



Purposes and Guidelines of Sentencing as an Effort to Prevent Criminal Disparities

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Abstract

In order to establish a national criminal law based on basic values and the realities of life in an Indonesian society, then the failure of a national penal code code that was enacted in act no. 1 year 2023 asa replacement for the penal code (WvS) that was not in accordance with the Indonesian way of life was devised. The national penal code is based on an idea of balance, so it's defined for purpose and guidelines that were not previously defined explicitly in the penal code (WvS). The formulation of goals and guidelines of idling is the renewal of criminal laws to achieve using a policy and value approach. The aim and guidelines for idling are the solution to the problem of criminal disparity in Indonesia because they are based on criminal flexibility andasa judge foundation in rendering a criminal. The method used in this study was normative-juridical, which was the study of literature on legal principles. The result of this study is that the purpose and guidelines of idling are set up in the national penal code to achieve the well-being and protection of society and the purpose and guidelines of idling asa prevention to disparity through the inducing of the judge to make the ruling more proportionate and easier for the judge to understand the reason why crime is so meted out.

Keywords: *Purposes; Guidelines; Sentencing; Prevent Criminal Disparities*

Introduction

Criminal law renewal can be seen from policy approaches and value approaches. In terms of the policy approach, criminal law renewal is part of the effort to address social problems, achieve the national objectives of community welfare, protect the community, and provide renewables of legal substance to improve the effectiveness of law enforcement. In addition to the policy approach, criminal law renewal should also be viewed in terms of a value approach which means the renewal of criminal law is the effort to reconstructing and reevaluating sociopolitical values, sociophysical values, and sociocular. It is not a renewal where the value orientation of the criminal law is equated with the orientation of the old criminal law colonial legacy.¹ The book of criminal law (WvS) the legacy of the Dutch Indian age comes from the continental family/civil law system "or according to Rene David called "the romano-germanic family".

¹ Barda Nawawi, Bunga Rampai Kebijakan Hukum Pidana, Kencana; Jakarta, 2008, hlm. 30

The "civil law system" or "the Romano-Germanic Family" in Rene David is influenced by teaching that promotes individualism, liberalism and individual rights. The soul of the book of penal law similarly expressed in the draft law on "the principles and fundamentals of Indonesian penal code and penal law," which may be called "the first draft of the new 1964 book I. In "a general explanation of the bill is defined.

"Although act no. 1 in 1946 has attempted to legislate criminal law laws with an atmosphere of freedom, the principles and fundamentals of criminal law and criminal law remain colonial, requiring a concordment. Ai with that in the Netherlands. It may be occurred to you that bill no. 1 in 1946 was a transitional law, a binding one Requires that old principles and fundamentals be tested, but be established The test progressed very slowly or entirely unsatisfactory. This resulted in that in essence the principles and fundamentals of criminal law and colonial penal law remained in the blanket and face of Indonesia."

Thus it may be said that the book of criminal law (WvS) that has been taught is not criminal law originally derived, rooted or rooted in the concept of basic values (*grundnorm*) and reality (socio-economic, socio-economic and socio-culture) that live within the Indonesian society itself ². To remedy this, a renewed criminal law based on national values (*pancasila*) is required, in accordance with the values of the religious moral paradigm, humanity (humanitarianism), nationality, democracy (*rapacity/hility*), and social justice. Indonesia since 1963 has been compiling a national penal code with the aim of constructing a national criminal law that can replace the penal code of the colonial law with a book of criminal law. The national penal code of law is built and anchored on the basis of a balance of monodualistic equanimity between the common good/society and individual interests, a balance between protection or that of perpetrators of criminal and victims of criminal ACTS, a balance between subjective elements (inward person/attitude) with an objective (external actions), a balance between formal and material criteria, a balance between legal certainty, Flexibility, elasticity and flexibility and fairness and equilibrium of national values with global, international or universal value. ³The value of that balance is embodied in the three basic criminal law problems in the governance of criminal, criminal liability and criminal.

In determining appropriation, the national penal code of law is based on and has been given its flexibility and elasticity, that is, the latitude of the judge in determining criminal penalties for the perpetrators of the crime, even the judge can pardon and pass no sentence or action even if the crimes and wrongs have been fulfilled. The inflexibility of the national penal code of law is manifest through the presence of purpose and guidelines. With purpose and guidance from idling it is possible for a single formulation system to become an alternative and cumulative system and an alternative system as if it were a cumulative system in which criminal penalties are petitioned to avoid stiff idling systems

Idling systems can have a broad impact not only on communities but also on criminals, so it is necessary to consider a mature consideration not only for reprisals but also for the benefit of the criminal giving to the perpetrator. With the Indonesian condition that still adheres to the WvS penal code, to date, forming a conception that judges make criminal thinking the primary means of solving crimes, especially the application of prison crimes, without any alternative idomy. The current positive criminal law also does not set the purpose and guidelines of referencing so that judges have no benchmarks to determine the correct weight of the criminal and the correct type of criminal was given.

That perceived disparity precipitated a criminal disparity that would eventually reduce justice from the ruling by the judge, reducing public trust in the judicial establishment. With societal distrust, the aim of criminal policy is community protection, public welfare and crime prevention will be difficult to depose therefore requires a basis for a judge to pass a crime. Sudarto argues with the need for such a

² Pidato Pengukuhan Prof Barda Nawawi Arief, Beberapa Aspek Pengembangan Ilmu Hukum Pidana, disampaikan pada peresmian penerimaan jabatan guru besar dalam Ilmu Hukum, Fakultas Hukum Universitas Diponegoro, 1994, hlm. 6-7.

³ Naskah Akademik Undang Undang Nomor 1 tahun 2023, hlm. 107.

general penal code asa guide, it is a guide established by the lawgiver containing principles that the judge should be concerned about in the handing down of a criminal⁴ Such guidelines are expected to provide ease for the judge in achieving justice and proportionality in the ruling. Purpose and guidelines are present asa means of control, providing a philosophical, rational, motivation and justifying idleness andasan integral part of a system of idling.

Formulation of the Problem

The problem that will be addressed in this study is:

- 1) How does criminal policy relate to the purposes and guidelines of idomy in the national penal code?
- 2) How are the goals and guidelines of idleness a prevention effort to disparity?

Research Methods

The method of research used was normative-yuriy, a practice of literature that included research of legal principles, legal comparisons, legal history, systematic research of law and vertical and horizontal synchronization. A normative-law study is a study to understand the association between law science and positive law and therefore requires a study of the elements of law.⁵ This study has taken several approach, the statute approach and onceptual approach.

Discussion

Policies or efforts to precipitate crime are integral to social defence efforts and in achieving social welfare. The renewal of criminal law cannot be released from criminal policy because the basically founding of criminal law had to go through its policy-oriented approach as well as values-oriented approach.⁶ According to the criminal approach, criminal law renewal has the same goal of being part of the community protection effort (especially criminal control efforts). Protection of society with law enforcement in criminal law and the renewal of criminal law was duly enforced:⁷

1. The protection of society from anti-social ACTS that harm and harm society, and the purpose of idling is to prevent and address crime.
2. Public protection from a person's dangerous nature, the criminal/idling in criminal law aims to correct the perpetrator or to try to change and influence his behavior in order to return to law compliance and become a good and useful citizen of society.
3. Protection from sanctions or reactions from law enforcement as well as from citizens in general, the purpose of crime is set up to prevent outside law enforcement or abuse.
4. The protection of society from misbalancing or harmony of the interests and values resulting from evil, should help enforcement of criminal law be able to resolve the conflict that criminal ACTS cause, can restore balance and bring a sense of peace in society. Community protection in this regard also included special protection of crime victims. Sacrifices in this regard also include those of the "dangers of power," which must be provided with protection "access to justice and fair treatment, restitution, compensation and assistance"

⁴ Sudarto, Kapita Selektta Hukum Pidana, Alumi: Bandung, 1981, hlm.79-80.

⁵ Soerjono Soekanto, Penelitian Hukum Normatif, Raja Grafindo: Jakarta, 2006, hlm. 14.

⁶ Barda Nawawi, Ibid, hlm. 29.

⁷ Barda Nawawi, Ibid, hlm. 34.

The aim of idling should be directed at the protection of society as well as the welfare of the public as to criminal politics. As the performance of the purpose and guidance of idleness, a system of idling is required. Legislation as seen from a functional Angle can be interpreted as a whole system of criminal legislation and a whole system (legislation rules) that regulates how criminal law is enforced or operated concently, thereby condemning a person to criminal sanctions. From this Angle then a system of criminal law enforcement is identical to a criminal law system composed of specifying sub-system of criminal law. Whereas from the standpoint of norma-substantive (strictly by the norms of the substantive criminal law), the system of idling can be interpreted as the whole system of materializing penal rules/norms; Or the whole system rules/norms of materiel's penal laws for the adoption and execution of crime.⁸

The idling system contrary to criminal individualization does not mean granting complete freedom to judges and other apart apart authorities without guidelines or control. The purpose and guidance of idling are an integral part of the system of idling in addition to criminal, criminal (criminal accountability) and criminal. With the inducing of purpose and guidance in the idling system, the underlying crime need to consider the objectives and guidelines of idleness. The WvS penal code is not included on the purpose and guidelines of idleness, understanding of criminal crimes, the nature of lawlessness (including a principle of no criminal accountability without unlawfulness /no criminal behavior without unlawfulness, the principle of the absence of any legal trait in the material or known as afwezig-van principlealle materiele wederrechtelijkheid (AVAS).

While the general doctrine or general conceptual construction does not exist in the penal code of law, it is all in the lessons of criminal law and is generally taught to law students. However, since it is not expressly/explicit in the book of penal law, often the common conceptual construction is forgotten, even possible to be blamed in judicial practice or ruling. The same is true of goals and guidelines that are likely to be forgotten, ignored, or "rebuked" simply because there is no explicit formulation in the book of criminal law. Judging from the Angle of the system, the idling goal position is very central and fundamental. It is the purpose of idleness that is the soul /spirit of the idling system.⁹

In a conventional pattern of idling, the purpose and guidance of idling appear to be outside the system because it is not set up in the book of criminal law WVS. The basis for criminal justification of such a model rests solely on the objective requirement of the crime and the subjective requirement of error. The model looked like a rigid model of certainty. The national penal code gives place for purpose and guidelines asa basis for dropping a criminal so that judges in certain circumstances can pardon and not pass down any criminal or action even though the subjective and objective elements have been met.¹⁰ Such models are called flexible models because they open up space for the judge's forgiveness.

- Purpose and Guidance of Idleness in the National Penal Code

The national penal code begins the chapter on elimination by formulating goals and guidance, formulating these goals and guidance correction are meant to be an integral part of the programming system, as guides of (guides), as philosophical underpinning and justifying elimination, and pragmatic not to be lost or forgotten in the practice. As for the purpose of idling mentioned in chapters 51-52 of the national penal code that is:

Chapter 51

Idleness purpose:

⁸ Mudzakkir, *Perencanaan Pembangunan Hukum Nasional Bidang Hukum Pidana dalam Sistem Pemidanaan*, Departemen Hukum dan HAM, BPHN, 2008, hlm. 11.

⁹ Naskah Akademik Undang Undang Nomor 1 tahun 2023 tentang KUHP, hlm. 20.

¹⁰ *Ibid*, hlm. 22.

- a. Prevents crimes by enforcing legal norms for the protection and protection of society;
- b. Promote a criminal felon by arranging coaching and mentoring him to be a good and useful person
- c. Resolve conflicts created by criminal acts, restore balance, and bring arnan and peace in society;
- d. Encourages remorse and absolves guilt on the convict

Chapter 52

Idleness is not meant to demean human dignity.

The purpose of idling must be directed toward the protection of society and the welfare of the community, and thus can be divided into a few basic aspects:¹¹

- 1) aspects of public protection against criminal ACTS Encompassing purposes:
 - a) Crime prevention
 - b) Protector of society
 - c) Restoration of society's balance: conflict resolution (conflict), bringing a sense of peace (vrede making)
- 2) individual criminal crimes (individual criminal individuality) aspect of protection/coaching
Covering the objective:
 - a) Rehabilitation, reecation, resocialization (promotes convicts) include the following: to avoid committing harmful ACTS of either self or others in society, to be virtuous
 - b) Frees up the guilt
 - c) Protect perpetrators from arbitrary inhumane punishment or revenge (crime is not intended to demerit human dignity)

The sudarto states that in the first place, social - protection and general prevention views, the second aim has been developed for rehabilitation and special prevention. The third goal corresponds with the customary view of the laws regarding the reactie custom to restore the balance of the cosmos because evil is believed to have shaken the balance (evenwichververities), while the fourth goal is spiritual to the first pancasila precepts¹².The muladi argued that formulation of the purpose of idomy and the nature of crime, which is a combination of common prevencies (averting from criminal actions by enforcing legal norms for the protection and protection of society); And a special prevension (promotes a criminal by making gifts and mentoring a good and useful person). It should also be able to resolve conflicts resulting from crime, restore balance, and bring a sense of security and peace in society; And cultivate remorse and absolve guilt on a convict and not intended to demean human dignity.¹³

The identification guidelines are listed in chapters 53-54 of the national code:

Chapter 53

- 1) in judging a criminal case, judges were obligated to uphold law and justice
- 2) if in the establishing of law and justice as indicated in the verses (1) there is a conflict between certainty of the law and justice the judge places justice first

Chapter 54

- 1) Idleness is a must:

¹¹ Barda Nawawi, Tujuan dan Pedoman Pemidanaan (Perspektif Pembaharuan & Perbandingan Hukum Pidana), Magister: Semarang, 2022, hlm. 37.

¹² Sudarto, Pemidanaan, Pidana dan Tindakan, BPHN, 1982, hlm. 4.

¹³ Muladi dan Diah Sulistyani, Catatan Empat Dekade Perjuangan Turut Mengawal Terwujudnya KUHP Nasional (Bagian I, 1980-2020), Universitas Semarang Press, 2020, hlm. 46.

- a) A misdemeanor of a criminal;
- b) Motive and purpose of committing a crime;
- c) The inner criminal attitude;
- d) Crimes were committed by design or unpremeditated;
- e) How to commit a crime;
- f) The attitudes and actions of the perpetrators after committing a crime;
- g) History, social circumstances, and economic circumstances of criminal overtures;
- h) The influence of criminals on the future of criminal perpetrators;
- i) The impact of a crime on the victim or the victim's family
- j) A forgiveness from the victim and/or the victim's family;
- k) The value of law and justice living in a society.

The guidelines of idling in the laws of national penal law are set up with a wide variety:¹⁴

- 1) There was a general guideline to give direction to the judge as to what was appropriate in rendering a criminal
- 2) There are specific guidelines to address a judge in choosing or dropping certain types of criminal
- 3) There is a guideline for a judge in applying the criminal threat formulation system used in the delict formulation

Aside from the considerations as mentioned in chapters 53 and 54, in the terms of the rule of inquiry it is also said that the judge can add another consideration to the intent of proportionate and understandable to both the public and the convict. The judge also has the power to pardon, based on the principle of *rechtelijke pardon*, a person guilty of a misdemeanor. The apology was included in the judge's ruling and should still be stated that the defendant was convicted of the criminal offense he was charged with.¹⁵

The balance of certainty/rigidity and flexibility (elasticity/flexibility) is also implemented in the guidelines and rules of idleness:¹⁶

- a. Although criminal penalties are formulated in a single (imperative), judges may choose other criminal alternatives that are not contained in the formula or apply cumulatively to other crimes
- b. Although criminal sanctions were drafted in an alternative way, the judge could produce cumulative penal penalties
- c. Although a strong decision has been made it is still possible to modify/change/reform/review the ruling on the basis of: change of law or change of legislative policy, change/improvement on the convict self
- d. Although the principle of the national penal code contradicts the idea of balance but in the event that there is a clash between certainty of law and justice, the national penal code gives guidelines so that in considering the laws to be applied, judges as far as they can put justice above certainty of law.

His formulation of goals and guidelines contrasts from the background that:¹⁷

- 1) A criminal legal system is a purposeful system and a criminal is just a means to an end
- 2) The purpose of the criminal is an integral part of the rest of the tracking system, which is the subsystem of criminal, criminal and criminal liability

¹⁴ Barda Nawawi, *Ibid*, hlm. 110

¹⁵ Noveria Devy Irmawati dan Barda Nawawi, *Urgensi Tujuan dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana*, Jurnal Pembangunan Hukum Indonesia, Volume 3, Nomor 2, 2021, hlm. 225.

¹⁶ Barda Nawawi, *Pembaharuan Hukum Pidana dalam Perspektif Kajian Perbandingan*, Citra Aditya Bakti: Bandung, 2011, hlm. 20-21.

¹⁷ Barda Nawawi, *Ibid*, hlm. 3.

- 3) The formulation of goals and guidelines of idleness is intended as a function of controlling, controlling, providing a philosophical basis, rationality, motivation and justifying
- 4) Viewed functionally/operational, the idling system is a series of processes through the formulation, application and execution stages, where the system is united as a system of idling requires purpose and guidance

- Criminal Disparity

Criminal disparity according to the cheang is the unequal application of a criminal to the same crime or to crimes whose dangerous traits can be compared (offences of inequality) without a clear basis for justification. The problem of criminal disparity results when a comparison of penal penalties is made between the judge's verdict and the verdict of the other. Within the judicial scope, criminal disparity is a natural thing but in the eyes of the public it encourages questions.¹⁸

Harkristuti harkrisnowo divides disparity in several categories, which:¹⁹

- a. Disparity between similar crimes
- b. Disparity between crimes of similar seriousness
- c. Criminal disparity that was imposed by a panel of judges
- d. Disparity between criminals that are imposed by different judges for one common crime

Spohn described some types of disparity as follows:²⁰

- 1) Inter confrontdisparity - this occurs because of the scale of the seriousness of a crime in one area to another thus causing a difference in the pattern of punishment imposed between the jurisdictions of the court
- 2) Intra jurisdicdisparity - this may occur because judges have different perceptions of the scale of idleness, the result that perpetrators of similar criminal conduct can be punished differently by different judges
- 3) Intra judge disparity - when a judge is inconsistent in solving each case. This type of disparity is often a discrimination indicator in rulings. This is because how can a judge in cutting off the same act get a different punishment. Spohn views this type disparity as undisparidsparity because almost the majority of these disparities are caused by illegal extra inequality to suppose tribes, colors, skin, religions, economic levels and so forth

Spohn says inter-confrontational type disparity is natural and may be possible because each court area has varying degrees of weight due to criminal action and, besides, public view of one particular crime in one region is not necessarily the same as the other. There are various factors that affect receding disparity. The cause of the disparity can be seen in a theoretical juridical and empirical way. In a theoretical juridical way, criminal disparity is caused by the existence of:²¹

- a) Judge's Existence of Freedom and Independence under the Constitution of the Republic of Indonesia 1945

¹⁸ Harkristuti Harkrisnowo, *Rekonstruksi Konsep Pemidanaan; Suatu Gugatan Terhadap Proses Legislasi dan Pemidanaan di Indonesia, Orasi Pengukuhan Guru Besar di Universitas Indonesia*, 2003, hlm. 7

¹⁹ Op.cit

²⁰ Cassia C Sphon, *How do Judge Decide: The Search for Fairness and Justice in Punsihment*, Sage Publication: Washington, 2008, hlm.130

²¹ Nimerodi Gulo dan Ade Kurniawan Muharram, *Disparitas dalam Penjatuhan Pidana, Masalah-Masalah Hukum*, Jilid 47 Nomor 3, Juli 2018, 223-224

The independent, independent understanding of the power of justice based on the judge's code of conduct contains a basic set of principles as morality and is subject to high regard by judges in Indonesia both inside and outside of its preoccupation

b) Judicial Discretionary

The law no 48 in 2009 on the power of justice in article 1 has governing the principle of the judge's freedom

c) Theory Ratios Decidendi

Is the reason for a verdict. Black law dictionary states ratios decidendi as "the point of in a case where it is" the judgement.

d) Dissenting Theory

According to hf Abraham Amos, dysfunction is the difference between amar ruling in a particular case, in a plurality and multicultural society, the difference in understanding of the law is common

e) Jude Doctrine

The black law dictionary defines the res judicata asa problem that is decided, a matter that is prosecuted or legally decided. A problem solved by an appraisal. The final judgment rules given by competent courts on benefits, convincing of the rights of their parties and private ones, justifying the absolute right to further action involves the same claim, demand or cause of action

Empirically, factoring in the judgment of a defendant's situation such as social, economic, personality, community, and as to evidenced facts in a court can also influence the judge's judgment. The judge should not discontinue in doubt so that criminal disparity exists.²² Criminal disparity causes an impact in various areas, in communities, criminal disparity can create a sense of public dissatisfaction with the ruling of the judge and the penal system. For a convict who gets a crime that takes longer than any other criminal with a similar criminal would feel unjust, be a convicted felon who does not respect the law, and act antirehabilitation thereby making it difficult for a correctional officer to commit rehabilitation.²³

- The Purpose and Guidance of Idleness to Prevent Disparity

Efforts to overcome the impact of disparity divide into 2 approaches to reducing disparity (approach to minimize disparity), approaches to reducing negative impact on disparity (*approach to minimize the effects of disparity*).²⁴

In the first attempt, all that was needed was an attempt to create a penal code that gave the judge the possibility of calculating the weight of delik and the way it was done, increasing the role of the court of appeal in reducing criminal disparity, selection and practice for the judges. As to the disparity between the disparity and the disparity of the region, the policy of the penal system on the index can make a criminal adjustment. As an example in a conditional criminal such as bispa hall in cooperation with another law enforcement agency might suggest to a judge that a person on parole be ordered to enter his or her home if he violates a public ora special condition (for a person who is considered to be a lightweight).²⁵

²² Op.cit.

²³ Muladi dan Barda Nawawi, Ibid, hlm. 54.

²⁴ Muladi dan Barda Nawawi, Ibid, hlm. 67.

²⁵ Muladi dan Barda Nawawi, Ibid, hlm. 69-70.

The objective of idleness is basically to meet the goals of community protection and public welfare. In the creation of the stated purpose of idling, the purpose of idling is also present to promote a sense of peace for the community, the prevention of crime, the restoration of balance, and the repair of the perpetrators. The aim of idling in the penal code of the national penal code is born from the development of modern and neo-classical flow so that the ends of the criminal are based on unanimous and coined theories. In relative theory, the ultimate goal of idleness is not vengeance but the prevention of crime. This theory divides prevention against crime into general prevention and special prevention. Public prevalence is viewed as a criminal being imposed on a person who commits a crime and a specific predisposition is aimed at a criminal who has been sentenced not to repeat the crime²⁶ A unified theory is a combination of reprisal and public order where vengeance is required to protect public order.

According to Cesare Lombroso, modern standards don't think it's right to use the same crime for everyone who commits a specific crime, for the punishment fit the criminal.²⁷ Neo-classics start talking about things that relieve convicts. The purpose of idleness in this regard is to give rational reasons "reasonable" for criminal disparity.

Enforcement guidelines are also Bridges to confirm principles or ideas that underlie the setting up of penal code, among other things: The principle of subsidization in choosing a type of criminal sanction, an idea of a criminal individuality, an idea to implement a type of criminal alternative instead of a criminal plundering of liberties in order to avoid prison incarceration (selective and limitative policies), an idea to inhibit the incorporation of criminal and action kinds of sanctions, an idea to end excise from short criminals. In essence, the idleness guide will provide a guide in administering the penalty for the accused. In the hearing guidelines, there are several lists of things that a judge must consider before dropping a criminal. With such a list of checks, a judge could be more likely to have a measure or weight reduction (strafmat). The idea behind this guideline is one of many to avoid criminal disparity.²⁸

Sudarto argues that the present state of criminal law has only a rule regarding penal giving, where there is no set of guidelines. The guidance of inquiry will make it easier for the judge to establish inquiry with considerations that are subjective (subjective) and objective (action), considering these considerations the judge is better able to understand why such a imposed criminal is so. The problem is not how to eliminate absolute disparity but disparity must be reasonable.²⁹

Conclusion

Criminal law renewal is implemented by replacing the book penal code WVS with the national penal code code as part of a criminal policy with the purpose of community protection and public welfare. In the rendering of idleness for a person, the national penal code is not only based on the fulfillment of objective and subjective elements but also has to fulfill the purposes and guidelines of idleness in the programming system. The purposes and guidelines of elimination are basically an integral part of the programming system, as guides of guides, as philosophical underpinning and justifying elimination, and pragmatically to not be lost or forgotten in practice. The purpose and guidelines for idling prevent disparity by giving a guide/foundation for a judge in dealing with a crime because disparity must be based on rational reasons and the judge must understand why a crime that is meted out can be so.

²⁶ Eddy Hiariej, Prinsip-Prinsip Hukum Pidana, Cahaya Atma Pustaka; Yogyakarta, 2006, hlm 39-40.

²⁷ Barda Nawawi, Ibid, hlm. 65.

²⁸ Barda Nawawi, Ibid, hlm. 46

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