



# HARMONIZATION OF PANCASILA VALUES IN THE OBJECTIVES OF PUNISHMENT UNDER THE NATIONAL CRIMINAL CODE

Doni Surya Saputra<sup>1</sup>, Adlina Agis Pratiwi<sup>2</sup>

<sup>1,2</sup>Universitas Pamulang, Indonesia

[\\*donisuryasaputra82@gmail.com](mailto:donisuryasaputra82@gmail.com)<sup>1</sup>

[\\*adlinaadel24@gmail.com](mailto:adlinaadel24@gmail.com)<sup>2</sup>

Alamat: Jalan Raya Puspiptek No. 46, Kelurahan Buaran, Kecamatan Pamulang, Kota Tangerang Selatan, Banten 15316

Korespondensi penulis: [donisuryasaputra82@gmail.com](mailto:donisuryasaputra82@gmail.com)

**Abstract.** The enactment of Law Number 1 of 2023 concerning the Criminal Code marks a pivotal moment in Indonesia's effort to reform and decolonize its national penal system. Among its most significant departures from prior codifications beyond the elimination of the misdemeanor category is the removal of capital punishment as a primary sanction. This measure reflects a longstanding view that the death penalty is incompatible with Indonesian cultural values and, by extension, inconsistent with Pancasila as the supreme source of national law. This study investigates Pancasila's function as the philosophical cornerstone in structuring the criminal justice system and defining the purposes of punishment within the National Criminal Code. Employing normative legal research through statutory and conceptual approaches, the findings reveal that the open character of Pancasila ideology accommodates an explicit legislative articulation of penal objectives embracing retributive, corrective, rehabilitative, and restorative orientations simultaneously. Article 51 of the new Criminal Code further demonstrates substantive congruence with Pancasila's five principles: (1) the preventive objective embodies the Second Principle on just and civilized humanity; (2) the social reintegration of convicts is anchored in the Fifth Principle of social justice; (3) conflict resolution reflects the Third and Fourth Principles on national unity and deliberative democracy; and (4) cultivating genuine remorse in offenders expresses the First Principle of belief in the One Almighty God. Taken together, the national criminal law reform has successfully elevated Pancasila from an abstract foundational norm into a functioning normative guide for the conduct of criminal justice.

**Keywords:** Pancasila, criminal law, purposes of punishment, National Criminal Code, penal reform

## 1. INTRODUCTION

Indonesia's legal system, commonly characterized as the Pancasila Rule of Law State, rests on a philosophical foundation that fundamentally distinguishes it from both the Continental European Rechtsstaat tradition and the Anglo-American rule of law paradigm. Pancasila operates not merely as the national philosophy, but also as state ideology and the supreme fundamental norm (staatsfundamentalnorm) that permeates every dimension of national and state life, including the legal order<sup>1</sup>. In its capacity as the source of all legal sources, Pancasila constitutes a normative-constitutive

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<sup>1</sup> Atmoredjo, S. (2016). Ideologi Hukum Indonesia: Kajian Tentang Pancasila Dalam Perspektif Ilmu Hukum Dan Dasar Negara Indonesia. Yogyakarta: Lingkar Media Yogyakarta.

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\*Corresponding author, [donisuryasaputra82@gmail.com](mailto:donisuryasaputra82@gmail.com)

framework of belief that determines the direction, substance, and purpose of every piece of national legislation.

Criminal law, as an integral component of the national legal system, is not exempt from this ideological imperative. The endeavor to reform criminal law traces back to 1964, driven by an awareness that the inherited colonial *Wetboek van Strafrecht* (WvS) although formally nationalized through Law Number 1 of 1946 remained substantively anchored in colonial legal science and paradigms<sup>2</sup>. This extended reform process, spanning more than five decades, finally reached its culmination with the enactment of Law Number 1 of 2023 on the National Criminal Code.

The central legal problem addressed in this study is the gap between Pancasila's abstract normative status as the *grundnorm* of the Indonesian legal order and its concrete operationalization within the new Criminal Code's theory of punishment. While Pancasila has long been invoked as a philosophical source of law, its five principles have often remained at the level of rhetorical symbolism rather than functioning as enforceable guides for judicial sentencing, correctional policy, or legislative drafting. Prior to the 2023 Codification, the colonial-era criminal code contained no explicit articulation of penal objectives, leaving judges to rely on implicit retributive or deterrent rationales that were not necessarily aligned with local cultural and religious values. The absence of a statutory statement of punishment's purposes created legal uncertainty and inconsistent sentencing practices, and more fundamentally, it raised the question of whether Indonesia's criminal justice system could truly claim to be rooted in its own state ideology.

The harmonization of Pancasila values within the new Criminal Code is therefore not merely a symbolic exercise but a substantive legal requirement. Harmonization, in this context, refers to the process of translating each of the five Pancasila principles, Belief in the One Almighty God, Just and Civilized Humanity, the Unity of Indonesia, Democracy guided by wisdom in deliberation/representation, and Social Justice for all Indonesian people into the normative content of penal

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<sup>2</sup> Arief, B. N. (2009). *RUU KUHP baru: Sebuah restrukturisasi/rekonstruksi sistem hukum pidana Indonesia*. Badan Penerbit, Universitas Diponegoro.

provisions, especially those defining the aims of punishment. This process demands that the new code reject purely retributive or utilitarian models inherited from Western legal traditions and instead construct a hybrid model that integrates spiritual rehabilitation, social reintegration, conflict resolution through deliberation, and preventive deterrence within a single coherent framework. The challenge lies in ensuring that these multiple objectives do not contradict each other in practice and that they can be prioritized consistently by law enforcement authorities, judges, and correctional officials.

One of the most transformative innovations in this new codification is the explicit articulation of the purposes of punishment in Article 51. This legislative step signals a paradigmatic shift away from a purely retributive-punitive system toward a more comprehensive framework encompassing preventive, rehabilitative, restorative, and even spiritual dimensions<sup>3</sup>. Such an articulation cannot be separated from Pancasila's values as the national ideology, which demand a balance between religious morality, humanity, unity, democracy, and social justice<sup>4</sup>.

Prior scholarship has examined the relationship between Pancasila ideology and national criminal law reform from various angles: some studies have highlighted the need to translate Pancasila values into criminal law norms; others have explored Pancasila ideology as the bedrock of penal objectives; and still others have analyzed the integration of restorative justice paradigms into draft criminal code provisions, or outlined new punishment paradigms featuring alternative sanctions. However, research that comprehensively maps Article 51 of the National Criminal Code against each of the five Pancasila principles in detail remains limited. Accordingly, this study aims to analyze Pancasila as the philosophical foundation for constructing the criminal justice system and for articulating penal objectives within the National Criminal Code, tracing the substantive linkages between the normative formulation of Article 51 and the values embedded in each Pancasila principle.

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<sup>3</sup> Yoesuf, M. (2024). Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Sistem Hukum Pidana Baru Di Indonesia. *Mewujudkan Sistem Hukum Nasional Berbasis Pancasila. Fakultas Hukum Universitas*, 17.

<sup>4</sup> Mahmud, A. (2018). Transformasi Nilai-Nilai Pancasila Dalam Pembaharuan Hukum Pidana Nasional. *Jurnal Hukum Mimbar Justitia*, 4(1), 1-21.

## 2. TEORITICAL REVIEW

Pancasila, as state ideology, constitutes a constitutional identity that distinguishes Indonesia from other nations lacking a crystallized fundamental norm as the basis for the formation and enforcement of law. Legally, Pancasila has been recognized as state ideology, which carries the imperative that all laws operative within Indonesian territory must likewise adhere to Pancasila's ideological framework<sup>5</sup>. Consequently, the development of law including criminal law must be oriented toward the values enshrined in each of Pancasila's five principles.

Pancasila serves as a paradigm for legal development, functioning as the reference point for all legal thought, attitudes, actions, and activities in Indonesia. As a legal ideology, Pancasila crystallizes the nation's collective mindset and disposition into a coherent normative order. In this context, Pancasila operates in a dual capacity: as *grundnorm* (basic norm) and as *rechtsidee* (legal ideal). As *grundnorm*, Pancasila provides the ideal precondition underlying every positive law; as *rechtsidee*, it directs law toward the attainment of state objectives a just and prosperous society grounded in belief in God, humanity, unity, democracy, and social justice<sup>6</sup>.

National criminal law reform must be grounded in the translation of Pancasila's values into criminal law norms. Those values encompass a balance among religious morality, humanity, national solidarity, democratic governance, and social justice. This balancing character is a distinctive feature of Indonesian criminal law, which does not solely focus on punishing offenders, but equally weighs humanitarian considerations, victim restoration, and social harmony<sup>7</sup>. Every draft and substantive provision of national criminal law including the formulation of penal objectives must accordingly be measured against these Pancasila values.

Pancasila ideology provides the foundational basis for formulating penal objectives in national criminal law reform. A conception of punishment derived from Pancasila rejects perspectives that emphasize retribution or deterrence alone, embracing instead a broader paradigm encompassing corrective, rehabilitative, and restorative dimensions. This orientation aligns with contemporary trends in criminal law

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<sup>5,6</sup> Atmoredjo, S. (2016). *Ideologi Hukum Indonesia: Kajian Tentang Pancasila Dalam Perspektif Ilmu Hukum Dan Dasar Negara Indonesia*. Yogyakarta: *Lingkar Media Yogyakarta*.

<sup>7</sup> Mahmud, A. (2018). Transformasi Nilai-Nilai Pancasila Dalam Pembaharuan Hukum Pidana Nasional. *Jurnal Hukum Mimbar Justitia*, 4(1), 1-21.

scholarship, which call for a transition from retributive justice toward corrective, rehabilitative, and restorative justice<sup>8</sup>.

Pancasila's role as the basis for penal objectives in Indonesia's new criminal justice system carries the implication that punishment is no longer dominated by backward-looking, punitive orientations; it is equally forward-looking, aimed at reforming offenders, restoring victims, and reconciling communities<sup>9</sup>. In this light, Pancasila is not merely rhetorical symbolism in the preamble of legislation, but a guiding operative principle for legislative policy, adjudication, and penal execution. The open character of Pancasila ideology provides space for accommodating global legal values and paradigms, provided they do not conflict with its fundamental principles<sup>10</sup>.

### 3. RESEARCH METHODS

This study employs normative legal research, designed to identify rules, doctrines, and legal principles that address the role of Pancasila as the foundation for both the criminal justice system and the formulation of penal objectives in Indonesia. The research type is doctrinal in character, applying two primary approaches: the statutory approach and the conceptual approach. The statutory approach involves a systematic review of the hierarchy of legislation, focusing principally on the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 on the National Criminal Code, and other pertinent regulatory instruments. The conceptual approach examines scholarly doctrines in criminal law pertaining to Pancasila ideology, the philosophy of punishment, and evolving conceptions of penal objectives within the broader framework of national criminal law reform.

Primary legal materials consist of the 1945 Constitution and the National Criminal Code. Secondary legal materials encompass academic texts, reputable national law journals, and scholarly works specifically addressing the incorporation of Pancasila values into criminal law reform. All collected legal materials were subjected to qualitative-normative analysis using systematic and teleological interpretation methods, yielding coherent and prescriptive responses to the research questions.

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<sup>8</sup> Putra, I. M. W. (2022). Ideologi Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Pembaharuan Hukum Pidana Nasional. *Vyahara Duta, Edisi*, (1).

<sup>9</sup> Yoesuf, M. (2024). Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Sistem Hukum Pidana Baru Di Indonesia. *Mewujudkan Sistem Hukum Nasional Berbasis Pancasila. Fakultas Hukum Universitas*, 17.

<sup>10</sup> Arafat, M. (2025). Paradigma pemidanaan baru dalam KUHP 2023: Alternatif sanksi dan transformasi sistem peradilan pidana Indonesia. *Jurnal Ilmu Hukum*, 2(1), 33-46.

## 4. RESULT AND DISCUSSION

### 1. Pancasila as the Philosophical Foundation of Indonesian Criminal Law

Pancasila, as state ideology, constitutes a constitutional identity that distinguishes Indonesia from other nations lacking a crystallized fundamental norm as the basis for the formation and enforcement of law. Legally, Pancasila has been recognized as state ideology, which carries the imperative that all laws operative within Indonesian territory must likewise adhere to Pancasila's ideological framework<sup>11</sup>. Consequently, the development of law including criminal law must be oriented toward the values enshrined in each of Pancasila's five principles.

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<sup>11,12</sup> Atmoredjo, S. (2016). *Ideologi Hukum Indonesia: Kajian Tentang Pancasila Dalam Perspektif Ilmu Hukum Dan Dasar Negara Indonesia*. Yogyakarta: *Lingkar Media Yogyakarta*.

<sup>13</sup> Mahmud, A. (2018). Transformasi Nilai-Nilai Pancasila Dalam Pembaharuan Hukum Pidana Nasional. *Jurnal Hukum Mimbar Justitia*, 4(1), 1-21.

dimensions. This orientation aligns with contemporary trends in criminal law scholarship, which call for a transition from retributive justice toward corrective, rehabilitative, and restorative justice<sup>14</sup>.

Pancasila's role as the basis for penal objectives in Indonesia's new criminal justice system carries the implication that punishment is no longer dominated by backward-looking, punitive orientations; it is equally forward-looking, aimed at reforming offenders, restoring victims, and reconciling communities<sup>15</sup>. In this light, Pancasila is not merely rhetorical symbolism in the preamble of legislation, but a guiding operative principle for legislative policy, adjudication, and penal execution. The open character of Pancasila ideology provides space for accommodating global legal values and paradigms, provided they do not conflict with its fundamental principles<sup>16</sup>.

## **2. Penal Objectives Under the New Criminal Code and Their Alignment with Pancasila**

Article 51 of Law Number 1 of 2023 explicitly codifies four objectives of punishment: (1) preventing criminal acts by enforcing legal norms in order to protect and safeguard society; (2) socializing convicted persons through guidance and mentoring so that they may become productive and beneficial members of society; (3) resolving conflicts arising from criminal acts, restoring equilibrium, and fostering a sense of safety and peace within the community; and (4) cultivating genuine remorse and liberating convicts from feelings of guilt.

The articulation of these penal objectives constitutes a manifestation of Pancasila's values within criminal law policy. The National Criminal Code simultaneously integrates multiple theories of punishment: the retributive theory, oriented toward the past, alongside corrective, rehabilitative, and restorative theories, all oriented toward the future. This integration is possible precisely because of Pancasila's open character, which is capable of accommodating diverse perspectives without compromising its essential identity<sup>17</sup>.

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<sup>14</sup> Putra, I. M. W. (2022). Ideologi Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Pembaharuan Hukum Pidana Nasional. *Vyahara Duta, Edisi*, (1).

<sup>15</sup> Yoesuf, M. (2024). Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Sistem Hukum Pidana Baru Di Indonesia. *Mewujudkan Sistem Hukum Nasional Berbasis Pancasila. Fakultas Hukum Universitas*, 17.

<sup>16</sup> Arafat, M. (2025). Paradigma pemidanaan baru dalam KUHP 2023: Alternatif sanksi dan transformasi sistem peradilan pidana Indonesia. *Jurnal Ilmu Hukum*, 2(1), 33-46.

<sup>17</sup> Muksin, M. R. S. (2023). Tujuan pemidanaan dalam pembaharuan hukum pidana Indonesia. *Sapientia Et Virtus*, 8(1), 225-247.

The transformation of penal policy in the National Criminal Code navigates the space between the humanization of punishment and the effectiveness of crime prevention. Article 51's formulation signals the state's commitment to balancing societal protection with respect for human rights<sup>18</sup>. This commitment is consonant with the spirit of Pancasila, which regards every person as a dignified creature of God (First and Second Principles), while also recognizing each person as a member of a national community deserving protection (Third and Fourth Principles) and welfare (Fifth Principle).

### **2.1 The Preventive Objective as a Reflection of the Second Principle (Just and Civilized Humanity)**

The first penal objective preventing criminal acts by enforcing legal norms in the service of public protection substantively reflects the spirit of Pancasila's Second Principle. This principle holds that every Indonesian person is recognized and treated in accordance with human dignity and worth as a creature of God. From this perspective, criminal acts represent violations of humanitarian values, for they harm social interests and diminish the dignity of victims<sup>19</sup>. Social values within the framework of the Second Principle occupy an elevated position above individual interests. Accordingly, preventing criminal acts through legal norm enforcement constitutes a concrete form of protection for these fundamental humanitarian values<sup>20</sup>. The state, as representative of the people, is obligated to provide security for every citizen consistent with the principle of guardianship inherent in the Pancasila Rule of Law State concept.

The explicit codification of prevention as a penal objective provides legal certainty and legitimacy for law enforcement authorities to pursue preventive measures. This objective is not merely about punishing perpetrators; it equally serves a deterrent function for society at large, discouraging the commission of criminal acts<sup>21</sup>.

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<sup>18</sup> Nur, A. W., & Mallarangeng, A. B. (2026). Transformasi Kebijakan Pemidanaan Dalam Kuhp Nasional: Antara Humanisasi Hukuman Dan Efektivitas Penanggulangan Kejahatan. *Jurnal Kolaboratif Sains*, 9(1), 1414-1421.

<sup>19</sup> Putra, I. M. W. (2022). Ideologi Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Pembaharuan Hukum Pidana Nasional. *Vyahara Duta, Edisi*, (1).

<sup>20</sup> Mahmud, A. (2018). Transformasi Nilai-Nilai Pancasila Dalam Pembaharuan Hukum Pidana Nasional. *Jurnal Hukum Mimbar Justitia*, 4(1), 1-21.

<sup>21</sup> Muksin, M. R. S. (2023). Tujuan pemidanaan dalam pembaharuan hukum pidana Indonesia. *Sapientia Et Virtus*, 8(1), 225-247.

## 2.2 Social Reintegration of Convicts Anchored in the Fifth Principle (Social Justice for All Indonesian People)

The second penal objective socializing convicted persons through guidance and mentoring so they may become productive and virtuous members of society bears a strong connection to the Fifth Principle of Pancasila. The National Criminal Code's penal paradigm offers more humane alternative sanctions, among them the mechanism of social reintegration<sup>22</sup>. The emphasis on guidance and mentoring signals that the state no longer merely punishes offenders, but also facilitates their return as productive and empowered members of the community. The Fifth Principle demands social justice encompassing the right of every citizen to receive a proportionate opportunity in national and social life. Prisoners, despite having been found guilty of offenses, retain fundamental rights that must be respected, including the right to receive guidance and the opportunity for self-improvement<sup>23</sup>.

By equipping convicts through educational programs, vocational training, and spiritual-mental counseling, the state actualizes the principle of restorative social justice. The humanization of punishment is one of the principal pillars of the national penal policy transformation. The objective of socializing convicted persons not only serves to prevent recidivism, but also reflects the state's responsibility to break the cycle of crime by providing dignified pathways for reintegration<sup>24</sup>.

## 2.3 Conflict Resolution Grounded in the Third and Fourth Principles

The third objective resolving conflicts arising from criminal acts, restoring equilibrium, and cultivating safety and peace in society reflects both the Third Principle (National Unity of Indonesia) and the Fourth Principle (Democracy Guided by Wisdom in Deliberation and Representation). The resolution of criminal matters through local wisdom approaches that prioritize deliberation and consensus has, in fact, constituted a tradition in Indonesian legal culture long predating the arrival of

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<sup>22</sup> Arafat, M. (2025). Paradigma pemidanaan baru dalam KUHP 2023: Alternatif sanksi dan transformasi sistem peradilan pidana Indonesia. *Jurnal Ilmu Hukum*, 2(1), 33-46.

<sup>23</sup> Yoesuf, M. (2024). Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Sistem Hukum Pidana Baru Di Indonesia. *Mewujudkan Sistem Hukum Nasional Berbasis Pancasila. Fakultas Hukum Universitas*, 17.

<sup>24</sup> Nur, A. W., & Mallarangeng, A. B. (2026). Transformasi Kebijakan Pemidanaan Dalam Kuhp Nasional: Antara Humanisasi Hukuman Dan Efektivitas Penanggulangan Kejahatan. *Jurnal Kolaboratif Sains*, 9(1), 1414-1421.

colonial law<sup>25</sup>. By codifying conflict resolution as a penal objective, the National Criminal Code has harmonized these indigenous values within the national criminal justice system.

The Third Principle stresses the centrality of national unity as a fundamental element of statehood. Criminal acts, as actions that wound the social order, generate conflict and disrupt the harmony that is a prerequisite for unity. Directing penal objectives toward conflict resolution and the restoration of social equilibrium therefore constitutes an effort to preserve national unity against the threat of social disintegration<sup>26</sup>. The Fourth Principle, meanwhile, positions the people as the highest sovereign and as the legal subjects who determine the direction of national policy. In the context of resolving criminal conflicts, this principle encourages the use of deliberative mechanisms as a democratic and participatory approach.

Three deliberative principles embedded in Pancasila values are proportionality, responsibility, and surrender to god (tawakal). Proportionality requires that the subject and object of deliberation remain within their proper scope. Responsibility demands that all parties be willing to implement agreed outcomes. Surrender teaches that, after deliberation has been pursued to the fullest, the results are entrusted to the Almighty. These principles provide ethical guidance for the conduct of restorative justice within the national criminal justice system<sup>27</sup>. By adopting conflict resolution as a penal objective, the National Criminal Code moves beyond the conventional offender-centered paradigm toward a more holistic framework that attends to the interests of victims and communities<sup>28</sup>.

#### **2.4 Cultivating Remorse as an Expression of the First Principle (Belief in the One Almighty God)**

The fourth penal objective cultivating genuine remorse and liberating convicts from feelings of guilt constitutes the clearest expression of Pancasila's First Principle. Spirituality is an inseparable dimension of the national legal system grounded in

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<sup>25</sup> Udytama, I. W. W. W., Sugiantari, A. A. P. W., & Anom, I. G. N. (2021). Harmonisasi Kearifan Lokal Dalam Penyelesaian Perkara Pidana Dalam Perspektif RUU KUHP. *Jurnal Yusthima*, 1(01), 37-42.

<sup>26</sup> Putra, I. M. W. (2022). Ideologi Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Pembaharuan Hukum Pidana Nasional. *Vyahara Duta, Edisi*, (1).

<sup>27</sup> Atmoredjo, S. (2016). Ideologi Hukum Indonesia: Kajian Tentang Pancasila Dalam Perspektif Ilmu Hukum Dan Dasar Negara Indonesia. *Yogyakarta: Lingkar Media Yogyakarta*.

<sup>28</sup> Muksin, M. R. S. (2023). Tujuan pemidanaan dalam pembaharuan hukum pidana Indonesia. *Sapientia Et Virtus*, 8(1), 225-247.

Pancasila. Within this framework, punishment aims not merely to impose temporal sanctions, but also to encourage the offender's repentance and spiritual reconciliation with God<sup>29</sup>. The new penal paradigm in the National Criminal Code accommodates this transcendental dimension through the objective of cultivating remorse grounded in the understanding that every human being possesses a moral consciousness in direct relation to the Creator<sup>30</sup>.

The First Principle mandates an enduring and direct relationship among the state, citizens, and God. In the context of punishment, this relationship is actualized through the state's efforts to facilitate convicted persons in rediscovering their religious consciousness and repenting for the wrongs they have committed<sup>31</sup>. Correctional institutions must therefore not limit their programs to technical skill development, but must comprehensively include deep spiritual-mental guidance. This spiritual dimension likewise contributes to crime prevention effectiveness. Convicts who have undergone inner transformation through genuine contrition are statistically less likely to reoffend than those who serve their sentences without moral reflection<sup>32</sup>. Thus, the objective of cultivating remorse performs a dual function: as an instrument of spiritual rehabilitation and as a mechanism for preventing recidivism. The articulation of this objective also carries juridical implications for judicial sentencing guidelines, as judges are obligated to consider whether the type and duration of punishment imposed creates sufficient space for convicts to develop moral awareness and genuine contrition<sup>33</sup>.

### 3. Harmonization of Pancasila Values in the New Penal System

The four penal objectives codified in Article 51 of the National Criminal Code reveal an integral harmonization of all Pancasila principles within a coherent penal system construction. The translation of Pancasila's values into national criminal law

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<sup>29</sup> Yoesuf, M. (2024). Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Sistem Hukum Pidana Baru Di Indonesia. *Mewujudkan Sistem Hukum Nasional Berbasis Pancasila. Fakultas Hukum Universitas*, 17.

<sup>30</sup> Arafat, M. (2025). Paradigma pemidanaan baru dalam KUHP 2023: Alternatif sanksi dan transformasi sistem peradilan pidana Indonesia. *Jurnal Ilmu Hukum*, 2(1), 33-46.

<sup>31</sup> Mahmud, A. (2018). Transformasi Nilai-Nilai Pancasila Dalam Pembaharuan Hukum Pidana Nasional. *Jurnal Hukum Mimbar Justitia*, 4(1), 1-21.

<sup>32</sup> Nur, A. W., & Mallarangeng, A. B. (2026). Transformasi Kebijakan Pemidanaan Dalam Kuhp Nasional: Antara Humanisasi Hukuman Dan Efektivitas Penanggulangan Kejahatan. *Jurnal Kolaboratif Sains*, 9(1), 1414-1421.

<sup>33</sup> Aripkiah, N., Maulana, M. R., & Sudiansana, I. K. (2026). Implikasi Yuridis Pedoman Pemidanaan KUHP Nasional terhadap Eksistensi Ketentuan Pidana Minimal Khusus. *Jurnal Fundamental Justice*, 7(1), 41-62.

reform must not be conducted in a partial or sectoral manner, but must be integral and comprehensive, encompassing all five principles in equal measure. Article 51 represents an attempt to realize this balance through a set of mutually reinforcing penal objectives<sup>34</sup>.

Pancasila ideology as the basis of penal objectives requires a shift from a repressive punishment paradigm to a humanistic one. This is consistent with the spirit of criminal law decolonization liberating national criminal law from the colonial paradigm's tendency to emphasize retribution and deterrence alone. By codifying penal objectives that encompass corrective, rehabilitative, restorative, and spiritual dimensions, the National Criminal Code has laid the foundation for a more civilized criminal justice system oriented toward the nation's own values<sup>35</sup>.

Harmonization between the new Criminal Code and the new Code of Criminal Procedure is essential to ensure that the codified penal objectives can be effectively implemented in judicial practice. Without alignment between substantive and procedural norms, the articulated penal objectives will remain utopian. Criminal procedure reform must therefore be directed toward supporting the realization of penal objectives for example, by strengthening restorative justice mechanisms, providing adequate rehabilitation programs, and creating correctional environments conducive to reintegration and offender transformation<sup>36</sup>. Strengthening the foundation of local wisdom is equally necessary in implementing the conflict resolution objective. Indonesian communities possess diverse dispute resolution traditions that all embody the values of deliberation, peace, and the restoration of harmony. Incorporating these indigenous values into the national criminal justice system will enrich and reinforce the implementation of Pancasila-derived penal objectives<sup>37</sup>.

## 5. CONCLUSION AND SUGGESTION

This study concludes that Pancasila serves as the substantive philosophical foundation for the articulation of penal objectives in Article 51 of Law Number 1 of

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<sup>34</sup> Mahmud, A. (2018). Transformasi Nilai-Nilai Pancasila Dalam Pembaharuan Hukum Pidana Nasional. *Jurnal Hukum Mimbar Justitia*, 4(1), 1-21.

<sup>35</sup> Putra, I. M. W. (2022). Ideologi Pancasila Sebagai Dasar Tujuan Pemidanaan Dalam Pembaharuan Hukum Pidana Nasional. *Vyahara Duta, Edisi*, (1).

<sup>36</sup> Widiyantoro, R. B. (2026). Harmonisasi Paradigma KUHP dan KUHP Baru: Menuju Sistem Hukum Pidana Nasional yang Progresif. *Jurnal Hukum Inklusi Indonesia*, 1(1).

<sup>37</sup> Udytama, I. W. W., Sugiantari, A. A. P. W., & Anom, I. G. N. (2021). Harmonisasi Kearifan Lokal Dalam Penyelesaian Perkara Pidana Dalam Perspektif RUU KUHP. *Jurnal Yusthima*, 1(01), 37-42.

2023. The four penal objectives prevention, social reintegration, conflict resolution, and cultivation of remorse reflect the five principles of Pancasila: the Second Principle (just and civilized humanity), the Fifth Principle (social justice), the Third and Fourth Principles (national unity and deliberative democracy), and the First Principle (belief in the One Almighty God), respectively. Thus, the National Criminal Code has successfully translated Pancasila from an abstract grundnorm into an operational guide for criminal justice.

For future researchers, it is recommended to conduct empirical studies on the implementation of Article 51 in court practices and correctional institutions, as well as comparative analyses with penal systems in other countries that also ground their criminal justice on state philosophy or religious values. Additionally, further research is needed to explore how restorative justice mechanisms based on local wisdom can be systematically integrated into the procedural law framework to support the achievement of Pancasila-based penal objectives.

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