

Legal Analysis of the Regulation of Criminal Sanctions for Ordinary Theft According to the National Criminal Code Based on Justice Values

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Abstract. *This study examines the criminal sanctions for theft in the National Criminal Code, based on Law Number 1 of 2023, and the direction of its future development, based on the values of justice. The background to this research stems from the persistently high rate of theft in Indonesia and the need for criminal law reform to be more responsive, proportional, and oriented toward substantive justice. This research uses a normative legal research method with a statutory and conceptual approach. The legal sources consist of primary, secondary, and tertiary legal materials, which are analyzed qualitatively using descriptive-prescriptive methods. The research findings indicate that the National Criminal Code's criminal sanctions for ordinary theft have undergone significant reforms, leading to a more flexible, humane, and adaptive sentencing system. The strengthening of alternative punishments and the implementation of the ultimum remedium principle demonstrate a paradigm shift from retributive to corrective and restorative.*

Keywords: *Criminal; National; sanctions.*

1. Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia places law as the primary foundation in organizing social, national, and state life. This constitutional provision emphasizes that all actions of state administrators and citizens must be based on law, not on power alone. The concept of a state based on law contains the principle that law functions as a means to create order, protect human rights, and realize social justice for all Indonesian people.¹In a state based on the rule of law, one of the most important principles is the existence of an independent judiciary free from interference by any party. Therefore, the research in this journal seeks to assess the extent to

¹The 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (3).

which the application of the Pancasila rule of law principle has ensured the independence of judicial institutions in Indonesia.²

A state based on the rule of law demands that the elements of legal certainty (*rechtszekerheid*), justice (*gerechtigheid*), and expediency (*doelmatigheid*) be fulfilled in every formulation and implementation of legislation. These three elements must operate in balance so that the law is not only formally valid but also just and beneficial to society. In the field of criminal law, the principle of the rule of law demands that the regulation of criminal acts and criminal sanctions be formulated rationally, proportionally, and reflect the values of humanity and justice.³

According to Wahyuningsih, the criminal law system, which originates from the continental legal tradition (civil law system), is heavily influenced by Western philosophical thought, which emphasizes individualism, liberalism, and the absolute protection of individual rights. This paradigm is often at odds with the values entrenched in Indonesian society, which emphasize a balance between individual and societal interests. In this context, applicable criminal law must not only provide legal certainty but also reflect the moral and religious values that underlie the life of the Indonesian nation.⁴

The reform of the national criminal code through Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) represents a strategic step by the state to align the criminal law system with the values of Pancasila, societal developments, and modern legal needs. The National Criminal Code is no longer solely oriented toward a retributive paradigm, but rather prioritizes a more humanistic, proportional, and just approach, while still ensuring legal certainty. This reform reflects the state's efforts to make criminal law an effective and dignified instrument of social control.⁵

One important aspect of the National Criminal Code reform is the regulation of the criminal justice system, including the formulation of types of crimes and the severity of criminal sanctions. The National Criminal Code introduces a more varied criminal justice system, encompassing not only imprisonment but also fines with a categorical system, community service, and supervision. This regulation demonstrates a shift in the penal paradigm from a primarily incarcerated

²Kadir, A., Gunarto, G., Hussain, AAM, & Taher, MA (2021). Measuring the consistency of Pancasila rule of law implementation in ensuring judicial independence in Indonesia. *Law Journal*, 41(2), Pp. 322.

³Gustav Radbruch. (2006). *Legal Philosophy*. Oxford: Oxford University Press, p. 107.

⁴Wahyuningsih, SE (2014). The urgency of reforming Indonesia's substantive criminal law based on the values of the One Almighty God. *Journal of Legal Reform*, 1(1), p. 17

⁵Muladi & Barda Nawawi Arief. (2010). *Criminal Theories and Policies*. Bandung: Alumni, p. 34

punishment to a more proportional and adaptive system tailored to the characteristics of the crime and its perpetrator.⁶

The crime of ordinary theft is a form of crime against property that still frequently occurs in society. Ordinary theft is essentially the act of taking another person's property with the intent to possess it unlawfully without any element of violence. The crime of theft is one of the most common forms of conventional crime in Indonesia. This phenomenon indicates that crimes against property remain a serious problem in the national criminal law enforcement system. Criminal statistics compiled by the Central Statistics Agency (BPS) show that theft is among the crimes most frequently reported by the public to law enforcement. The high frequency of theft indicates that this crime is closely related to the socioeconomic conditions of the community and the effectiveness of the social control system through criminal law.⁷

Nationally, crime trends in Indonesia over the past five years have shown significant dynamics. According to Crime Statistics data sourced from the Indonesian National Police (Polri), the number of crimes in 2019 was recorded at 269,324. In 2020, this figure decreased to 247,218 cases, then further decreased in 2021 to 239,481 cases. This decline was partly influenced by restrictions on community activities during the COVID-19 pandemic, which indirectly reduced the opportunity for conventional crimes to occur in public spaces.⁸

However, after the pandemic began to subside, crime rates again showed an upward trend. In 2022, the number of crimes in Indonesia was recorded at 377,341, and rose again in 2023 to 584,916. This increase demonstrates that crime dynamics are significantly influenced by socioeconomic conditions, social mobility, and changes in crime patterns within society.⁹

Within this conventional crime structure, theft occupies a very dominant position compared to other types of crime. Various crime statistics show that theft, whether simple theft, aggravated theft, or motor vehicle theft, consistently ranks among the most common crimes in Indonesia. This phenomenon demonstrates that property crimes remain a real threat to public safety and demands effective and proportionate criminal law policies to address them.¹⁰

Based on these statistical trends, it can be concluded that despite a decline in the 2020–2021 period, the national crime rate has increased significantly again in the

⁶Barda Nawawi Arief. (2011). *Anthology of Criminal Law Policy*. Jakarta: Kencana, p. 56.

⁷Central Statistics Agency. (2023). *Crime Statistics 2023*. Jakarta: BPS, p. 3

⁸Central Statistics Agency. (2022). *Crime Statistics 2022*. Jakarta: BPS, p. 15

⁹Coordinating Ministry for Political, Legal, and Security Affairs. (2024). *Crime Control Performance Accountability Report 2019-2023*. Jakarta: Coordinating Ministry for Political, Legal, and Security Affairs, p. 27.

¹⁰Central Statistics Agency. (2023). *Crime Statistics 2023*. Jakarta: BPS, p. 47.

following years. This situation demonstrates that criminal law policy, including the regulation of the crime of theft in the National Criminal Code, plays a crucial role in creating a criminal justice system that balances the objectives of law enforcement, public protection, and the fulfillment of justice. In the National Criminal Code, the crime of theft is usually regulated with the threat of imprisonment and certain categories of fines, including Category V fines, which are relatively significant.¹¹

The provisions on criminal sanctions for ordinary theft in the National Criminal Code demonstrate an effort to balance the interests of law enforcement with the protection of perpetrators, particularly those committing minor crimes. The imposition of a category V fine is intended as an alternative punishment that is expected to reduce the excessive use of imprisonment while simultaneously promoting the effectiveness of law enforcement and the efficiency of the criminal justice system. This approach aligns with the spirit of restorative justice, which is beginning to be incorporated into national criminal law policy.¹²

However, the provisions on criminal penalties for ordinary theft in the National Criminal Code still raise various legal issues. One of the main issues concerns the proportionality between the threat of imprisonment and a category V fine, particularly when linked to the perpetrator's socioeconomic condition and the impact of the losses experienced by the victim. The threat of a relatively high fine has the potential to create injustice if applied rigidly without considering the perpetrator's ability to pay.¹³

Furthermore, it is necessary to examine whether the provisions on criminal sanctions for ordinary theft reflect the principles of justice, legal certainty, and expediency as desired by the rule of law. Disproportionate criminal sanctions have the potential to create disparities in sentencing and undermine public trust in the criminal justice system. Therefore, an in-depth legal review is needed to assess the suitability of the provisions on criminal sanctions for ordinary theft in the National Criminal Code with the goal of criminal law reform and the values of Pancasila.

Based on this background, the author is motivated to conduct further studies in the form of a thesis entitled "Juridical Analysis of the Regulation of Criminal Sanctions for Ordinary Theft According to the National Criminal Code Based on Justice Values". This research is expected to provide academic and practical contributions in the development of just, proportional, and humanity-oriented criminal policies.

¹¹Law Number 1 of 2023 concerning the Criminal Code.

¹²Romli Atmasasmita. (2011). *Contemporary Criminal Justice System*. Jakarta: Kencana, p. 44.

¹³Andi Hamzah. (2010). *Principles of Criminal Law*. Jakarta: Rineka Cipta, p. 148.

2. Research Methods

This research utilizes legal research methods, a series of systematic scientific activities to obtain answers to the legal problems under study. Research methods play a crucial role in determining the steps used to obtain, process, and analyze legal materials, ensuring that the research results can be scientifically and academically accounted for. Using appropriate methods will assist researchers in producing objective, logical analyses that align with legal research principles. The type of research used is normative legal research. Normative legal research is research that positions law as a norm, rule, or regulation that applies in a positive legal system. The main focus of this research lies in the study of various legal provisions related to the research object, whether in the form of legislation, legal principles, doctrines, or relevant court decisions. The study is conducted to understand how the law regulates a legal event and how these norms are applied in law enforcement practice. According to Soerjono Soekanto and Sri Mamudji, normative legal research aims to find the truth based on the coherence between legal norms and applicable legal principles and their application in practice. The characteristics of normative legal research do not start from field data or empirical facts, but rather from legal materials that have a normative nature. Therefore, the analysis conducted focuses on the written legal aspects and develops in legal doctrine.

The research approaches used include a statutory approach and a conceptual approach. The statutory approach is used to examine various legal provisions related to the research object, particularly the provisions contained in Law Number 1 of 2023 concerning the Criminal Code and various other regulations related to criminal policy in Indonesian criminal law. The study of statutory regulations is conducted by examining the structure, systematics, and substance of legal norms to obtain a comprehensive understanding of applicable legal regulations. This approach allows researchers to determine the compatibility between applicable legal provisions and the objectives of the law formation to be achieved.

A conceptual approach is used to understand various legal concepts developed in the literature and the thinking of legal experts. This approach provides a theoretical foundation for analyzing and interpreting the legal norms that are the object of research. Understanding legal concepts related to criminal acts, criminal liability, criminal sanctions, sentencing policies, and the objectives of sentencing is essential for developing systematic legal arguments. Utilizing a conceptual approach also helps researchers connect positive legal norms with legal theories developing in criminal law.

The data sources in normative legal research are legal materials consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are legal materials that have binding force because they

originate from official legal sources. The primary legal materials used in this research include the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, the Criminal Procedure Code (KUHP), Law Number 48 of 2009 concerning Judicial Power, and various other laws and regulations related to criminal policy and the criminal justice system in Indonesia.

Secondary legal materials are used as sources to provide explanations and interpretations of primary legal materials. These legal materials consist of law books discussing criminal theory, criminal law policy, and national criminal law reform, including works by legal experts such as Barda Nawawi Arief, Moeljatno, Sudarto, and Satjipto Rahardjo. National and international scientific journals are also used to obtain the latest developments in thought and research results related to the crime of theft, criminal law policy, and the concept of justice in criminal law. Literature on the reform of the National Criminal Code is utilized to understand the background, objectives, and changes in the criminal law paradigm regulated in Law Number 1 of 2023. Various previous research results in the form of relevant theses, dissertations, and dissertations are also used as comparative material to enrich the research analysis. The opinions of criminal law experts relevant to the research object are also used as references in developing legal arguments.

Tertiary legal materials are used as supporting materials to help researchers understand legal terms, concepts, and developments more accurately. These include legal dictionaries, legal encyclopedias, legal indexes, and various digital references from official legal portals and scientific journal databases. The use of tertiary legal materials aims to facilitate researchers in locating the necessary legal information and ensure the accuracy of the use of legal terms in their research.

Data collection was conducted through library research. This technique involves systematically reviewing, inventorying, classifying, and examining various primary, secondary, and tertiary legal materials related to the research problem. Library research is an appropriate method for normative legal research because the primary data source comes from legal materials available in various literature and legal documents. The results of the review of these legal materials are then used as a basis for developing an analytical framework and legal arguments relevant to the research object.

The data analysis in this study employed a qualitative analysis method with a descriptive-analytical approach. Qualitative analysis was conducted through the process of interpreting and reviewing legal norms contained in legislation, legal doctrine, and expert opinions related to the research object. The data obtained was then systematically compiled to describe the prevailing legal conditions and analyze the various legal issues encountered. The results of this analysis were used to draw logical, systematic, and prescriptive conclusions. The prescriptive nature of legal research aims to provide arguments regarding how the law should be

applied, interpreted, and developed to achieve legal certainty, justice, and benefit in law enforcement practices.

3. Results and Discussion

3.1. Regulation of Criminal Sanctions for the Crime of Ordinary Theft According to the National Criminal Code

The regulation of criminal sanctions for ordinary theft crimes in Law Number 1 of 2023 concerning the National Criminal Code indicates a more comprehensive and flexible criminal punishment system compared to previous regulations. Normatively, the National Criminal Code stipulates that criminal sanctions consist of principal penalties and additional penalties, where principal penalties include imprisonment, detention, supervision, fines, and community service as regulated in the provisions regarding types of penalties in Law Number 1 of 2023 concerning the Criminal Code Article 64 and Article 65 paragraph (1). This provision confirms that for ordinary theft crimes, judges are not only limited to imprisonment, but can choose other types of penalties that are more proportional according to the characteristics of the act and the condition of the perpetrator.

The crime of ordinary theft in the National Criminal Code remains defined as the unlawful taking of another person's property with the intent to possess it. This provision is a continuation of the previous regulation in Article 362 of the old Criminal Code, but in the National Criminal Code it is integrated with a new, more flexible criminal system as stipulated in the general provisions regarding types of crimes. Thus, sanctions for theft are not only seen from the formulation of the crime, but also from the accompanying criminal system.

The provisions on criminal fines in the National Criminal Code have also undergone updates through a categorical system, which allows the amount of the fine to be adjusted based on the seriousness of the crime and the perpetrator's economic capacity. This system differs from the old Criminal Code, which set fixed fines and tended to be irrelevant to economic developments. With this categorical system, criminal fines have become more adaptable and reflect the principles of substantive justice in sentencing.

Furthermore, the National Criminal Code accommodates alternative punishments such as community service and probation, which can be applied in cases of ordinary theft. This provision allows judges to avoid always imposing prison sentences, but instead choose sanctions that are more rehabilitative and focused on developing the perpetrator. Community service, for example, allows the perpetrator to make direct contributions to society as a form of accountability, while probation allows the perpetrator to remain in a social environment with some supervision.

A comparison of the old Criminal Code and the National Criminal Code in terms of the orientation of punishment reveals a fundamental paradigm shift. The old Criminal Code tended to be repressive, emphasizing retaliation against the perpetrator as a consequence of their actions. This approach also emphasized deterrence as the primary goal of punishment, thus positioning punishment as a tool to deter crime from recurrence. This characteristic is inseparable from the background of the old Criminal Code, which was a product of colonial law based on a formal-legalistic paradigm, in which the law was applied rigidly based on text without much consideration of social or humanitarian aspects.

In contrast, the National Criminal Code demonstrates a more modern and humanistic approach by prioritizing corrective, rehabilitative, and restorative aspects. Punishment is no longer solely aimed at punishment, but also at reforming the perpetrator and restoring the social balance disturbed by the crime. This approach prioritizes balancing the interests of the perpetrator, the victim, and the community. Furthermore, the National Criminal Code also accommodates substantive justice, meaning that law enforcement focuses not only on formal legal certainty but also on the sense of justice inherent in society.

This paradigm shift is also reflected in the scope of judges' authority in sentencing. Under the old Criminal Code, judges were relatively limited in their choice of sanctions, either imprisonment or fines, severely limiting their ability to consider the individual circumstances of the perpetrator. This often led to uniform decisions without regard for the social and economic backgrounds or motives behind the crime. As a result, sentencing tended not to reflect proportional justice.

The National Criminal Code provides judges with greater latitude to impose sentences that best suit the characteristics of the case. Judges not only have the freedom to choose from a variety of punishments but are also empowered to consider various relevant factors, such as the perpetrator's economic situation, motive for committing the crime, the resulting social impact, and the interests of the victim. This approach allows for the individualization of punishment, namely the imposition of sentences tailored to the specific circumstances of the perpetrator and their actions, thus better reflecting substantive justice.

Differences are also evident in the regulation of criminal fines. The old Criminal Code stipulated relatively small fines that were no longer relevant to the economic developments of the community. These disproportionate fines reduced their effectiveness as a punishment instrument, both in terms of deterrence and justice. In many cases, the fines in the old Criminal Code were insignificant and had little meaningful impact on perpetrators.

These conditions demonstrate that the criminal justice system under the old Criminal Code has limitations in achieving proportional and effective justice, thus necessitating criminal law reforms that are more responsive to societal

developments. This reform addresses not only the types and severity of sanctions but also encompasses a paradigm shift in how punishment itself is viewed.

Ordinary theft as a basic form of crime against property remains as an offense that can be subject to criminal sanctions, but the criminalization approach has become more flexible and adaptive to the concrete conditions of the perpetrator and the impact of his actions.

Normatively, criminal sanctions for ordinary theft in the National Criminal Code include principal penalties of imprisonment and fines. Furthermore, the National Criminal Code also introduces alternative penalties such as community service and supervision. This diversity of sanctions demonstrates the differentiation within the criminal justice system, allowing judges to impose sentences more proportionately according to the characteristics of the crime and the perpetrator. Thus, this system is no longer as singular and rigid as in the old Criminal Code, but rather more responsive to the needs of substantive justice.

From the perspective of the Pancasila Theory of Justice, the criminal sanctions regulation reflects the value of balancing individual and societal interests. Criminal sanctions are not only aimed at protecting the victim's property rights but also consider the perpetrator's humanity. This aligns with the second and fifth principles of Pancasila, which emphasize just and civilized humanity and social justice. The application of alternative punishments, such as community service and supervision, reflects efforts to maintain the perpetrator's dignity as a human being while ensuring accountability for their actions.

The principle of proportionality in sentencing also concretely embodies Pancasila justice. Sentencing for ordinary theft takes into account not only the elements of the act, but also the value of the loss, the perpetrator's motive, and the socio-economic conditions underlying the crime. This approach avoids over-penalization, ensuring that justice is not merely formal but also substantive.

Furthermore, from the perspective of Progressive Legal Theory, the regulation of criminal sanctions in the National Criminal Code demonstrates a significant shift from a legalistic approach to a more humanistic one. Law is no longer viewed as a rigid set of rules, but rather as a means to achieve justice and social welfare. The existence of alternative punishments is a concrete manifestation of the spirit of progressive law, which encourages the use of more humane sanctions oriented toward improving offenders.

Satjipto Rahardjo emphasized that the law must be on the side of the people. In the context of common theft, this is reflected in the judge's tendency to avoid always imposing prison sentences, instead opting for more relevant sanctions such as community service. This approach not only mitigates the negative impacts of imprisonment but also opens up opportunities for perpetrators to improve themselves and reintegrate into society.

Furthermore, the criminal sanctions provisions in the National Criminal Code also accommodate a restorative approach that aligns with progressive law. Punishment aims not only to punish the perpetrator but also to restore the social balance disturbed by the crime. In cases of ordinary theft, this approach can be realized through a resolution that takes into account the interests of the victim, the perpetrator, and the community in a balanced manner.

From a normative legal research perspective, this regulation demonstrates that the National Criminal Code has integrated various modern theories of punishment, particularly a combined theory that accommodates both retaliation and deterrence. The varied sanction system provides flexibility in the application of the law, thus addressing the complexity of crime issues in society.

The criminal sanctions for ordinary theft in the National Criminal Code have undergone significant normative reform, particularly through the provision of more varied types of punishment, an adaptive fine system, and the recognition of alternative punishments such as community service and supervision. These provisions provide judges with flexibility in imposing proportionate and just sentences, so that they are no longer as rigid as in the old Criminal Code, but rather reflect substantive justice, humanitarian values, and the goal of rehabilitating offenders.

The regulation of criminal sanctions for ordinary theft crimes in the National Criminal Code shows the direction of criminal law reform that is not only normative, but also reflective of the needs of society. The author views that the expansion of the types of punishment as regulated in Article 64 and Article 65 paragraph (1) of the National Criminal Code is a strategic step in overcoming the weaknesses of the previous criminal system which was too dependent on imprisonment. In practice, dependence on imprisonment often gives rise to new problems, such as overcapacity of correctional institutions and suboptimal guidance functions for perpetrators.

The categorical system of fines demonstrates an attempt to rationalize punishment in a more contextual way. The author argues that adjusting fines based on the perpetrator's economic capacity is a concrete form of distributive justice in criminal law. Penalties that fail to consider economic conditions have the potential to create inequality, where perpetrators with high economic capacity do not experience the same deterrent effect as those from lower economic groups. This policy strengthens legal legitimacy by striking a balance between certainty and justice.

The recognition of community service and supervision reflects a shift in the orientation of punishment toward a more constructive one. The author believes that these alternative punishments are not only relevant for mitigating the negative impacts of imprisonment but also more effective in fostering social

responsibility in offenders. Offenders are not simply serving their sentences but are encouraged to contribute and improve their relationships with the community. This approach has strategic value in preventing recidivism because offenders remain connected to their social environment.

A comparison with the old Criminal Code shows that the previous criminal justice system did not provide judges with sufficient space to consider the complexities of social reality. The author argues that the limited choice of sanctions in the old Criminal Code potentially resulted in formalistic decisions that did not reflect substantive justice. Social reality shows that the crime of theft is often influenced by economic factors, social pressures, and environmental conditions. A criminal justice system that does not adapt to these factors risks creating injustice in practice.

The National Criminal Code's authority to consider various aspects such as motive, economic circumstances, and social impact demonstrates a strengthening of the principle of individualization of criminal conduct. The author believes this approach is crucial to ensuring that sentencing is not mechanical. Each case has distinct characteristics, requiring a comprehensive assessment to ensure that the resulting decision truly reflects a sense of justice. This approach also strengthens the judge's position as an enforcer of justice, not simply an enforcer of the law.

The limitations of fines in the old Criminal Code demonstrate the weakness of this sanction as a punishment instrument. The author believes that disproportionate fines actually diminish the authority of the law because they have no significant impact on perpetrators. Reformulating the fine system in the National Criminal Code makes it more relevant in the modern economic context, enabling it to function optimally as a means of social control.

The National Criminal Code's approach to punishment, which integrates the Pancasila values of justice, demonstrates that Indonesian criminal law is moving toward a more socially just system. The author argues that the balance between victim protection and perpetrator development is at the heart of civilized justice. Punishment cannot be viewed solely as a means of retribution, but rather as a means to foster social harmony.

A progressive legal perspective further strengthens this direction of reform. The author believes that flexibility in selecting criminal penalties represents a form of legal courage to move beyond a rigid legalistic approach. Law is no longer positioned as a static text, but as a living instrument that evolves according to the needs of society. This approach creates space for the creation of justice that is more humane and relevant to real-world conditions.

The National Criminal Code's approach to the crime of ordinary theft reflects not only normative change but also a shift in criminal policy toward a more rational and contextual one. The author believes that the diversity of criminal penalties

provided not only provides alternatives for judges but also serves as a strategic tool to reduce the reliance on imprisonment, which has led to various problems, such as overcrowding in correctional institutions and the limited effectiveness of prisoner development.

The existence of community service and supervision sentences demonstrates that the state is beginning to adopt a non-custodial approach as part of the modern penal system. The author believes this approach is more relevant in cases of ordinary theft, which generally involve relatively small losses and are often influenced by economic factors. Implementing imprisonment in such circumstances has the potential to have a greater social impact than the benefits, particularly on the livelihood of the perpetrator and their family.

Another aspect demonstrating the progress of the National Criminal Code lies in the flexibility of judges in considering the individual circumstances of the perpetrator. The author argues that this discretionary space represents a concrete manifestation of the individualization of criminal conduct, a long-standing demand for criminal law reform. Decisions that consider motive, economic circumstances, and social impacts will better reflect proportional justice than uniform sentencing. Justice in this context is not only measured by conformity to norms but also by the decision's ability to fairly resolve social conflicts.

The category-based fine system also demonstrates a more progressive policy direction. The author believes this system has the potential to increase the effectiveness of fines as an alternative to criminal punishment, especially if implemented consistently by law enforcement. Adjusting the fine amount to the perpetrator's economic capacity will prevent disparities in sentencing, where perpetrators with different economic conditions receive an unequal burden.

However, the effectiveness of the criminal sanctions provisions in the National Criminal Code remains highly dependent on law enforcement practices in the field. The author believes that without a paradigm shift among law enforcement officials, particularly judges, the diversity of regulated criminal penalties has the potential to be underutilized. The tendency to continue imposing imprisonment as the primary option could hinder the realization of the goals of criminal law reform itself.

Consistent application of alternative punishments is a key factor in determining the success of the new penal system. The author believes that more detailed sentencing guidelines and increased capacity of law enforcement officials are needed to implement a more progressive and substantive justice-oriented approach. Without such support, normative reforms to the National Criminal Code risk remaining merely symbolic without having a real impact in practice.

Based on the above description, it can be concluded that the regulation of criminal sanctions for ordinary theft crimes in the National Criminal Code (Law Number 1

of 2023) shows a significant update in the criminal system in Indonesia. This update is reflected in the regulation of more varied types of criminal penalties as regulated in Article 64 and Article 65 paragraph (1), which no longer only rely on imprisonment, but also include fines, detention, supervision, and community service as alternative forms of punishment.

The sentencing system in the National Criminal Code also demonstrates a paradigm shift from the repressive and legalistic approach of the old Criminal Code to a more humanistic, corrective, and restorative approach. This provides judges with greater latitude to impose sentences more proportionately, taking into account the perpetrator's condition, motive, and impact of the crime, thereby achieving individualized punishment and substantive justice.

Furthermore, the existence of a categorical system for fines and the recognition of alternative punishments demonstrate reform efforts oriented toward effective sentencing and reducing reliance on imprisonment. The provisions on criminal sanctions for ordinary theft in the National Criminal Code are not only normative but also reflect the values of Pancasila justice and align with developments in modern criminal law thought that emphasize a balance between the interests of the perpetrator, the victim, and society.

3.2. Regulation of Criminal Sanctions for Theft Crimes According to the Criminal Code Based on Justice Values in the Future

Future criminal sanctions for theft must be directed toward a penal system that not only emphasizes legal certainty but also reflects the values of substantive justice as enshrined in Pancasila. The National Criminal Code, through Law Number 1 of 2023, has laid a crucial foundation in this direction by regulating various types of punishments that are flexible and adaptable to the perpetrator's circumstances and the impact of the crime. Future reforms need to strengthen the implementation of these values so that they do not remain normative but are truly realized in law enforcement practices.

The Pancasila Justice Theory perspective demands that the criminal justice system for theft balance the interests of the perpetrator, the victim, and society. Punishment cannot be viewed merely as a means of retribution, but must reflect just and civilized humanity and social justice. Future regulations should emphasize the principle of proportionality, namely the appropriateness of the perpetrator's culpability, the value of the loss, and the socio-economic conditions underlying the act. This approach ensures that perpetrators from vulnerable groups are not treated unfairly due to structural conditions that influence their actions.

Strengthening distributive justice in the criminal justice system is crucial through optimizing category-based fines. Adjusting fines based on the offender's economic capacity must be applied consistently to avoid disparities. This system reflects more equitable justice because the burden of punishment is felt proportionally by

each offender. This policy also has the potential to increase the effectiveness of fines as an alternative to imprisonment.

The Progressive Legal Theory perspective requires that future criminal sanction regulations increasingly emphasize a humanistic and solution-oriented approach. The law should not be trapped in formal norms, but rather should be able to address the needs of justice that exist in society. Strengthening alternative punishments such as community service and supervision is a strategic step to reduce reliance on imprisonment. A non-custodial approach is more relevant in cases of ordinary theft, which generally involve limited losses and are influenced by economic factors.

The application of restorative justice needs to be expanded as part of modern criminal policy. The resolution of theft cases should not only focus on punishment, but also on reparation for the victim's losses and improvement of social relationships. Dialogue mechanisms between perpetrators and victims can be an effective instrument for achieving more comprehensive justice. This approach aligns with the values of deliberation and kinship that characterize Indonesian society.

Future sentencing policies must also strengthen the principle of individualization of criminal penalties. Judges need to be given greater latitude and clear guidelines for considering factors such as motive, economic condition, social background, and the impact of the act. Decisions produced should reflect not only legal certainty but also contextual justice. Strengthening the capacity of law enforcement officers is crucial to ensuring that discretion is used appropriately and responsibly.

Reformulation of the penal system must also consider long-term effectiveness. The excessive use of imprisonment has been proven to cause various problems, including overcrowding in correctional facilities and low levels of rehabilitation. An approach more oriented toward development and social reintegration would provide greater benefits to society. Offenders would not only be punished but also prepared to return to being productive members of society.

Future criminal sanctions for theft must fundamentally move toward a just, humane, and adaptive system. Integrating Pancasila's values of justice and progressive legal principles is the primary foundation for building a criminal justice system capable of meeting the challenges of the times. This policy direction is expected to not only create a deterrent effect but also achieve social justice, victim protection, and the ongoing improvement of perpetrators.

Strengthening the direction of criminal sanctions for theft in the future also requires reformulation of criminal justice policies based on empirical data and social needs. The author believes that criminal law policymaking cannot rely solely on a normative approach but must also consider criminological facts such as

recidivism rates, causal factors of theft, and the effectiveness of the types of punishments imposed. This data-driven approach will result in more targeted criminal justice policies that are responsive to crime dynamics.

Strengthening the role of restorative justice is a crucial element in reforming the criminal justice system in the future. The author argues that in cases of ordinary theft, especially those involving small losses, resolution through dialogue between the perpetrator and victim should be prioritized. This approach not only provides space for recovery for the victim but also encourages the perpetrator to take direct responsibility for their actions. This mechanism aligns with the values of deliberation and kinship that are hallmarks of Pancasila justice.

The importance of strengthening technical regulations is also a concern in future criminal sanction arrangements. The author believes that the existence of general norms in the National Criminal Code needs to be accompanied by more detailed sentencing guidelines to avoid disparities in decisions between judges. These guidelines could include clear parameters regarding the use of alternative punishments, criteria for imposing prison sentences, and standards for assessing the socio-economic conditions of perpetrators. Certainty in these guidelines would strengthen the consistency of law enforcement.

Optimizing alternative punishments requires infrastructure and institutional readiness. The author believes that without the support of an effective oversight system, punishments such as community service and supervision have the potential to be suboptimal. Strengthening the role of correctional institutions, correctional centers, and supervisory officers is a crucial factor in ensuring the successful implementation of these alternative punishments. An integrated system will increase the effectiveness of offender development.

Victim protection should also be a focus in future criminal sanction arrangements. The author believes that the criminal justice system should not solely focus on the perpetrator but should also guarantee reparation for victims, both in the form of compensation and psychological recovery. Integrating criminal and compensation mechanisms will create a fairer balance in the criminal justice system.

A social justice approach within the Pancasila framework demands attention to the structural factors underlying the crime of theft. The author argues that many theft cases are influenced by economic conditions, social inequality, and limited access to resources. Future criminal sanctions must take these factors into account to avoid criminalizing vulnerable groups. This approach reflects justice that is not merely repressive but also solution-oriented.

Progressive law provides the foundation for the development of a more adaptive and innovative criminal justice system. The author believes that law enforcement officials should be encouraged to boldly make legal breakthroughs within justifiable limits, particularly in selecting the most appropriate sanctions for theft

perpetrators. This flexibility will enable decisions that not only comply with written law but also satisfy the public's sense of justice.

Regular evaluation of the implementation of the National Criminal Code is essential to ensure the effectiveness of criminal sanctions. The author believes that the law must be dynamic and open to change. This evaluation can be conducted through academic studies, court decisions, and public input. The results of the evaluation will form the basis for future improvements to criminal law policy.

Strengthening the integration of criminal law and social policy is a strategic step in combating theft. The author believes that law enforcement must go hand in hand with efforts to improve public welfare, education, and employment opportunities. This approach will reduce the factors driving crime and strengthen the effectiveness of the overall criminal justice system.

Strengthening the direction of criminal sanctions for theft in the future also requires the courage to position criminal punishment as a social engineering instrument oriented toward substantive justice. The author believes that criminal law should no longer be positioned solely as a repressive tool, but rather as a means to address the root causes of crime. Theft, in many cases, does not exist in isolation but is closely linked to economic conditions, social inequality, and poor access to resources. Criminal policies that ignore these factors have the potential to create structural injustice.

The author believes that the dominance of imprisonment in practice demonstrates the failure of the criminal justice system to achieve the goal of rehabilitation. Imprisonment often worsens the perpetrator's condition, both socially and economically, thereby increasing the potential for recidivism. This situation strengthens the argument that future criminal sanctions regulations must strictly limit the use of imprisonment, particularly in cases of ordinary theft that do not have widespread consequences. Imprisonment should be considered the ultimum remedium, not the primary option.

Strengthening alternative punishments should be viewed as an urgent need, not simply a normative option. The author argues that community service and supervision have the advantage of maintaining offenders' social relationships with the community. Offenders remain within their social environment, thus increasing their opportunities for self-improvement. This approach is also more economically efficient than the cost of maintaining inmates in correctional institutions. This effectiveness provides a rationale for expanding the application of non-custodial punishments in future sentencing policies.

The author also emphasizes the importance of repositioning victims within the criminal justice system. A system solely focused on the perpetrator will ignore the rights of victims as the parties directly harmed. Future criminal sanction

regulations need to integrate restitution and compensation mechanisms as an integral part of punishment. This approach reflects a more balanced justice approach, as it not only punishes the perpetrator but also redresses the victim's losses.

Pancasila justice demands a balance between humanitarian aspects and social interests. The author believes that overly harsh punishments for thieves from economically disadvantaged backgrounds potentially contradict just and civilized humanitarian values. Sentencing must distinguish between perpetrators who commit crimes out of necessity and those who commit crimes in a planned and repeated manner. This differentiation is crucial to ensuring that the law does not become a tool of oppression against vulnerable groups.

A progressive legal approach allows judges to make legal discoveries oriented toward substantive justice. The author believes that judges' courage in exploring the values of justice inherent in society is a determining factor in the success of criminal law reform. Decisions that are too focused on the text of the law have the potential to disregard the public's sense of justice. Flexibility in interpreting the law must be utilized to produce more humane and contextual decisions.

The author also argues that the success of criminal sanction regulations is determined not only by the quality of norms, but also by the integrity and capacity of law enforcement officials. Criminal law reform must be accompanied by improvements in the quality of human resources within the criminal justice system. Without changes in mindset and legal culture, normative reforms in the National Criminal Code have the potential to have no significant impact in practice.

Consistency in the application of alternative punishments is a crucial indicator in assessing the success of the future penal system. The author believes that without a strong commitment from law enforcement officials, alternative punishments will remain a secondary option and rarely used. This situation will hinder the realization of the goal of reforming criminal law to be more humane and just. Institutional courage is needed to make alternative punishments a central part of penal practice.

Criminal sanctions for theft also need to be directed toward a prevention-based approach. The author believes that criminal law will be ineffective if it focuses solely on enforcement after the crime has occurred. Preventive efforts through social policies, education, and community economic empowerment must be an integral part of criminal policy. This approach reflects the understanding that crime cannot be resolved solely through criminal sanctions.

The future direction of criminal law reform must ultimately address the growing demands for justice in society. The author emphasizes that the ideal penal system is one that not only punishes but also reforms, rehabilitates, and prevents. Balancing the interests of the perpetrator, victim, and society must be a key

principle in every penal policy. This approach will result in a criminal law system that is not only normatively sound but also socially legitimate.

The direction of future criminal sanctions development must ultimately be able to address global challenges without losing national identity. The author emphasizes that the modernization of criminal law must remain grounded in the values of Pancasila as the nation's identity. Integrating local values with global developments will result in a criminal justice system that is not only progressive but also rooted in Indonesia's legal personality. The regulation of criminal sanctions for theft in the future must be directed towards a criminal justice system based on Pancasila justice and progressive law, emphasizing a balance between the interests of the perpetrator, the victim, and society. This system should prioritize the principle of proportionality, expand the application of alternative punishments, limit the use of imprisonment as an ultimum remedium, and integrate restorative approaches and social policies. This regulatory direction is expected to create a criminal justice system that not only provides a deterrent effect but also ensures substantive justice, victim protection, and the sustainable social reintegration of perpetrators.

4. Conclusion

Based on the research results and discussions outlined in the previous chapter, several conclusions can be formulated that address the research questions. These conclusions are systematically structured in accordance with the study's focus on the regulation of criminal sanctions for theft from the perspective of the National Criminal Code and the value of justice, and in the future. The conclusions are as follows: Regulation of Criminal Sanctions for the Crime of Ordinary Theft According to the National Criminal Code The criminal sanctions for ordinary theft in Law Number 1 of 2023 concerning the National Criminal Code represent a significant reform in the criminal justice system. The National Criminal Code not only maintains the essence of the crime of theft but also develops a more varied system of sanctions by establishing principal penalties in the form of imprisonment, detention, supervision, fines, and community service. This system provides judges with flexibility to impose more proportionate sentences according to the characteristics of the act and the perpetrator's circumstances. Reforms are also evident in the implementation of a category-based fine system that is more adaptive to the perpetrator's economic capacity and the seriousness of the crime. Furthermore, the recognition of alternative punishments such as community service and supervision demonstrates a shift in the orientation of punishment from a repressive approach to a more corrective, rehabilitative, and restorative approach. Overall, these regulations reflect efforts to achieve substantive justice by balancing the interests of perpetrators, victims, and society. Flexibility in sentencing and strengthening the principle of individualization of criminal penalties make the National Criminal Code more responsive to social

developments and the needs of modern law enforcement, thus eliminating the rigidity of the old Criminal Code. The provisions on criminal sanctions for ordinary theft in the National Criminal Code also demonstrate a shift in the sentencing paradigm, which no longer places imprisonment as the sole primary instrument. The placement of imprisonment as the ultimum remedium reflects the awareness that punishment must be used selectively and proportionally, particularly for crimes that do not have widespread impact. This approach allows for the application of more humane sanctions oriented toward improving the perpetrator's behavior. Furthermore, provisions in the National Criminal Code have opened up greater opportunities for the implementation of restorative justice as part of a modern criminal justice system. The resolution of theft cases is not solely focused on punishment, but also on restitution of the victim's losses and restoration of social relationships disrupted by the crime. This reflects the integration of Pancasila values of justice into the national criminal law system. From a criminal law policy perspective, this update demonstrates that the National Criminal Code (KUHP) has incorporated the principle of balance between legal certainty, justice, and expediency. A flexible and adaptive sentencing system allows judges to render more contextual decisions, not solely oriented toward formal legal aspects. Therefore, the regulation of criminal sanctions for ordinary theft in the National Criminal Code can be seen as a progressive step toward realizing a more just, humane, and socially just criminal law system. Regulation of Criminal Sanctions for Theft Crimes According to the Criminal Code Based on Justice Values in the Future.

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