PRIMA LAW JOURNAL

Vol. 1, No. 1, Maret 31, 2026, pp. 18-26

# THE RELATIONSHIP OF CRIMINOLOGY AT EVERY STAGE OF THE CRIMINAL JUSTICE SYSTEM

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***Abstract***

*Criminology plays a foundational role in understanding and shaping every stage of the criminal justice system. This study examines the relationship between criminology and the four principal stages of the criminal justice process in Indonesia: investigation, prosecution, adjudication, and execution of sentences. Employing a qualitative library research method, the study draws on criminological theories, Indonesian criminal procedure law (KUHAP), and relevant legislation. The findings reveal that criminology enriches each phase of the criminal justice system by providing analytical tools that go beyond formal legality to account for the complexity of human behavior and social dynamics. At the investigation stage, criminological insights assist in uncovering criminal events and gathering evidence. At the prosecution stage, criminology bridges juridical requirements with substantive justice. At the trial stage, criminological principles inform transparent evidentiary processes. At the execution stage, criminological frameworks ensure that punishment serves rehabilitative as well as retributive purposes. The study concludes that criminology functions as an analytical foundation ensuring that law enforcement addresses not only the formal legality of acts but also the broader social and behavioral dimensions of crime, thereby supporting the integrity of the criminal justice system.*

***Keywords:*** *criminology, criminal justice system, investigation, prosecution, adjudication*

*Submited: December 20, 2025*

*Reviewed: January 14, 2026*

*Accepted: March 31, 2026*

## A. Introduction

Indonesia is a state based on the rule of law that upholds human rights in the pursuit of justice within society, as affirmed by Article 1(3) of the 1945 Constitution of the Republic of Indonesia. Justice itself constitutes the essential foundation of social life, providing the conditions for the happiness, order, and prosperity of the Indonesian people. In realizing a just and prosperous Indonesia, a robust law enforcement system is indispensable, as law enforcement represents the process and stages through which the judicial system is validated and ordered. Accordingly, the law enforcement process must be grounded in the fundamental values of Pancasila and the 1945 Constitution.[1]

Law enforcement must be transparent and must not be influenced by extraneous factors that could disrupt its proper functioning. Once law enforcement becomes contaminated, the consequence is a dysfunctional judicial system. The criminal justice system in Indonesia begins with the occurrence of a

[1] Rohmat, Nandang. Criminal Justice System (Sistem Peradilan Pidana). K-Media, 2024, pp. 1–10

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**DOI: https://doi.org/10.35730/twpdev26**

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criminal act, followed by an investigation conducted by the police, prosecution by the public prosecutor, and examination at trial by the judge. These stages are by no means simple law enforcement officials face numerous obstacles from the preliminary investigation through to the trial examination. One of the most serious obstacles is the phenomenon of judicial mafia (mafia peradilan), which can impede and undermine law enforcement, compromising the principles of legal certainty, utility, and justice. When the judicial system is infiltrated by judicial mafias, a system that should function in accordance with statutory provisions is instead inverted into a form of abuse of power, wherein all parties conspire to manipulate the law to serve the objectives of the mafia.[2]

Criminology, as a scientific discipline, provides an indispensable analytical lens through which the causes, patterns, and social consequences of crime can be understood at every stage of the criminal justice process. Understanding the relationship between criminology and each phase of the criminal justice system is essential for developing a law enforcement framework that is not only formally compliant but also socially responsive and substantively just. This study therefore aims to: (1) explain the definition and scope of criminology; and (2) examine the relationship of criminology to each stage of the criminal justice system in Indonesia.[3]

**B. Research Methodology**

This study employs a qualitative approach grounded in library research (studi kepustakaan), involving the systematic collection, reading, recording, and critical analysis of data derived from written academic and legal sources relevant to the subject matter. This method is appropriate for research that focuses on the analysis of legal concepts, theoretical frameworks, and normative arguments rather than empirical field data.[4]

Primary sources include Indonesian criminal procedure legislation, specifically Law No. 8 of 1981 on Criminal Procedure (KUHAP), Law No. 16 of 2004 on the Attorney General's Office, and the Decree of the Chief Justice of the Supreme Court No. 026/KMA/SK/II/2012 on Judicial Service Standards. Foundational criminological texts consulted include works by Siegel, Hagan, Sutherland, and other leading scholars in criminology and criminal justice. Secondary sources comprise academic journal articles and scholarly monographs on criminology, criminal procedure, and the Indonesian criminal justice system.[5]

Data were analyzed using descriptive-analytical techniques, in which relevant material was identified, categorized, and interpreted to illuminate the theoretical and practical relationships between criminological principles and each stage of the criminal justice process. The normative-analytical approach was further employed to assess the extent to which criminological insights are embedded within, and can strengthen, the formal mechanisms of Indonesian criminal procedure law.[6]

2 Apriliansah, Laras, and Hamdan Yusuf. "Criminology and Professional Ethics in the Criminal Justice System." Jurnal Intelek Dan Cendikiawan Nusantara, vol. 1, no. 2, 2024, pp. 1–15.

3 Siegel, Larry J. Criminology: The Core. 6th ed., Cengage Learning, 2018, pp. 4–8.

4 Hagan, Frank E. Introduction to Criminology: Theories, Methods, and Criminal Behavior. SAGE Publications, 2018, pp. 20–25.

5 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (Kitab Undang-Undang Hukum Acara Pidana / KUHAP). State Gazette of the Republic of Indonesia, 1981.; Republic of Indonesia. Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia. State Gazette of the Republic of Indonesia, 2004.; Supreme Court of the Republic of Indonesia. Decree of the Chief Justice of the Supreme Court No. 026/KMA/SK/II/2012 on Judicial Service Standards. Supreme Court, 2012.

6 Munawar, Ahmad, Muhammad, and Aulia M. H. Putri. "Investigation Process in the Criminal Justice System." Jurnal Hukum Lex Generalis, vol. 4, no. 7, 2023, pp. 1–18.

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**DOI: https://doi.org/10.35730/twpdev26**

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## C. Discussion and Analysis

### 1. The Definition of Criminology

Etymologically, the term 'criminology' derives from the Latin words crimen, meaning crime, and logos, meaning knowledge or science. Criminology thus literally denotes the scientific study of crime and criminals. Criminology emerged as a reform movement against dissatisfaction with criminal law, criminal procedure, and the penal systems applied within society. Criminal law, in its classical form, focuses solely on acts that contravene its provisions and on how crimes can be established formally. The procedure for determining perpetrators and imposing sanctions in which offenders are treated as mere 'objects' and subjected to heavy and harsh punishment produced a sense of discomfort within criminological inquiry. Criminology studies crime as committed by human beings, relating it to human behavior and conduct, and accordingly its methodological approach is one of 'descriptive causality' and normative analysis.[7]

According to Wood, criminology is the totality of knowledge derived from theory or experience relating to criminal acts and criminals, including society's reaction to such acts and persons. Noach defines criminology as the science of criminal acts and reprehensible behavior, encompassing those individuals involved in such behavior. Walter Reckless describes criminology as the understanding of individual involvement in delinquent and criminal behavior, as well as an understanding of how the criminal justice system operates.[8]

Criminology examines the motives behind criminal acts from two principal perspectives: internal factors and external factors. Internal factors are understood as arising from a person's poor character or personality, which ultimately leads them to commit criminal acts. This poor character, as referred to in the internal factor, is shaped by several other dimensions: the educational dimension, whereby individuals with inadequate education tend toward short-sighted decision-making, which can give rise to criminal behavior; the religious dimension, whereby individuals with weak religious knowledge and faith are believed to lack moral guidance and thus may be capable of committing violence or crime; the economic dimension, whereby economic hardship compounded by migration, limited access to education, and lack of skills becomes a cause of deviant behavior; and the social environment dimension, whereby individuals who grow up in adverse environments will tend to form negative social circles, which in turn deform their character.[9]

### 2. The Relationship of Criminology to Each Stage of the Criminal Justice System

#### a. The Investigation Stage

Investigation constitutes the initial stage in the resolution of a criminal case, preceding the full investigation phase that seeks to establish whether or not a criminal act has occurred in a given event. Once the existence of a criminal act is confirmed, a full investigation may be conducted on the basis of the preliminary findings. In the preliminary investigation phase, the emphasis is placed on 'searching for and discovering' an 'event' that is suspected or alleged to constitute a criminal act. The full

7 Sutherland, Edwin H., and Donald R. Cressey. Principles of Criminology. 11th ed., J.B. Lippincott Company, 1978, pp. 3–5.; Adler, Freda, Gerhard O. W. Mueller, and William S. Laufer. Criminology. 9th ed., McGraw-Hill Education, 2018, pp. 6–10.

8 Siegel, Larry J. Criminology: The Core. 6th ed., Cengage Learning, 2018, pp. 6–9.; Hagan, Frank E. Introduction to Criminology: Theories, Methods, and Criminal Behavior. SAGE Publications, 2018, pp. 4–7.

9 Gottfredson, Michael R., and Travis Hirschi. A General Theory of Crime. Stanford University Press, 1990, pp. 85–90.; Merton, Robert K. “Social Structure and Anomie.” American Sociological Review, vol. 3, no. 5, 1938, pp. 672–682.

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investigation phase, by contrast, places its emphasis on 'searching for and collecting evidence.' Investigation aims to illuminate the criminal act discovered and to identify its perpetrator.[10]

The Indonesian Code of Criminal Procedure (KUHAP) defines investigation as a series of actions taken by an investigator in the manner and according to the procedures provided for by law, for the purpose of searching for and collecting evidence, so as to shed light on the criminal act that has occurred and to identify the suspect. As stipulated in Article 1(1) and (2) of the KUHAP, an investigator (penyidik) is an official of the Indonesian National Police (Polri) or a specified civil servant official granted special authority by law. Investigation thus refers to a series of actions carried out by an authorized investigative official, in accordance with statutory procedures, to search for and collect evidence and through that evidence to illuminate the criminal act that has occurred and simultaneously to identify the suspect or perpetrator.[11]

From a criminological standpoint, this investigation phase is informed by the discipline's understanding of crime causation, criminal typologies, and behavioral patterns. Criminological profiling, for instance, draws on empirical knowledge of offender characteristics to guide investigative strategy. The distinction between preliminary investigation (penyelidikan) and full investigation (penyidikan), while gradual in nature, reflects a procedural logic grounded in the progressive accumulation of evidence a process that criminology informs by providing frameworks for understanding how criminal events unfold and how perpetrators behave. In terms of the executing officials, the investigator (penyelidik) comprises all members of the Indonesian National Police, whose rank and authority are generally subordinate to those of the full investigator (penyidik). The investigator's authority is strictly limited to preliminary fact-finding, and only upon receiving a directive from the penyidik may the penyelidik perform actions specified under Article 5(1)(b) KUHAP, such as apprehension, prohibition from leaving the scene, searches, seizures, and similar measures. The full investigator (penyidik), as defined by KUHAP and elaborated in Article 6, is a National Police official or a specified civil servant granted special investigative authority. Article 10 further provides for assistant investigators (penyidik pembantu) whose appointment is governed by rank-based requirements.[12]

**b. The Prosecution Stage**

The prosecution stage in Indonesia's criminal justice process is a crucial step that connects the investigation phase with the court examination, and is governed explicitly by the KUHAP and Law No. 16 of 2004 on the Attorney General's Office. At this stage, the public prosecutor typically a state prosecutor (jaksa) bears the responsibility of evaluating the results of the police investigation and determining whether sufficient evidence exists to bring the case before a court. Under Article 1(3) KUHAP, prosecution is defined as the action of the public prosecutor in referring a criminal case to the competent district court, with a request that the case be examined and decided by the judge in a court hearing.[13]

10 Munawar, Ahmad, Muhammad, and Aulia M. H. Putri. "Investigation Process in the Criminal Justice System." Jurnal Hukum Lex Generalis, vol. 4, no. 7, 2023, pp. 1–6.

11 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, arts. 1(1)–1(2).

12 Siegel, Larry J. Criminology: The Core. 6th ed., Cengage Learning, 2018, pp. 50–55.; Fitriono, Rian A., et al. "Examining the Criminological and Victimological Perspectives in Cases of Attempted Rape and Murder in Kutai." Jurnal Ekonomi, Sosial Dan Humaniora, vol. 3, no. 4, 2021, pp. 1–12.

13 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, art. 1(3).; Republic of Indonesia. Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia. State Gazette of the Republic of Indonesia, 2004.

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In discharging this duty, the public prosecutor is authorized to receive and examine case files from the investigator, to conduct pre-prosecution proceedings if deficiencies are identified in the investigation, and to draft the indictment (surat dakwaan) that forms the basis for court examination (Article 14 KUHAP). The prosecution process begins after the investigation is complete and centers on the preparation of an indictment that specifies the details of the criminal acts charged and the supporting evidence. The public prosecutor must ensure that the indictment meets both the formal and material legal requirements under applicable law.[14]

The public prosecutor subsequently refers the case to the court along with the indictment and, simultaneously, notifies the defendant of the hearing schedule (Article 148 KUHAP). In this capacity, the public prosecutor also functions as a mediator between the parties involved in the legal process including the defendant and the victim creating space for dialogue and more constructive resolution. The prosecution stage also encompasses several types of proceedings corresponding to the gravity of the case: ordinary prosecution for serious criminal offenses, summary prosecution for minor offenses, and expedited prosecution for traffic violations (Article 141 KUHAP). This flexibility enables the criminal justice system to respond more effectively to the diverse range of cases and circumstances it encounters. Criminology contributes to this stage by providing frameworks for assessing risk, understanding offender motivation, and contextualizing the social conditions that gave rise to the offense all of which can inform prosecutorial discretion and the framing of charges.[15]

**c. The Trial Stage**

The trial stage in Indonesia's criminal justice process is the pivotal phase that ensures justice and transparency in law enforcement. A trial is defined as a series of processes for examining, adjudicating, and deciding a case by a panel of judges, both inside and outside the court building, including electronic trials (Article 1(3) KUHAP). The trial commences after the case file has been referred by the public prosecutor to the court, whereupon the hearing is declared open to the public except in specified cases designated as closed proceedings (Article 154 KUHAP).[16]

At the opening of the trial, the defendant is brought before the panel of judges to confirm their identity and to verify whether they have received a copy of the indictment and are in a fit condition to participate in the proceedings (Article 148 KUHAP). The panel of judges then inquires whether the defendant will be accompanied by legal counsel or will appear alone. If the defendant does not have their own counsel, the panel of judges is obliged to appoint legal counsel where the defendant faces a potential sentence of five years or more (Article 56(1) KUHAP). Following the reading of the indictment, the defendant is asked whether they understand it and whether they intend to raise an exception (eksepsi). If the defendant or their legal counsel raises an exception, the opportunity is provided for its formulation, after which the hearing is adjourned. Following the reading of the exception, the public prosecutor responds, and the panel of judges reads a preliminary ruling either

14 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, arts. 14, 148.

15 Apriliansah, Laras, and Hamdan Yusuf. "Criminology and Professional Ethics in the Criminal Justice System." Jurnal Intelek Dan Cendikiawan Nusantara, vol. 1, no. 2, 2024, pp. 5–8.; Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, art. 141.

16 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, arts. 1(3), 154.; Lippman, Matthew. Criminal Procedure. 4th ed., SAGE Publications, 2018, pp. 310–315.

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accepting or rejecting the exception. If accepted, the case does not proceed; if rejected, the examination of the merits of the case continues (Article 143(2)(a) and (b) KUHAP).[17]

During the evidentiary phase, both the public prosecutor and the defendant are given the opportunity to present at least two valid forms of evidence as specified in Article 184(1) KUHAP, comprising: witness testimony, expert testimony, documentary evidence, circumstantial evidence, and the defendant's own statement. Examination of prosecution witnesses commences with the victim witness and proceeds to additional witnesses, including exculpatory witnesses and expert witnesses if present. Upon conclusion of the evidentiary stage, the public prosecutor delivers the closing statement (requisitoir or tuntutan), which contains an explanation of the facts concerning the criminal acts attributed to the defendant and sets out the juridical elements specifying the provisions violated, including the offense charged.[18]

Subsequently, the defendant or their legal counsel submits a defense (pledoi), wherein the defense note constitutes the defendant's effort to defend themselves and to rebut the prosecution's charges. The public prosecutor's reply (replik) is then delivered in response to the defense, followed by the defendant's rejoinder (duplik) if necessary (Article 184(1) KUHAP). The duration of the trial proceedings is governed by the Decree of the Chief Justice of the Supreme Court No. 026/KMA/SK/II/2012 on Judicial Service Standards, which provides that general criminal cases must be decided and concluded within a maximum of six months from the date of registration by the public prosecutor, while criminal cases in which the defendant is detained must be decided and concluded by the court no later than ten days before the expiry of the detention period. The trial stage is therefore not merely a forum for examining and deciding criminal cases, but also a fundamental guarantee of substantive justice for all parties involved in the criminal justice system. Criminology contributes to this stage by informing the interpretation of evidence, the assessment of witness credibility, and the understanding of the social and psychological dimensions of the defendant's conduct.[19]

**d. The Execution of Sentence Stage**

The execution of sentence stage in Indonesia's criminal justice process constitutes the final, crucial step in the enforcement of justice and in ensuring that court decisions are effectively implemented. The execution of sentences is governed by the KUHAP, particularly Articles 270 through 276, which affirm that the enforcement of court decisions that have obtained permanent legal force (inkracht van gewijsde) must be carried out by the public prosecutor. This process commences after the court's decision has acquired permanent legal force that is, when neither the defendant nor the public prosecutor has filed a further legal remedy, or when the time limit for filing a legal remedy has lapsed without any application being made (Article 270 KUHAP).[20]

The court registrar (panitera) is responsible for dispatching a copy of the decision to the public prosecutor, who then carries out the execution. The execution of sentences takes several forms,

17 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, arts. 148, 56(1), 143(2)(a)–(b).

18 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, art. 184(1).; Cole, George F., Christopher E. Smith, and Christina DeJong. The American System of Criminal Justice. 15th ed., Cengage Learning, 2019, pp. 250–260.

19 Supreme Court of the Republic of Indonesia. Decree of the Chief Justice of the Supreme Court No. 026/KMA/SK/II/2012 on Judicial Service Standards. Supreme Court, 2012.; Skolnick, Jerome H. Justice Without Trial: Law Enforcement in Democratic Society. 4th ed., Quid Pro Books, 2011, pp. 200–210.

20 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, arts. 270–276.; Packer, Herbert L. The Limits of the Criminal Sanction. Stanford University Press, 1968, pp. 60–70.

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depending on the type of punishment imposed by the judge. For example, execution may take the form of imprisonment or detention, payment of a fine, or measures concerning physical evidence seized during the judicial process. In cases involving imprisonment, the public prosecutor is authorized to deliver the convicted person to the correctional institution in accordance with applicable provisions. With respect to the execution of fines, the public prosecutor is also authorized to initiate collection proceedings against a convicted person who fails to fulfill their obligation to pay the fine as ordered by the court. It is important to note that execution is not merely an administrative matter but may also involve coercive action if the convicted person refuses to comply with the decision (Article 271 KUHAP).[21]

The execution process must also be carried out with due regard for the rights of the convicted person and the principles of justice. Before proceeding with execution, the public prosecutor must ensure that all procedures have been followed and that the convicted person has been afforded the opportunity to express their views. If the convicted person raises objections regarding the execution of the sentence, the public prosecutor must give consideration to those objections before continuing the process. The execution stage is thus not merely the implementation of a court decision but also an integral component of the criminal justice system that guarantees every individual is treated fairly and in accordance with the law. Criminological frameworks contribute to this stage by emphasizing the rehabilitative dimension of punishment ensuring that incarceration and other sanctions serve not only deterrent and retributive purposes, but also the reintegration of offenders into society. Through proper and transparent execution, the enforcement of sentences is expected to enhance public confidence in the criminal justice system and reinforce the legitimacy of law in Indonesia.[22]

## D. Conclusion

Etymologically and substantively, criminology is a scientific discipline that examines crime, offenders, and social reactions as a form of reform against the rigidity of positivistic criminal law. Through its approach of descriptive causality, criminology dissects the determinants of crime arising from both internal factors psychological, educational, and religious and external factors economic, sociological, and environmental. The existence of criminology constitutes a crucial instrument for enriching the understanding of every phase of the criminal justice system, from the preliminary investigation and investigation stages that serve to illuminate criminal events and gather evidence, through the prosecution stage that bridges juridical requirements with substantive justice.[23]

Criminological principles are further reflected in the trial stage through the transparent material evidentiary process designed to test the validity of charges and defenses. This legal process reaches its culmination at the execution stage, wherein the public prosecutor enforces a decision that has obtained permanent legal force, encompassing both custodial and administrative sanctions. Criminology thus functions as an analytical foundation that ensures law enforcement does not merely fixate on the formal

21 Republic of Indonesia. Law No. 8 of 1981 on Criminal Procedure (KUHAP). State Gazette of the Republic of Indonesia, 1981, art. 271.; Remington, Frank J., et al. Criminal Justice Administration. Bobbs-Merrill, 1969, pp. 400–415.

22 Braithwaite, John. Crime, Shame and Reintegration. Cambridge University Press, 1989, pp. 55–65.; Duff, R. Antony. Punishment, Communication, and Community. Oxford University Press, 2001, pp. 80–90.; Fagan, Jeffrey, and Tracey L. Meares. "Punishment, Deterrence and Social Control: The Paradox of Punishment in Minority Communities." Ohio State Journal of Criminal Law, vol. 6, no. 1, 2008, pp. 173–229.

23 Rohmat, Nandang. Criminal Justice System (Sistem Peradilan Pidana). K-Media, 2024, pp. 1–15.; United Nations Office on Drugs and Crime (UNODC). Criminal Justice Assessment Toolkit. UNODC, 2006, pp. 1–20.

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legality of acts, but also accounts for the complexity of human behavior and social dynamics in pursuit of the integrity of the judicial system.[24]

In light of the foregoing, several recommendations are warranted. First, criminological expertise should be institutionally integrated into the training curricula of law enforcement officers, prosecutors, and judges, so that practitioners at every stage of the criminal justice system possess a grounded understanding of crime causation and offender behavior. Second, the legislative framework should be continuously reviewed and updated to ensure that criminal procedure law adequately reflects contemporary criminological insights, particularly regarding rehabilitation, victim rights, and restorative approaches to justice. Third, inter-agency coordination among the police, prosecution service, courts, and correctional institutions should be strengthened to ensure a coherent, criminologically informed approach to the management of criminal cases from investigation through to the execution of sentences. Finally, public trust in the criminal justice system must be safeguarded through rigorous anti-corruption measures targeting judicial mafia networks, so that the system operates with the transparency, fairness, and independence that the rule of law demands.[25]

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24 Garland, David. The Culture of Control: Crime and Social Order in Contemporary Society. University of Chicago Press, 2001, pp. 170–180.; Walker, Samuel. Sense and Nonsense About Crime, Drugs, and Communities. 8th ed., Cengage Learning, 2015, pp. 10–20.

25 Hermana, Asep, Roni Septiawan, and Nina Herlina. "Criminological Study of Perpetrators Who Intentionally and Unlawfully Distribute, Transmit, or Make Accessible Electronic Information Containing Violations of Decency." Jurnal Pustaka Galuh Justisi, vol. 2, no. 2, 2024, pp. 1–15.

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