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*The Role of Criminology in Criminal Law Reform in Indonesia*

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**ABSTRACT**

The rapid pace of social and technological developments has led to the emergence of increasingly complex crimes, often surpassing the anticipatory capacity of the existing criminal law system. To address these challenges, criminology plays a pivotal role in the reform of criminal law in Indonesia. This research specifically examines the role of criminology in advancing criminal law reform in Indonesia and its potential application in Denpasar, Bali. Employing a qualitative approach, the study relies on a literature review for data collection. The collected data is analyzed through processes of sorting, presenting, and drawing conclusions. The findings reveal that criminology significantly contributes to identifying emerging crime trends, designing effective prevention models, and evaluating the efficiency of punishment within the criminal justice system. Moreover, criminology provides a broader understanding of the dynamics of crime and offers evidence-based recommendations for policy improvements. The study emphasizes the necessity of integrating criminological insights with criminal law to enhance the effectiveness and adaptability of Indonesia's legal system, with practical implications for shaping criminal law policies in Bali and across the nation.

**Keywords: Criminology, criminal law reform, Indonesia.**

**INTRODUCTION**

Criminology, as a discipline that examines the phenomenon of crime, the behavior of offenders and victims, and society's responses to crime, holds a critical role in shaping criminal law reform in Indonesia. Despite its importance, the integration of criminological approaches in the formulation of criminal policies remains limited. As Indonesia undergoes rapid social, economic, and political development, the need to align its criminal law with these dynamic changes becomes increasingly urgent. This reform process is not merely an isolated endeavor but forms a vital part of building a national legal system that is adaptable and relevant to contemporary challenges. Legal development, as noted by Chandra (2014), aims to establish a more effective legal framework while fostering a society that is conducive to sustainable growth. It is inherently interconnected with advancements in other sectors, emphasizing the need for a holistic and synergistic approach to national development.

Moreover, Bali, as a globally recognized tourism destination, presents unique criminological challenges that underscore the need for tailored approaches to security and crime prevention. The interplay between its vibrant tourism industry and the rising complexity of criminal activities necessitates focused research and innovative policy interventions. This study seeks to address these

gaps by exploring how criminology can contribute to formulating criminal policies that respond effectively to the specific security issues faced by Bali while aligning with Indonesia's broader legal reform objectives.

The reform of criminal law, as reflected in the Draft Criminal Code (RKUHP), demands a comprehensive and multidisciplinary approach, with criminology playing a pivotal role. Criminology, as the scientific study of crime, offenders, and societal responses, provides nuanced insights into the underlying causes and evolving dynamics of crime within society (Rasiwan & SH, 2024). By adopting an empirical and analytical framework, criminology supports the formulation of criminal policies that are not only effective and just but also responsive to the unique socio-cultural needs of Indonesian society.

This approach enables the development of policies that extend beyond punitive measures, emphasizing prevention, offender rehabilitation, and community engagement. Furthermore, criminological perspectives consider a wide range of contributing factors—social, economic, and cultural—that exacerbate crime rates, particularly in Indonesia's high-priority areas like Bali (Nainggolan & Rahman, 2022). Addressing Bali's rising crime rates through this lens is crucial for safeguarding its reputation as a safe and sustainable tourist destination while fostering public trust in criminal policy reforms.

Therefore, the criminological approach has significant potential to support criminal law reform in Indonesia. Several previous studies show that legal reform in Indonesia has been carried out using various approaches. For example, research by Anugrah (2019) on Criminal Law Reform in Indonesia with Victim Forgiveness concluded that in the prevailing Criminal Code, victims have a passive position, so that the purpose of punishment is more retributive and less attention to the interests of victims. However, in the ongoing criminal law reform, victims are given a more proportional role in determining the punishment for the perpetrator through the principle of forgiveness, which aims to realize a fairer punishment system.

Another research by Parawansa et al. (2022) on the Application of Legal Psychology to Child Protection in the Criminal Law Reform System in Indonesia revealed that legal psychology analysis plays an important role in child protection in the process of criminal law reform. Although psychology does not always provide fully complete answers, the legal system is expected to use the best available information to protect children effectively.

Another research conducted by Abildanwa (2016) on Penal Mediation as an Effort in the Framework of Criminal Law Reform in Indonesia Based on Balance Values shows that penal mediation as an alternative to crime prevention needs to be comprehensively regulated. It is emphasized that criminal law reform must include types of punishment that are able to balance the positive aspects of imprisonment and supervision punishment while avoiding the negative impacts of both. Penal mediation is proposed as a solution that offers a compromise between these two forms of punishment, with the aim of achieving a better balance in the punishment system.

Meanwhile, research by Harwika et al. (2021) also discusses the application of criminology in criminal law, although with a focus on case studies. In their study, the researchers analyzed the

case of Heri Kurniawan, who committed robbery and murder. This study uses a criminological approach to explore the motives for crime, social factors that influence criminal behavior, and how the legal system responds to these crimes.

The novelty of this research lies in its effort to integrate a criminological perspective into the reform of criminal law in Indonesia. While previous studies have explored criminology within the criminal law system, this research offers a fresh perspective by emphasizing the practical application of criminology to enhance public safety and preserve Bali's reputation as a secure tourist destination. Specifically, this study aims to provide actionable insights that could inform the development of more responsive and socially relevant criminal policies. By identifying crime-driving factors, this research can support community-based crime prevention programs and offender rehabilitation initiatives, contributing to a more just and preventive approach to criminal law. Furthermore, the study has the potential to strengthen the role of criminology in shaping effective legal reforms in Indonesia. Through its focus on Denpasar, Bali, this research seeks to explore how criminological principles can be effectively implemented to address local challenges while providing a model for broader application in the Indonesian legal system.

## **RESEARCH METHODS**

This research employs a qualitative approach, emphasizing a comprehensive understanding of phenomena through elements such as meaning, definitions, characteristics, metaphors, symbols, and contextual descriptions of the subject under study. Qualitative research is inherently interpretive, relying on intuition and the diverse perspectives of individuals (Firmansyah & Masrun, 2021). The aim of this approach is to delve into the deeper meanings and perspectives surrounding social phenomena, specifically focusing on the role of criminology in criminal law reform in Indonesia and its potential application in the Denpasar area, Bali.

Data collection was conducted through a literature study technique, utilizing various sources, including books, scientific journals, articles, research reports, and other relevant documents. To enhance the methodological rigor, the study adhered to specific literature selection criteria, such as relevance to the research objectives, recency of publication, and credibility of the sources. Data analysis followed a thematic approach, systematically identifying, organizing, and interpreting key themes related to criminology's role in legal reform. This structured process ensured a comprehensive and credible exploration of the research topic, providing clarity and depth to the findings.

Through this literature study, researchers identified, collected, and understood existing theories and research. After the data was collected, the analysis steps included sorting relevant data, presenting the findings systematically, and finally drawing conclusions to answer the research objectives and problem formulation.

## **RESULTS AND DISCUSSION**

Criminal law in Indonesia faces significant challenges in adapting to the rapid social and

technological changes within society. The evolving patterns of human behavior, influenced by shifting times and diverse geographical locations, have given rise to increasingly complex and varied crimes that the current legal system struggles to address effectively. The rapid advancements in information technology, globalization, and economic transformation have introduced new forms of crime and sophisticated criminal methods that are difficult to detect and anticipate (Harwika et al., 2021). In light of this phenomenon, traditional criminal law, rooted in outdated provisions, is often deemed insufficient to address these emerging issues. Therefore, comprehensive criminal law reform is essential to ensure that the legal framework remains responsive and adaptable to the dynamic changes in society, supporting the development of more effective and relevant policies.

Criminal law is a branch of law that regulates prohibited acts, sanctions for perpetrators, and enforcement procedures. This law contains rules that stipulate actions that should not be carried out by individuals, accompanied by threats of punishment in the form of crimes for violators. In addition, criminal law aims to uphold human values and sanction individuals who violate these provisions (Sylvana et al., 2021). However, along with the times and rapid social change, it requires an approach that is more than just normative. It takes a factual juridical approach by considering sociological, historical, and comparative aspects. This approach recognizes that crime is not only a violation of legal norms but also a social phenomenon influenced by various factors in society (Purba et al., 2017). Therefore, criminal law reform must involve a more comprehensive understanding of other social disciplines.

Bassiouni, as cited by Purba et al. (2017), emphasizes the importance of evaluation in the criminalization process. He warned that continued criminalization without considering its effect on the entire legal system could lead to two crises, namely the crisis of overcriminalization and the crisis of overreach of the criminal law. The crisis of overcriminalization occurs when too many acts or actions are considered crimes, so the legal system is overwhelmed with too much of a burden. As a result, people can lose their sense of justice because actions that should be resolved by mechanisms outside of criminal law are criminalized.

On the other hand, the crisis of criminal law overreach occurs when criminal law is used excessively to control people's behavior without using effective sanctions. The impact creates a situation where the legal sanctions applied are not proportional to the violations that occur, or even cannot control the behavior effectively. This creates legal uncertainty and lowers public confidence in the legal system. Therefore, Bassiouni emphasized the need for periodic evaluation of the punishment process. Criminal law reform can be done through an approach supported by criminology.

Criminology is a scientific discipline that uses scientific methods to study and analyze regularity and uniformity, as well as patterns and causal factors related to crime and its perpetrators. One of the reasons why criminology continues to develop is dissatisfaction with existing laws. Although criminology and criminal law are two independent disciplines, they have a close relationship in understanding the phenomenon of crime (Apriliansah & Yusuf, 2024).

Crime is basically a social problem, so to solve it, it is necessary to start by identifying the root of the problem. The relationship between criminal law and criminology is complementary. However, they have different focuses. Criminology focuses more on finding reasons or factors that trigger crime and its legal impact, while criminal law tries to link criminal acts with existing evidence for law enforcement (Harwika et al., 2021).

Criminology is important to study because it provides a comprehensive understanding of crime. This science is not only limited to defining crime but also explaining the deep causes that trigger it. As a scientific discipline, criminology aims to investigate the phenomenon of crime thoroughly, both theoretically and empirically. In contrast to normative criminal law, criminology is more descriptive and analytical ((Purba et al., 2017). Its main focus is on finding the root causes of crime, as well as identifying the social, psychological, and economic factors that contribute to criminal acts. Criminology also provides deeper insights into criminal behavior and the social dynamics associated with crime.

One important aspect of criminology is the understanding that individuals who commit crimes are not always morally “bad”. Often, criminal acts are committed by people who have experienced significant trauma, abuse, or neglect in their lives (Sarraf, 2021). This approach seeks to understand and address the underlying causes of the behavior rather than simply punishing the offender. It emphasizes the importance of understanding the psychological and social backgrounds that influence a person's decision to commit a crime. In addition, this holistic approach also recognizes that crime is not only an individual problem but also a problem related to society (Sarraf, 2021). Therefore, crime prevention strategies should not only focus on punishment but should also be geared towards creating a more just and equal society.

In this regard, criminology has an important role in encouraging criminal law reform in Indonesia by providing a scientific foundation for changes and improvements in the criminal law system. Criminology serves as the “eyes” for criminal law by assisting in various ways, one of which is identifying crime trends. Criminology is often referred to as the study of human beings in relation to offenses against certain social norms, so it is also sometimes dubbed the “sociology of criminals.” The main goal of criminology is to gain an in-depth understanding of social phenomena related to crimes that occur in society and uncover the reasons why a defendant commits a criminal act (Apriliansah & Yusuf, 2024).

Criminologists use crime statistics to identify emerging patterns and trends. For example, an increase in motor vehicle theft cases in a particular area or an increase in domestic violence cases. According to Purba et al. (2017), criminology has a function in data analysis. This process involves collecting information about events, characterizing relevant elements, or recording the values of crime-related variables. The raw data obtained from this recording has limited usefulness if it is not processed further. For the data to become more useful, it must be analyzed, and conclusions can be drawn from the results of the analysis. These conclusions are then used to provide advice and recommendations for better decision-making in criminal law policy.

Then, in its approach, criminology does not focus only on traditional law or the criminal

justice system alone. Instead, criminology considers various external factors, such as social, cultural, political, anthropological, psychological, and spiritual. This holistic approach recognizes the interconnectedness of these factors in shaping criminal behavior (Sarraf, 2021). The use of these various disciplines can provide greater insight into the complexity of the causes of crime, as well as inform more effective interventions in tackling crime. As a result, researchers can develop prevention programs that focus on addressing these factors.

There is a broad impact of criminology, which is based on observing the phenomenon of crime and investigating the patterns and causes of crime so as to prevent and control crime (Shuai & Liu, 2023). As it is known that in crime prevention, it is very important to address the root causes first. Much evidence shows that social and economic injustice is one of the main factors contributing to the occurrence of crime. Therefore, preventive measures should be aimed at actions taken before a crime occurs. The main focus of crime prevention efforts is to address conducive factors relating to social conditions that can directly or indirectly encourage crime.

Furthermore, the criminological approach has a role in analyzing the effectiveness of punishment and evaluating the various sentencing programs implemented in the justice system. One of the main aspects of this analysis is the evaluation of programs such as imprisonment, rehabilitation, and parole. Criminologists serve to assess whether sentencing programs achieve the goals of reducing crime rates and facilitating the reintegration of offenders into society. According to Koppel et al. (2018), criminal law scholars tend to see punishment as an act of vengeance and deterrence, with justifications focused on retributive justice, while criminology often advocates for a more constructive approach. Criminology tends to advocate consequentialism, which is a forward-looking rational approach with the aim of rehabilitating or neutralizing offenders. Thus, the focus is not only on punishment but also on creating opportunities for offenders to improve themselves and reduce the risk of future reoffending.

In addition, criminology also analyzes the deterrence effect of punishment. In this case, criminology analyzes whether the punishment given is able to provide a deterrent effect, both for the offender himself and the community in general. This means that criminology examines whether the threat of punishment can prevent individuals from committing crimes in the future and whether it can affect the behavior of the wider community (Kuiper et al., 2023). Through this analysis, the criminological approach contributes to formulating more effective policies within the justice system, as well as supporting efforts to create a safer and more just society. Criminologists' assessments help identify strengths and weaknesses in existing sentencing programs, which in turn can guide criminal law reform in a more positive direction.

Furthermore, criminology is able to identify the scope of crime and punishable behavior in the criminal law system. One of the main contributions of criminologists is to formulate a clear and objective definition of crime, thus helping in the understanding and enforcement of the law. Criminology also considers changes in social and moral norms in society, which have an impact on determining which behaviors are considered crimes (Sari, 2023).

Procedurally, criminology is very active in discovering social problems, observing the

phenomenon of crime, and analyzing data to draw conclusions and provide advice to the government or policymakers (Shuai & Liu, 2023). According to von Litz (Sari, 2023), it is important for criminology to merge with criminal law, which is often referred to as criminal politics. The use of criminology, especially critical criminology, can improve the performance of the legal apparatus as well as make improvements to the criminal law itself.

Policy recommendations resulting from criminological research often reflect the spirit of humanity and rehabilitation in the criminal legal system. Criminology also has a role in evaluating existing laws to ensure that they are in line with the times and the needs of society. Criminological research assists in the process of creating new laws (criminalization) or repealing laws deemed irrelevant (decriminalization), as well as determining appropriate criminal sanctions (penology). In this aspect, criminology is often referred to as “signal-wetenschap,” reflecting its role as a science that provides important signals or information about law and justice (Susanti & Rahardjo, 2018).

Therefore, the relationship between criminology and criminal law is very close, with both disciplines benefiting from the knowledge produced by each. Since its inception, criminology has made significant contributions to helping the government address the problem of crime, particularly through studies in criminal etiology and penology. Thus, the integration between criminology and criminal law is essential for the progress and improvement of the legal system in Indonesia (Apriliansah & Yusuf, 2024).

Based on the roles of criminology in supporting the effectiveness of criminal law, especially through reforms based on the understanding of criminology, has the potential to be applied, one of which is in Denpasar, Bali. Denpasar Bali is a tourism center with a distinctive social character, and the application of criminology can have a positive impact. As one of the world's leading tourist destinations, Bali has a rich cultural structure. However, in the midst of the progress of the tourism industry, there are many outside cultural influences that enter Bali. These influences, on the other hand, enrich the local culture but also bring their own challenges, including the negative impact of the tourism culture itself (Subawa, 2018).

Bali used to be considered a safe island, but now it is starting to face negative comments about its level of safety. Criminal acts such as murders, beatings, motorcycle thefts, and mugging have surfaced, causing concern among residents and tourists alike. Therefore, it is important for criminology to play a role in understanding and dealing with crimes that occur, with the aim of creating more effective criminal laws. Here are some opportunities for the application of criminology in criminal law reform in Denpasar, among others:

1. Potential application of criminology in handling transnational crimes. Growth with the increasing number of foreign tourists is an easy target for crimes such as fraud, human trafficking, and money laundering (Naseh et al., 2019). In handling these crimes, criminology can play a role in analyzing the modus operandi of transnational criminals so as to design more effective prevention strategies to protect both tourists and local communities.

2. The development of digital technology also opens up new opportunities for technology-

based crimes. Cybercrime, such as online fraud and the spread of malicious content, is a challenge that must be faced (Laksana & Mulyani, 2023). The role of criminology can help in understanding the behavior of cyber criminals and formulate better regulations to address this problem.

3. Crimes against women and children are a serious concern in Bali, where cases of violence against these vulnerable groups still occur frequently (Yuliantini et al., 2021). Criminology can help in identifying risk factors that lead to violence, as well as developing more comprehensive child protection programs. In addition, a better understanding of social and cultural dynamics creates preventive measures that can be implemented to reduce the risk of crimes against women and children.

The application of criminological principles in criminal law reform in Denpasar, Bali, can provide greater insight into the challenges faced by crime and help design more effective strategies to prevent and deal with crime. This is key to creating a safer environment for locals and tourists alike while maintaining Bali's image as a safe and secure tourist destination. Based on these findings, it can be concluded that criminology plays an important role in the development of criminal law in Indonesia. The role of criminology in examining the causes of crime can provide invaluable input to formulate more effective policies in the prevention and control of crime.

## **CONCLUSION**

Criminology plays a pivotal role in driving criminal law reform in Indonesia by offering comprehensive insights into the multifaceted aspects of crime. Beyond merely defining crime, criminology delves into the underlying factors that contribute to criminal behavior. By leveraging statistical data, it identifies emerging crime trends and patterns, providing a deeper understanding of the causes and dynamics of criminality. This understanding not only enhances the effectiveness of crime prevention and control efforts but also lays the groundwork for shaping criminal law policies with long-term impacts on both legal reform and social welfare, particularly in regions like Bali. In addition, criminology also helps assess the effectiveness of punishment in the sentencing process, as well as providing greater insight into the scope of crime. Thus, criminology can offer more precise recommendations in criminal law policy-making. Therefore, the integration between criminology and criminal law is very important in order to improve and advance the legal system in Indonesia. Referring to the role of criminology in supporting the effectiveness of criminal law, legal reform based on the understanding of criminology has the potential to be implemented, one of which is in Denpasar, Bali. This approach could be key in creating a safer environment for the local community and tourists while maintaining Bali's image as a safe and comfortable tourist destination. Based on these findings, it can be concluded that criminology plays an important role in the development and reform of criminal law in Indonesia.

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