RLJ Ratio Legis Journal
ISSN 2830-4624
published by
Master of Law, Faculty of Law
Universitas Islam Sultan Agung
Volume 4 No. 4, December 2025

Criminal Law Policy in an Efforts to Overcome Criminal Act of Accepting

M. Hafiz Ananda[1)] & Ahmad Hadi Prayitno[2)]
[1)]Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail: hafisananda77@gmail.com
[2)]Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail: ahmadhadiprayitno@unissula.ac.id

Abstract. *The crime of receiving stolen property is a form of crime against property that plays a crucial role in strengthening the chain of crime. Without a party willing to buy or sell the proceeds of crime, the economic motivation of perpetrators of predicate crimes, such as theft, is reduced. However, current criminal law policies remain partial and tend to be repressive, focusing more on punishing perpetrators after the crime has occurred.The author formulated 2 (two) things, namely: (1) criminal law policy in efforts to overcome the crime of receiving money in the positive law that is currently in force, and (2) updating the criminal law policy regarding the crime of receiving money as regulated in Law Number 1 of 2023 concerning the Criminal Code (KUHP). This research uses a normative juridical approach. Based on the research results, it was found thatshows that the regulation of the crime of receiving money in Article 480 of the Criminal Code still has weaknesses, particularly in the element of "knowing or reasonably suspecting" which is difficult to prove, and is unable to anticipate technology-based crime methods. Meanwhile, Law Number 1 of 2023 concerning the Criminal Code (KUHP) shows a direction for reform by expanding the formulation of the crime of receiving money, clarifying the element of guilt, and adjusting the penalty to be more proportional. Therefore, an integrative criminal law policy is needed between penal and non-penal approaches, so that efforts to overcome the crime of receiving money are not only oriented towards revenge, but also include prevention, legal education, and community protection.*

Keywords: *Approaches; Criminal; Fencing; Law.*

1. Introduction

Receiving stolen goods is a criminal offense (prohibited by law) because the goods purchased are stolen. The receiver can be said to be assisting or facilitating the

perpetrator's criminal activity.[1]Apart from Article 480 of the Criminal Code, the crime of receiving stolen goods is also regulated in Articles 481 and 482 of the Criminal Code.[2] In the 2017 Draft Criminal Code, regulations regarding receiving goods are contained in Chapter XXXVI Article 768, Article 769, and Article 770.[3]Efforts to prevent and overcome the crime of receiving money can be carried out through penal measures (criminal law means) and non-penal measures (means outside of criminal law).[4]

In the context of Indonesian criminal law, property crimes are among the most common and have a far-reaching impact on society. They take various forms, from theft and embezzlement to bribery, each with its own characteristics and modus operandi. Property crimes not only cause material losses to victims but also disrupt the sense of security and social order, and undermine public confidence in the effectiveness of law enforcement.

One form of crime that often goes unnoticed, yet plays a crucial role in the chain of criminal acts against assets, is the crime of receiving money. This receiving money serves as a "supporter" or "facilitator" for other crimes, particularly theft. Without a party willing to accept or trade the proceeds of crime, the economic motive for theft can be significantly reduced. Therefore, the presence of receivers strengthens and expands the network of crimes against assets. This phenomenon demonstrates that efforts to combat the crime of receiving money require a comprehensive and effective criminal law policy, encompassing aspects of legal substance (legislation), legal structure (law enforcement officers), and legal culture (public legal awareness).

The main problem that arises in addressing the crime of receiving stolen goods is that the current criminal law policy (penal policy) remains partial and predominantly repressive. Prevention efforts are focused more on imposing criminal sanctions after the crime has occurred, while preventive and non-penal aspects have not been optimally developed. This policy orientation tends to

---

[1]Arief Rahman Kurniadi, "Criminal Law Policy in Handling the Crime of Receiving and Relating to the Crime of Theft", article: Jurnal Media Justitia Nusantara, Volume 12, Number 1, 2022, accessed on May 2, 2025.
[2]Ibid.
[3]Sonia Ivana Komiko Nababan, "Criminal Responsibility for Perpetrators of Receiving Goods Proceeds of Crime in the Form of Information and Electronic Transactions (ITE) Crimes (Study of Decision Number 139/Pid.Sus/2018/PN.Bjn)", article: Thesis (Published), Faculty of Law, University of North Sumatra, available at https://repositori.usu.ac.id/handle/123456789/16313 accessed on May 2, 2025, at 12:33 WIB.
[4]Lino S. Sibarani, 2018, "The Role of the Police in Revealing the Crime of Motorcycle Reception", Thesis (Published), Faculty of Law, University of North Sumatra, Medan, accessed fromhttp://download.garuda.kemdikbud.go.id/article.php?article=1433329&val=4136&title=PERAN% 20POLICE%20IN%20EXPLOSING%20THE%20CRIMINALS%20OF%20THE%20RECEIVERAN%20BIKES%20MOTORCYCLES%20STUDY%20CASE%20POLRES%20TOBASA, accessed on May 2, 2025, at 11:49 WIB.

position criminal law as a mere tool of retribution, rather than as a means of comprehensive social development and crime control. On the other hand, the regulation of the crime of receiving stolen goods in the Criminal Code (KUHP) is considered to still have several weaknesses. The relatively light penalty does not always have an adequate deterrent effect, especially when compared to the social and economic impacts of the crime. Furthermore, in law enforcement practice, law enforcement officials often face difficulties in proving the "knowledge or reasonable suspicion" element, the primary requirement for criminal liability for receiving stolen goods. This subjective element is often difficult to prove because it depends on the perpetrator's knowledge, intent, and perception of the origin of the goods they receive. This situation results in many cases of receiving stolen goods being ineffectively prosecuted, or even resulting in acquittals due to weak evidence. Therefore, a reorientation of criminal law policy is needed that is more adaptive to social and technological developments and capable of integrating penal and non-penal approaches to comprehensively address the crime of receiving stolen goods.

Adaptive criminal law policies are needed not only at the level of norm formulation (law on the books), but also at the level of implementation (law in action). One crucial aspect of this implementation lies in the role of judges as executors of judicial power, who have the authority to interpret and apply criminal law in every concrete case. Through their decisions, judges not only uphold the law but also realize the values of justice and benefit, which are the ultimate goals of criminal law policy. In other words, the effectiveness of criminal law policy in addressing the crime of receiving stolen goods depends heavily on how judges interpret the elements of the offense, assess the facts, and determine proportionate punishment for the perpetrator.

Criminal penalties for the crime of receiving money, namely Supreme Court Decision Number 114/Pid.B/2018/PN Bjb and Supreme Court Decision Number

Sumber: Data Sekunder diolah (2022)

No	No Putusan	Pasal Putusan	Tuntutan	Pidana
1	114/Pid.B/2018/PN Bjb	Pasal 480 ayat (1) KUHP	6 bulan	4 bulan
2	655/Pid. B/2017/PN Llg	Pasal 480 ayat (1) KUHP	2 tahun	1 tahun 4 bulan
3	17/Pid. B/2020/PN Cjrr	Pasal 480 ayat (1) KUHP	2 tahun 3 bulan	1 tahun 6 bulan

655/Pid.B/2017/PN Llg which are judge's decisions on the crime of receiving money:

If observed, there are differences in sentencing in the same case, namely in the case of receiving money. In the decision 114 / Pid.B / 2018 / PN Bjb the sentence received was 4 months, Decision 655 / Pid.B / 2017 / PN Llg the sentence received was 1 year 4 months while Decision Number 17 / Pid.B / 2020 / PN Cjr the sentence received was 1 year 6 months. If we observe, all the decisions handed down by the judge are lighter than the prosecutor's demands. In deciding a case, of course the judge considers various things including the basis for the decision, the indictment, trial facts supported by existing evidence such as witness statements, expert statements, letters, instructions and statements of the defendant and, regarding aggravating and mitigating factors. In line with Article 480 of the Criminal Code, the prison sentence for the case of receiving money, the judge can decide on a prison sentence of at least one day and a maximum of 4 (four) years. The maximum fine for the case of receiving money is Rp. 900,000.[5]

[5]Riyada Layana, "Legal Analysis of the Crime of Fencing (Case Study of Decision No.163/Pid.B/2017/PN.Mks)", available at http://digilib.unhas.ac.id/uploaded_files/temporary/DigitalCollection/ODc5N2U5OTMxMzZhOWNhMDA3MzM4OWYxMmNkMDI3MzkzYjExNzcyNA==.pdf on September 9, 2022 at 23:09 WIB.

These problems are not only conceptual but also evident in judicial practice. A review of three court decisions related to the crime of receiving stolen goods reveals that the implementation of criminal law policy regarding this crime has not been optimal. In the first decision, the judge imposed a relatively light sentence on the accused receiver, despite the substantial value of the goods received. The judge's considerations focused more on the defendant's confession and mitigating circumstances, without linking them to the social impact of the crime. This demonstrates the weak orientation of criminal punishment toward the preventive and deterrent effects expected from the application of criminal law. Meanwhile, the second decision illustrates the obstacles in the evidentiary stage of the "knowing or reasonable suspicion" element. The public prosecutor struggled to prove that the defendant had knowledge or at least a strong suspicion that the goods purchased were derived from the proceeds of crime. As a result, the defendant was only given a light sentence, and in some cases, was even acquitted. This phenomenon reinforces the view that the normative formulation of Article 480 of the Criminal Code still has substantial weaknesses in addressing covert or indirect forms of receiving stolen goods. The third ruling demonstrates that law enforcement officials have not adequately addressed the development of online marketplace fraud. The proceeds of crime are traded through digital platforms, with identities difficult to trace, while the investigation and evidence-gathering process still focuses on conventional transaction patterns. In this case, the court ultimately imposed a sentence far below the maximum sentence, citing a lack of concrete evidence that the defendant knew the origin of the goods being traded.

These three decisions demonstrate that criminal law policy regarding the crime of receiving stolen goods has not been fully effective, both in terms of legal substance, law enforcement, and judges' interpretation of the elements of the offense. This reality emphasizes the need for criminal policy reform that emphasizes not only repressive aspects but also includes preventive strategies, adapts to technological developments, and focuses on substantive justice.

Considering the various weaknesses in the application of positive law and the reality of these court decisions, it is appropriate that criminal law policy regarding the crime of receiving stolen goods is not understood solely as a means of retribution (repressive policy) against the perpetrators of the crime. Furthermore, criminal law policy must be placed within a broader framework, namely as an integral part of criminal policy that includes preventive measures, social defense, and the development of perpetrators (treatment of offenders) to prevent them from committing crimes again.

In the context of the crime of fencing, such an approach is crucial, given that this crime is rooted not only in individual intent but also in social, economic, and structural factors, such as weak oversight of the secondhand goods trade, high economic needs, and easy access to digital transactions. Therefore, an ideal

criminal law policy should integrate penal and non-penal approaches, with criminal law instruments remaining the ultimum remedium, while non-penal policies are directed at strengthening prevention, legal education, and cross-sectoral cooperation to close the space for fencing practices. The Panel of Judges should consider the appropriate criminal penalty for the perpetrator of the crime of fencing, when all elements of the crime have been met and there is no justification. This is especially true for crimes committed to gain profit by purchasing goods at an unreasonable price or at a price below market value, which should be known or reasonably suspected to originate from a crime, which then causes harm to the victim. This means that the Panel of Judges should impose a proportional sentence on the perpetrator as a form of criminal accountability and to provide a deterrent effect.[6]

Thus, reforming criminal law policy regarding the crime of receiving money is not only oriented towards formulating new norms, but also towards developing a responsive and equitable legal system, involving synergy between lawmakers, law enforcement officials, and public legal awareness. Through this integrative approach, it is hoped that criminal law policy can truly function as an effective means of addressing and preventing the crime of receiving money in Indonesia. Therefore, research on "Criminal Law Policy in Efforts to Address the Crime of Received Money" is highly relevant and urgent. The crime of receiving money not only impacts individual victims but also has broad implications for social and economic stability, and public trust in the criminal justice system. Therefore, a comprehensive review is needed of how the current criminal law policy is implemented in law enforcement practices, both by the police, prosecutors, and the judiciary, and the extent to which this policy is able to meet the challenges of increasingly complex and technology-based crime developments.

This research aims to provide a comprehensive overview of the effectiveness of criminal law policy implementation on the crime of receiving stolen goods, including the legal and sociological obstacles encountered in practice. Furthermore, this research aims to formulate a direction for future criminal law policy reform that will not only emphasize repressive aspects but also strengthen preventive and non-penal approaches in order to create a more effective, just, and community-protection-oriented law enforcement system.

This study aims to identify and analyze current criminal law policies in addressing the crime of receiving stolen goods, both in terms of legislation and law enforcement practices; and to identify and analyze the direction of criminal law

[6]Vebrin Franky Bram Sianipar, Criminal Responsibility for Perpetrators of Criminal Acts of Collective Handling (Study of Decision Number: 1078/Pid.B/2018/PN Mdn), Collection of Scientific Works of Students of the Faculty of Social Sciences, [Sl], Volume 1, Number 1, June 2019, available at https://journal.pancabudi.ac.id/index.php/jurnalfasosa/article/view/3089>, accessed on May 3, 2025, at 09:33 WIB.

policy reform in addressing the crime of receiving stolen goods in the future, particularly in relation to normative reforms in Law No. 1 of 2023 concerning the Criminal Code (KUHP) and the strengthening of non-penal policies.

2. Research Methods

This research uses a normative juridical approach, with three types of approaches: the statute approach, the conceptual approach, and the comparative approach. The research data were obtained from primary legal materials in the form of legislation, jurisprudence, and court decisions; secondary legal materials in the form of literature and previous research results; and tertiary legal materials in the form of legal dictionaries and encyclopedias. The analysis was conducted qualitatively and descriptively by examining the consistency and effectiveness of criminal law regulations related to receiving bribes. The problem was analyzed using absolute theory or the theory of retribution (vergeldings theorien); relative theory or the theory of goals (doeltheoriem); and combined theory.

3. Results and Discussion

3.1. Criminal law policy in efforts to overcome the crime of receiving money in current positive law.

The term "policy" comes from the word policy (English) or politiek (Dutch), which essentially means a general principle that serves as a guideline for the state or government in directing actions to fulfill the public interest, particularly in realizing public welfare. Thus, policy can be understood as a series of decisions chosen and implemented by individuals or groups with certain authorities, which influence the wider community in order to achieve certain goals. Consistent law enforcement is not only limited to compliance with statutory regulations (positive law), but also includes recognition and respect for social norms and customs that exist and develop within society. Consistency in law enforcement is a crucial issue to implement, considering the state's life conditions that are experiencing various crises, both in the political, economic, and socio-cultural aspects. Therefore, upholding the rule of law is seen as one of the strategic solutions to improve and reorganize the life of the nation and state.[7]

In essence, criminal law policy is not merely a technical activity in the formation of normative legal regulations. Furthermore, criminal law policy also requires a factual legal approach, taking into account sociological, historical, and comparative aspects. Furthermore, criminal law policy must be implemented comprehensively through integration with various other social science disciplines and must be closely linked to social policy and national development in general. In Sudarto's view, as quoted by Barda Nawawi Arief, criminal law policy or politics

[7]Sholehuddin, Sanction System in Criminal Law (Basic Idea of Double Track System and its Implementation), (Jakarta: PT Raja Grafindo Persada, 2004), p. 71.

can be viewed from both legal and criminal political perspectives.[8]The scope of criminal law policy is fundamentally much broader than simply reforming criminal law. Criminal law reform is only one component of criminal law policy, which must be implemented through a policy approach. This is because criminal law reform is essentially part of a larger policy initiative: legal policy/law enforcement, criminal law policy, criminal policy, and overall social policy.[9]

The various legal issues related to the crime of receiving stolen goods are essentially a form of crime that has a serious impact on the enforcement of social norms and the legal order in society. This crime not only violates positive legal provisions but also contradicts the moral and ethical values upheld by society. Crimes such as receiving stolen goods reflect the tendency of human behavior that does not always comply with applicable legal norms. If this phenomenon is ignored without effective handling, it can cause disruption to social stability and threaten order and justice in community life. Based on the provisions of material criminal law in Indonesia as stipulated in Law Number 1 of 1946 concerning Criminal Law Regulations (Criminal Code/KUHP), the crime of receiving stolen goods is regulated in Article 480 of the Criminal Code. In this article, the crime of receiving stolen goods can be categorized as a combination of two forms of crime, namely intentional offense (dolus) and negligent offense (culpa). An act is classified as an intentional crime if the perpetrator knew that the goods he received came from the proceeds of crime, whereas it is called a negligent crime if the perpetrator should have suspected or should have known that the goods were the proceeds of crime.

The crime of receiving stolen goods is closely related to other crimes such as theft, embezzlement, and fraud, as receiving stolen goods generally follows the proceeds of these crimes. In other words, receiving stolen goods arises as a consequence of the predicate crime that produces the goods or objects derived from the crime. Therefore, receiving stolen goods can be viewed as a derivative crime that reinforces and maintains the continuity of the primary crime.[10]The relationship between the crime of receiving money and predicate crimes (such as theft or embezzlement) indicates that receiving money has a criminogenic function, potentially encouraging other perpetrators to continue committing crimes because there are parties willing to receive the proceeds. Therefore, eradicating the crime of receiving money also serves as an indirect form of prevention against predicate crimes.

[8]Barda Nawawi Arief, 1996, Anthology of Criminal Law Policy, Citra Aditya Bakti, Bandung, p.27.
[9]Barda Nawawi Arief, 2001, Problems of Law Enforcement and Crime Prevention Policy, PT. Citra Aditya Bakti, Bandung, p. 14
[10]Coby Mamahit, The Crime of Receiving Money from the Perspective of Criminal Law in Indonesia, (Manado: Faculty of Law, Sam Ratulangi University, 2017).

Facing is not simply a passive act of receiving or storing the proceeds of crime, but rather a form of indirect participation that supports the predicate crime. Therefore, faking has an important social and legal dimension in the criminal justice system, as its enforcement contributes to efforts to break the chain of property crimes such as theft and embezzlement. In the Dutch legal system, the crime of faking is known as "heling." Faking is classified as a follow-up crime because its existence always depends on the existence of a predicate crime that has occurred previously, such as theft, embezzlement, or fraud. After the primary crime is committed, the proceeds of that crime are usually further utilized, either for personal use, given to others, or resold for profit in the form of money or other goods. Thus, faking plays a role in perpetuating the cycle of property crimes.

In addition to being regulated in Article 480 of the Criminal Code, the legal basis for the crime of receiving money is also stated in Articles 481 and 482 of the Criminal Code. Article 481 of the Criminal Code regulates receiving money as a habit, namely if the act has been done at least twice. If the act of receiving money is only done once, then the provisions are not subject to Article 481, but are regulated in Article 480 of the Criminal Code. The criminal threat for perpetrators of habitual receiving money is more severe, namely a maximum prison sentence of seven years.

Meanwhile, Article 482 of the Criminal Code regulates the receiving of minor offenses, which was originally intended for goods with a value not exceeding Rp600.00 (six hundred rupiah). However, the provisions of this value have been adjusted through Supreme Court Regulation (Perma) Number 2 of 2012 concerning Adjustments to the Limits of Minor Crimes and the Amount of Fines in the Criminal Code, which increased the value limit of goods to approximately Rp2,500,000.00 (two million five hundred thousand rupiah). In this case, the criminal threat is much lighter, namely a maximum imprisonment of three months or a maximum fine of Rp250,000.00. Thus, the elements contained in Article 480 of the Criminal Code comprehensively cover the subjective and objective aspects of the crime of receiving goods, while also establishing criminal sanctions for the perpetrators. The article explains that the crime of receiving goods can be committed in various forms, including buying, renting, exchanging, accepting pawn, accepting gifts, or obtaining a profit from an item known or reasonably suspected to be derived from the proceeds of crime.

The crime of receiving stolen goods is classified as a mixed offense (pro parte dolus pro parte culpa), which is partly done intentionally (dolus) and partly due to negligence (culpa). This means that a person can be held responsible for receiving stolen goods either because they knew the goods they received were the proceeds of crime, or because they were careless enough to suspect the origin of the goods. For example, when someone buys or exchanges an item for a price far below

market value without confirming the origin of the goods, their actions can be classified as receiving stolen goods due to negligence.

Conceptually, the crime of receiving stolen goods is derivative and cannot stand alone, as it is always related to a predicate crime that precedes it. Therefore, in assessing whether someone can be categorized as a receiver, the existence of the predicate crime must first be confirmed. This is a crucial element in determining whether the goods obtained, stored, or transferred are truly the proceeds of a crime.

The crime of receiving stolen goods is prohibited by law because the goods received are the proceeds of crime. This action indirectly supports or facilitates the primary perpetrator, thus hindering the investigation into the underlying crime. In the judicial process, it is necessary to prove the defendant's actual involvement in obtaining the proceeds of crime, including elements of fault and intent as the basis for criminal responsibility. In this case, the receiver acts as a secondary perpetrator, contributing to the continuation of the crime.[11]

The application of restorative justice in handling bribery cases by the police is not automatic, especially during the investigation stage. This approach is generally only applicable to cases of relatively minor severity, with losses or fines that do not exceed the limits stipulated in the Indonesian National Police regulations concerning guidelines for the implementation of restorative justice. Therefore, the application of restorative justice in bribery cases is selective and depends on legal considerations and the social impact of the crime.

Based on the results of the review of the provisions regarding the application of restorative justice within the Indonesian National Police investigators, it can be concluded that the principle of restorative justice in the crime of receiving stolen goods can only be applied to cases with a relatively mild level of culpability (schuld or mens rea). This application generally does not apply to acts committed with intent (dolus or opzet) as the main objective, because the element of intent indicates a more serious intention in committing the crime, thus requiring conventional law enforcement through the criminal justice process.

The principle of restorative justice is an approach in criminal law that focuses on restoring relationships and reconciliation between the perpetrator, the victim, and the community, with an emphasis on creating participatory justice. In the context of the crime of receiving stolen goods, the application of restorative justice has certain limitations, specifically, it can only be applied to cases with a relatively minor degree of culpability (mens rea). If the act was committed with an element of intent (dolus or opzet) that was the perpetrator's primary goal, then restorative justice mechanisms generally cannot be applied. Thus, the principle of restorative

[11]Sholehudin, Sanction System in Criminal Law (Basic Idea of Double Track System and Its Implementation) (Jakarta: PT RajaGrafindo Persada, 2004), p. 71.

justice is not universally applied to every crime of receiving stolen goods, but rather is adjusted according to the degree of culpability and the characteristics of the criminal act.

In this context, the principle of restorative justice is not oriented toward punishing the perpetrator of a crime, but rather toward holding the perpetrator accountable for their actions and ensuring that the victim receives justice and reparation for the losses they have suffered. The primary essence of restorative justice is the creation of a just and civilized justice system that prioritizes restoration, not retribution.

Role The active participation of all parties involved, including the perpetrator, victim, and community, is a crucial element in implementing this principle. Through dialogue and mutual agreement, victims are expected to receive adequate compensation from the perpetrator as a form of accountability for the losses incurred, thereby minimizing the victim's suffering. In restorative justice mechanisms, perpetrators are also required to consciously acknowledge their mistakes and take full responsibility for their actions, ensuring that the healing process not only benefits the victim but also the perpetrator and the wider community.

Legally, the application of the concept of restorative justice is possible for the crime of receiving stolen goods as regulated in Article 480 and Article 482 of the Criminal Code (KUHP). The normative basis for this application is supported by the provisions of Article 12 letter a number 4 letters a and b of the Regulation of the Chief of the Republic of Indonesia National Police Number 6 of 2019 concerning Criminal Investigation, as well as Circular Letter of the Chief of Police Number SE/8/VII/2018 concerning the Implementation of Restorative Justice, specifically in number 3 letter a number 4 letter a number 1. In practice, the application of Article 480 of the Criminal Code to perpetrators of receiving stolen goods shows that the penalties imposed are relatively light and have not created an optimal deterrent effect. This shows that repressive penal policies are not yet fully effective as instruments of social control. Meanwhile, non-penal policies such as public legal education, monitoring of second-hand goods transactions, and increasing awareness of social responsibility for the proceeds of crime have not received adequate attention.

From In terms of legal justice, criminal law enforcement often emphasizes certainty of law, but fails to balance it with justice and utility. Disparities in sentencing between courts for similar cases create an impression of inconsistency and can diminish the public's sense of justice. However, in accordance with the values of Pancasila Justice, law enforcement should prioritize substantive justice, not simply sentencing.

Thus, the effectiveness and fairness of criminal law in addressing the crime of receiving stolen goods still require improvement in terms of legal substance, law enforcement structure, and community legal culture. Future legal reforms must be directed at balancing penal and non-penal policies, emphasizing humanitarian values, social justice, and comprehensive community protection.

To understand the extent to which criminal law policies are implemented in practice, it is necessary to analyze several court decisions related to the crime of receiving stolen goods. Through this analysis, we can see how the provisions of Article 480 of the Criminal Code are implemented by law enforcement officials and the extent to which penal policies provide a deterrent effect and protect the public interest.

The increasingly complex nature of crime demands reforms in criminal law policy, including those related to the crime of receiving stolen goods. Current criminal law policy, as stipulated in the Criminal Code, still focuses on repressive law enforcement through imprisonment. Therefore, a more comprehensive and equitable reform of criminal law policy is needed, in line with the values of Pancasila and social developments.

3.2. Policies in criminal law in dealing with criminal acts of receiving money in future positive law.

This reform direction is reflected in Law Number 1 of 2023 concerning the Criminal Code, which contains new provisions regarding the crime of receiving stolen goods as regulated in Articles 134 to 137. This regulation not only clarifies the elements of guilt and expands the scope of the act of receiving stolen goods, but also emphasizes the importance of implementing additional sanctions in the form of confiscation of the proceeds of crime as a form of restoration of justice, prevention of recurrence of crimes, and protection of society. Thus, the reform of criminal law in the 2023 Criminal Code demonstrates a paradigm shift from mere punishment to law enforcement that is just and oriented towards social recovery.

The dualistic perspective in criminal law clearly distinguishes between the elements of a criminal act and criminal responsibility. Based on this perspective, Law Number 1 of 2023 concerning the Criminal Code (KUHP) regulates these two aspects separately, namely in Chapter II concerning Criminal Acts and Chapter III concerning Criminal Responsibility. This separation demonstrates that the National Criminal Code is built on a systematic framework that conceptually distinguishes between prohibited and punishable acts and the legal subjects who can be held accountable for those acts.

The doctrine of nullum delictum nulla poena sine praevia lege poenali is the primary foundation and fundamental principle of criminal law, which forms the basis for the regulations in Law Number 1 of 2023 concerning the Criminal Code (KUHP). This doctrine affirms that no act can be punished except based on the

provisions of previously applicable criminal law. This principle is explicitly stated in Article 1 paragraph (1) of the Criminal Code, which states:

"No one may be punished or subjected to any action, except on the basis of the provisions of criminal laws that existed before the act was committed."

While maintaining this principle of legality, Article 2 of the National Criminal Code broadens its meaning by recognizing the applicability of living law. This means that a person can be punished based on the provisions of living unwritten law, as long as those provisions align with the values of Pancasila, general legal principles, and the sense of justice of the Indonesian people. This expansion reflects the unique character of national criminal law, which is rooted in the nation's social and cultural values, without abandoning the principle of legality as a primary pillar of human rights protection in criminal law.

The legal basis for regulating the crime of receiving stolen goods in Indonesia is the provisions of these articles. When a person is tried for an act that falls under the category of receiving stolen goods, the court has the authority to impose a sentence according to the level of culpability and the consequences of the act. However, in practice, the court may consider certain factors such as the value of the proceeds of crime, the perpetrator's motive, and the level of involvement of the perpetrator to determine the most appropriate type and severity of the sentence.

The provisions regarding the crime of receiving stolen goods in Law Number 1 of 2023 concerning the Criminal Code (KUHP) show substantial updates compared to the provisions in the old KUHP (Wetboek van Strafrecht). Through Articles 643 and 644, the formulation of the crime of receiving stolen goods has undergone an expansion of meaning and object, which is no longer limited to tangible objects derived from crime, but also includes economic benefits, digital assets, and the proceeds of electronic transactions obtained from a crime. This provision reflects the adaptation of national criminal law to technological developments and the dynamics of modern crime, where the proceeds of crime are no longer always physical, but can be virtual or digital.

This expansion of the scope reflects the adaptation of national criminal law to developments in information technology and modern forms of crime, where the proceeds of crime are not always physical but can also take the form of virtual or digital assets. Thus, the 2023 Criminal Code affirms the progressive orientation of criminal law policy, which functions not only as a repressive tool to prosecute perpetrators but also as a preventative measure and adapts to cross-spatial and technology-based crime patterns.

Furthermore, Law Number 1 of 2023 concerning the Criminal Code (KUHP) emphasizes the importance of additional sanctions in the form of confiscation of the proceeds of crime, as a legal instrument that serves not only to punish

perpetrators but also to restore balance and a sense of justice in society. This approach demonstrates a paradigm shift in criminal law policy from solely repressive punishment to one oriented toward restorative justice and the prevention of recidivism.

Specifically in the context of the crime of receiving stolen goods, Articles 643 and 644 of Law Number 1 of 2023 concerning the Criminal Code (KUHP) indicate an expansion of the meaning and scope of receiving stolen goods, including to include economic gains or proceeds of crime in digital form, in line with the development of modern forms of crime in the technological era. This expansion of regulations has direct implications for criminal law policy, particularly in the formulation, application, and execution stages.

At the application stage, primary responsibility rests with the Indonesian National Police (Polri) as investigators and the Indonesian Attorney General's Office (AGO) as public prosecutor. The Polri is required to possess early detection and digital forensic capabilities to identify non-physical proceeds of crime that fall under the category of receiving goods, as defined in Articles 643 and 644 of the 2023 Criminal Code.

Meanwhile, the Prosecutor's Office must ensure an effective, accountable evidentiary process that adheres to criminal law principles, including legality, proportionality, and substantive justice. Therefore, law enforcement officials should focus not only on punishing perpetrators but also on recovering assets obtained from crime as part of efforts to achieve social justice and redress losses to society.

On At the execution stage, criminal law policy emphasizes the importance of coordination between law enforcement agencies, such as the Prosecutor's Office, the Police, and Correctional Institutions, in implementing the main sanctions and additional sanctions in the form of confiscation of the proceeds of crime as regulated in the 2023 Criminal Code. This step not only aims to ensure the effectiveness of the implementation of criminal decisions, but also functions as a structural preventive measure against the possibility of recurrence of crimes, by eliminating the economic benefits that are the main motive for the crime of receiving funds.

The direction of criminal law policy reform should be directed toward restructuring a criminal justice system based on corrective and restorative justice. The sentencing paradigm for perpetrators of the crime of receiving stolen goods should not be solely oriented toward punishment (retributive), but should also serve as a means of fostering moral and legal awareness among perpetrators so they can return to a constructive role in society. Furthermore, the criminal justice system should emphasize reparation for the social and economic losses caused by

the act of receiving stolen goods, both to the direct victims and to the broader social order.

The direction of criminal law policy reform in addressing the crime of receiving stolen goods should not solely focus on imprisonment (a penal approach), but should also prioritize a non-penal approach that encompasses prevention, development, and public legal education. These efforts are crucial for reducing factors that encourage receiving stolen goods, such as weak legal awareness, economic factors, and weak oversight of the distribution of the proceeds of crime.

Besides Therefore, criminal law reform also needs to encourage the application of restorative justice principles in bribery cases. Through this approach, perpetrators are given the opportunity to repair the harm caused to victims and the community, either through the return of the proceeds of crime, compensation, or beneficial community service. This approach not only reduces recidivism rates but also strengthens the social function of criminal law as a means of reconciliation and social restoration.

A crucial first step is public education and legal outreach, particularly to ensure they understand the legal risks of purchasing or trading goods without proper documentation. Increased public legal awareness will reduce demand for the proceeds of crime, thereby disrupting the chain of illicit trafficking.

Besides Therefore, administrative enforcement is needed in the secondhand goods trade sector, including online transactions (online marketplaces). The government needs to strengthen regulations and oversight of the circulation of secondhand goods, require identification of the origin of goods, and take action against businesses that fail to verify their rights.

Effort This also requires cross-agency collaboration, involving the Police, the Ministry of Industry, the Ministry of Communication and Information Technology, and local governments in monitoring and controlling illegal trade practices. This inter-agency coordination is key to creating an effective and sustainable oversight system.

Finally, social development for former drug traffickers and high-risk community groups needs to be promoted through economic empowerment programs, skills training, and social support. This step is expected to reduce recidivism rates and strengthen offenders' social integration after serving their sentences, in line with the corrective and restorative goals of sentencing.

Thus, the direction of criminal law reform in Indonesia, including that related to the crime of receiving stolen goods, must be based on the principles of Pancasila Justice. This paradigm emphasizes a balance between legal certainty, substantive justice, and social benefit, while simultaneously integrating law enforcement with humanitarian values and social responsibility. In practice, criminal law reform is

not only aimed at punishing perpetrators, but also at promoting legal awareness, providing reparation to victims, and supporting the perpetrators' social reintegration into society.

Pancasila justice emphasizes a balance between individual and societal interests, between the rights of victims and the obligations of perpetrators, and between legal certainty and the flexibility necessary to adapt policies to social and cultural conditions. This emphasizes that all criminal policies must be contextual, not simply imitating foreign legal models, but still in line with the values and character of the Indonesian nation.

4. Conclusion

Current criminal law policies addressing the crime of receiving stolen goods are still guided by Articles 480, 481, and 482 of the Criminal Code. These regulations define receiving stolen goods as a crime against assets, playing a strategic role in strengthening the chain of crime. However, the policies implemented remain repressive, focusing primarily on enforcement after the crime has occurred, rather than on prevention. The primary weakness of existing provisions lies in the element of "knowledge or reasonable suspicion," which in practice is difficult to prove in court. Furthermore, existing regulations are incapable of addressing modern forms of receiving stolen goods, particularly those conducted online or through electronic transactions. This situation makes law enforcement less effective and often leads to disparities in sentencing due to differing interpretations among law enforcement officials and judges. Future criminal law policy, as reflected in Law Number 1 of 2023 concerning the Criminal Code (KUHP), shows a more progressive and comprehensive direction for reforming the regulation of the crime of receiving stolen goods, which is currently regulated in Articles 643 and 644 of the 2023 Criminal Code. This reform includes expanding the formulation of the offense, affirming the elements of guilt, and adjusting the threat of punishment to be more proportional to the level of social danger posed by the act of receiving stolen goods. Furthermore, the direction of modern criminal law policy should be integrative, namely by combining penal and non-penal approaches:

a. The penal approach is carried out through the reformulation of legal norms, increasing the consistency of law enforcement, and the professionalism of law enforcement officers so that the application of criminal penalties becomes more effective and just.

b. The non-penal approach emphasizes preventive efforts, including increasing public legal awareness, monitoring the circulation of goods resulting from crime, and utilizing information technology to detect illegal transactions.

With the synergy of these two approaches, future criminal law policies are expected to be able to address the crime of receiving stolen goods

comprehensively, not only through repressive measures, but also preventive measures and those oriented towards protecting the community.

Thus, some suggestions that can be used are as follows:

1. For Law Makers (Legislators):

Improvements are needed to the provisions regarding the crime of receiving stolen goods in Law Number 1 of 2023 concerning the Criminal Code (KUHP), particularly the element of "knowing or reasonably suspecting" which has previously hampered proof in court. The definition of the offense needs to be clarified to avoid multiple interpretations and to encompass forms of receiving stolen goods committed through digital media or electronic transactions.

2. For Law Enforcement Officers (Police, Prosecutors, and Judges):

Capacity building and coordination among law enforcement officials are needed to handle the crime of receiving stolen goods, particularly in tracing the origin of the proceeds of crime and proving the perpetrator's guilt. Judges, when handing down their sentences, should consider the deterrent effect, the value of justice for the victim, and the social impact of the crime of receiving stolen goods, without neglecting the principle of humanity in sentencing.

3. For Government and Society:

Effort Combating the crime of fencing should not rely solely on a penal approach, but also involve non-penal strategies, such as legal education, public awareness campaigns about the dangers of purchasing goods obtained through crime, and increased oversight of the trade in secondhand goods, both conventionally and online. Public legal awareness is a crucial factor in breaking the chain of fencing crimes.

4. For Academics and Researchers Next:

This research can be further developed through an empirical approach to law enforcement practices in the field, including a study on the effectiveness of implementing the provisions on receiving money in the 2023 Criminal Code. In addition, a comparative study of law with other countries' legal systems is needed to enrich the understanding of effective, proportional, and humane criminal law policies in dealing with the crime of receiving money.

5. References

Journals:

Arief Rahman Kurniadi, “Kebijakan Hukum Pidana dalam Penanggulangan Tindak Pidana Penadahan yang Berhubugan dengan Tindak Pidana Pencurian”,

artikel: Jurnal Media Justitia Nusantara, Volume 12, Nomor 1, 2022, diakses pada tanggal 2 Mei 2025.

Lino S. Sibarani, 2018, "Peran Kepolisian Dalam Mengungkap Tindak Pidana Penadahan Sepeda Motor", Tesis (Dipublikasikan), Fakultas Hukum Universitas Sumatera Utara Medan, diakses dari http://download.garuda.kemdikbud.go.id/article.php?article=1433329&val=4136&title=PERAN%20KEPOLISIAN%20DALAM%20MENGUNGKAP%20TINDAK%20PIDANA%20PENADAHAN%20SEPEDA%20MOTOR%20STUDI%20KASUS%20POLRES%20TOBASA , diakses pada tanggal 2 Mei 2025, pukul 11:49 WIB.

Riyada Layana, "Analisis Hukum Terhadap Tindak Pidana Penadahan (Studi Kasus Putusan No.163/Pid.B/2017/PN.Mks)", terdapat dalam http://digilib.unhas.ac.id/uploaded_files/temporary/DigitalCollection/ODc5N2U5OTMxMzZhOWNhMDA3MzM4OWYxMmNkMDI3MzkzYjExNzcyNA==.pdf pada tanggal 9 September 2022 pukul 23:09 WIB.

Sonia Ivana Komiko Nababan, "Pertanggungjawaban Pidana Terhadap Pelaku Penadahan Barang Hasil Kejahatan Tindak Pidana Informasi dan Transaksi Elektronik (ITE) (Studi Putusan Nomor 139/Pid.Sus/2018/PN.Bjn)", artikel: Skripsi (Dipublikasikan), Fakultas Hukum Universitas Sumatera Utara, terdapat pada https://repositori.usu.ac.id/handle/123456789/16313 diakses pada tanggal 2 Mei 2025, pukul 12:33 WIB.

Vebrin Franky Bram Sianipar, Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Penadahan Yang Dilakukan Bersama-Sama (Studi Putusan Nomor : 1078/Pid.B/2018/PN Mdn), Kumpulan Karya Ilmiah Mahasiswa Fakultas Sosial Sains, [S.l.], Volume 1, Nomor 1, Juni 2019, terdapat dalam https://journal.pancabudi.ac.id/index.php/jurnalfasosa/article/view/3089>, diakses pada tanggal 3 Mei 2025, pukul 09:33 WIB.

Books:

Barda Nawawi Arief, 1996, Bunga Rampai Kebijakan Hukum Pidana, Citra Aditya Bakti, Bandung.

Barda Nawawi Arief, 2001, Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan, PT. Citra Aditya Bakti, Bandung.

Coby Mamahit, Tindak Pidana Penadahan dalam Perspektif Hukum Pidana di Indonesia, (Manado: Fakultas Hukum Universitas Sam Ratulangi, 2017).

Sholehuddin, Sistem Sanksi dalam Hukum Pidana (Ide Dasar Double Track System dan Implementasinya), (Jakarta: PT Raja Grafindo Persada, 2004).

Regulation:

The 1945 Constitution of the Republic of Indonesia;

Criminal Code (KUHP);

Law Number 8 of 1981 concerning Criminal Procedure Law (KUHP);

Law Number 48 of 2009 concerning Judicial Power;

Law No. 1 of 2023 concerning the Criminal Code (KUHP).

Supreme Court Decision Number 114/Pid.B/2018/PN Bjb;

Supreme Court Decision Number 655/Pid.B/2017/PN Llg;

Supreme Court Decision Number 17/Pid.B/2020/PN Cjr Jurisprudence;

Supreme Court Regulation Number 2 of 2012 concerning Adjustments to the Limits of Minor Crimes and the Amount of Fines in the Criminal Code.