

# Reformulating Sentencing Regulations For Recidivism: A Perspective Comparing The Old And New Criminal Codes

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## Abstract

Recidivism is a persistent issue within the Indonesian criminal justice system, reflecting the continued commission of repeat offenses by offenders. The enactment of Law Number 1 of 2023 concerning the Criminal Code (KUHP) has introduced changes to the sentencing regulations for recidivism as part of the national criminal law reform. This study aims to analyze the reformulation of recidivism sentencing regulations from the perspectives of both the Old Criminal Code and the New Criminal Code, and to formulate an ideal model for this reformulation. The study employs a normative legal research method, utilizing both statutory and conceptual approaches. The findings indicate that the regulation of recidivism in the Old Criminal Code focused on sentence enhancement based on formal criteria, whereas the New Criminal Code prioritizes sentencing objectives, proportionality, and the individualization of punishment. This study proposes a reformulation model involving the refinement of recidivism criteria, the development of sentencing guidelines for judges, the strengthening of integrated criminal data administration systems, and the optimization of rehabilitation and social reintegration. This model is expected to foster a sentencing system that is fairer, more proportional, and effective in reducing recidivism rates in Indonesia.

**Keywords:** *reformulation; recidivism; sentencing; Old Criminal Code; New Criminal Code.*

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## Introduction

Criminal law is a branch of public law that functions to maintain public order, protect legal interests, and ensure legal certainty and justice by regulating prohibited acts and the sanctions that may be imposed on offenders. In addition to its repressive function, criminal law also serves preventive and rehabilitative purposes in order to provide social protection and facilitate the rehabilitation of offenders (Barda Nawawi Arief, 2020).

One of the important aspects of the criminal justice system is the regulation of recidivism. Recidivism refers to a situation in which an individual commits another criminal offense after previously having been sentenced by a court decision that has obtained final and binding legal force (Kanti & Hartati, n.d.). A high rate of repeat offending indicates that criminal punishment has not fully achieved its objectives of offender rehabilitation and crime prevention. Therefore, the regulation of recidivism constitutes an essential component of criminal law policy aimed at establishing a sentencing system that not only creates a deterrent effect but also effectively prevents the recurrence of criminal offenses (Hairi, 2019).

The enactment of Law Number 1 of 2023 concerning the Indonesian Criminal Code (KUHP) has introduced significant changes to the regulation of recidivism in Indonesia (Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana, 2023). Under the former Criminal Code, recidivism was regulated only under Articles 486 to 488, which applied exclusively to certain categories of criminal offenses. In contrast, the new Criminal Code recognizes repeat offending as an aggravating circumstance in sentencing and regulates it more systematically under Article 23. This reform reflects a shift in Indonesia's criminal law paradigm from a retributive justice approach toward a more proportional, rehabilitative, and community-oriented model of criminal justice (Fatoni et al., 2025a).

Numerous studies have examined recidivism from various perspectives. Fazel and Wolf argue that recidivism rates are influenced by multiple factors, including social and economic conditions, the effectiveness of correctional institutions, and the sentencing policies adopted by individual countries (Fazel & Wolf, 2015). Meanwhile, the study conducted by Dwi Ade Kanti and Sarah Hartati focuses on the concept of recidivism and the factors contributing to repeat offending within the Indonesian criminal justice system (Kanti & Hartati, n.d.). Existing studies on recidivism under the new Criminal Code, however, primarily concentrate on identifying normative changes or comparing the provisions of the former and the new Criminal Codes. These studies have yet to comprehensively examine the reformulation of recidivism sentencing as an integral part of Indonesia's national criminal law reform.

Against this background, a research gap remains concerning the formulation of recidivism regulations capable of accommodating contemporary sentencing theories, the principle of proportionality, and the objectives of Indonesia's criminal law reform. This study offers scientific novelty by analyzing the reformulation of recidivism sentencing within the perspectives of both the former and the new Indonesian Criminal Codes. It not only identifies the regulatory changes introduced under the two legal regimes but also examines the direction of recidivism sentencing reform in accordance with the principles of legal certainty, justice, expediency, and the objectives of modern sentencing. Accordingly, this study aims to analyze the regulation of recidivism sentencing under both the former and the new Indonesian Criminal Codes and to formulate a model for reforming recidivism regulation as part of Indonesia's broader criminal law reform.

## **Literature Review**

### **2.1. Concept of Recidivism**

Recidivism refers to a situation in which an individual commits another criminal offense after previously having been sentenced by a court decision that has obtained final and binding legal force. In criminal law, recidivism constitutes one of the grounds for imposing a more severe sentence because it indicates that the punishment previously imposed has failed to prevent the offender from reoffending. Accordingly, the regulation of recidivism is not merely concerned with sentence enhancement but also reflects the effectiveness of the criminal justice system in achieving the objectives of crime prevention and offender rehabilitation(Hairi, 2019). Studies on recidivism further emphasize that repeat offending is influenced by various factors, including social and economic conditions, environmental influences, and the effectiveness of offenders' social reintegration following the completion of their sentences (Fazel & Wolf, 2015).

### **2.2. Sentencing Theory**

Sentencing theory has evolved from a paradigm primarily oriented toward retributive justice to approaches that emphasize correction, rehabilitation, and restorative justice. This development is reflected in Law Number 1 of 2023 concerning the Indonesian Criminal Code, which recognizes sentencing as a means of preventing criminal offenses, rehabilitating offenders, restoring the balance disrupted by criminal acts, and protecting society. Consequently, sentencing is no longer viewed solely as a form of retribution but rather as an instrument for achieving the broader objectives of justice, legal certainty, and proportionality within the criminal justice system(Ningrum, 2026).

### 2.3. Reformulation of Sentencing Regulations

The reformulation of criminal law refers to the process of adapting legal norms to align with societal developments, the evolving needs of law enforcement, and contemporary conceptions of justice. In the context of recidivism, reformulating sentencing regulations is essential to establishing a sentencing system that not only produces a deterrent effect but also incorporates the principles of individualized sentencing, proportionality, and the protection of human rights. The reforms introduced under the new Indonesian Criminal Code demonstrate an effort to develop a more adaptive sentencing system by strengthening the objectives of sentencing, providing clearer sentencing guidelines, and differentiating the types of penalties imposed, thereby enabling the criminal justice system to respond more effectively to the contemporary challenges of law enforcement in Indonesia (Arafat, 2025)

### Research Methodology

This study employs a normative juridical legal research method using both the statutory approach (*statute approach*) and the conceptual approach (*conceptual approach*). The statutory approach is applied to examine the legal provisions governing recidivism sentencing under the former Indonesian Criminal Code (KUHP) and Law Number 1 of 2023 concerning the Indonesian Criminal Code. Meanwhile, the conceptual approach is used to analyze the concepts of recidivism, sentencing theories, and the reformulation of criminal law based on legal doctrines and scholarly opinions.

The legal materials used in this study consist of primary legal materials, including the former Indonesian Criminal Code (KUHP), Law Number 1 of 2023 concerning the Indonesian Criminal Code, and other relevant statutory regulations. Secondary legal materials are derived from books, scholarly journal articles, and previous studies relevant to the research topic. All legal materials are analyzed qualitatively using a descriptive-analytical method. This approach aims to identify the differences in the regulation of recidivism sentencing under the former and the new Criminal Codes, examine the urgency of reformulating these regulations, and formulate a model of recidivism regulation that is consistent with the ongoing development of criminal law reform in Indonesia (Soerjono Soekanto & Sri Mamudji, n.d.).

## Results

### 4.1. Regulation of Recidivism Sentencing under the Former Indonesian Criminal Code

The regulation of recidivism under the former Indonesian Criminal Code (KUHP) constitutes a criminal law policy that provides a legal basis for imposing harsher penalties on offenders who commit another criminal offense after previously having been sentenced by a court decision that has obtained final and binding legal force. This regulation is based on the

assumption that an offender who reoffends demonstrates a higher degree of culpability (schuld) than a first-time offender and therefore deserves a more severe punishment (Hairi, 2019).

Normatively, recidivism under the former Criminal Code was regulated in Articles 486, 487, and 488. These provisions stipulate that if an individual commits another specified criminal offense after serving all or part of a previous sentence and the subsequent offense occurs within the statutory time limit prescribed by law, the penalty for the new offense may be increased by up to one-third of the principal sentence. Accordingly, the former Criminal Code did not adopt a general recidivism system applicable to all criminal offenses but instead limited its application to specific categories of crimes expressly designated by the legislature (Apriana Fajarwati & Saputri, 2026a).

These provisions demonstrate that the former Criminal Code adopted the concept of special recidivism, under which sentence enhancement could only be imposed when the subsequent offense belonged to a predetermined category of criminal offenses. Furthermore, the imposition of an aggravated sentence depended upon compliance with a prescribed statutory period following the completion of the previous sentence. If this requirement was not satisfied, the offender could not legally be classified as a recidivist, even if they had repeatedly committed criminal offenses in practice. Such characteristics indicate that the former Criminal Code emphasized formal legal requirements rather than evaluating the offender's level of dangerousness or propensity to reoffend (Fatoni et al., 2025).

From the perspective of sentencing theory, the regulation of recidivism under the former Criminal Code reflects a retributive justice paradigm. Sentence enhancement was regarded as a logical consequence of the offender's failure to reform after serving a previous sentence. This approach viewed punishment primarily as a means of achieving deterrence through harsher penalties while paying insufficient attention to the underlying causes of repeat offending, including social, economic, and environmental conditions, as well as the effectiveness of correctional rehabilitation programs (Padang & Siregar, 2024).

Moreover, the recidivism provisions under the former Criminal Code exhibit several weaknesses. First, their limited scope of application prevented many repeat offenders from being subjected to enhanced punishment. Second, restrictions based on the category of offense and statutory time limits created the potential for sentencing disparities, as offenders with similar criminal patterns could receive different legal treatment. Third, the former Criminal Code did not provide judges with clear sentencing guidelines regarding the factors that should be considered when sentencing recidivists. Consequently, sentencing practices tended to emphasize repressive objectives rather than rehabilitation.

Research conducted by Fazel and Wolf demonstrates that high recidivism rates are influenced not only by the severity of criminal sanctions but also by the quality of correctional institutions, socioeconomic conditions, employment opportunities, educational attainment, and the effectiveness of offenders' social reintegration after their release from prison (Fazel & Wolf, 2015). These findings suggest that a sentencing policy focusing exclusively on harsher punishment is unlikely to reduce recidivism unless accompanied by comprehensive rehabilitation and reintegration measures.

Based on the foregoing discussion, it can be concluded that the regulation of recidivism sentencing under the former Indonesian Criminal Code established a legal basis for imposing aggravated penalties on repeat offenders. Nevertheless, its provisions remained limited in scope, formalistic in nature, and predominantly retributive in orientation. Consequently, they were unable to fully accommodate the development of modern sentencing theories, which emphasize a balance between legal certainty, justice, public protection, and offender rehabilitation. These shortcomings constitute one of the principal reasons for the reformulation of recidivism provisions under Law Number 1 of 2023 concerning the Indonesian Criminal Code.

#### **4.2. Reformulation of Recidivism Sentencing under the New Indonesian Criminal Code**

The enactment of Law Number 1 of 2023 concerning the Indonesian Criminal Code represents a significant milestone in Indonesia's criminal law reform, aiming to align criminal law with societal developments, evolving conceptions of justice, and the contemporary needs of law enforcement (Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana, 2023). This reform not only replaces the provisions of the former Criminal Code but also introduces a new sentencing paradigm that regards punishment as a means of protecting society, rehabilitating offenders, and restoring the social balance disrupted by criminal offenses (Apriana Fajarwati & Saputri, 2026a).

With respect to recidivism, the new Criminal Code adopts a substantially different approach from its predecessor. Whereas the former Criminal Code regulated recidivism only for certain categories of offenses and imposed strict formal requirements, the new Criminal Code develops a sentencing policy that is more closely aligned with the objectives of punishment and the principle of individualized sentencing (Setiyowati et al., 2026). This approach grants judges broader discretion to consider various offender-related and offense-related circumstances before determining the appropriate type and severity of punishment. Consequently, repeat offending is no longer viewed solely as a basis for sentence enhancement but rather as one of several factors to be assessed comprehensively during sentencing.

This reform reflects a paradigm shift from a predominantly retributive approach toward a more proportional and rehabilitative sentencing model. Under the modern criminal justice system, punishment is intended not merely to inflict suffering upon offenders but also to prevent future crimes, rehabilitate offenders so that they may reintegrate into society, protect the public, and restore the balance disrupted by criminal conduct (Apriana Fajarwati & Saputri, 2026a). Accordingly, sentencing recidivists should balance the interests of victims, society, and the legal rights of offenders.

Furthermore, the reformulation strengthens the principle of individualized sentencing, which requires judges to consider each offender's personal characteristics, motives, the consequences of the offense, and the offender's prospects for rehabilitation through correctional programs (Setiyowati et al., 2026). This approach is expected to reduce the automatic application of enhanced punishment while enabling judges to impose sentences that are fairer and more responsive to the specific circumstances of each case.

Nevertheless, the implementation of recidivism provisions under the new Criminal Code continues to face several challenges. One significant issue is the need for more comprehensive sentencing guidelines to ensure consistency in treating recidivism as a sentencing factor. In addition, the effectiveness of these provisions depends upon the availability of an integrated criminal record management system that enables law enforcement authorities to accurately verify an offender's criminal history. Without such a system, the application of recidivism policies may result in sentencing disparities and legal uncertainty (Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana, 2023).

In conclusion, the reformulation of recidivism sentencing under the new Indonesian Criminal Code constitutes an integral component of Indonesia's broader criminal law reform, emphasizing a balance between legal certainty, justice, and social utility. Recidivism is no longer regarded merely as an automatic ground for sentence enhancement but rather as one of several factors that must be evaluated comprehensively in accordance with the objectives of modern sentencing. Accordingly, the reformed regulation is expected to establish a sentencing system that is more adaptive, proportional, and responsive to contemporary societal developments and the evolving needs of law enforcement in Indonesia.

#### **4.3. Analysis of the Changes in Recidivism Sentencing Regulations**

The reform of recidivism sentencing under Law Number 1 of 2023 concerning the Indonesian Criminal Code demonstrates a fundamental transformation in Indonesia's criminal law policy compared with the former Criminal Code. This reform extends beyond amendments to statutory provisions, reflecting a broader shift in sentencing philosophy that

aligns with contemporary criminal law theories and the evolving needs of Indonesian society. While the former Criminal Code treated recidivism primarily as a formal basis for sentence enhancement subject to specific legal requirements, the new Criminal Code adopts a sentencing framework that seeks to balance legal certainty, justice, social utility, and public protection (Apriana Fajarwati & Saputri, 2026a).

Under the former Criminal Code, enhanced punishment for recidivists could only be imposed when the requirements prescribed in Articles 486 to 488 were fulfilled. These provisions required that the subsequent offense belong to a specified category of criminal offenses and occur within the statutory time limit established by law. Such regulation demonstrates that the former recidivism system emphasized compliance with formal legal requirements, thereby providing judges with relatively limited discretion. Consequently, recidivism was viewed primarily as a legal basis for imposing harsher punishment rather than as an indicator for assessing the effectiveness of offender rehabilitation or the offender's individual circumstances (Hairi, 2019).

In contrast, the new Criminal Code reflects a significant shift in orientation by strengthening the objectives of sentencing and embracing the principle of individualized sentencing. The reform grants judges greater discretion to consider various factors before imposing punishment, including the offender's personal circumstances, motives, the impact of the offense on victims, and the broader objectives of sentencing. As a result, recidivism is no longer treated as an automatic justification for sentence enhancement but rather as one of several considerations that must be evaluated comprehensively alongside the specific facts and circumstances of each individual case (Setiyowati et al., 2026)

Table 1. Comparison of Recidivism Sentencing Regulations under the Former and the New Indonesian Criminal Codes

| Aspect                      | Former Criminal Code (KUHP)                                                                           | New Criminal Code (Law No. 1 of 2023)                                                                                         | Author's Analysis                                                                                                                                                 |
|-----------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Legal Basis</b>          | Specifically regulated under Articles 486–488 of the former Criminal Code.                            | Regulated within the broader sentencing policy framework under Law No. 1 of 2023.                                             | The regulation has shifted from a limited statutory provision toward a more comprehensive sentencing system that reflects the development of modern criminal law. |
| <b>Scope of Application</b> | Applicable only to certain categories of criminal offenses and subject to strict formal requirements. | Emphasizes broader judicial considerations based on the objectives of sentencing and the offender's individual circumstances. | The reform provides greater flexibility for judges to assess each case proportionally while maintaining legal certainty.                                          |

|                                |                                                                            |                                                                                                                                                         |                                                                                                                                                                               |
|--------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sentencing Orientation</b>  | Primarily based on retributive justice and deterrence.                     | Oriented toward proportionality, rehabilitation, and the protection of society.                                                                         | This shift demonstrates that sentencing is no longer intended solely to punish offenders but also to promote rehabilitation and social reintegration.                         |
| <b>Judicial Considerations</b> | Predominantly determined by compliance with formal statutory requirements. | Judges are granted broader discretion to consider the offender's circumstances, motives, consequences of the offense, and the objectives of sentencing. | The application of individualized sentencing enables decisions that are fairer and better tailored to the characteristics of each case.                                       |
| <b>Regulatory Objective</b>    | To impose harsher penalties on repeat offenders.                           | To achieve a balance among legal certainty, justice, social utility, rehabilitation, and the protection of society.                                     | The reform reflects a paradigm shift from a predominantly punitive approach toward a more humane sentencing system consistent with the objectives of modern criminal justice. |

Source: Compiled by the author based on the former Indonesian Criminal Code, Law Number 1 of 2023 concerning the Indonesian Criminal Code, and relevant literature.

Based on Table 1, it is evident that the reform of recidivism regulations extends beyond normative legal changes to encompass the philosophical foundations of Indonesia's sentencing system. The former Criminal Code was largely dominated by the paradigm of retributive justice, in which punishment focused primarily on retaliation through sentence enhancement for repeat offenders. In contrast, the new Criminal Code adopts a more balanced approach by incorporating the principles of proportionality, individualized sentencing, and the protection of society into its sentencing policy (Barasa & Saputra, n.d.). This paradigm shift indicates that the effectiveness of sentencing is no longer measured solely by the severity of the punishment imposed but also by the legal system's capacity to prevent repeat offending and facilitate the offender's successful social reintegration.

From the perspective of criminal law policy (penal policy), the reformulation of recidivism regulations represents an adaptation to the development of modern sentencing theories. Punishment is no longer viewed merely as an instrument of retribution but also as a mechanism for protecting society, rehabilitating offenders, resolving social conflicts, and restoring the balance disrupted by criminal conduct. This approach is consistent with the principle of proportionality, which requires that criminal sanctions be imposed in accordance

with the offender's degree of culpability, the consequences of the offense, and the objectives of sentencing (Setiyowati et al., 2026).

Nevertheless, several challenges remain in implementing the reformed recidivism provisions. First, the absence of detailed sentencing guidelines concerning the application of enhanced punishment to recidivists may lead to inconsistencies and sentencing disparities among judges. Second, the effectiveness of these provisions depends upon the existence of an integrated criminal records administration system capable of accurately verifying an offender's recidivist status throughout the criminal justice process. Third, the success of recidivism sentencing policy is closely linked to the effectiveness of the correctional system in providing rehabilitation programs and preparing offenders for successful reintegration into society following their release (Fazel & Wolf, 2015).

Accordingly, the reformulation of recidivism sentencing under the new Criminal Code should be understood not merely as an amendment to positive law but as a transformation of Indonesia's criminal law paradigm toward a sentencing system that is more humane, proportional, and responsive to societal developments. It is expected that these reforms will reduce sentencing disparities, improve the quality of judicial decision-making, and strengthen efforts to prevent repeat offending, thereby enabling the objectives of sentencing envisioned under Indonesia's criminal law reform to be achieved more effectively.

#### **4.4. An Ideal Model for the Reformulation of Recidivism Sentencing Regulations**

Based on the analysis of recidivism sentencing under both the former and the new Indonesian Criminal Codes, it can be concluded that Indonesia's criminal law reform has made significant progress. Nevertheless, further improvements remain necessary to ensure that the objectives of sentencing can be achieved more effectively, fairly, and with greater legal certainty. Accordingly, an ideal model for reformulating recidivism sentencing should extend beyond the mere enhancement of criminal sanctions and incorporate the principles of proportionality, individualized sentencing, public protection, and offender rehabilitation.(Setiyowati et al., 2026)

The first proposed reform concerns strengthening the legal criteria governing recidivism. The regulation should provide a more comprehensive definition by clearly specifying the categories of repeat offenses, the applicable time limits for recidivism, and the relationship between the previous offense and the subsequent offense. Such clarification would minimize inconsistent interpretations in judicial practice, thereby improving legal certainty and promoting uniformity in law enforcement (Apriana Fajarwati & Saputri, 2026a). The second reform involves the development of comprehensive sentencing guidelines for judges when imposing sentences on recidivists. These guidelines should include objective indicators such as the offender's degree of culpability, criminal motive, the harm suffered by victims, prior criminal history, and the outcomes of previous rehabilitation programs. The existence of such guidelines would ensure that enhanced punishment is not imposed automatically but is instead based upon an objective and proportional assessment of the circumstances of each individual case (Barasa & Saputra, n.d.)

The third reform emphasizes the establishment of an integrated national criminal records administration system. The effective implementation of recidivism provisions depends heavily on the ability of law enforcement agencies to accurately identify an

individual's criminal history. Therefore, an integrated information system connecting the police, prosecution service, judiciary, and correctional institutions is essential to ensure that recidivist status can be verified efficiently, accurately, and reliably. Such integration would also reduce sentencing disparities resulting from incomplete or inaccessible criminal record information (Barasa & Saputra, n.d.).

Beyond normative and administrative reforms, the regulation of recidivism should also be accompanied by stronger rehabilitation and social reintegration policies. High recidivism rates are not attributable solely to the severity of criminal sanctions but are also influenced by economic hardship, social environment, educational opportunities, and the effectiveness of rehabilitation programs within correctional institutions. Consequently, sentencing policies for recidivists should be integrated with vocational training, educational programs, psychosocial support, and economic empowerment initiatives to enable former offenders to reintegrate successfully and contribute productively to society (Fazel & Wolf, 2015).

Furthermore, the reformulation of recidivism regulations should be guided by the principle of balance, ensuring an appropriate equilibrium between the protection of society and the protection of offenders' rights. While enhanced punishment remains justified for recidivists who pose a significant danger to society or repeatedly commit serious criminal offenses, such enhancement should always be grounded in the principles of proportionality and individualized sentencing. This approach prevents excessive punishment (over-punishment) while respecting fundamental human rights, which constitute one of the principal objectives of Indonesia's criminal law reform (Barasa & Saputra, n.d.).

In conclusion, an ideal model for reformulating recidivism sentencing should integrate legal reform, comprehensive sentencing guidelines, an integrated criminal records administration system, and strengthened rehabilitation and social reintegration programs. Such a model is expected to establish a sentencing system that is more consistent, equitable, and effective in reducing recidivism while remaining faithful to the objectives of modern criminal justice: protecting society and promoting meaningful behavioral change among offenders.

## **Conclusion**

This study demonstrates that the regulation of recidivism sentencing under the former Indonesian Criminal Code was predominantly based on a repressive approach, treating repeat offending as a ground for sentence enhancement whose application was limited to specific categories of criminal offenses and subject to strict formal requirements. While this regulatory framework provided legal certainty, it was unable to adequately address the complex factors contributing to recidivism within the criminal justice system. Consequently, sentence enhancement functioned primarily as an instrument of retributive justice rather than as part of a sentencing policy capable of preventing repeat offending in a sustainable manner.

In contrast, Law Number 1 of 2023 concerning the Indonesian Criminal Code marks a significant paradigm shift toward a more adaptive sentencing system by strengthening the objectives of punishment, the principle of individualized sentencing, and the balance among legal certainty, justice, social utility, and the protection of society. This transformation demonstrates that sentencing policy for recidivists is no longer based solely on the imposition of harsher penalties but is also directed toward offender rehabilitation and the prevention of future criminal behavior.

The principal contribution of this study lies in proposing a reformulation model for recidivism sentencing that integrates sentence enhancement within a broader and more comprehensive sentencing policy. The proposed model consists of four key components: (1) the establishment of clearer legal criteria for determining recidivism; (2) the development of comprehensive sentencing guidelines for judges; (3) the strengthening of an integrated national criminal records administration system; and (4) the optimization of rehabilitation and social reintegration programs for offenders. Collectively, these components are expected to promote a sentencing system that is more consistent, proportionate, and equitable while enhancing the effectiveness of recidivism prevention in Indonesia.

Accordingly, the reformulation of recidivism sentencing cannot be achieved merely through amendments to statutory provisions. It must also be accompanied by broader reforms in sentencing policy and the strengthening of the criminal justice system as a whole. Effective synergy among legal substance, law enforcement institutions, and the correctional system is essential for establishing a sentencing framework that not only deters criminal conduct but also reduces recidivism and advances the objectives of Indonesia's national criminal law reform

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