

Reformulation of Lifetime Imprisonment Sanctions in The Criminal Code Based on Pancasila Justice Values

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Abstract. *Life imprisonment in Indonesian criminal law is still applied to serious crimes such as terrorism, narcotics, premeditated murder, and genocide. This study aims to analyze the effectiveness of the life imprisonment provision in the National Criminal Code and formulate a reconstruction based on the values of Pancasila Justice. This research uses a sociological (empirical) legal method with a qualitative approach. Data were obtained from field research and library research, including primary and secondary legal materials, as well as literature related to criminal and correctional law. The analysis was conducted using descriptive qualitative methods. The research results show that life imprisonment in Law Number 1 of 2023 still holds legitimacy as a means of protecting society against serious crimes. However, its implementation has been suboptimal due to challenges in rehabilitation, social reintegration, human rights protection, and correctional facility overcrowding.*

Keywords: *Legal Reconstruction; Life Imprisonment; National Criminal Code.*

1. Introduction

Under the 1945 Constitution of the Republic of Indonesia, Indonesia upholds the supremacy of law in every aspect of national and state life. The principle of the rule of law requires that all legal policies be formulated and implemented based on the values of justice, legal certainty, and public benefit.¹In the context of criminal law, this principle requires that the penal system be designed not only to punish the perpetrator, but also to protect society and uphold human values.

The development of national criminal law is inextricably linked to the need to align the legal system with the noble values of the Indonesian nation. Muchamad Iksan and Sri Endah Wahyuningsih emphasized that Indonesian criminal law

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

remains influenced by the positivistic paradigm inherited from the Dutch colonial era, which tends to be secular and less reflective of divine values and the nation's character. However, as a nation based on Pancasila, the formulation and implementation of criminal law should be based on the religious, social, political, and cultural values of Indonesian society. Therefore, efforts are needed to reconstruct national criminal law to be more oriented toward divine values, humanity, and substantive justice. This reconstruction is crucial for realizing a criminal justice system that emphasizes not only the punitive aspect but also reflects the social morality and justice of Pancasila in the practice of criminal law enforcement.²

In line with this thinking, Sri Endah Wahyuningsih emphasized that reforming Indonesia's substantive criminal law is a necessity that must be based on the values of the One Almighty God. According to her, the Indonesian criminal law system is still heavily influenced by secular Western legal logic, thus not fully reflecting the religious and moral dimensions that exist in Indonesian society. Criminal law reform is not only intended to replace outdated norms, but also to build a legal system capable of integrating religious values with the principles of justice. Criminal law functions not merely as a means of punishment, but also as an educational instrument aimed at improving societal behavior in accordance with the nation's moral and cultural values. This approach reinforces the urgency of reconstructing national criminal law to align it with the legal ideals of Pancasila.³

One form of criminal sanction that remains controversial in the Indonesian criminal law system is life imprisonment. This is one of the principal penalties imposed on perpetrators of certain crimes considered very serious, such as terrorism, drug offenses, premeditated murder, and other serious crimes.⁴ The very long nature of life imprisonment, even without a specific time limit, raises issues from the humanitarian aspect, the purpose of punishment, and the protection of human rights.

The idea of reforming national criminal law is also reinforced by Prof. Gunarto's view, which emphasizes the importance of balancing the interests of the state, the perpetrator, and society in the criminal justice system. In his study of the principle of balance in the draft Criminal Code (KUHP), Gunarto emphasized that national criminal law must be built on the principle of balance between protecting society and respecting the human rights of perpetrators of criminal acts. This principle requires that punishment not be solely oriented towards

²Iksan, M., & Wahyuningsih, SE (2020). Development of a perspective on criminal law and Indonesian noble values. *Legal Standing: Jurnal Ilmu Hukum*, 4(1), 178–192, p. 180

³Wahyuningsih, SE (2014). The urgency of reforming Indonesia's material criminal law based on the values of the One Almighty God. *Journal of Legal Reform*, 1(1), p. 21.

⁴Muladi & Barda Nawawi Arief, (2010) *Criminal Theories and Policies*. Bandung: Alumni, p. 156.

retribution, but also consider the rehabilitation and social reintegration of the perpetrator. This balanced approach is crucial when discussing life imprisonment, as this type of punishment has the potential to create tension between the goals of protecting society and respecting human dignity.⁵

Furthermore, in his study of sentencing attitudes oriented toward the goals of sentencing, Gunarto emphasized that judges, when imposing sentences, must consider the comprehensive goals of sentencing, namely community protection, crime prevention, offender rehabilitation, and restoration of social balance. Sentencing that only emphasizes the repressive aspect without considering the corrective and educational dimensions has the potential to ignore the value of substantive justice. In the context of life imprisonment, a goal-oriented approach to sentencing requires a critical evaluation of the effectiveness of the sentence in achieving the goals of offender rehabilitation and social reintegration.⁶

Life imprisonment raises human rights issues, particularly regarding the right to life expectancy and opportunities for social reintegration. Barda Nawawi Arief stated that excessively harsh sentences without an evaluation mechanism could conflict with humanitarian principles and the goal of prisoner rehabilitation.⁷ The condition of correctional institutions experiencing overcrowding also worsens the effectiveness of implementing life sentences, because it impacts the quality of guidance and protection of prisoners' rights.

From a criminal policy perspective, the effectiveness of life imprisonment in preventing crime is often questioned. Andi Hamzah argues that the severity of the penalty does not always directly correlate with the level of crime prevention, as social, economic, and cultural factors also influence criminal behavior.⁸ Therefore, the existence of life imprisonment needs to be reviewed so that it does not only emphasize the aspect of retribution, but also considers effectiveness, usefulness, and substantive justice.

These weaknesses demonstrate that life imprisonment requires evaluation and reconstruction within the framework of the national penal system. From the perspective of Pancasila justice, every form of punishment must still allow for the perpetrator's improvement and the restoration of social balance.

In practice, life imprisonment demonstrates a number of weaknesses that pose serious problems in the national penal system. One major weakness lies in the

⁵Gunarto. (2018). The principle of balance in the concept of the Draft Criminal Code. *Law Tribune*, 30(2), p. 205.

⁶Gunarto. (2016). Attitudes towards sentencing that are oriented towards the purpose of sentencing. *Journal of Law*, 23(3), p. 412.

⁷Arief, BN (2010). *Legislative Policy in Combating Crime with Imprisonment*. Semarang: UNDIP Publishing Agency, p. 27.

⁸Hamzah, A. (2008). *Principles of Criminal Law*. Jakarta: Rineka Cipta, p. 194.

loss of rehabilitation and social reintegration for convicts. Life imprisonment essentially places a person in a condition of serving an indefinite sentence until the end of their life, severely limiting their opportunities for reintegration into society. This situation contradicts the development of modern penal goals, which prioritize the development and rehabilitation of offenders as a primary goal. Muladi emphasized that a modern penal system must be oriented toward resocialization of offenders so that inmates retain the hope of improving themselves and returning to being useful members of society.⁹

Life imprisonment also raises issues from a human rights perspective. Sentencing carried out without certainty regarding evaluation or the possibility of sentence reduction has the potential to diminish the inmate's life expectancy. Such a situation can be seen as contradicting the principles of just and civilized humanity as embodied in the values of Pancasila. Barda Nawawi Arief stated that overly repressive sentencing and the failure to provide opportunities for development can result in the loss of the humanitarian dimension in criminal law.¹⁰ Therefore, the existence of life imprisonment needs to be reviewed so that it is not solely oriented towards revenge.

Another weakness relates to the effectiveness of life imprisonment in deterring crime. The severity of the penalty does not always translate directly into a decrease in crime rates. In practice, many serious crimes continue to occur despite the severity of the penalties imposed. Andi Hamzah explained that the effectiveness of punishment is not solely determined by the severity of the sentence but is also influenced by social, economic, and cultural factors, as well as the effectiveness of law enforcement itself.¹¹ Life imprisonment is not necessarily an effective solution in crime prevention policies.

Life imprisonment also creates problems in Indonesia's correctional system, particularly in relation to overcrowding in prisons. Inmates sentenced to life sentences tend to be held in prisons for very long periods, increasing the burden on the state in providing rehabilitation facilities, healthcare, and fulfilling prisoners' rights. Overcrowding in prisons ultimately leads to a decline in the quality of rehabilitation and the protection of prisoners' human rights.¹²

From the perspective of Pancasila justice, life imprisonment is also seen as not fully reflecting the balance between protecting society and respecting human dignity. Pancasila requires a penal system that emphasizes not only retribution but also prioritizes humanitarian values, social justice, and opportunities for improvement for perpetrators of criminal acts. Satjipto Rahardjo emphasized

⁹Muladi. (2002). *Conditional Penal Institution*. Bandung: Alumni, p. 15.

¹⁰Barda Nawawi Arief. (2010). *Anthology of Criminal Law Policy*. Jakarta: Kencana, p. 34.

¹¹Andi Hamzah. (2019). *The Indonesian Criminal and Penal System*. Jakarta: Sinar Grafika, p. 72.

¹²Bambang Tri Bawono. (2021). *Correctional Law and Protection of Prisoners' Rights*. Semarang: Pustaka Magister, p. 91.

that the law must be positioned as a means to humanize people and realize substantive justice in society.¹³ The regulation of life imprisonment requires reconstruction to be more in line with the modern sentencing paradigm and the Pancasila values of justice.

Based on the background description and discussion above, the author is encouraged to conduct further studies in the form of a thesis entitled: "Reformulation of Life Imprisonment Sanctions in the Criminal Code Based on Pancasila Justice Values" according to the author, the existence of life imprisonment in the National Criminal Code raises philosophical and legal problems related to the fulfillment of humanitarian values, the effectiveness of punishment, and the guarantee of human rights, so that it requires reconstruction based on Pancasila justice.

2. Research Methods

This research employs a sociological (empirical) legal method, which examines law not only as norms written in legislation, but also as social behavior that is applied and functions in society. The approach used is a qualitative one, which aims to deeply understand legal phenomena through observations of the practices, interactions, and experiences of the parties involved in law enforcement. This approach allows researchers to obtain a comprehensive picture of the effectiveness of law enforcement in social reality.

The research data sources consist of primary and secondary data. Primary data is obtained directly through field research, particularly from law enforcement officials, related parties, and informants relevant to the research object. Secondary data includes primary legal materials in the form of laws and court decisions related to the research object, secondary legal materials in the form of books, scientific journals, and expert opinions, and tertiary legal materials such as legal dictionaries and encyclopedias. The use of both types of data aims to produce a comprehensive analysis, from both empirical and normative aspects.

Data collection was conducted through interviews, observations, and documentation studies. Interviews were used to obtain information directly from sources, observations were conducted to understand legal conditions and practices in the field, and documentation studies were used to review various documents relevant to the research. All data obtained were analyzed qualitatively through the stages of data reduction, data presentation, and inductive conclusion drawing. Analysis was conducted continuously throughout the research process, resulting in systematic and in-depth

¹³Satjipto Rahardjo. (2009). *Progressive Law: A Synthesis of Indonesian Law*. Yogyakarta: Genta Publishing, p. 56.

findings regarding the implementation of law in society.

3. Results and Discussion

3.1. The Effectiveness and Regulation of Life Imprisonment Sanctions in the Indonesian Criminal Justice System According to the National Criminal Code

The provision of life imprisonment in the Indonesian criminal justice system, based on Law Number 1 of 2023 concerning the Criminal Code, demonstrates that this penalty remains a primary punishment for crimes deemed extremely serious and endangering society. The existence of life imprisonment in the National Criminal Code reflects a criminal law policy that prioritizes protecting society from perpetrators of serious crimes, such as premeditated murder, narcotics offenses, terrorism, genocide, and crimes against state security. This provision demonstrates that the state still views life imprisonment as a necessary repressive instrument to maintain social order and provide a deterrent effect for perpetrators of serious crimes.

Article 64 of Law Number 1 of 2023 establishes imprisonment as one of the principal penalties in the national penal system. The position of life imprisonment as the principal penalty demonstrates that this type of punishment has strong legal legitimacy in the Indonesian criminal law system. The new penal system in the National Criminal Code also demonstrates a paradigm shift from a retributive approach to a more rehabilitative, restorative, and humanistic approach, as reflected in the objectives of penalization in Article 51 of the National Criminal Code. This provision emphasizes that penalization is not only aimed at providing retribution, but also at protecting society, developing perpetrators, resolving conflicts, restoring social balance, and creating a sense of peace in society.

The effectiveness of life imprisonment in the Indonesian criminal justice system can be analyzed using Soerjono Soekanto's theory of legal effectiveness, which emphasizes five main factors: legal factors, law enforcement factors, facilities or infrastructure factors, societal factors, and legal culture factors. These five factors are important indicators in assessing whether a legal provision can be implemented effectively in law enforcement practice.

Legal factors indicate that the provision of life imprisonment in the National Criminal Code has a clear legal basis. This provision provides certainty regarding the status of life imprisonment as a principal punishment and links it to the objectives of modern criminal justice. The sentencing system in the National Criminal Code also adopts the principle of individualization of punishment and a humanization approach to criminal law. This clarity of regulation indicates that, from a normative perspective, life imprisonment has legitimacy within the national legal system.

The issue of effectiveness arises when life imprisonment is linked to the goals of rehabilitation and social reintegration within the correctional system. Life imprisonment essentially leaves inmates without certainty about the end of their sentence, potentially diminishing their hope for life and their motivation to improve themselves. The correctional system's goal of developing inmates into reintegrating into society becomes difficult to achieve if inmates lack the opportunity for real social reintegration.

Law enforcement factors also influence the effectiveness of life imprisonment. Judges play a crucial role in determining whether life imprisonment is appropriate for a particular crime. The principle of individualization of punishment in the National Criminal Code requires judges to consider the level of culpability, motive, social circumstances, and potential rehabilitation of the offender before imposing a sentence. The practice of imposing life imprisonment solely focused on retribution potentially contradicts the goals of modern criminal justice, which emphasizes a balance between protecting society and rehabilitating the offender.

Factors related to facilities and infrastructure demonstrate that the effectiveness of life imprisonment also faces serious challenges in the Indonesian correctional system. Overcrowding in correctional institutions results in suboptimal rehabilitation of inmates. Life inmates serving very long sentences also place a heavy burden on correctional facilities. Limited facilities, inadequate staffing, and overcrowded prisons make it difficult to achieve rehabilitation goals.

Societal factors indicate that life imprisonment still enjoys social legitimacy because society views it as a form of protection against serious crimes. Public perceptions of perpetrators of serious crimes generally emphasize the importance of harsh punishment as a form of justice. This view contributes to the continued relevance of life imprisonment in maintaining public order and security.

Legal culture factors indicate that the Indonesian criminal justice system is undergoing a paradigm shift toward a more humanistic and restorative approach. The development of the concepts of restorative justice and rehabilitative justice demonstrates a shift in the orientation of criminal law from punishment to social recovery. In this context, life imprisonment is beginning to be viewed as flawed because it is inconsistent with the principles of social reintegration and prisoner development.

The disadvantages of life imprisonment are evident in the loss of life expectancy for prisoners, ineffective rehabilitation, potential human rights violations, and the lack of certainty regarding regular sentencing evaluations. Life inmates serve their sentences without any certainty of when their sentence will end, which can cause severe psychological stress. This situation contradicts the principles of

correctional services, which aim to rehabilitate and reintegrate prisoners into society.

The Pancasila Justice perspective also demonstrates that life imprisonment poses a challenge in striking a balance between protecting society and respecting human dignity. Pancasila Justice requires that the penal system be not merely repressive but also consider humanitarian aspects, rehabilitation, and social recovery. Imposing life imprisonment without an evaluation mechanism and opportunities for social reintegration potentially contradicts humanitarian values and the developmental goals of the national criminal justice system.

Based on Soerjono Soekanto's theory of legal effectiveness, the effectiveness of life imprisonment in the Indonesian criminal justice system has not been fully achieved. While normative aspects have provided a clear legal basis for the regulation of life imprisonment in the National Criminal Code, the implementation of this punishment in practice still faces various obstacles, particularly related to the effectiveness of rehabilitation, conditions in correctional institutions, human rights protection, and the goal of social reintegration.

This situation indicates that the provision of life imprisonment in the National Criminal Code still requires a reconstruction of criminal law policy that is more oriented towards humanitarian values and Pancasila Justice. This reform can be achieved by strengthening the criminal evaluation mechanism, providing more concrete rehabilitation opportunities, and developing a criminal justice system that emphasizes rehabilitative and restorative approaches. This approach is crucial to ensuring that the national criminal justice system not only protects society but also respects human dignity and the goals of reform in modern criminal law.

The author's perspective on the effectiveness and regulation of life imprisonment in the Indonesian criminal justice system under the National Criminal Code indicates that this punishment remains relevant as an instrument for protecting society against serious and extraordinary crimes. Crimes such as terrorism, premeditated murder, genocide, and large-scale narcotics crimes are forms of crime that have a broad impact on public security and order, so the state still requires a firm criminalization mechanism to provide social protection. The position of life imprisonment as the principal punishment in Law Number 1 of 2023 indicates that lawmakers still view this punishment as an important tool in national criminal law policy.

The author believes that the effectiveness of life imprisonment cannot be measured solely by the repressive aspect or severity of the punishment imposed on the perpetrator of the crime. Life imprisonment cannot be measured solely by the repressive aspect or severity of the punishment imposed on the perpetrator

of the crime. The effectiveness of the punishment must be assessed based on whether or not the objectives of punishment as stipulated in Article 51 of the National Criminal Code have been achieved, namely community protection, perpetrator development, conflict resolution, restoration of social balance, and the creation of a sense of peace in society. In practice, life imprisonment actually shows an imbalance between the objectives of community protection and the objectives of prisoner rehabilitation.

The author assesses that life imprisonment is still predominantly oriented toward the retributive paradigm, a form of punishment that is still very much oriented toward the retributive paradigm. The nature of punishment, which is carried out indefinitely, causes prisoners to lose hope of returning to a normal social life. This situation has the potential to eliminate motivation for development and contradicts the concept of corrections, which positions prisoners as human beings who must be improved and prepared for social reintegration.

The author's view also emphasizes that the modern criminal justice system in the National Criminal Code has actually moved toward a rehabilitative and restorative approach. The presence of the objective of punishment in Article 51 of the National Criminal Code demonstrates a humanizing orientation toward criminal law, which places social development and recovery as a crucial component of criminal law enforcement. The application of life imprisonment without a regular criminal evaluation mechanism makes it difficult to achieve this rehabilitation objective.

In practice, life imprisonment has the potential to raise human rights issues, particularly related to the loss of life expectancy and uncertainty about the future of prisoners. Life prisoners serve their sentences for an indefinite period without any guarantee of evaluation of their behavioral development and the success of the correctional program. This situation tends to make life imprisonment absolute and less reflective of the principle of individualization of punishment in modern criminal law.

The effectiveness of life imprisonment, based on Soerjono Soekanto's theory of legal effectiveness, demonstrates that normative legal factors have been met through the provisions of the National Criminal Code. However, law enforcement, correctional facilities, legal culture, and rehabilitation effectiveness still face various obstacles in their practical implementation. Overcrowding in correctional institutions, limited rehabilitation facilities, and a lack of criminal evaluation mechanisms mean that the effectiveness of life imprisonment has not been able to optimally achieve its sentencing objectives.

The author believes that the Pancasila Justice perspective also requires a balance between protecting society and respecting human dignity. The criminal justice system should not solely focus on punishment but should also provide

opportunities for criminals to develop and hope for change. The humanitarian values of Pancasila teach that every human being, including prisoners, has the right to humane treatment and the opportunity to improve themselves.

The author ultimately asserts that the provision of life imprisonment in the National Criminal Code still requires a reconstruction of criminal law that is more oriented towards humanitarian values and rehabilitation goals. This reconstruction can be achieved through the establishment of a mechanism for periodically evaluating sentences for life inmates, providing opportunities for sentence changes based on the inmate's behavioral development, and strengthening rehabilitative and restorative justice approaches within the correctional system. Such reform is crucial to ensure that the national penal system not only provides protection to the community but also remains aligned with the goals of modern penal law, human rights principles, and the values of Pancasila Justice.

Based on this description, the effectiveness of life imprisonment in the Indonesian criminal justice system under the National Criminal Code has not been optimally implemented. While normative regulations have provided legal legitimacy for life imprisonment as the primary punishment for serious crimes, its implementation still faces various obstacles, particularly those related to the goals of rehabilitation, social reintegration, human rights protection, and the effectiveness of the correctional system. This situation indicates the need for a reconstruction of criminal law policy that is more oriented towards humanitarian values, Pancasila Justice, and the objectives of modern punishment in the National Criminal Code.

3.2. Reconstruction of the Criminal Sanction of Life Imprisonment in the National Criminal Code to Conform to the Values of Pancasila Justice

Reconstructing the life imprisonment penalty in the National Criminal Code is a crucial requirement for reforming Indonesian criminal law. The development of the modern criminal law paradigm demonstrates that the sentencing system is no longer solely oriented toward retribution against perpetrators of criminal acts, but must also consider humanitarian aspects, rehabilitation, social reintegration, and the protection of human rights. In practice, life imprisonment still exhibits a dominant repressive character because prisoners serve their sentences without certainty regarding the final term and without a clear evaluation mechanism for the development of prisoners' behavior during their rehabilitation.

This situation demonstrates that the provision of life imprisonment in the National Criminal Code still requires reconstruction to better align with the goals of modern criminal justice and the values of Pancasila Justice. The humanitarian values of Pancasila recognize humans as beings with dignity and the right to

opportunity for self-improvement. Therefore, the penal system must not be merely an instrument of state punishment but also a means of social development and recovery.

According to the author, the reconstruction of life imprisonment should be directed at shifting the sentencing paradigm from an absolute approach to a more humane and rehabilitative one. Life imprisonment can be maintained as a form of community protection against serious and extraordinary crimes, but its implementation needs to be accompanied by a mechanism for regular evaluation of prisoners. Such evaluations are crucial for assessing behavioral development, the success of rehabilitation, the level of legal awareness, and the possibility of social reintegration.

The author believes that a criminal evaluation mechanism for life inmates could be implemented after the inmate has served a specified period, for example, 15 years or 20 years of correctional service. This evaluation would be conducted by an institution involving judges, correctional officers, psychologists, and community members to assess whether the inmate has demonstrated behavioral changes and is deserving of a modified sentence. This approach would strike a balance between protecting society and respecting human dignity.

The reconstruction of life imprisonment also needs to be directed at strengthening the principle of individualization of punishment in the National Criminal Code. The imposition of life imprisonment should not be based solely on the severity of the crime, but should also consider the perpetrator's motives, level of culpability, social circumstances, age, rehabilitation opportunities, and potential for future behavioral change. This approach is crucial to ensure that sentencing is not rigid and still allows for substantive justice.

The concept of individualized punishment aligns with the objectives of punishment as outlined in Article 51 of the National Criminal Code, which emphasizes the development of offenders and the restoration of social balance. An overly repressive punishment system that ignores the personal development of inmates has the potential to conflict with the humanization of criminal law, which is currently the focus of national criminal law reform.

The author also believes that the reconstruction of life imprisonment requires adopting rehabilitative justice and restorative justice approaches as part of a modern penal system. Rehabilitative justice positions punishment as a means of correcting the behavior of criminals through mental, social, and moral development. Restorative justice emphasizes the restoration of social relationships between perpetrators, victims, and the community. This approach is more in line with the character of Indonesian national law, which is based on the values of family and deliberation as stated in Pancasila.

The Pancasila Justice perspective demonstrates that criminal law must strike a

balance between legal certainty, justice, and social benefit. The principle of Just and Civilized Humanity requires that prisoners be treated as human beings with the right to humane treatment. The principle of Social Justice for All Indonesians also requires that the penal system not create excessive suffering and still provide prisoners with opportunities for self-improvement.

The author believes that life imprisonment without a mechanism for periodic sentencing evaluations potentially conflicts with humanitarian values and correctional principles. Life-sentenced prisoners lose certainty about their future and opportunities for social reintegration, which can lead to psychological stress and diminish motivation for reform. A correctional system aimed at reforming prisoners becomes difficult to achieve if they lack the hope of reintegrating into society.

Reconstruction of life imprisonment also needs to be directed at strengthening a more rehabilitative correctional system. Prisoner development programs should focus on education, job training, mental health development, and strengthening legal awareness so that prisoners are prepared for social reintegration if they meet the requirements for criminal evaluation. This approach will reinforce the purpose of corrections as a means of development, not simply a place of punishment.

The author believes that the reconstruction of life imprisonment in the National Criminal Code can be achieved through changes to legal norms that allow for the conversion of life imprisonment to a fixed-term prison sentence based on the results of an evaluation of the inmate's development. This mechanism can strike a balance between protecting society and respecting human rights. The state retains the authority to impose heavy sentences on perpetrators of serious crimes, but inmates are still given the opportunity to demonstrate behavioral change and achieve limited social reintegration.

This reconstruction approach can also reduce the problem of correctional overcrowding, a long-standing weakness of Indonesia's penal system. Inmates who have demonstrated successful rehabilitation can receive opportunities for sentence modification, thereby better managing the capacity of correctional institutions. The correctional system will be more effective if rehabilitation is oriented towards rehabilitation and real social reintegration.

Based on this description, the reconstruction of the life imprisonment penalty in the National Criminal Code to align with the values of Pancasila Justice must be directed at establishing a more humane, rehabilitative, and socially reintegrative penal system. This reconstruction can be carried out through a mechanism for periodic criminal evaluation, strengthening the principle of individualization of criminal penalties, developing rehabilitative and restorative justice approaches, and providing opportunities for sentence changes based on the development of

the inmate's behavior. This approach is crucial so that the national criminal law system is not only able to protect society from serious crimes, but also continues to uphold the values of humanity, human rights, and the objectives of modern penalization in accordance with the values of Pancasila Justice.

The author believes that the reconstruction of life imprisonment in the National Criminal Code must also be accompanied by the establishment of criminal law policies that are more adaptive to societal developments and the dynamics of modern law enforcement. A criminal justice system that overemphasizes permanent punishment without considering changes in the perpetrator's behavior has the potential to create substantive injustice. Modern criminal law no longer positions punishment solely as a means of retribution, but rather as an instrument to create social balance and encourage behavioral improvements for perpetrators of criminal acts.

The author believes that the concept of punishment in the National Criminal Code has actually opened up space for a more humanistic approach through the objectives of punishment outlined in Article 51 of the National Criminal Code. This provision emphasizes that punishment aims to socialize convicts and resolve social conflicts. This goal is difficult to achieve if life imprisonment remains absolute without a mechanism for reviewing prisoners' progress during their correctional stays.

The policy of reconstructing life imprisonment must also consider the principle of proportionality in sentencing. Sentencing must balance the severity of the offender's culpability with the goal of protecting society. A sentencing system that is too harsh and does not provide opportunities for rehabilitation has the potential to create excessive suffering and contradicts the principles of humanity in modern criminal law.

The author believes that a periodic criminal evaluation mechanism can be a concrete way to implement the principles of proportionality and individualization of punishment. Such evaluations do not necessarily abolish life imprisonment, but rather provide the state with an opportunity to reassess whether the purpose of punishment remains relevant and warrants maintaining it as a permanent form of punishment. Inmates who remain considered a danger to society may continue serving life sentences, while inmates who demonstrate significant behavioral changes may be given the opportunity for a change in sentence based on strict legal considerations.

According to the author, the Pancasila Justice perspective also requires a balance between the interests of victims, perpetrators, and society. Protection of the community remains a top priority in the criminal justice system, but this protection must not diminish the humanity of perpetrators. A criminal justice system in accordance with Pancasila must be able to simultaneously create

corrective, rehabilitative, and restorative justice.

A restorative justice approach to the reconstruction of life imprisonment can be realized by strengthening the role of social development and restoring community relationships while the inmate is serving his or her sentence. This development is crucial for building legal awareness, moral responsibility, and the inmate's readiness to return to an orderly life in society if they meet the requirements for social reintegration. Thus, the correctional system functions not only as a place of punishment but also as a means of behavioral transformation and social recovery.

The author also believes that the reconstruction of life imprisonment must be accompanied by strengthening regulations regarding the rights of prisoners within the correctional system. Life prisoners retain the right to guidance, health services, education, mental health development, and humane treatment, as guaranteed by human rights principles. Fulfilling these rights is a crucial part of realizing a just and humanitarian-oriented penal system.

The overcrowding of correctional institutions is also a significant reason for the need to reconstruct life imprisonment. Inmates serving indefinite sentences increase the capacity of correctional institutions and reduce the effectiveness of correctional programs. Reconstructing penal policy through evaluation mechanisms and opportunities for sentence modification could be a solution to reduce the burden on correctional institutions without eliminating their role in protecting the public from serious criminal offenses.

The author ultimately asserts that the reconstruction of the life imprisonment penalty in the National Criminal Code must be directed toward establishing a more progressive, humane, and Pancasila-based criminal law system. An ideal penal system should not only provide a sense of security to the public but also safeguard human dignity and provide opportunities for change for inmates. This reconstruction is a crucial part of realizing national criminal law reform that aligns with modern legal developments, human rights principles, and the philosophical values of the Indonesian nation.

The reconstruction of life imprisonment in the National Criminal Code also needs to consider developments in the penal system in other countries that have adopted a more humane and rehabilitative approach. Comparative criminal law analysis is crucial to identify sentencing models that protect the public while maintaining human rights and the goal of prisoner rehabilitation. Several countries have developed mechanisms for evaluating sentences and providing opportunities for social reintegration for life inmates, which can serve as references for reforming Indonesian criminal law.

1. German

The German criminal justice system regulates life imprisonment with a more humanistic approach and is oriented toward protecting human rights. The German Federal Constitutional Court has emphasized that life prisoners must retain the "hope of release" as part of respect for human dignity. Therefore, German criminal law provides a mechanism for reviewing life sentences after the prisoner has served approximately 15 years.

This mechanism allows the court to assess the inmate's behavioral development, level of risk to the community, and the success of the rehabilitation program. Inmates deemed no longer a danger to the community can be granted conditional release with certain supervision. This system demonstrates that protecting society can coexist with respect for human values.

A correlation that can be adopted in the Indonesian criminal justice system is the importance of providing a mechanism for periodic sentencing evaluation for life inmates. Indonesia could adopt the concept of the "right to hope," or the right to hope for a change in sentence, as part of the humanitarian principle of Pancasila Justice. An evaluation mechanism after a certain sentence, for example, 15 or 20 years, could provide a balance between legal certainty, community protection, and respect for human rights.

2. Dutch

The Dutch criminal justice system has also undergone developments in the application of life imprisonment. Initially, life sentences in the Netherlands were absolute, with no possibility of release. However, developments in European human rights law prompted the Netherlands to reform by establishing a review mechanism for life sentences.

The Dutch government currently implements an evaluation mechanism for life inmates after serving 25 years of their sentences. This evaluation is conducted to assess the inmate's psychological condition, behavioral development, risk of recidivism, and readiness for social reintegration. This approach demonstrates that the modern penal system no longer positions punishment solely as permanent retribution, but also as a means of rehabilitation and social transformation.

A correlation that can be applied in Indonesia is strengthening the prisoner development system as a basis for criminal evaluation. The Indonesian correctional system could adopt a more measurable development model through psychological assessments, education, job training, and regular evaluations of inmate behavior. This approach would strengthen the function of correctional institutions as places of rehabilitation, rather than simply places of punishment.

This perspective aligns with the view of Prof. Dr. Moh. Mahfud MD, who stated

that in law enforcement practice, there is often a conflict between legal certainty, justice, and utility. According to Mahfud MD, the law should not be solely oriented towards normative certainty if its application actually creates substantive injustice in society. Law enforcers are required to be able to find a balance between the legal text and the sense of justice that exists in society so that the law does not lose its social legitimacy. In the context of life imprisonment, legal certainty does require the implementation of the sentence as imposed by the court, but substantive justice requires an assessment of the prisoner's development and the possibility of changing his behavior after undergoing long-term rehabilitation.

Mahfud MD's view is relevant to the concept of Pancasila Justice, which does not place the law in a rigid and formalistic manner, but rather as a means of realizing humanity and social justice. If a prisoner has demonstrated significant behavioral changes, has a high level of legal awareness, and is no longer a danger to society, maintaining an absolute life sentence has the potential to create substantive injustice. Conversely, if the prisoner still poses a high level of danger, protecting society must remain a top priority.

Based on this description, the author argues that the reconstruction of life imprisonment in the National Criminal Code must be directed at harmonizing the goals of restorative justice, correctional principles, and the values of Pancasila Justice. This harmonization can be realized through a mechanism for periodic criminal evaluation, strengthening the individualization of criminal sentences, providing opportunities for changing the form of punishment based on the results of development, and strengthening rehabilitation and social reintegration programs. Thus, life imprisonment continues to function as an instrument of community protection against serious crimes, but does not eliminate the right of prisoners to obtain the opportunity to improve themselves in accordance with the humanitarian values that are the basis of the Pancasila philosophy.

4. Conclusion

1. The Effectiveness and Regulation of Life Imprisonment Sanctions in the Indonesian Criminal Justice System According to the National Criminal Code: The provision of life imprisonment in Law Number 1 of 2023 remains the primary penalty for serious crimes such as terrorism, premeditated murder, genocide, and narcotics. Normatively, this punishment has legal legitimacy as a means of protecting society and upholding social order. The implementation of life imprisonment in practice has been ineffective due to ongoing obstacles in law enforcement, the correctional system, rehabilitation, and human rights protection. The absence of a sentencing evaluation mechanism, limited opportunities for social reintegration, and overcrowding in correctional institutions make it difficult to achieve optimal prisoner development goals. The

Pancasila Justice perspective emphasizes that the penal system must consider humanitarian values, rehabilitation, and social recovery, and not solely focus on retribution. Therefore, the life imprisonment in the National Criminal Code still requires reconstruction through criminal evaluation mechanisms, enhanced rehabilitation, and a restorative approach to align with the goals of modern penal law and the values of Pancasila Justice. 2. Reconstruction of the Criminal Sanction of Life Imprisonment in the National Criminal Code to Conform to the Values of Pancasila Justice: The reconstruction of life imprisonment in the National Criminal Code needs to be directed toward a more humane, rehabilitative, and social reintegration-oriented sentencing system in accordance with the values of Pancasila Justice. Life imprisonment can still be maintained for serious crimes, but its implementation needs to be accompanied by a regular evaluation mechanism, strengthening the principle of individualization of punishment, and the application of rehabilitative and restorative justice. The paradigm shift from the retributive-oriented old Criminal Code to the National Criminal Code, which emphasizes development, demands a correction of the absolute nature of life imprisonment, which does not provide room for evaluation of inmates' development. In line with Prof. Mahfud MD's view on the importance of balancing legal certainty, justice, and expediency, the criminal justice system must continue to protect society while providing opportunities for inmates who have demonstrated behavioral change. Therefore, the reconstruction of life imprisonment is crucial to realizing a criminal justice system that is fairer, more proportional, and aligned with the goals of modern criminal justice and the values of Pancasila Justice.

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