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Criminal Law Policy on The Principle of Rechterlijk Pardon (Judge's Forgiveness) In the National Criminal Code Criminalization System

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ABSTRACT: This study aims to determine the criminal law policy of the principle of rechterlijk pardon (forgiveness of judges) in the National Criminal Code punishment system. The formulation of the problem discussed by the researcher is how the criminal law policy of the rechterlijk pardon principle in the National Criminal Code punishment system. This research also discusses what is the urgency of the rechterlijk pardon principle in the National Criminal Code punishment system. This research includes normative legal research, with data collected based on written regulations and experts' opinions. The results of this study indicate that the criminal law policy of rechterlijk pardon formulation is in accordance with the values of the Indonesian nation based on Pancasila. The rechterlijk pardon policy as contained in Article 54 paragraph (2) of the National Criminal Code is a new breakthrough in the National Criminal Code's punishment system as well as a punishment guideline that was previously absent in the WvS Criminal Code which is still in effect. The judge is given the authority to forgive the perpetrator of a criminal offense even though the perpetrator is proven guilty. The forgiveness given by the judge is certainly a consideration of the legal objectives in the form of legal justice, legal certainty, and legal expediency.

KEYWORDS: Rechterlijk Pardon, Policy, Criminal Code, Judge

1.0 INTRODUCTION

Legal thinking is always evolving, including legal thinking in Indonesia which has also experienced a shift in thinking about punishment. This is interpreted as the first step to make efforts to reform the national criminal law system in full, therefore this effort shows that criminal law reform as part of the development of national criminal law must be carried out starting from the institution to the substance of the law itself without exception. Development in the field of law, especially criminal law reform, is not only limited to building legal institutions, but must also include the development of criminal law at large, including aspects of substance or legal products in the form of criminal law regulations and cultural ones, namely attitudes and values that influence the enactment of the legal system. The renewal of national criminal law becomes so urgent as part of the effort to decolonialize the national punishment system so that it is in accordance with the development of values, standards and norms that live and develop in the life of Indonesian society.

The shift in the orientation of punishment in the colonial era from retributive to restorative marks a change in the punishment system that does not only focus on restoring and fulfilling the rights of victims who are deprived due to crime but also on imposing penalties that prioritize a sense of justice and humanity for the perpetrators. This then led to the concept of rechterlijk pardon in criminal law (Muladi, 1995).

According to Nico Keijzer and Schaffmeister in (Arief, 2011), the emergence of the concept of rechterlijke pardon is motivated by the fact that there are many defendants who have actually fulfilled the evidence, but if a punishment is imposed, it will be contrary to the sense of justice or it can be said that if a punishment is imposed, there will be a clash between legal certainty and justice. In addition to avoiding rigidity in sentencing that has the potential to injure humanity, the existence of this rechterlijke pardon guideline can also be said to be a safety valve (veiligheidsklep) or emergency exit (noodeur) against the rigidity of criminal law as a consequence of the principle of legality (Arief, 2011).

The regulation of the concept of rechterlijk pardon as another form of judge's decision, is not necessarily implemented by judges but also requires harmonization between other criminal law regulations both vertically and horizontally. Ideally, a balance between legal certainty, justice, and benefit is needed even though the three are antinomies. This means that in the application of rechterlijke pardon, even though justice is the highest goal of law enforcement, a balance between the three is still needed so that the

implementation of rechterlijke pardon does not contradict the purpose of punishment, namely tackling crime while still giving freedom to the perpetrator within the framework of resocialization (Setiawan, 2021).

In the context of reforming the punishment system in Indonesia in the future, the legislators (President and DPR) have tried to accommodate the concept of rechterlijk pardon which is formulated in Article 54 Paragraph (2) of Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code). The concept of rechterlijk pardon itself is a new concept accommodated in the National Criminal Code. This concept gives greater authority to the judge to impose a verdict on a defendant. It is intended that a judge is not only bound by 3 (three) types of decisions as regulated in Law Number 8 of 1981 concerning the Indonesian Criminal Procedure Code (KUHAP) which is currently in effect, namely in the form of acquittal, release from all charges, and conviction. In addition, this concept will also add a new type of decision that has not been recognized in the KUHAP, namely a decision that contains a statement of guilt but does not carry out the punishment because of the judge's forgiveness. Judge's forgiveness is intended as a renewal of a more adequate model of criminal case settlement for a criminal offense that is deemed appropriate not to be punished, or is estimated not to benefit the purpose of punishment if punishment is imposed.

The policy formulation on rechterlijk pardon contained in the National Criminal Code is part of the future positive law. As it is known that the new National Criminal Code will take effect in 2026. However, the breakthrough regulated in the National Criminal Code, especially the rechterlijk pardon stipulated in Article 54 paragraph (2) of the National Criminal Code, should be welcomed positively in upholding a just law. Rechterlijk pardon regulated in Article 54 paragraph (2) states: "The severity of the offense, the personal circumstances of the perpetrator, or the circumstances at the time the offense was committed or which occurred later, can be used as a basis for consideration not to impose punishment or impose measures by taking into account aspects of justice and humanity".

Based on the explanation above, the author wants to significantly review the criminal law policy of rechterlijk pardon principle in the Criminal Code punishment system. In this discussion, in particular, the author wants to discuss the policy formulation of the rechterlijk pardon principle. In addition, the author also wants to review the urgency of the rechterlijk pardon principle in the National Criminal Code punishment system.

2.0 LITERATURE REVIEW

2.1 Criminal Law Policy

Criminal law policy can be implemented through several operational/functionalization stages of criminal law consisting of the formulation stage, application stage, and execution stage. The formulation stage is the enforcement stage of law formation. At this stage, lawmakers conduct activities to select values that are in accordance with the current and future circumstances and situations, then formulate them in the form of criminal legislation to achieve the best legislative results, in the sense of meeting the requirements of justice and effectiveness. This stage is also referred to as the legislative policy stage.

The Application Stage, which is the part of criminal law enforcement by law enforcement officials ranging from the police, prosecutors to the courts. In this stage, law enforcement officials enforce and apply criminal laws and regulations that have been made by the lawmaking body in the judicial policy stage. Execution stage, which means the stage that is actually carried out by the criminal implementation apparatus. In this stage, the criminal implementation apparatus is tasked with enforcing the criminal regulations that have been made by the legislators through the application of punishment (Arief, 2018).

M. Cherif Bassiouni explained the three stages with the terms: formulation stage (legislative process), application stage (judicial process) and execution stage (administrative process). The first stage (legislative policy) is part of the law enforcement stage "in abstracto", while the second and third stages (judicial and executive policy stages) are law enforcement stages "in concreto".

Sudarto explains the meaning of policy formulation, namely as a policy of the state through authorized bodies to determine the desired regulations and is expected to be used with the aim of expressing what is contained in society in order to achieve ideals (Marbun, 2014). Efforts to realize good regulations in accordance with the circumstances and situation. In principle, formulation policy is the policy of the state to create an ideal law in the future and realize the current legal provisions. Policy formulation in the criminal domain is part of the process to realize criminal law reform in Indonesia.

2.2 Rechterlijk Pardon

Rechterlijk pardon is one of the new concepts known in criminal justice practice that authorizes judges to grant pardons or forgiveness to perpetrators of criminal acts under certain conditions even though they have been proven guilty. This forgiveness is expressed in the form of a decision which conceptually has a different character from several types of decisions as known in the Criminal Procedure Code, namely in the form of a verdict of conviction, a verdict of acquittal and a verdict of release from all legal charges.

The rechterlijk pardon has a standard, namely that even though the defendant is proven guilty, the case is a criminal case, and there are no reasons for criminal erasure in the form of justification or excuse, the judge may not impose punishment on the defendant for certain reasons. So that the defendant is still declared guilty but the criminal sanction is eliminated for him.

In terms of terms, forgiveness or pardon is often associated with the terms “forgiveness”, “pardon”, “mercy”, “clemency”, “indemnity”, and “amnesty” which do not have a rigid (flexible) meaning, but broadly speaking, these terms can be interpreted as a pardon for actions that are contrary to the legality of laws and regulations, on the basis of justice in society (Saputro, 2016).

Pardon in Black's Law Dictionary is defined as “The act or an instance of officially nullifying punishment or other legal consequence of a crime”. This form of pardon is granted by the chief executive of a government and is eventually termed an executive pardon (Garner, 2004). Based on this, as well as the historical facts that will be described next, the term “pardon” was originally interpreted and practiced as an executive action that reduces or eliminates the punishment that has been determined / imposed by the court, or that changes the punishment in a way that is generally considered mitigating (Moor, 1989). Therefore, this authority is outside the judiciary and is applied after a conviction.

When viewed from the criminal justice system, the institution of pardon is not a legal remedy (rechtsmiddel) in our criminal procedure law, such as appeal, cassation and judicial review (PK). Therefore, it is not a right given to the defendant or the public prosecutor. Meanwhile, another goal is to eliminate the implementation of criminal law consequences, if the law that applies to a particular legal event can cause injustice. Thus, although the principle is that the law must be enforced, but for this particular case forgiveness is given by not implementing the law (Reksodiputro, 2009). Thus, rechterlijk pardon can be understood and interpreted as the authority given by law to judges to grant forgiveness to a defendant who has been proven guilty of committing a criminal offense with several provisions as a condition for granting the forgiveness (farikhah, 2018).

2.3 Criminalization

Punishment is another word for punishment. Sudarto stated that “punishment” is a synonym of the word “punishment” which comes from the root word “law” which is then interpreted as “establishing the law” or “deciding the law” (Muladi & Arief, 1984). Punishment is an important part of criminal law and the criminal justice system. Punishment is the highest stage of all processes in taking responsibility for the actions of a person who is guilty and classified as a criminal offense. The purpose of this punishment is none other than to provide guidance for the perpetrators of criminal offenses not to repeat their actions in the future. In punishment, there are several theories. Theories of punishment can be classified into 3 (three) main ones, namely absolute theory, relative theory, and combined theory.

First, the Absolute or Retributive Theory or Vergeldings Theorieen (retaliation) is also known as the theory of retaliation which provides the principle that punishment is sought from the crime itself, because crime is able to cause suffering to others, so the perpetrators of crime in retaliation must also be given a form of suffering as well (Marpaung, 2012). Punishment as a reflection of “morally justified” or moral justification for the crime committed by the perpetrator because it deserves it. Crime as an immoral and immoral act in the community, so that the perpetrator must be rewarded with criminal sanctions. This is in line with the basic theory put forward by Immanuel Kant as the originator of this theory who based this theory on moral and ethical principles. Kant also said “fiat justitia ruat coelum” which means that even though the world will end tomorrow or collapse, justice should still be upheld. Then Hegel as another originator said that law is a reflection of freedom, while crime is a challenge to law and justice. Meanwhile, according to Thomas Aquinas, retribution is in accordance with God's teachings, therefore it must also be done to criminals who have committed crimes (Efendi, 2011).

Second, the Relative Theory or Detterence or Doel Theorieen (prevention) in the teachings of this theory, which becomes the principle of punishment law is the purpose of the punishment itself. The main base of the existence of this theory is to uphold order in the life of society. Therefore, what is sought in this theory is related to the benefits of imposing criminal sanctions for the perpetrator. This theory has a principle that teaches that the imposition of punishment and its implementation aims to prevent the convicts (special prevention) from the possibility of repeating their criminal acts in the future. In addition, it is also to prevent the wider community (general prevention) from the possibility of being a party harmed by the impact of a crime, so that this whole orientation is to uphold legal order in society. Third, the Joint Theory or Verenengings Theorieen is a combination of the teachings of absolute theory and relative theory, so it is plural in nature. This flow is based on the purpose of retaliation and maintaining order in society which is carried out in an integrated manner.

3.0 METHOD

The research method used in this research is normative juridical, with a statute approach and case approach. The statutory approach is carried out by examining all laws related to the legal issues discussed (Soekanto & Mamudji, 2003). Meanwhile, the problem approach is carried out by examining cases related to the issue at hand (Marzuki, 2006), especially overwriting the criminal law policy of the rechterlijk pardon principle. The method of data collection was literature research and internet research. Information analysis is attempted qualitatively, which is analyzing information by using legal principles, legal doctrines, and positive legal materials, which are carried out on the data that has been collected, carried out by describing data related to the object of research, analyzing data on the object of research and interpreting the data in order to draw conclusions about the criminal law policy of the rechterlijk pardon principle in the punishment system of the National Criminal Code.

4.0 RESULT

4.1 Policy Formulation Of The Rechterlijk Pardon Principle In The National Criminal Code

After several UN Congresses on the Prevention of Crime and the Treatment of Offenders, the discourse related to criminal law has undergone significant changes. One of the developments is the orientation of punishment which is more "humanizing" offenders in the form of guidance (treatment) rather than just punishment. Reflecting on the developments related to the shift in the orientation of punishment as previously explained, this is one of the things that gave rise to the idea of establishing an institution of judge forgiveness or rechterlijk pardon. In Indonesia, the regulation of rechterlijk pardon has not been used in the criminal justice system. As a result, many small cases such as theft of cocoa, theft of plates, sandals and other similar cases are sentenced to punishment that is not appropriate, and even tends to be contrary to human values that live in society (Arief, 2009). Meanwhile, several other countries have implicitly applied the rechterlijk pardon regulation. This is certainly quite ironic, considering that while other countries implement the first principle of Pancasila in their punishment system, Indonesia has not implemented it. Whereas the worldview of these countries is generally European countries, the majority of which are based on secularism.

The rechterlijk pardon arrangement contained in the National Criminal Code provides the possibility of not imposing punishment on defendants who have been proven to have committed a criminal act, although it does not explicitly verbis state the existence of a decision in the form of rechterlijk pardon. This is in accordance with Article 54 paragraph (2) of the new KUHP, which reads as follows: "The severity of the act, the personal circumstances of the perpetrator, or the circumstances at the time of the act or which occurred later, can be used as a basis for consideration not to impose punishment or impose measures by taking into account aspects of justice and humanity".

The rechterlijk pardon regulation in the National Criminal Code is useful as a guideline for punishment in the Indonesian criminal justice system in the future. Based on the policy formulation of rechterlijk pardon contained in the National Criminal Code, it is apparent that this regulation authorizes Judges not to impose punishment on defendants who have been proven to have committed a criminal offense. Although explicitly verbis does not state the existence of a verdict in the form of rechterlijk pardon, there are several limitations behind which the Judge can impose a verdict in the nature of forgiveness. These restrictions include:

a. The lightness of the act

According to the author, this provision is closely related to the categorization of the type of offense, or it can be said that the weight of the criminal act committed is very light and/or does not cause significant consequences or losses to the victim.

b. Personal circumstances of the perpetrator

In the opinion of the author, this provision relates to the mental attitude (mensrea) of the perpetrator of the criminal act, the age of the perpetrator of the criminal act, the motive and purpose of committing the criminal act, the life history, social circumstances and economic capacity of the perpetrator, and the act committed by the perpetrator is a criminal act for the first time and is not a recidivist act.

c. Circumstances at the time of committing the act or that occurred later

According to the author, these provisions relate to whether the criminal offense is a planned criminal offense or not, the manner and time of committing the criminal offense, as well as the attitude and actions of the perpetrator after committing the criminal offense.

d. Consideration of justice and humanity

In the opinion of the author, this provision is the subjectivity of the judge in assessing the values of justice and humanity towards the perpetrators of criminal offenses. This shows that the National Criminal Code has significant progress, which is positioning justice above legal certainty, this provision is clearly stated in Article 53 of the National Criminal Code. Meanwhile, the WvS Criminal Code tends to be more legalistic.

Next, in relation to the provision of rechterlijk pardon regulation contained in Article 54 paragraph (2) of the National Criminal Code, it actually has similarities with conditional punishment as regulated in Article 14 a paragraph (1) of the Criminal Code. However, there is a slight difference, namely if in the conditional punishment provision, the defendant is still imposed with punishment, but not ordered to serve it or in other terms it is referred to as probation. Meanwhile, in rechterlijk pardon, the defendant is found guilty of committing a criminal offense, but is not sentenced because he/she is forgiven by the judge. Both have the same legal implications or consequences, which lead to the non-imposition of punishment against the maker who is guilty of committing a criminal offense in the form of imprisonment.

Based on the scheme above, the purpose and guideline of punishment are the requirements for the validity of a punishment. This also confirms that defendants who get forgiveness and are not punished as regulated in Article 54 paragraph (2) of the National Criminal Code will have a clearer place with the formulation of objectives and guidelines in the master draft of the codification of criminal law (National Criminal Code), so that the Indonesian punishment system in the future will be more in line with the noble ideals of the Indonesian nation, namely a national legal system based on Pancasila.

The application of rechterlijk pardon regulation equipped with the objectives and guidelines of punishment in the National Criminal Code, will get a clear position and status in the Indonesian criminal law system, so that it can be applied by the Judge. In addition,

with the inclusion of variables of objectives and guidelines in the conditions of punishment, according to the concept of the National Criminal Code, the basis of justification or justification of the imposition of punishment is not only limited to the criminal offense (objective/legality requirement) and guilt (subjective/culpability requirement), but also on the objectives and guidelines of punishment.

If the author further analyzes the policy formulation of rechterlijk pardon regulation in the National Criminal Code using restorative justice theory, then according to the author, it will bring at least 2 implications in the application practice later. The first implication, namely in the application of rechterlijk pardon regulations in Indonesia in the future, if viewed based on the theory of restorative justice, the application of rechterlijk pardon for a criminal act in the judicial process, the defendant has been proven legally and convincingly to have committed the criminal act and by the judge given forgiveness, then according to the author, the judge's forgiveness must first obtain approval or forgiveness from the victim.

The second implication is that if the judge still has a strong belief that a defendant deserves a judge's forgiveness, but the victim does not agree with the judge to forgive the defendant. Then a regulation can be made regarding the existence of legal remedies to review the application of the judge's law (forgiveness of the judge), and according to the author, the legal remedy that can be used is cassation. The author assumes that the cassation legal remedy can be used because the essence of the legal consequences arising between the judge's forgiveness decision and the acquittal decision is the same, namely both are acquitted. Therefore, this is quite reasonable because as with the imposition of an acquittal verdict, the legal remedy used is from the Court of first instance (District Court) directly to the cassation legal remedy (Supreme Court) to see how the judge's application of the law regarding the forgiveness is appropriate or not.

4.2 The Urgency of the Rechterlijk Pardon Principle in the National Criminal Code Criminalization System

The philosophical foundation as the basis for the implementation of the concept of rechterlijk pardon should be based on Pancasila and the preamble of the 1945 Constitution in incorporating philosophical values in the National Criminal Code. Starting from paragraph 1 of the preamble of the 1945 Constitution and Article 1 of the Transitional Rules of the 1945 Constitution, it becomes the basis for the importance of reforming criminal law and the application of rechterlijk pardon in the national criminal law system. Reflecting on the above, attention to human values as stated in the second principle of Pancasila becomes the urgency of the Indonesian state in upholding human values in accordance with the personality of the Indonesian nation. Therefore, rechterlijk pardon is expected to apply the noble values contained in national law which is oriented towards Pancasila.

The juridical foundation is a consideration or basis as a reason to illustrate that the establishment of the regulation is used to overcome legal problems or fill a legal vacuum by considering existing rules, which will be changed or which will be revoked in order to ensure legal certainty and justice for the community. Therefore, the juridical basis has a very close relationship with the concept of rechterlijk pardon which has been applying the principle of legality in enforcing a criminal law (Saputro, 2016). Knowing that the concept of rechterlijk pardon is in line with the principle of “Insignificant Principle” which emphasizes that if there is an act that fulfills the elements of a criminal offense without having the inherent characteristics of a crime, it is not declared as an act that violates criminal law norms (Arief, 2010).

Based on the theoretical foundation, the foundation is divided into 3 (three) including political foundation, adaptive foundation, and sociological foundation. The political foundation is a foundation that affirms the concept of rechterlijk pardon that establishes its own criminal law as a symbol of pride for the country's freedom from colonization (Zaidan, 2015). Therefore, the establishment of the National Criminal Code is a way to renew the criminal law to abandon the criminal law that was applied during the colonial period which later harmed the Indonesian people.

Then the adaptive foundation as a foundation that expects that an independent nation can take care of its own affairs and can associate with nations in the world by conducting social interactions in an effort to regenerate development. Therefore, a nation needs to adjust to new developments, especially international developments that are influenced by various factors. Finally, there is the sociological foundation, which seeks meaning regarding empirical facts about the development of problems and needs of society and the state. This foundation is formed based on considerations of worldview, awareness of legal certainty against formulations in the Criminal Code that are not relevant anymore.

Departing from the foundation described above, the concept of rechterlijk pardon as one of the foundations for criminal law, among others (Saputro, 2016): 1) Alternative punishment in the short term; 2) Improvement of the principle of legality by the judiciary; and 3) Reducing and overcoming the urgency of unnecessary punishment.

5.0 CONCLUSION

The criminal law policy of rechterlijk pardon formulation is in accordance with the values of the Indonesian nation based on Pancasila. The rechterlijke pardon policy as contained in Article 54 paragraph (2) of the National Criminal Code is a new breakthrough in the punishment system of the National Criminal Code as well as a guideline for punishment that was previously absent in the WvS Criminal Code which is still in effect. The judge is given the authority to forgive the perpetrator of a criminal offense even though the perpetrator is proven guilty. The forgiveness given by the judge is certainly a consideration of the legal objectives in the form of legal justice, legal certainty, and legal expediency.

REFERENCES

1) Arief, B.N. (2018). Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan. Jakarta: Prenada Media.
2) Arief, B.N. (2011). Perkembangan Sistem Pemidanaan Di Indonesia. Semarang: Pustaka Magister.
3) Arief, B.N. (2010). Kebijakan Hukum Pidana; Perkembangan Penyusunan Konsep KUHP Baru. Jakarta: Kencana Media Group.
4) Arief, B.N. (2009). RUU KUHP Baru: Sebuah Restrukturisasi/Rekonstruksi Sistem Hukum Pidana Indonesia. Semarang: Badan Penerbit Universitas Diponegoro.
5) Arief, B.N. (2007). Masalah Penegakan Hukum dan Kebijakan Penganggulangan Kejahatan. Jakarta: Kencana.
6) Farikhah, M. (2023). Rekonseptualisasi Judicial Pardon Dalam Sistem Hukum Indonesia (Studi Perbandingan Sistem Hukum Indonesia Dengan Sistem Hukum Barat). Jurnal Hukum & Pembangunan, Vol. 48 No. 3, Universitas Indonesia, 556-588.
7) Garner, B.A. (2004). Black's Law Dictionary Edisi ke 8. Minnesota: Thomson West Publishing Co.
8) Mamudji, S., & Soekanto, S. (2003). Penelitian Hukum Normatif: Suatu Tinjauan Singkat. Jakarta: Raja Grafindo Persada.
9) Marbun, R. (2014). Grand Design Politik Hukum Pidana dan Sistem Hukum Pidana Indonesia Berdasarkan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia 1945. Padjadjaran Jurnal Ilmu Hukum, Vol. 1 No. 3, Universitas Padjadjaran, 565.
10) Marpaung, L. (2012). Asas Teori Praktik Hukum Pidana. Jakarta: Sinar Grafika.
11) Marzuki, & Mahmud, P. (2006). Penelitian Hukum. Bandung: Prenada Media Group.
12) Moor, K.D. (1989). Pardons: Justice, Mercy, and The Public Interest. New York: Oxford University Press.
13) Muladi. (1995). Kapita Selekta Sistem Peradilan Pidana. Semarang: Badan Penerbit Universitas Diponegoro.
14) Muladi, & Arief, B.N. (1984). Teori-Teori dan Kebijakan Pidana. Bandung: Alumni.
15) Reksodiputro, M. (2009). Menyelaraskan Pembaharuan Hukum (Pemberian Abolisi Dalam Perkara Mantan Presiden Suharto Tidak Logis: Benarkah Itu). Jakarta: Komisi Hukum Nasional.
16) Saputro, A.A. (2016). Konsepsi Rechterlijk Pardon Atau Permaafan Hakim Dalam Rancangan KUHP. Jurnal Mimbar Hukum, Vol. 18 No. 1, Universitas Gadjah Mada, 66.
17) Setiawan, A. (2021). Konsep Permaafan Hakim (Rechterlijk Pardon) Dalam Pembahuruan RUU KUHP Dan RUU KUHAP. Universitas Islam Indonesia, 44.
18) Zaidan, M.A. (2015). Menuju Pembaruan Hukum Pidana. Jakarta: PT. Sinar Grafika.

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