim of improving the efficiency of the judicial process. Overly complex and time-consuming processes can hinder the resolution of cases, so consideration should be given to adopting more efficient procedures without overriding the rights of all parties involved.

Third, Protection of Individual Rights: Reforms in criminal procedure law have the potential to strengthen the protection of the rights of individuals involved in the judicial process. This includes the rights of suspects, accused, and victims, as well as fundamental principles such as the assumption of innocence and the right to a fair defense. Fourth, its necessity to address legal uncertainty: Lack of clarity in the provisions of criminal procedure laws can lead to doubts about the law. It is therefore imperative that law reform efforts outline procedural steps in greater detail and clarity, so that all those involved in the justice system have a clear understanding of the expectations placed upon them. Fifth, Relevance and Compatibility with Society's Views: Societal views and values may shift over time towards the concept of justice. Therefore, in updating the criminal procedure code, it is important to take into account the values and views of today's society, so that the justice system remains appropriate and receives the respect it deserves.

Sixth, Preventing Abuse of the Legal Process: The rejuvenation of the criminal procedure law can support in preventing the improper utilization of the legal process by individuals or groups that seek to disrupt or exploit the justice system for personal gain or specific purposes. Seventh, Global Justice and Support: Criminal procedure reform can also be implemented to verify that Indonesia's justice system is aligned with international norms on justice, human rights, and the protection of transnational crimes. Eighth, Improved Law Enforcement

Capability: Revisions to the criminal procedure code can provide support to improve the ability of law enforcement officials to conduct investigations, collect evidence, and present charges more efficiently.

All of the above arguments suggest that a refreshment of the criminal procedure law is a significant action to maintain the performance and integrity of the criminal justice system in Indonesia. It is recommended that this reform process involves collaboration from various elements, including academics, legal practitioners, and the general public, so that the results are in line with the needs and demands of the current era.

Efforts to revise the criminal procedure law in Indonesia, especially in the context of reforming the Criminal Procedure Code, have been carried out. This process began with the drafting of the Draft Criminal Procedure Code in 2004, which was then amended into the Draft Criminal Procedure Code on April 3, 2007. The revision continued into the December 2007 version of the Draft Criminal Procedure Code, and then revised again into the March 2008 version of the Draft Criminal Procedure Code. This series of changes continued with the January 2009 version of the Draft Criminal Procedure Code, continued by the Draft Criminal Procedure Code in 2010, and finally reached its final point through the Draft Criminal Procedure Code on December 11, 2012.⁵³

Currently, the 2012 version of the Draft Criminal Procedure Code and the Draft Criminal Code have been included in the National Legislation Program (Prolegnas), and are undergoing deliberation in the House of Representatives' Commission UI. However, ironically, legislators do not seem to fully understand the position of the Draft Criminal Code and Draft Criminal Code. As a result, the discussion of pros and cons focused more on the Draft Criminal Code, which was eventually formalized into Law Number 1 of 2023 on the Criminal Code. This law replaces the previous version of the KUHP and will take effect after 3 (three) years from the date of enactment or 3 (three) years after January 2, 2023.

⁵³ Rocky Marbun, *Sistem Peradilan Pidana Indonesia Suatu Pengantar*, Malang: Stara Press, 2015, hlm 13.

Meanwhile, it seems that the Draft KUHAP has not received enough attention.

The forty-two years since the enactment of Law No. 8 of 1981 on Criminal Procedure Law (KUHAP) is a period of time that is large enough to observe, understand, explore, and evaluate the strengths and weaknesses of the existing substance in the application of KUHAP. In this period of almost three decades, changes in the social, economic, and legal fields have occurred, influenced by the rapid development of technology, especially in communication, transportation, and population mobility. The phenomenon of globalization in the economy, finance and trade has become increasingly widespread, so that a country cannot isolate itself from international influences, including in terms of law. Therefore, it seems very necessary to revise the current KUHAP, with the aim that this regulation can be adjusted, reach, and accommodate developments in accordance with the demands of the times.⁵⁴

The reform of the Indonesian Criminal Procedure Code has great urgency because it can improve efficiency and fairness within the framework of the criminal justice system. Recent developments in the criminal justice system can have positive impacts, such as speeding up the trial process, strengthening the protection of the rights of individuals who are suspects and defendants, and promoting transparency and accountability of judicial institutions. All of this is important to ensure justice and build public confidence in the integrity of the criminal justice system in Indonesia. Rejuvenating Indonesia's criminal procedure law is crucial to improving the effectiveness, transparency and fairness of the criminal justice system. Through careful rejuvenation, the judicial process can take place more quickly, evenly and openly, with the result of reducing the potential for error and abuse of authority. Consequently, it will strengthen public confidence in the judiciary, improve the protection of human rights, and create a fairer legal environment.

The reform of criminal procedure law in Indonesia is essential to improve efficiency, transparency and fairness in the criminal justice system. Through this rejuvenation effort, the judicial process can be faster and fairer, providing adequate protection for defendants and victims. In addition, the application of technology in justice can speed up the process and reduce bureaucratic obstacles. Positive impacts include increased public confidence in the integrity of the justice system and improved quality of court decisions. However, to achieve this, careful preparation within the relevant institutions, training for legal actors, and comprehensive support from various parties are required to successfully implement this rejuvenation effectively.

The reform of criminal procedure law has a very important urgency within the framework of Indonesia's criminal justice system, this transformation becomes an important necessity to face various challenges and ensure that the criminal justice process takes place with efficiency, fairness, and consistency with quality legal principles. There are several reasons that explain why the rejuvenation of criminal procedure law has an undeniable urgency in the context of the Indonesian criminal justice system, which include the following:⁵⁵ First, Efficiency and Speed matters: The presence of an efficient and speedy criminal justice system has great relevance in ensuring the timely delivery of justice. Through innovation in criminal procedural law, it is possible to simplify the judicial process, avoid overlapping procedural steps, and reduce administrative obstacles that often hinder the smooth resolution of cases. Second, the Effectiveness of Law Enforcement: The significance of up-to-date and efficient criminal procedural law is crucial to ensure impactful law enforcement. In the realm of the criminal justice system, the regularity of clear and efficient procedures will help to reduce opportunities for human rights violations, as well as ensuring that legal proceedings are swift and accurate.

⁵⁴ Marwan Effendy, *Teori Hukum dalam Pespektif Kebijakan, Perbandingan, dan Harmonisasi Hukum Pidana*, Ciputat: Referensi, 2014, hlm 355.

⁵⁵ Disarikan dari berbagai sumber yang dirangkum oleh Free Research Preview. ChatGPT may produce inaccurate

information about people, places, or facts. [ChatGPT August 3 Versionhttps://chat.openai.com/?model=text-davinci-002-render-sha](https://chat.openai.com/?model=text-davinci-002-render-sha)

Third, the protection of the rights of defendants and suspects: Through reforms in criminal procedure law, the protection of the rights of defendants and suspects can be improved. Undergoing a fair and transparent legal process is a basic right of every individual, and this is important to guarantee in the criminal justice system. Revisions to the criminal procedure code can ensure that these rights are not violated. Fourth, Ensuring the Rights of the Defendant/Suspect: Reform efforts in the criminal procedure code are also of great relevance in ensuring that the human rights of defendants/suspects are respected and safeguarded throughout the judicial process. This includes the right to a defense, protection from torture, and the right to a fair trial. Fifth, Adaptation to Social Change: Changes in society, technological developments, and social dynamics affect how crimes are committed as well as the implementation of the law. Therefore, it is important for criminal procedure laws to be constantly updated to meet new challenges, such as cybercrime, acts of terrorism, or economic crimes.

Sixth, Strengthening Public Trust: An up-to-date, fair and efficient criminal justice system will increase public confidence in the judiciary and the legal system as a whole. This has important value in maintaining social and political stability and ensuring that people are confident that justice will be served. Seventh, Continuity of Legal Development: Criminal procedure reform is an integral component of the ongoing process of legal development in Indonesia. Given the changing times, the criminal justice system needs to evolve to remain appropriate to the circumstances and effective in maintaining order and justice. Eighth, Improving the Reputation of the Justice System: An efficient and fair justice system will encourage public confidence in the judiciary. This has great significance in maintaining the integrity of the legal system and encouraging active community participation in maintaining the principles of justice. Ninth, Handling Complex Cases: The era of globalization has given rise to cross-border and complex criminal cases that require more flexible and creative judicial approaches. Updates in criminal procedure law will help to better address these challenges.

Eighth, Efforts to Prevent Abuse of the Legal Process: Clear and firm criminal procedure law practices will reduce the potential risk of abuse of the legal process by irresponsible parties, both from law enforcement elements and related parties. Ninth, Conformity with International Norms: As a country engaged in global governance, Indonesia needs to ensure that its legal system is in line with international standards. This is necessary to facilitate cross-border cooperation in the application of the law. Tenth, Encouraging Legal Innovation: The reform of the criminal procedure law will stimulate innovation in law enforcement, including in terms of the utilization of technology for judicial purposes. This will help advance the effectiveness of the justice system in meeting the challenges of the times.

The importance of criminal procedure reform lies in creating a criminal justice system that is superior, fairer, more efficient, and more in line with the demands of modern society. However, it must be remembered that the revision of the criminal procedure law needs to be carried out with caution and in line with the principles of justice, human rights, as well as collaboration with legal experts and other stakeholders. In the context of improving the criminal procedure law, it is necessary to involve various parties, including legal experts, legal practitioners, scholars, judicial institutions, and the general public. This process needs to be conducted in a transparent, open and comprehensive manner to ensure that the resulting changes are able to meet the needs and demands of the community and are in line with changing times.

The importance of improving the criminal procedure law for the Indonesian criminal justice system is analyzed based on the views of progressive legal theory and responsive legal theory. In the 2000s, Progressive Legal Theory was proposed by Satjipto Rahardjo. The main foundation of Progressive Legal Theory includes the rejection of the tradition of analytical jurisprudence or *rechtsdogmatiek*. Progressive Legal Theory aims to protect the interests of society towards a more ideal legal ideal. Progressive law is law that is oriented towards the benefit of society and law that prioritizes the principles of justice.

The foundation of the progressive legal concept is that the law is human-oriented, not the other way around. In this context, the law is not an end in itself, but is aimed at something broader and greater. When problems occur in the law, the approach taken is to examine and improve the law itself, not to force individuals to be included in the legal framework. Law is always in a process of continuous development (law as a process, law in the making). In other words, Progressive Legal Theory relies on behavioral systems. In terms of the urgency of criminal procedure law reform for the Indonesian criminal justice system, Progressive Legal Theory has the potential to bring about a transformation that is more in line with the evolving values of justice in society. This involves updated protection of the rights of defendants, victims and other rights that may have changed over time. In addition, aspects of efficiency can also be covered, including streamlining the judicial process, utilizing technology, and improving criminal justice performance. This helps to ensure that the judicial process runs more efficiently and quickly, in line with technological advances and public expectations of the speed of case resolution. Furthermore, a progressive spirit can also strengthen the openness of the justice system. This includes increased transparency in the judicial process, easier access to legal information, and wider participation of the public in the judicial process.

Furthermore, progressive legal theory will emphasize the importance of changes to criminal procedure law in response to shifting patterns of crime, as well as to accommodate developments in information technology, especially in the investigation and examination stages. These actions aim to improve efficiency and accuracy in handling criminal cases, as well as to meet the demands of society for a more effective and inclusive justice system. For example, in an era of rapid advances in information technology, criminal procedure laws need to be updated to address crimes connected to the digital realm, such as cybercrime, online fraud, and privacy violations. Therefore, the justice system must have adequate mechanisms to deal with digital evidence and other related technologies. In this context, the reform should also ensure that the

human rights of defendants and victims are protected.

The need to update the Criminal Procedure Code in the Indonesian Criminal Justice System, based on progressive theory, is to strengthen human rights protections for the individual rights of suspects, defendants and victims. This focus is on creating a fairer judicial process, including legal clarity, and also to increase transparency within the framework of the criminal justice system. This includes aspects such as information sharing and public accessibility to the judicial process. The concept of responsive legal theory, initiated by Philippe Nonet and Philip Selznick (1919-2010), emphasizes the importance of legal response to the needs and expectations of society. In the domain of criminal procedure law, this theory would encourage legal transformations that adjust to society's expectations for more prompt, transparent and open justice. For example, the increasing interest in restorative justice—an approach that involves offenders, victims and communities in finding solutions that restore and repair the consequences of crime—requires changes in criminal procedure. The justice system needs to be responsive by providing more inclusive, restorative-focused alternatives to punitive measures.

In addition, the need to reform the Criminal Procedure Law related to the Indonesian Criminal Justice System based on Responsive Law theory lies in several aspects, namely:

- Addressing System Weaknesses:** The reform has the potential to overcome weaknesses in the criminal justice system, such as the slowness of the judicial process, the imbalance between the rights of the suspect and the interests of the investigation, and the like.
- Prioritization of Restorative Justice:** Reform can stimulate the use of restorative justice, which focuses on reconciliation between offenders, victims and communities. This approach can lead to more effective resolution of criminal cases, and produce better solutions.
- Increased Public Trust:** By making improvements in the criminal justice system through responsive reform, it will promote increased public confidence in legal justice. This has the effect of strengthening stability in society as a whole.

The importance of criminal procedure reform for Indonesia's criminal justice system is to initiate a transformation that supports the protection of individual human rights, increases efficiency and transparency in justice mechanisms, and provides more inclusive and recovery-oriented options in handling criminal cases. Moreover, these changes serve to address shortcomings in the criminal justice system and strengthen public confidence in the overall fairness of the law. Criminal procedure reform is therefore an important step in ensuring that the criminal justice system becomes more fair, efficient and adaptive to social and technological dynamics.

The Impact of Criminal Procedure Law Reform on the Indonesian Criminal Justice System

Revising Indonesia's Criminal Procedure Code has crucial significance in improving the country's criminal justice framework. Recent reforms have the potential to address several issues, such as speeding up the flow of justice, improving efficiency, and providing stronger protection for the rights of defendants and victims. This will result in a fairer administration of justice, increased transparency, and a more solid public trust in the criminal justice structure.

Rejuvenating Indonesia's Criminal Procedure Code is important to improve the efficiency and integrity of the criminal justice framework. Recent changes to the system have the potential to have positive impacts, including the acceleration of court proceedings, fairer treatment of all parties, and improved quality of decisions. By rolling out reforms to the criminal procedure code, it is hoped to address some of the challenges facing Indonesia's criminal justice system, such as the slowness of the trial process, protracted case projection, and workloads on law enforcement officials. However, these changes must be implemented with care and precision so as not to cause adverse impacts, such as potential human rights violations, lack of protection for vulnerable groups, or abuse of power by law enforcement. Therefore, the improvement of

Indonesia's criminal procedure law needs to be balanced with appropriate policies and approaches that are characterized by a deep understanding of the criminal justice structure and the needs felt by the community.

The revision of criminal procedure law in Indonesia, in addition to considering the urgency that has been emphasized above, also has positive and meaningful implications for the criminal justice framework. Some of these positive impacts include the following:⁵⁶

In the context of the impact of criminal procedure law reform on the Indonesian criminal justice system, viewed from the perspective of progressive legal theory, several aspects are significant. First, in relation to social and technological change, criminal procedure law reform that follows a progressive approach will enable the justice system to respond to the development of modern crimes, including cybercrime. This will allow the justice system to handle cases that were previously not covered by conventional criminal procedure laws. Secondly, the protection of the defendant's human rights is an important focus. In accordance with progressive legal theory, changes in criminal procedure law should prioritize the maintenance and strengthening of the rights of individuals such as suspects, defendants, and convicts. This includes the right to a fair trial, the right to an adequate defense, and the right not to be subjected to treatment that violates human rights. When reforming, it is important to consider how digital technology and electronic evidence can be accommodated while ensuring the protection of individual rights in this increasingly modern context.

The impact of criminal procedural law reform on the Indonesian criminal justice system, based on Responsive Law Theory, includes three main aspects: a) Increased Speed and Efficiency: Responsive legal theory encourages changes that emphasize acceleration and increased efficiency in the judicial process. With a responsive approach to reform, the judicial process is able to respond more quickly to cases, avoid the accumulation of protracted cases, and provide justice more quickly to all

⁵⁶ Disarikan dari berbagai sumber yang dirangkum oleh Free Research Preview. ChatGPT may produce inaccurate information about people, places, or facts. [ChatGPT August 3](#)

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parties involved. b) Inlusiveness in Dispute Resolution: A responsive legal approach will encourage the development of alternatives in dispute resolution. This could include the use of restorative justice or mediation, where victims, perpetrators and communities can actively participate in finding an adequate solution. Such approaches also have the potential to help improve social relations and prevent re-offending. c) Community Participation: Responsive criminal procedure reforms can stimulate wider community participation in the justice process. This may involve thinking about public involvement in sentencing in a more transparent manner and openly accepting public input. This also implies a more open and transparent approach to the judicial process as a whole.

Overall, the impact of criminal procedure law reform on the Indonesian justice system, based on progressive law and responsive law theory, is expected to result in a criminal justice system that is more in line with the challenges and developments in society, which is more adaptive, inclusive and effective. However, to achieve this positive effect, it is important that the implementation of criminal procedural law reform in the Indonesian justice system is carried out carefully, by considering various aspects and involving various related parties. The reform of criminal procedure law in Indonesia not only has an important role in responding to the changing times and technology, but also has a positive impact in safeguarding the human rights of suspects, defendants and convicts, accelerating and improving the efficiency of the judicial process, and encouraging inclusiveness and community involvement in law enforcement.

Conclusions

Based on the description of the results and discussion, the following conclusions were found: 1) The reform of criminal procedural law has urgency for the Indonesian criminal justice system, namely to produce changes that encourage the protection of individual human rights, increase efficiency and transparency in the justice system, and provide more inclusive and recovery-focused alternatives in handling criminal cases. In addition, these changes will

also improve the weaknesses of the criminal justice system and strengthen public confidence in the overall fairness of the law. Therefore, the reform of criminal procedure law is an important step in ensuring a criminal justice system that is fairer, more efficient, and responsive to social and technological developments; and 2) The reform of criminal procedure law in Indonesia has a positive impact on the Indonesian criminal justice system in order to safeguard the human rights of suspects, defendants, and convicts, increase the speed and efficiency of justice, and encourage inclusiveness and community participation in law enforcement.

In relation to the above conclusions, the following suggestions are made: 1) the reform of criminal procedure law in Indonesia has an undeniable urgency to the criminal justice system, which aims to create changes that encourage the protection of individual human rights, improve judicial efficiency and transparency, and provide inclusive alternatives that focus on recovery in handling criminal cases; and 2) The reform of Indonesia's criminal procedure law will also have a positive impact on providing a stronger foundation for Indonesia's criminal justice system to face evolving social and technological challenges. Therefore, it is expected that policy makers, legal experts, and other stakeholders in the context of Indonesian law and criminal justice system to immediately reform the criminal procedure law in Indonesia to improve efficiency, justice, and protection of human rights in the criminal justice system. The following are some suggestions that are often made.

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