

THE CRIMINAL JUSTICE SYSTEM IN INDONESIA: CHALLENGES AND EFFORTS TO ACHIEVE JUST LAW ENFORCEMENT

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Abstract

The Indonesian Criminal Justice System is an integrated mechanism involving the Police, Prosecutor's Office, Courts, and Correctional Institutions in enforcing criminal law. This system functions not only to combat crime but also to achieve justice, legal certainty, and the protection of human rights. However, in practice, the Indonesian criminal justice system still faces various challenges, such as weak coordination among law enforcement officials, low integrity among law enforcement officials, overcrowding of correctional institutions, and the increasing complexity of technology-based crimes. This study aims to analyze the challenges facing the Indonesian criminal justice system and examine efforts that can be made to realize just law enforcement. The research method used is normative legal research with a statutory and conceptual approach. The results show that optimization of the criminal justice system can be achieved by strengthening the integrity of law enforcement officials, improving coordination between institutions, implementing Restorative Justice, and utilizing technology in the judicial process. Thus, criminal justice system reform is needed that is not only oriented towards legal certainty but also ensures the achievement of substantive justice for the community.

Keywords: Criminal Justice System, Law Enforcement, Justice, Restorative Justice

INTRODUCTION

Indonesia as a state of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia has an obligation to implement law enforcement that guarantees justice, legal certainty, and benefits for society. One of the main instruments in realizing this goal is the Criminal Justice System, namely a mechanism that involves various law enforcement agencies, starting from the police, prosecutors, courts, to correctional institutions that work in an integrated manner in handling criminal acts. The criminal justice system not only functions as a means of combating crime, but also as an instrument for protecting human rights and social control in society (Fernando, 2020).

The concept of an Integrated Criminal Justice System (ICCS) positions all law enforcement subsystems as a single, interconnected and inseparable whole. The success of criminal law enforcement is largely determined by the synchronization between legal substance, legal structure, and legal culture. If any of these elements fail to function optimally, the criminal justice system's goal of achieving justice will be difficult to achieve (Nursyamsudin & Samud, 2022). Therefore, effective coordination between law enforcement agencies is crucial for creating a transparent, accountable, and justice-oriented judicial process.

In practice, Indonesia's criminal justice system still faces various challenges. Frequently occurring issues include overlapping authority among law enforcement officials, slow case resolution, low integrity among some law enforcement officials, and persistent disparities in sentencing. Furthermore, the increasing complexity of modern crimes, such as cybercrime, money laundering, and transnational crime, requires the criminal justice system to continually adapt to technological developments and societal dynamics (Fernando, 2020).

Developments in national law through updates to the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP) also present unique challenges in the implementation of the criminal justice system. Criminal procedure reforms are aimed at creating a balance between effective law enforcement and human rights protection through the application of the principle of due process of law. However, various groups continue to debate the extent to which these reforms are able to address the public's need for a fairer, more transparent, and more responsive justice system (Hasibuan et al., 2024).

On the other hand, public demands for just law enforcement are increasing. The public not only desires legal certainty through consistent application of laws and regulations, but also expects the creation of substantive justice that can protect citizens' rights. Therefore, the success of the criminal justice system is measured not only by the number of cases resolved, but also by the extent to which the system is able to provide a sense of justice, guarantee human rights, and increase public trust in law enforcement institutions (Soekorini, 2017).

Based on these conditions, a comprehensive study of the criminal justice system in Indonesia is needed, particularly regarding the various challenges faced and the efforts that can be made to achieve just law enforcement. This study is crucial for providing an understanding of the effectiveness of the criminal justice system in achieving legal objectives and providing recommendations for legal reform and strengthening law enforcement institutions in Indonesia.

RESEARCH METHODS

This research is normative legal research, which is research conducted by reviewing library materials or secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Normative legal research aims to examine the legal norms governing the criminal justice system in Indonesia and analyze the various challenges and efforts needed to achieve just law enforcement. Normative legal research focuses on law as a norm or rule that applies in society and serves as a guideline for the implementation of national life (Soekanto & Mamudji, 2015).

The approaches used in this research include a statutory approach and a conceptual approach. The statutory approach is carried out by examining various legal provisions related to the criminal justice system, such as the 1945 Constitution of the Republic of Indonesia, the Criminal Code, the Criminal Procedure Code, and other laws and regulations related to criminal law enforcement. Meanwhile, the conceptual approach is carried out by examining various legal theories, principles, and doctrines that have developed in the legal literature regarding the criminal justice system, law enforcement, and justice (Marzuki, 2017).

The legal materials used in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to the criminal justice system. Secondary legal materials include law books, scientific journals, research results, and academic works relevant to the research theme. Tertiary legal materials include legal dictionaries, legal encyclopedias, and various other sources that provide guidance on primary and secondary legal materials (Muhaimin, 2020).

The legal material collection technique was conducted through library research, namely by inventorying, reading, recording, and reviewing various legal sources relevant to the research object. All collected legal materials were then analyzed qualitatively by outlining, connecting, and interpreting applicable legal norms to gain a comprehensive understanding of the criminal justice system in Indonesia (Sunggono, 2016).

The analysis of legal materials was conducted using a descriptive-analytical method with a deductive thinking pattern, namely drawing conclusions from general legal provisions and theories to specific problems. Through this method, it is hoped that a systematic overview of the challenges facing the criminal justice system in Indonesia will be obtained, as well as various efforts that can be made to realize just, effective law enforcement that is oriented toward protecting human rights (Ibrahim, 2013).

RESULT AND DISCUSSION

A. The Criminal Justice System in Indonesia as an Integrated System

The Criminal Justice System in Indonesia is essentially a law enforcement mechanism consisting of several subsystems: the Police, the Prosecutor's Office, the Courts, and Correctional Institutions. These four institutions have different functions, but they are interconnected in the criminal law enforcement process. This system is designed to achieve legal objectives such as legal certainty, justice, and public benefit. According to Romli Atmasmita (2011), the Criminal Justice System is a network that uses criminal law as the primary means of combating crime, involving various institutions working in an integrated manner.

In practice, the success of the criminal justice system is determined not only by the quality of laws and regulations, but also by the ability of law enforcement officers to carry out their duties and authorities professionally. M. Yahya Harahap (2016) explains that the criminal justice system must operate based on the principle of due process of law, namely that every law enforcement action must be carried out according to legal procedures and still respect human rights. Thus, criminal law enforcement must not only be oriented towards punishing perpetrators, but must also pay attention to protecting the rights of suspects, defendants, victims, and society as a whole.

B. Challenges of the Criminal Justice System in Indonesia

1. Low Integrity and Professionalism of Law Enforcement Officers

One of the fundamental challenges facing Indonesia's criminal justice system is the persistent issues of integrity and professionalism among law enforcement officials. Practices such as abuse of authority, bribery, collusion, vested interests, and even the criminalization of cases remain issues that frequently undermine the law enforcement process. This situation not

only hinders the achievement of justice but also directly impacts the decline in public trust in legal institutions.

From a law enforcement theory perspective, Soerjono Soekanto (2014) emphasized that legal effectiveness is largely determined by one primary factor, namely the law enforcement officers themselves, in addition to legal, infrastructure, societal, and cultural factors. If officers lack integrity, no matter how good the existing legal regulations, they will be difficult to implement fairly in practice. Therefore, increasing the professionalism, transparency, and accountability of law enforcement officers is an urgent need for criminal justice system reform in Indonesia.

2. Weak Coordination Between Law Enforcement Officials

The criminal justice system is fundamentally designed as an integrated system involving the police, prosecutors, courts, and correctional institutions. However, in practice, coordination between these institutions often faces obstacles, whether in the form of differing legal interpretations, sectoral egos, or limited institutional communication.

As a result, the criminal case handling process often experiences delays, case file asymmetries, and differing views on law enforcement. Muladi (2002) emphasized that an effective criminal justice system can only be realized if there is good synchronization between the legal structure, legal substance, and legal culture in each subsystem of law enforcement. Therefore, weak coordination between institutions is one of the factors hindering the creation of an effective and just criminal justice system.

3. Overcapacity of Correctional Institutions

The problem of overcrowding in correctional institutions (prisons) is also a serious challenge for Indonesia's criminal justice system. The ever-increasing number of inmates exceeds the available capacity, resulting in various negative impacts, such as a decline in the quality of education, inadequate facilities, and potential human rights violations for inmates.

This situation indicates that the Indonesian penal system still tends to be oriented toward imposing imprisonment (imprisonment-oriented), without being balanced with alternative punishments such as non-prison sentences or restorative approaches. In fact, the goal of correctional services, as conceptualized in the Indonesian penal system, is to restore prisoners to good members of society, not simply to impose punishment (Priyatno, 2009). Therefore, a more progressive criminal policy is needed to reduce the burden on correctional institutions.

4. Development of Technology-Based Crime

Advances in information technology and digitalization have significantly impacted the emergence of various new forms of crime. Crimes such as online fraud, hacking of electronic systems, malware distribution, personal data theft, hate speech, and even digital-based transnational crime are increasingly complex and difficult to detect using conventional methods.

This situation requires the criminal justice system to adapt by strengthening the capacity of law enforcement officers in information technology, utilizing digital forensics, and increasing cross-border cooperation in handling cybercrime. Furthermore, regulatory updates are also crucial to ensure criminal law can keep pace with rapid technological developments (Arief, 2017). Without such adaptation, the criminal justice system will be left behind and less effective in dealing with modern crime.

C. Efforts to Realize Just Law Enforcement

1. Strengthening the Integrity of Law Enforcement Officers

Strengthening the integrity of law enforcement officers is a key prerequisite for realizing a just criminal justice system. This integrity encompasses honesty, independence, professionalism, and freedom from interference by any vested interests in every law enforcement process. Efforts to strengthen this integrity are carried out through education in legal professional ethics, ongoing training, improving officer welfare, and strict internal and external oversight.

Furthermore, implementing a transparent reward and punishment system is a crucial tool in preventing abuse of authority. Just law enforcement can only be achieved if officers not only understand the law normatively but also have a moral commitment to carrying out their duties (Atmasasmita, 2001). Soerjono Soekanto (2014) emphasized that the law enforcement factor is a central element that determines the effectiveness of the implementation of law in society.

Furthermore, institutional reforms such as strengthening the Judicial Commission, the Prosecutorial Commission, and civil society-based public oversight are also important in building a clean and accountable justice system.

2. Optimization of the Integrated Criminal Justice System

Optimizing the Integrated Criminal Justice System is a fundamental strategy for creating effective and equitable law enforcement. This system requires integrated work between the police, prosecutors, courts, and correctional institutions within a unified criminal law enforcement process.

This synergy encompasses coordination from the investigative, inquest, prosecution, court hearing, to the execution of the verdict. Muladi (2002) emphasized that the criminal justice system can only function effectively if there is structural, substantial, and cultural synchronization among all its subsystems.

Furthermore, optimizing this system also requires information technology-based data integration to eliminate overlapping case handling and to expedite a transparent and accountable judicial process. Updating the Criminal Procedure Code (KUHAP) and strengthening operational standards across institutions are crucial tools in strengthening this system.

3. Implementation of Restorative Justice

Restorative Justice is a modern approach to criminal law that emphasizes victim recovery, perpetrator accountability, and the restoration of social relations within society. This paradigm differs from the retributive approach, which focuses solely on punishment. In practice, restorative justice provides a space for dialogue between victims, perpetrators, and the community to reach a just and humane settlement. This approach is considered more effective in reducing recidivism and strengthening social cohesion.

Eva Achjani Zulfa (2011) explains that restorative justice focuses on repairing victims' losses and reconstructing social relationships damaged by criminal acts, rather than solely on revenge. Furthermore, this policy has been adopted in various regulations in Indonesia, including Police and Prosecutor's Office regulations regarding the handling of certain cases through a restorative justice approach. Thus, Restorative Justice is an important alternative in realizing a more humane, proportional, and just criminal justice system.

4. Utilization of Technology in Law Enforcement

Digital transformation in the criminal justice system is an unavoidable necessity in the modern era. The use of technologies such as e-court, e-litigation, e-prosecution, and electronic

case administration systems has increased efficiency, transparency, and accountability in the judicial process.

The Supreme Court of the Republic of Indonesia, through its e-court system, has promoted the digitization of civil and criminal justice processes to accelerate legal services to the public. Furthermore, digitalization has played a role in reducing corruption, collusion, and nepotism in the judicial administration process.

Barda Nawawi Arief (2017) emphasized that technological developments must be balanced with updates to criminal law to address the challenges of modern crime, particularly information technology-based crimes. Therefore, strengthening cyber law enforcement, digital forensics, and improving human resource capacity are crucial components of modernizing the criminal justice system.

D. Analysis of Fair Law Enforcement in the Criminal Justice System

Equitable law enforcement in the criminal justice system cannot be measured solely by the formal aspect of the success of law enforcement officers in sentencing perpetrators of crimes, but rather by a broader perspective, namely the legal system's ability to protect human rights, guarantee legal certainty, and provide a sense of justice for all parties involved in the judicial process, especially victims of crime. From this perspective, law is not merely understood as a set of normative rules, but also as a social instrument that must be able to address the need for justice in society.

Satjipto Rahardjo (2009) emphasized that law is essentially created for humans, not humans for the law. Therefore, law must be progressive and responsive to the social dynamics of society. Therefore, law enforcement must not stop at formalistic procedural aspects, but must be able to deliver substantive justice that is truly felt by the community. In the context of the criminal justice system, this means that every law enforcement process must consider the balance between the state's interests in enforcing the law, the rights of suspects or defendants, and the protection of crime victims.

Furthermore, the concept of just law enforcement must also be placed within the framework of the triad of legal values: legal certainty, legal utility, and legal justice. These three values must operate in balance, as the dominance of only one can lead to imbalance in the legal system. For example, law enforcement that emphasizes only legal certainty without considering justice can result in decisions that are formally correct but substantively unjust.

In practice, Indonesia's criminal justice system still faces various issues that indicate a gap between the ideal concept and its implementation. These include the low integrity of some law enforcement officers, weak coordination between law enforcement agencies, which leads to ineffective judicial processes, and disparities in the application of the law to cases with similar characteristics. These conditions indicate that the criminal justice system has not yet fully and consistently implemented the principles of justice.

Furthermore, the problem of overcrowding in correctional institutions is also an indicator that the criminal justice system still tends to be oriented toward punishment (retributive) rather than rehabilitative and restorative approaches. However, in the development of modern criminal law, more humanistic approaches such as restorative justice are beginning to be seen as important alternatives in realizing more substantive justice and oriented toward restoring social relations (Zulfa, 2011).

On the other hand, the development of technology-based crimes also increases the complexity of challenges facing the criminal justice system. Cybercrime, misuse of personal data, and other forms of digital crime require legal reforms that are not merely reactive but also anticipatory. Therefore, the criminal justice system must be able to adapt to technological developments by increasing human resource capacity, utilizing digital forensics, and strengthening criminal law regulations relevant to the digital era (Arief, 2017).

Based on this description, it can be analyzed that the main challenges facing Indonesia's criminal justice system are multidimensional, encompassing structural, cultural, and substantive aspects. Structurally, this is evident in the suboptimal coordination between law enforcement agencies; culturally, there are still issues with the integrity and legal culture of law enforcement officers; and substantively, this is evident in the continued imperfection of regulations in responding to the development of modern crime.

Therefore, to achieve just law enforcement, strategic steps are needed, including strengthening law enforcement institutions, increasing the professionalism and integrity of officers, comprehensive reform of the criminal justice system, implementing a proportional restorative justice approach, and utilizing information technology in the law enforcement process. These efforts must be carried out in an integrated manner so that the criminal justice system in Indonesia is not only procedurally effective but also capable of producing substantive justice that is felt by all levels of society.

CONCLUSIONS

Based on the research results and discussion, it can be concluded that the Criminal Justice System in Indonesia is an integrated criminal justice system consisting of the Police, Prosecutor's Office, Courts, and Correctional Institutions. These four subsystems have interrelated roles in enforcing criminal law, maintaining public order, and realizing the legal objectives of legal certainty, benefit, and justice. In its ideal concept, the criminal justice system is not only oriented towards punishing perpetrators of crimes, but also guarantees the protection of human rights and provides a sense of justice for all parties, including perpetrators, victims, and the community.

However, the implementation of the criminal justice system in Indonesia still faces various complex challenges, both structural and cultural. These challenges include the low integrity and professionalism of some law enforcement officers, which still leaves room for abuse of authority; weak coordination and synchronization between law enforcement agencies, which leads to ineffective case handling; and the problem of overcapacity in correctional institutions, which impacts the suboptimal function of prisoner development. Furthermore, the development of technology-based crimes also presents a new challenge, requiring the criminal justice system to continuously adapt to social dynamics and advances in information technology. These conditions indicate that the criminal justice system still faces a gap between the ideal concept and the reality of its implementation.

On the other hand, efforts to achieve just law enforcement require comprehensive and sustainable reform of the criminal justice system. This reform includes strengthening the integrity, professionalism, and accountability of law enforcement officers through legal ethics education, effective oversight, and consistent enforcement of the code of ethics. Furthermore, optimizing the Integrated Criminal Justice System is crucial to ensure harmonious coordination between law enforcement agencies from the investigation stage to the implementation of court decisions. The implementation of Restorative Justice is also a strategic step in presenting a more humane approach by emphasizing victim recovery and social balance, rather than solely retaliation.

Furthermore, the use of information technology in the criminal justice system through digitalization of judicial processes such as e-courts, e-litigation, and electronic-based administrative systems is an urgent need to improve the efficiency, transparency, and accountability of law enforcement. Furthermore, regulatory reforms and increased human resource capacity of law enforcement in the technology sector are also crucial factors in addressing the development of modern crime.

Thus, it can be emphasized that the criminal justice system in Indonesia needs continuous reform to adapt to the dynamics of societal developments. Law enforcement must

not only be oriented towards legal certainty but also ensure the realization of substantive justice, the protection of human rights, and increased public trust in law enforcement institutions. Therefore, the criminal justice system must be positioned not merely as a repressive tool in combating crime, but also as a vital instrument in realizing social justice in the life of the nation and state.

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