

Formulation Policy of Criminal Sanction in Indonesian Criminal Justice System

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Abstract : This One of criminal sanctions that are often imposed by the judge is imprisonment. The issue on the imposition of imprisonment has been subject of contentious debate and criticism among various groups for a long time. In practice, the problematics of imprisonment lead to complicated problems. The impact of the reckless imposition of the imprisonment includes among others overcapacity of the correctional institution and increasing crimes within the correctional facilities. Therefore, there is a need for renewal of the existing condemnation paradigm, considering the developing phenomena associated with the penal imposition. Imprisonment as one element of the Indonesian penal system is an important and integral part of the other elements. The philosophy of the current penal system, which still refers to the Criminal Code, still carries the values of retaliation and fault-finding toward the offender. Therefore, it is important to reconstruct a new thought in order to realize a penal system that is represented in the formulation of a more humanistic criminal sanction

Keywords : criminal code, criminal sanction, Indonesian legal system, reconstruction of thought

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