



Criminal Law Reform: Balancing Justice and Legal Certainty in the Development of Criminal Justice

Jamaluddin

Postgraduate Program, Universitas Muslim Indonesia

Email: jamalmansyur76@gmail.com

ARTICLE INFO

Keywords:

Criminal Law Reform;
Justice; Legal Certainty;
Criminal Justice; Legal
Development

Received: xx Month 202x

Revised: xx Month 202x

Accepted: xx Month 202x

[Garamond, font size 10]

ABSTRACT

Criminal law reform has become increasingly important as existing criminal justice systems face challenges in responding to changing social conditions, evolving conceptions of justice, and the need for legal certainty. However, criminal law frameworks are not always sufficiently responsive to contemporary developments, particularly in terms of legal substance, institutional structures, and legal culture. This study aimed to analyze the urgency of criminal law reform from the perspectives of justice and legal certainty and to identify an ideal direction for criminal law development. The study employed a normative juridical research design using statutory and conceptual approaches. Legal materials were examined through qualitative legal analysis to assess the consistency, adequacy, and relevance of existing criminal law provisions in addressing contemporary legal and social challenges. The findings showed that criminal law reform was necessary to establish an appropriate balance between substantive justice and legal certainty. The reform should not be limited to revising legal regulations but should also encompass improvements in law enforcement institutions and the development of legal awareness within society. These findings indicate that effective criminal law reform requires an integrated approach that aligns legal norms, institutional capacity, and societal values. The study contributes to the development of criminal law scholarship by emphasizing the need to reconcile justice and legal certainty as complementary principles in constructing a responsive and sustainable criminal justice system. The findings also provide a basis for policymakers to formulate criminal law reforms that are more adaptive, consistent, and oriented toward social justice.

1. Introduction

Criminal law plays a strategic role in maintaining social order, protecting individuals and communities, and ensuring justice within society. As societies become increasingly complex, however, criminal justice systems are required to respond to rapid social, economic, technological, and cultural transformations. Contemporary forms of crime, including cybercrime, transnational crime, technology-facilitated offenses, and other emerging forms of criminality, increasingly challenge conventional criminal-law frameworks. Technological development, particularly artificial intelligence and digitalization, has created new forms of criminal conduct while simultaneously generating difficulties concerning jurisdiction, criminal liability, digital evidence, and law enforcement. Consequently, criminal law reform

has become an important issue not only for adapting legal norms to contemporary developments but also for ensuring that criminal justice remains effective, proportionate, and consistent with fundamental principles of justice and the rule of law (Velasco, 2022).

Within this global context, criminal law reform must address a fundamental normative tension between substantive justice and legal certainty. Justice requires criminal law to respond fairly to the circumstances of offenders, victims, and communities, while legal certainty requires clear, predictable, and consistently applicable legal norms. Excessive emphasis on legal certainty may result in rigid formalism and insufficient attention to substantive circumstances, whereas excessive judicial flexibility may create inconsistency and undermine predictability. Recent studies on criminal

justice reform demonstrate that this tension is particularly significant when legal systems incorporate restorative justice, judicial discretion, and living law into formal criminal justice mechanisms (Muti'ah et al., 2022; Hayatuddin et al., 2022).

Indonesia provides an important context for examining this issue. For decades, Indonesian criminal law was substantially influenced by the colonial-era *Wetboek van Strafrecht*, which generated an ongoing demand for the development of a national criminal law system reflecting Indonesian legal values and contemporary social conditions. This reform reached a significant institutional milestone through the enactment of Law Number 1 of 2023 concerning the Criminal Code (*Kitab Undang-Undang Hukum Pidana* or KUHP). The new Criminal Code represents a fundamental transformation in Indonesian criminal law, including changes concerning the principle of legality, sentencing objectives, living law, and the orientation of criminal sanctions. Nevertheless, the enactment of a new criminal code does not automatically resolve the underlying tension between legal certainty and substantive justice. Instead, it creates new questions regarding how legal norms should be interpreted and implemented consistently within the criminal justice system (Hardinanto et al., 2024; Nainggolan et al., 2024).

The issue is particularly relevant because the principle of legality constitutes one of the principal foundations of criminal law and is closely associated with legal certainty. The development of Indonesian criminal law through Law Number 1 of 2023 seeks to maintain the principle of legality while simultaneously accommodating social values and the concept of living law. However, the broader recognition of social and customary norms may generate interpretive challenges when such norms are applied in criminal proceedings. Previous research indicates that the relationship between legality, living law, and substantive justice remains complex because greater flexibility in interpreting social norms may strengthen contextual justice while potentially creating uncertainty concerning the boundaries of criminal liability (Puspito & Masyhar, 2023; Nainggolan et al., 2024).

At the same time, the development of modern crime reinforces the urgency of criminal-law adaptation. Cybercrime and artificial-

intelligence-related offenses illustrate how technological developments can outpace traditional legal frameworks. The transnational and technologically mediated character of cybercrime creates challenges involving jurisdiction, evidence, criminal attribution, and the adequacy of existing legal instruments (Velasco, 2022). In Indonesia, recent scholarship has similarly identified the need to reform criminal-law regulation to address emerging technological crimes and questions concerning criminal responsibility in cases involving artificial intelligence (Anggraeny et al., 2025).

Although previous studies have extensively discussed Indonesian criminal-law reform, existing literature remains fragmented. Some studies concentrate primarily on the principle of legality and its relationship with living law, while others focus on restorative justice, judicial interpretation, or specific challenges arising from technological crime. For example, research on restorative justice emphasizes the need for regulatory uniformity to ensure legal certainty, whereas studies on the new Criminal Code highlight the difficulty of balancing formal legality with substantive justice (Muti'ah et al., 2022; Hardinanto et al., 2024). Similarly, studies examining the new Criminal Code have identified the importance of judicial interpretation and discretion, but the broader normative relationship between justice and legal certainty as an integrated foundation for Indonesian criminal-law reform remains insufficiently synthesized (Suryana, 2025). This indicates a research gap concerning how criminal-law reform can be conceptually directed toward a balanced framework that simultaneously preserves predictability, protects individual rights, accommodates social values, and promotes substantive justice.

Therefore, the central research problem of this study concerns the urgency and direction of Indonesian criminal-law reform from the perspective of justice and legal certainty. The study addresses two research questions: (1) Why is criminal-law reform necessary from the perspective of justice and legal certainty? and (2) What should constitute the ideal direction of criminal-law reform in Indonesia to achieve an appropriate balance between substantive justice and legal certainty? Accordingly, this study aims to analyze the urgency of criminal-law reform and to identify an ideal direction for the development of Indonesian

criminal law that is capable of harmonizing justice, legal certainty, social values, and contemporary legal needs.

Theoretically, this study contributes to the literature on criminal-law reform by integrating the principles of substantive justice and legal certainty into a unified analytical framework for evaluating the development of Indonesian criminal law. Rather than treating justice and legal certainty as competing principles, the study conceptualizes them as complementary dimensions that must be balanced through coherent legislation, accountable judicial interpretation, proportional sentencing, and consistent law enforcement. Practically, the study provides implications for legislators, judges, prosecutors, police officers, and other criminal justice institutions in designing and implementing criminal-law policies that are responsive to social change while maintaining predictability and protection against arbitrary enforcement. The novelty of this study lies in its integrated examination of the direction of Indonesian criminal-law reform as a balancing process between substantive justice and legal certainty, particularly in the context of the implementation of the new Criminal Code and the emergence of contemporary forms of crime. Such an approach is expected to provide a more comprehensive foundation for developing a criminal justice system that is responsive, adaptive, humane, and legally certain.

2. Literature Review

2.1 Conceptual and Theoretical Foundations

2.1.1 Criminal Law Reform

Criminal law reform refers to a systematic process of renewing the criminal law system to ensure that criminal law remains consistent with social development, constitutional values, human rights, and the objectives of justice. Reform is therefore not limited to replacing statutory provisions but encompasses changes in the substance of criminal law, the institutional structure responsible for its implementation, and the legal culture that shapes the interpretation and enforcement of criminal norms. In this sense, criminal law reform represents a continuous process of adapting the legal system to changes in society while preserving the fundamental principles of the rule of law.

In the Indonesian context, criminal law reform has acquired particular significance following the enactment of Law Number 1 of 2023 concerning the Criminal Code. The reform reflects an effort to develop a national criminal law system that is no longer exclusively dependent on the colonial legal framework. Recent scholarship indicates that the reform of Indonesian criminal law involves not only codification but also a reconsideration of the relationship between legality, social values, customary norms, and the protection of individual rights (Nurcahyo et al., 2024). The reform therefore needs to be understood as a multidimensional process aimed at establishing a criminal justice system that is responsive to contemporary social conditions while retaining clear normative boundaries.

Criminal law reform also requires attention to the potential consequences of expanding criminalization. Criminal norms should be formulated carefully because excessive criminalization can undermine proportionality and create uncertainty concerning the boundaries of prohibited conduct. Recent analysis of the National Criminal Code demonstrates that several provisions continue to generate debates concerning the appropriate limits of criminalization and the need to maintain legal certainty (Belinda et al., 2026). Consequently, effective reform should establish an appropriate balance between the state's authority to protect society and the individual's right to protection from arbitrary criminal intervention.

2.1.2 The Concept of Justice

Justice constitutes a fundamental value of law and requires that individuals receive fair treatment in accordance with their rights, responsibilities, circumstances, and the consequences of legal decisions. Within criminal law, justice cannot be reduced to imposing punishment on offenders. It also concerns the protection of victims, proportionality of sanctions, recognition of human dignity, and the achievement of a fair relationship between the interests of individuals and society.

The concept of justice is particularly important in contemporary criminal law because a formally valid legal decision may not necessarily produce substantive justice. Criminal justice institutions therefore need to consider whether the implementation of legal norms produces outcomes

that are proportionate and reasonable. Recent research concerning Indonesian criminal law reform emphasizes the importance of substantive justice as a central orientation of the national criminal law system, particularly in moving away from purely retributive approaches toward more humane and socially responsive forms of criminal justice (Nurcahyo et al., 2024).

Justice also provides a normative basis for evaluating criminal-law reform. A reform agenda should not merely determine whether new rules are formally valid but should examine whether those rules protect fundamental rights, accommodate legitimate social interests, and provide proportionate responses to criminal conduct. Accordingly, substantive justice functions as an evaluative criterion for determining whether criminal-law reform has genuinely improved the quality of criminal justice.

2.1.3 The Concept of Legal Certainty

Legal certainty refers to the condition in which legal norms are sufficiently clear, accessible, predictable, and consistently applied. In criminal law, legal certainty has particular importance because criminal sanctions directly affect fundamental individual rights and liberty. Individuals must therefore be able to understand which conduct is prohibited and what legal consequences may arise from such conduct.

The principle of legality is one of the principal instruments for maintaining legal certainty in criminal law. It requires criminalization and punishment to be grounded in predetermined legal norms and seeks to prevent arbitrary exercise of state power. Recent studies of Indonesia's National Criminal Code emphasize that legality continues to function as a fundamental mechanism for protecting citizens while simultaneously providing a normative foundation for the development of national criminal law (Sitorus et al., 2024).

Nevertheless, legal certainty should not be interpreted as absolute formalism. The development of Indonesian criminal law demonstrates the need to accommodate social values and living law while maintaining sufficiently clear boundaries for criminal liability. This creates a continuing normative challenge: greater flexibility may increase responsiveness and contextual justice, but excessive flexibility may reduce predictability. Recent

discussions regarding the incorporation of living law into the National Criminal Code illustrate this tension between responsiveness and certainty (Purnama & Eryke, 2026).

2.1.4 Theories of Criminal Law Reform

The theoretical foundation of this study incorporates three complementary perspectives: progressive law, substantive justice, and legal certainty.

First, progressive law theory views law as an instrument that should serve human beings and social justice rather than operate merely as a rigid system of formal rules. From this perspective, legal development should respond to social realities and should not sacrifice justice merely to preserve formalistic legal structures. The relevance of progressive legal thinking to criminal law reform lies in its emphasis on the ability of law to respond to social transformation while maintaining its fundamental purpose of protecting human dignity.

Second, substantive justice theory emphasizes that the quality of law should be evaluated not merely from the formal validity of rules but also from the fairness of their consequences. In criminal law, substantive justice requires proportionality, protection of victims and defendants, respect for human dignity, and consideration of the social consequences of punishment. This perspective is particularly relevant to criminal-law reform because formal compliance with statutory provisions does not automatically guarantee fair outcomes.

Third, legal certainty theory emphasizes clarity, predictability, consistency, and stability in the application of legal norms. In criminal law, these principles are essential because the state exercises coercive authority through criminalization and punishment. Recent research on the Indonesian National Criminal Code confirms that legality remains essential for ensuring clarity and predictability, although its application must be reconciled with the development of national and social values (Sitorus et al., 2024).

These three perspectives are not necessarily mutually exclusive. Progressive law provides the orientation for responsiveness, substantive justice provides the normative criterion for fairness, and legal certainty provides the boundary necessary to prevent arbitrary legal enforcement. The

combination of these perspectives provides an appropriate analytical basis for assessing the direction of criminal law reform in Indonesia.

2.2 Review of Empirical and Normative Studies

Recent scholarship concerning Indonesian criminal-law reform demonstrates that the central problem is not simply whether criminal law should be reformed but how reform should be designed and implemented without creating new forms of uncertainty or injustice.

Nurcahyo et al. (2024) examined criminal law reform in Indonesia from the perspective of substantive justice and emphasized the need for a national criminal law system capable of moving beyond the inherited colonial framework. Their analysis demonstrates the importance of substantive justice as a guiding principle in criminal-law development. However, the emphasis on substantive justice leaves room for further examination concerning how such justice should be balanced with the requirement of legal certainty.

Sitorus et al. (2024) examined the development of the legality principle in Indonesian criminal law. Their study demonstrates that legality remains fundamental to protecting citizens against arbitrary punishment and maintaining legal certainty. Nevertheless, the development of criminal law also requires adaptation to social change. This indicates that the legality principle must operate within a broader framework of criminal-law reform rather than being considered exclusively as a formal requirement.

Purnama and Eryke (2026) provide a more recent perspective by examining the extension of living law under Law Number 1 of 2023 and its implications for legal certainty. Their analysis identifies an important tension between the recognition of social norms and the need for predictable criminal-law application. This finding is particularly relevant because it demonstrates that responsiveness to local values may strengthen contextual justice while simultaneously requiring mechanisms to prevent inconsistent interpretation.

Other recent studies have identified specific areas in which the new Criminal Code continues to generate legal and normative questions. For example, research concerning cohabitation provisions has identified philosophical, sociological, and juridical concerns related to the formulation of

criminal norms and their compatibility with legal certainty (Muntini et al., 2025). Similarly, research concerning the conditional death penalty demonstrates that the National Criminal Code attempts to introduce a more humanistic approach while maintaining the need for clear legal regulation (Putri et al., 2025).

Taken together, these studies demonstrate three major patterns. First, criminal-law reform in Indonesia is increasingly oriented toward developing a national and socially responsive legal system. Second, substantive justice has become an important consideration in evaluating the effectiveness of criminal-law reform. Third, the incorporation of social values and new approaches to punishment continues to generate questions concerning legal certainty. However, these dimensions are frequently examined separately rather than integrated into a comprehensive framework for determining the ideal direction of criminal-law reform.

2.3 Identification of the Research Gap

The literature reviewed above reveals a significant conceptual gap. Existing studies generally concentrate on particular dimensions of criminal-law reform, including legality, living law, substantive justice, specific criminal provisions, or sentencing policies. Although these studies contribute valuable insights, they do not sufficiently integrate justice and legal certainty as two complementary principles for evaluating the overall direction of criminal-law reform.

A second gap concerns the relationship between responsiveness and predictability. Criminal law must respond to changing social conditions, technological development, and diverse community values, but responsiveness without clear legal boundaries may create uncertainty. Conversely, strict formalism may provide predictability while failing to accommodate substantive justice. Existing research has identified this tension, but further theoretical synthesis is required to explain how the two principles can be balanced within the Indonesian criminal-law reform process.

A third gap concerns the broader direction of reform. Much of the recent literature examines individual provisions or specific aspects of Law Number 1 of 2023. Such approaches are important, but they provide only partial explanations of the

normative direction that Indonesian criminal law should pursue as a comprehensive system. Therefore, this study addresses the gap by synthesizing criminal-law reform, substantive justice, and legal certainty into a unified analytical perspective.

The novelty of this study consequently lies in its attempt to conceptualize criminal-law reform not as a choice between justice and certainty, but as a process of institutional and normative balancing. The study argues that an ideal criminal justice system should simultaneously maintain clear legal boundaries, protect individual rights, accommodate legitimate social values, and produce substantively fair outcomes.

2.4 Development of the Conceptual Framework

This study does not employ a conventional conceptual framework involving relationships among measurable variables, because it is a normative legal study rather than a quantitative study. The research does not test causal relationships between independent and dependent variables. Instead, it employs a theoretical-analytical framework to examine the direction of Indonesian criminal-law reform.

The analytical framework begins with the need for criminal-law reform as a response to social transformation and the development of the national legal system. The reform is then examined through three interconnected theoretical perspectives: progressive law, substantive justice, and legal certainty. Progressive law provides the basis for understanding the responsiveness of criminal law to social development; substantive justice serves as a criterion for assessing fairness and proportionality; and legal certainty establishes requirements for clarity, predictability, and consistency.

The three perspectives are subsequently synthesized to assess the ideal direction of criminal-law reform in Indonesia. The expected analytical outcome is a model of criminal-law development that is responsive, just, predictable, and consistent with the rule of law.

2.5 Hypotheses or Research Propositions

This study does not formulate statistical hypotheses because it uses a normative legal approach rather than a quantitative research design. The research is directed toward analyzing legal

norms, theoretical perspectives, and developments in Indonesian criminal law rather than empirically testing causal relationships among variables.

Research propositions are also not formulated as formal testable propositions because the primary objective is normative and analytical: to evaluate the urgency and direction of criminal-law reform from the perspectives of substantive justice and legal certainty. Instead, the study is guided by two analytical propositions:

Proposition 1: An effective criminal-law reform process should accommodate substantive justice while maintaining the principle of legal certainty as a safeguard against arbitrary criminalization and enforcement.

Proposition 2: The ideal direction of Indonesian criminal-law reform should integrate responsiveness to social development, protection of human dignity, proportionality of punishment, and clarity and predictability of criminal norms.

These propositions function as analytical propositions, not statistically testable hypotheses. They provide a conceptual guide for the normative analysis conducted in the subsequent sections of the study.

3. Research Methods

3.1 Research Design

This study employs a normative juridical research design. This approach is appropriate because the study aims to analyze and evaluate criminal law reform from the perspectives of justice and legal certainty based on legal norms, legal principles, and relevant legal concepts. Normative juridical research focuses on examining law as a normative system through the analysis of statutory provisions, legal principles, doctrines, and relevant legal literature.

The normative juridical approach is used to answer the research questions concerning the necessity of criminal law reform and the ideal direction of criminal law development in Indonesia. Accordingly, the study does not seek to measure behavioral relationships or statistically test causal relationships but instead examines the consistency, adequacy, and normative implications of existing criminal law provisions in relation to justice and legal certainty.

Two approaches are employed in this study: the statutory approach and the conceptual

approach. The statutory approach is used to examine relevant legislation and regulatory provisions concerning Indonesian criminal law, while the conceptual approach is used to analyze legal concepts and theoretical perspectives relating to criminal law reform, justice, legal certainty, and the development of criminal justice.

3.2 Research Context and Setting

The research is situated within the context of the Indonesian criminal justice and legal system, particularly the development and reform of Indonesian criminal law. The Indonesian context is selected because the country is undergoing a significant transformation of its criminal law framework, including the transition from the colonial-era Criminal Code to Law Number 1 of 2023 concerning the Criminal Code.

The research focuses on the normative development of Indonesian criminal law and examines the extent to which criminal law reform can accommodate the principles of justice and legal certainty. The geographical setting is therefore not treated as a field research location but as the national legal context within which the relevant legislation, legal principles, and doctrines are examined.

3.3 Population and Sample / Research Participants

This study does not involve a population, sample, or research participants, because it employs a normative juridical research method. Consequently, sampling techniques and participant inclusion criteria are not applicable.

Instead of selecting human participants, the study identifies and examines relevant legal materials consisting of primary, secondary, and tertiary legal sources. The selection of legal materials is based on their relevance to the research questions and their capacity to provide normative, conceptual, and theoretical information concerning criminal law reform, justice, and legal certainty.

3.4 Data Sources and Data Collection

The legal materials used in this study consist of primary, secondary, and tertiary legal materials.

Primary legal materials include relevant legislation and other authoritative legal instruments concerning criminal law in Indonesia, particularly

provisions relating to criminal law reform, criminal responsibility, criminal sanctions, legality, justice, and legal certainty.

Secondary legal materials consist of scholarly literature, including books, academic journal articles, legal research, and other scholarly publications that discuss criminal law reform, justice, legal certainty, and relevant legal theories.

Tertiary legal materials consist of supporting sources used to clarify and identify relevant legal terminology and information, including legal dictionaries, encyclopedias, and other reference materials.

The collection of legal materials is conducted through library research. Relevant legal materials are identified, collected, classified, and reviewed systematically according to their relationship with the research questions. The literature search focuses on sources that provide normative, theoretical, and conceptual support for analyzing criminal law reform in Indonesia.

3.5 Measurement of Variables and Research Instruments

The subsection concerning measurement of variables and research instruments is not applicable to this study, because the research does not employ measurable variables, survey instruments, or statistical measurement scales. As a normative juridical study, the principal analytical units are legal norms, legal principles, legal concepts, and relevant legal doctrines.

The main research instrument is therefore the researcher as the primary analytical instrument, supported by systematically collected legal materials. The analysis is guided by the statutory and conceptual approaches employed in the study. The concepts of criminal law reform, justice, and legal certainty are examined through relevant legislation, legal scholarship, and theoretical perspectives.

3.6 Data Analysis Techniques

The collected legal materials are analyzed using qualitative normative legal analysis. The analysis begins with the identification and classification of relevant legal provisions and scholarly materials according to the research questions.

The statutory approach is used to examine the content, structure, and implications of relevant

criminal law provisions. The conceptual approach is subsequently used to interpret the meaning and application of concepts relating to criminal law reform, justice, and legal certainty.

The analysis proceeds through several stages: identifying relevant legal norms, examining their relationship with established legal principles, comparing the relevant legal concepts with scholarly perspectives, and synthesizing the findings to formulate an assessment of the ideal direction of Indonesian criminal law reform. The results are presented descriptively and analytically rather than statistically.

3.7 Validity, Reliability, and Trustworthiness

Because this research is normative juridical rather than quantitative or empirical, conventional statistical validity and reliability tests are not applicable. The trustworthiness of the research is instead maintained through systematic selection, classification, interpretation, and cross-checking of legal materials.

Primary legal materials are prioritized as authoritative sources, while secondary and tertiary materials are used to provide theoretical, conceptual, and interpretive support. The consistency of legal interpretation is maintained by comparing relevant statutory provisions with established legal principles, scholarly doctrines, and recent academic discussions.

The use of the statutory and conceptual approaches also provides analytical triangulation by allowing legal issues to be examined from both the perspective of applicable legal norms and broader legal concepts. This procedure is intended to strengthen the credibility and consistency of the normative analysis.

3.8 Ethical Considerations

This study does not involve human participants, personal data, interviews, surveys, or experimental procedures. Therefore, informed consent, participant confidentiality, and personal data protection procedures are not applicable.

Nevertheless, academic and research ethics remain essential. The study maintains academic integrity through accurate identification and acknowledgment of legal and scholarly sources, avoidance of plagiarism, appropriate citation practices, and faithful interpretation of the legal

materials examined. No legal material or scholarly source is intentionally misrepresented or manipulated to support predetermined conclusions.

3.9 Research Procedure

The research is conducted through a systematic sequence of activities.

First, the research problem concerning criminal law reform, justice, and legal certainty is identified and formulated. Second, relevant legal materials are identified based on the statutory and conceptual approaches. Third, primary, secondary, and tertiary legal materials are collected through library research.

Fourth, the collected materials are classified according to their relevance to criminal law reform, justice, legal certainty, and the development of the Indonesian criminal justice system. Fifth, the relevant legal provisions and concepts are analyzed qualitatively using normative legal analysis. Sixth, the findings from the statutory and conceptual analyses are synthesized to identify the relationship between criminal law reform, substantive justice, and legal certainty.

Finally, the analysis is used to formulate conclusions concerning the urgency of criminal law reform and the ideal direction of criminal law development in Indonesia.

3.10 Methodological Limitations

The normative juridical design provides an appropriate basis for examining legal norms, principles, doctrines, and the direction of criminal law reform. However, it also has methodological limitations. Because the study relies on legal materials and library research, it does not empirically measure the perceptions, experiences, or behavioral responses of judges, prosecutors, police officers, lawyers, victims, offenders, or members of the public.

Consequently, the findings primarily represent a normative and conceptual assessment rather than an empirical evaluation of the implementation and effectiveness of criminal law reform in practice. In addition, changes in legislation and judicial interpretation may influence the applicability of particular conclusions over time.

These limitations do not undermine the purpose of the study but define its scope. Future research may complement the normative findings

through empirical legal research, including interviews, case studies, or quantitative assessments of the implementation of the reformed criminal law framework. Such research could provide additional evidence concerning whether the normative balance between justice and legal certainty identified in this study is effectively realized in criminal justice practice.

4. Results and Discussion

4.1 Research Results

Because this study employs a normative juridical research design, the units of analysis are legal materials rather than human participants or statistical observations. Therefore, sample size, demographic characteristics, descriptive statistics, normality tests, multicollinearity tests, reliability tests, model-fit tests, and statistical hypothesis testing are not applicable. The research results are instead presented through systematic normative analysis of primary, secondary, and tertiary legal materials using statutory and conceptual approaches.

4.1.1 Sample Description and Descriptive Statistics

The units of analysis in this study consist of three categories of legal materials. First, primary legal materials comprise legislation and other authoritative legal instruments relevant to Indonesian criminal law reform. Second, secondary legal materials comprise scholarly books, peer-reviewed journal articles, legal doctrines, and previous legal research concerning criminal law reform, justice, legal certainty, restorative justice, and contemporary criminal justice. Third, tertiary legal materials comprise legal dictionaries, encyclopedias, and other reference materials used to clarify legal terminology and concepts.

The legal materials were selected based on their relevance to the two research questions: the urgency of criminal law reform from the perspectives of justice and legal certainty, and the ideal direction of criminal law reform in Indonesia. The materials were subsequently classified into four analytical themes: (1) the urgency of criminal law reform, (2) justice-oriented criminal law reform, (3) legal-certainty-oriented criminal law reform, and (4) the direction of criminal law reform in Indonesia.

4.1.2 Data Quality and Preliminary Analysis

Because the study does not employ statistical or survey-based data, conventional quantitative data-quality procedures are not applicable. Instead, the quality of the analysis was maintained through the systematic identification, classification, comparison, and interpretation of legal materials.

Primary legal materials were treated as the principal normative sources, while secondary legal materials were used to provide theoretical and scholarly perspectives. The statutory approach was applied to identify and examine relevant criminal law provisions, while the conceptual approach was employed to examine the concepts of criminal law reform, substantive justice, and legal certainty.

The consistency of the legal analysis was strengthened by comparing statutory provisions with legal principles, doctrines, and recent scholarly discussions. This procedure enabled the study to identify convergences, tensions, and normative gaps in the development of Indonesian criminal law.

4.1.3 Main Analytical Findings

The analysis produced four principal findings. First, criminal law reform is an urgent and unavoidable necessity. The urgency is associated with increasingly complex forms of crime, changes in social and economic conditions, technological developments, the limitations of the previous criminal law framework, and the continuing demand for greater substantive justice and legal certainty.

Second, justice must constitute a central orientation of criminal law reform. Criminal law should not be limited to formal enforcement of statutory provisions but should also consider proportionality, human dignity, victim protection, rehabilitation, and the interests of society. Restorative justice represents one important mechanism for strengthening the justice dimension of criminal law.

Third, legal certainty remains a fundamental requirement. Criminal norms must be formulated clearly, systematically, and consistently. Legal certainty also requires consistency in law enforcement, transparency, accountability, and harmonization among relevant regulations.

Fourth, the direction of Indonesian criminal law reform should be comprehensive. Reform should encompass substantive criminal law, restorative justice, institutional capacity,

technological adaptation, regulatory harmonization, and legal culture.

These findings demonstrate that criminal law reform cannot be limited to replacing or amending statutory provisions. It must also involve institutional and cultural transformation within the criminal justice system.

4.1.4 Key Findings

The first research question concerns why criminal law reform is necessary from the perspectives of justice and legal certainty. The normative findings demonstrate that reform is necessary because existing legal frameworks must respond to social and technological transformation while simultaneously strengthening substantive justice and maintaining predictable legal boundaries.

The second research question concerns the ideal direction of criminal law reform in Indonesia. The findings indicate that the ideal direction involves an integrated approach consisting of substantive legal reform, restorative justice, strengthening of law enforcement institutions, technological adaptation, regulatory harmonization, and development of public legal awareness and legal culture.

Because this is a normative juridical study, these findings are presented as substantive legal conclusions rather than as statistically tested hypotheses.

4.2 Research Discussion

4.2.1 Interpretation of the Key Findings

The findings demonstrate that the central issue in Indonesian criminal law reform is not simply whether reform is necessary, but how reform can simultaneously achieve justice and legal certainty. The analysis indicates that these principles should not be positioned as contradictory objectives. Instead, legal certainty provides boundaries for the exercise of state authority, while substantive justice ensures that the application of criminal law produces fair and proportionate outcomes.

The urgency of reform is particularly evident from the transformation of criminality and social conditions. Criminal law that fails to adapt to technological developments and changing social values risks becoming ineffective in addressing contemporary forms of crime. At the same time,

rapid adaptation without adequate normative boundaries may generate overcriminalization and uncertainty.

The findings therefore support a balanced approach in which criminal law remains responsive to social transformation while preserving clear standards of criminal liability and punishment.

4.2.2 Comparison with Previous Studies

The findings are consistent with previous research emphasizing that Indonesian legal development cannot be separated from social and cultural transformation. Syarhan (2021), for example, demonstrates the close relationship between socio-cultural change and legal development in Indonesia. This supports the finding that criminal law cannot remain static when the social environment in which it operates changes.

The findings concerning restorative justice are also consistent with previous studies. Wahid (2021) emphasizes the need for clearer arrangements for restorative justice within the Indonesian criminal justice system, while Nasution et al. (2022) identify restorative justice as an important direction in the transformation of criminal justice. These studies support the present finding that criminal justice reform should provide greater opportunities for restoration while maintaining appropriate legal safeguards.

The present study extends these findings by placing restorative justice within a broader framework of balancing justice and legal certainty. Restorative mechanisms cannot be implemented solely on the basis of flexibility and reconciliation; they must also be supported by clear procedures, accountability, proportionality, and protection of the rights of victims and defendants.

The findings concerning technological adaptation are likewise consistent with recent research identifying transnational cybercrime as a significant challenge to conventional criminal procedure. Contemporary technological development creates difficulties concerning jurisdiction, digital evidence, criminal attribution, and international cooperation. Accordingly, criminal law reform needs to develop an adaptive framework capable of addressing these challenges without sacrificing legal certainty.

4.2.3 Theoretical Contributions

This study provides a theoretical contribution by integrating progressive law, substantive justice, and legal certainty into a unified analytical framework for understanding criminal law reform. Progressive law explains the necessity of adapting criminal law to social development. Substantive justice establishes the normative requirement that criminal law should produce fair, proportionate, and humane outcomes. Legal certainty establishes the requirement that criminal norms must be clear, predictable, and consistently applied. The findings demonstrate that these three perspectives can operate complementarily. Progressive responsiveness should not eliminate legal boundaries, substantive justice should not be pursued through arbitrary discretion, and legal certainty should not be reduced to rigid formalism. The theoretical contribution therefore lies in conceptualizing criminal law reform as a balancing process between responsiveness, substantive justice, and legal certainty. This perspective extends the literature by moving beyond approaches that examine these principles independently.

4.2.4 Practical and Policy Implications

The findings have several implications for criminal law policy in Indonesia. First, legislators should formulate criminal provisions using clear, precise, and internally consistent language. Regulatory harmonization should be conducted to minimize overlapping provisions and conflicting norms. Second, restorative justice should be strengthened through clear procedural standards, victim protection, accountability mechanisms, and appropriate eligibility criteria. Restorative justice should complement rather than undermine the fundamental guarantees of criminal procedure. Third, law enforcement institutions should strengthen professionalism, transparency, consistency, and accountability. The effectiveness of legal certainty depends not only on statutory formulation but also on consistent institutional implementation. Fourth, criminal justice institutions should strengthen their technological capacity to respond to cybercrime and other technology-facilitated offenses. This includes developing digital investigation capabilities, improving digital evidence management, and strengthening interinstitutional and international cooperation. Fifth, legal awareness programs should be strengthened to ensure that

legal reform is supported by changes in legal culture. Public understanding of rights, obligations, and legal procedures is necessary for sustainable criminal justice reform.

4.2.5 Integration with the Research Gap

The findings address the research gap identified in the literature review by integrating dimensions that have frequently been discussed separately. Previous studies have examined substantive justice, legality, restorative justice, technological crime, and criminal law development as individual issues. This study brings these dimensions together within a single analytical perspective focused on the balance between justice and legal certainty. The findings demonstrate that the ideal direction of criminal law reform cannot be defined solely through legislative modernization. It requires simultaneous development of legal substance, institutional capacity, technological responsiveness, regulatory harmonization, restorative mechanisms, and legal culture. This integrated approach constitutes the principal originality of the study. It conceptualizes criminal law reform as a continuous process of balancing fairness, predictability, responsiveness, and accountability within the Indonesian criminal justice system.

4.2.6 Acknowledgement of Study Limitations

The findings should be interpreted within the normative scope of this study. The research provides a legal and conceptual assessment of criminal law reform but does not empirically measure the implementation of the reform in courts, law enforcement institutions, or communities. The study therefore cannot determine quantitatively whether criminal law reform has reduced crime, improved public trust, increased victim satisfaction, or reduced disparities in judicial decisions. The findings also do not capture the perceptions of judges, prosecutors, police officers, lawyers, victims, offenders, or members of the public. These limitations define the scope rather than diminish the contribution of the study. Future research may complement the normative analysis through empirical legal research, case studies, judicial decision analysis, interviews with criminal justice actors, or surveys of public perceptions. Such research would provide additional evidence

concerning the extent to which the normative balance between justice and legal certainty identified in this study is realized in practice.

5. Conclusion

5.1 Summary of Key Findings

This study concludes that criminal law reform is an urgent necessity for establishing a criminal justice system that simultaneously promotes substantive justice and legal certainty. The analysis demonstrates that criminal law reform is required in response to increasingly complex forms of crime, changes in social and technological conditions, and the need to ensure that criminal law remains relevant to contemporary Indonesian society.

The findings further demonstrate that criminal law reform should not be limited to the amendment or replacement of legal provisions. Comprehensive reform should encompass three interconnected dimensions: legal substance, law enforcement structures, and legal culture. From the perspective of justice, criminal law should provide fair, proportionate, humane, and restorative treatment for offenders, victims, and society. From the perspective of legal certainty, criminal norms should be clear, systematic, predictable, and consistently implemented.

Accordingly, the study establishes that the ideal direction of Indonesian criminal law reform is a comprehensive and continuous process that balances justice with legal certainty while remaining responsive to social, economic, technological, and cultural developments.

5.2 Theoretical Contributions

Theoretically, this study contributes to the literature on criminal law reform by integrating progressive law, substantive justice, and legal certainty into a unified analytical perspective. The findings demonstrate that justice and legal certainty should not be regarded as competing objectives. Instead, they should function as complementary foundations of a legitimate and effective criminal justice system. The study further contributes by conceptualizing criminal law reform as a process that requires simultaneous attention to legal responsiveness, substantive fairness, predictability, and institutional consistency. This perspective strengthens the theoretical understanding that

criminal law reform should move beyond purely formal legal modernization toward a more comprehensive approach that incorporates human dignity, social development, and the rule of law.

5.3 Practical and Policy Implications

The findings provide several practical and policy implications. First, the government and legislators need to accelerate criminal law reform that is responsive to social, economic, technological, and cultural developments while maintaining clear and predictable legal boundaries. Second, law enforcement institutions should strengthen the professionalism, integrity, transparency, and accountability of their personnel. Effective legal reform cannot be achieved solely through legislative changes without corresponding improvements in law enforcement practices and institutional capacity. Third, restorative and human-centered approaches should be strengthened where appropriate to ensure that criminal justice provides meaningful protection and fair treatment to offenders, victims, and communities. Fourth, legal harmonization and regulatory synchronization should be continuously pursued to minimize overlapping provisions, conflicting norms, and inconsistent interpretation. Finally, public legal education should be strengthened to improve legal awareness, understanding, and compliance. A sustainable criminal law reform process requires not only institutional and regulatory transformation but also the development of a supportive legal culture within society.

5.4 Limitations of the Study

This study is limited to a normative juridical analysis of criminal law reform in Indonesia. Consequently, the conclusions primarily reflect the normative and conceptual dimensions of justice, legal certainty, and the direction of criminal law reform. The study does not empirically examine the experiences or perceptions of judges, prosecutors, police officers, lawyers, victims, offenders, or members of the public. Therefore, the findings should not be interpreted as a direct measurement of the effectiveness of criminal law reform in actual law enforcement practice. In addition, the rapidly changing nature of criminal law, particularly in response to technological developments and the implementation of new legal provisions, means that

some aspects of the analysis may require further assessment as legal practice and judicial interpretation develop.

5.5 Directions for Future Research

Future research should complement the normative findings of this study with empirical legal research examining the implementation of criminal law reform in practice. Empirical studies could investigate the perceptions and experiences of judges, prosecutors, police officers, lawyers, victims, offenders, and communities concerning justice and legal certainty. Future research may also employ case studies, judicial decision analysis, interviews, or mixed-method approaches to evaluate how the principles of substantive justice and legal certainty are applied following criminal law reform. Particular attention may be given to restorative justice, sentencing practices, judicial interpretation, cybercrime, and the implementation of Law Number 1 of 2023 concerning the Criminal Code. Such research would provide complementary empirical evidence regarding whether the normative direction proposed in this study is effectively realized in the Indonesian criminal justice system and would contribute to the continuous development of a criminal law framework that is just, certain, responsive, and capable of addressing future challenges.

6. References

- Anggraeny, K. D., Khakim, M., & Sirojudin, M. R. (2025). The urgency of cybercrime law reform in Indonesia: Resolving artificial intelligence criminal liability. *JUSTISI*, 11(1). <https://doi.org/10.33506/js.v11i1.3608>
- Belinda, N., & Sanjaya, F. (2026). The formulation of morality crimes in Law No. 1 of 2023: A criminal law study of the risk of overcriminalization and legal certainty. *Pakuan Law Review*, 12(2).
- Flora, H. S., Maharjan, K., Mark, E., Fernando, J. R., & Alghiffary, I. (2024). Reform of criminal procedure law in dealing with transnational cyber crime. *Rechtsnormen: Journal of Law*, 2(3).
- Hardinanto, A., Arief, B. N., Setiyono, J., Fernando, Z. J., & Sabrina, N. (2024). Critical analysis of living law formulation in Law No. 1 of 2023 concerning the Criminal Code: Towards law reform to realize justice with the spirit of Pancasila. *Journal of Law and Legal Reform*, 5(3), 1029–1066.
- <https://doi.org/10.15294/jllr.v5i3.13923>
- Hayatuddin, K., Suharyono, S., Sobandi, S., & Is, M. S. (2022). Legal implications of the Constitutional Court decision on the application of restorative justice concept in Indonesia. *Jurnal Hukum dan Peradilan*, 11(2), 281–312. <https://doi.org/10.25216/jhp.11.2.2022.281-312>
- Muntini, M., Suhartono, S., Mangesti, Y. A., & Setyorini, E. H. (2025). The concept of reconstruction of cohabitation regulations in the National Criminal Code based on the principle of legal certainty. *DiH: Jurnal Ilmu Hukum*, 21(2).
- Muti'ah, D., Mufid, F. L., & Rusdiana, E. (2022). Legal certainty in settlement of criminal cases through restorative justice. *SHS Web of Conferences*, 149, 03019. <https://doi.org/10.1051/shsconf/202214903019>
- Nasution, N. P. A., Jubair, J., & Wahid, A. (2022). The restorative justice: Ideality, reality, and problems in the Indonesia criminal justice system. *Rechtsidee*, 10(2). <https://doi.org/10.21070/jihr.v11i0.775>
- Nainggolan, R. O., Syahrin, A., & Mulyadi, M. (2024). The position of the principle of legality in Law No. 1 of 2023 for the development of criminal law in Indonesia. *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan dan Ekonomi Islam*, 16(2), 408–419.
- Nurcahyo, N., Ricky, R., Laksito, F. X. H. B., & Manitra, R. R. M. (2024). Reform of the criminal law system in Indonesia which prioritizes substantive justice. *Journal of Law, Environmental and Justice*, 2(1).
- Purnama, I. C., & Eryke, H. (2026). Reconstruction of the principle of legality in Law Number 1 of 2023: An analysis of the extension of living law in society and its implications for legal certainty. *Pakuan Law Review*, 12(2).
- Puspito, B., & Masyhar, A. (2023). Dynamics of legality principles in Indonesian national criminal law reform. *Journal of Law and Legal Reform*, 4(1), 109–122. <https://doi.org/10.15294/jllr.v4i1.64078>
- Putri, A. M., Deliana HZ, E., & Ardiyanto, S. Y. (2025). Conditional death penalty policy under Law Number 1 of 2023 on the Criminal Code: A legal certainty perspective. *Jurnal Ilmiah Advokasi*, 13(2).
- Sherliantie, D. A., Pura, M. H., & Fadlian, A. (2022). Restorative justice against the crimes of murder based on *noodweer* and *noodweer excels*. *Indonesian Journal of Criminal Law Studies*, 7(2),

275–290.

<https://doi.org/10.15294/ijcls.v7i2.36899>

- Sitorus, T., Harahap, M. R., Sembiring, F., & Hasibuan, S. A. (2024). Development of the principle of legality in Indonesian criminal law. *International Journal of Multidisciplinary Approach Research and Science*, 2(1).
- Suryana, I. (2025). Construction of judicial interpretation in Indonesia's criminal justice system regarding the implementation of the new Penal Code. *Indonesian Journal of Law and Justice*, 2(4).
- Syarhan, M. (2021). Socio-cultural and legal changes in Indonesia. *Jurnal Hukum Progresif*, 9(2), 135–145.
<https://doi.org/10.14710/jhp.9.2.135-145>
- Utami, R. S. (2023). Restorative justice: A comprehensive shift towards victim-perpetrator reconciliation and community healing. *Indonesian Journal of Law and Economics Review*, 18(3).
- Velasco, C. (2022). Cybercrime and artificial intelligence: An overview of the work of international organizations on criminal justice and the international applicable instruments. *ERA Forum*, 23, 109–126.
<https://doi.org/10.1007/s12027-022-00702-z>
- Wahid, A. (2021). Restorative justice arrangements in the Indonesian criminal justice system: A contribution of thoughts. *Rechtsidee*, 8.