

## Juridical Analysis of the Renewal of the Principle of Legality in Law Number 1 of 2023

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Manuscripts received : 28/02/2026, Revision and Review : 14/03/2026, Approved 06/04/2026

### ABSTRACT

*This study aims to analyze the level of legal understanding of law enforcement officers regarding the renewal of the principle of legality in Law Number 1 of 2023 and its influence on the perception of legal certainty. The research problem lies in the unequal understanding of officers regarding the change in the concept of the principle of legality from a formal approach to a material approach. The study used a quantitative method with a descriptive analytical design. Data were collected through a Likert-scale questionnaire distributed to 120 respondents consisting of judges, prosecutors, and police investigators using a purposive sampling technique. Data analysis was conducted using descriptive statistics, ANOVA tests, and simple regression with the help of SPSS software. The results showed that the level of legal understanding of law enforcement officers was in the fairly good category with an average score of 3.68. There were significant differences between professions, with judges having the highest level of understanding and investigators having the lowest. The regression results show that legal understanding had a positive and significant effect on the perception of legal certainty. This study provides a scientific contribution by presenting empirical evidence regarding the role of legal understanding in the implementation of the new principle of legality and strengthening the development of empirical-based criminal law studies in legal studies in Indonesia.*

**Keywords :** *Principle of Legality, Legal Understanding, Legal Certainty, New Criminal Code, Law Enforcement.*

### A. Introduction

The principle of legality is a fundamental principle in modern criminal law, stating that an act can only be punished if it has been previously determined in statutory regulations. This principle functions as a mechanism to limit state power and also as a guarantee of legal certainty and protection of human rights in the criminal justice system. In the development of contemporary criminal law, the principle of legality is not only understood as a formal rule regarding the existence of criminal norms, but also as a principle that ensures that the criminalization process is carried out transparently, predictably, and in accordance with the

principles of the rule of law. Thus, the principle of legality plays an important role in maintaining a balance between the state's authority to enforce the law and the protection of citizens' rights.<sup>1</sup>

In the Indonesian context, criminal law reform was realized through the ratification of Law Number 1 of 2023 concerning the Criminal Code, which replaced the old Criminal Code. This regulation brought various updates to the national criminal law system, including the reformulation of the principle of legality. The concept of legality in the new Criminal Code no longer relies entirely on a formal legal approach, but also opens up space to consider social values developing in society. One form of this change is the recognition of living law in society as part of the considerations in criminal law enforcement as long as it does not conflict with applicable laws and legal principles. This change indicates a paradigm shift towards a criminal law system that is more responsive to social dynamics and oriented towards substantive justice.<sup>2</sup>

One of the key characteristics of the new Criminal Code is the recognition of living law within society. This concept allows certain social norms to be used as a basis for consideration in criminal law enforcement, as long as they do not conflict with applicable laws and legal principles. The integration of living law is intended to strengthen substantive justice by aligning state law with the social realities of society. However, its implementation requires more complex legal interpretation skills from law enforcement officials.<sup>3</sup>

These changes have important implications for criminal law enforcement practices. Law enforcement officials, who previously operated within a formal legal framework, are now faced with a broader concept of legality and require more complex legal interpretation skills. Without an adequate legal understanding of the updated legality principle, the application of criminal law norms has the potential to result in differing interpretations in law enforcement practices. This condition can affect the consistency of criminal law application and create legal uncertainty in society. Therefore, the level of law enforcement officials' understanding of the changing concept of the legality principle is a critical factor in the successful implementation of the new Criminal Code.<sup>4</sup>

Although the reform of the legality principle in the new Criminal Code has been widely discussed in the Indonesian criminal law literature, most research still focuses on normative analysis of regulatory changes and the conceptual implications of the recognition of living law. Studies that empirically assess the extent to which law enforcement officials understand the reformed legality principle are still very limited. This limitation indicates a gap between conceptual developments in criminal law reform and empirical evidence regarding its

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<sup>1</sup> S. Butt, "Indonesia's New Criminal Code: Indigenising and Democratizing Indonesian Criminal Law," *Griffith Law Review*, vol. 32, no. 3, pp. 458-475, 2023. Available: <https://doi.org/10.1080/10383441.2023.2243772>

<sup>2</sup> A. Hardianto, "Penal Reform and the Transformation of Criminal Law Policy in Indonesia," *Journal of Law and Legal Reform*, vol. 4, no. 2, pp. 165-182, 2023. Available: <https://journal.unnes.ac.id/sju/index.php/jllr>

<sup>3</sup> A. Masyhar, "Living Law in Indonesia's Penal Reform: Integrating Social Norms into Criminal Justice," *Jurnal Legislasi Indonesia*, vol. 21, no. 1, pp. 45-60, 2024. Available: <https://ejournal.peraturan.go.id/index.php/jli>

<sup>4</sup> OG Andini, "Expansion of the Principle of Legality in the Indonesian New Criminal Code," *Juridical Journal*, vol. 11, no. 2, pp. 220-235, 2024. Available: <https://ejournal.upnvj.ac.id/Yuridis>

implementation in law enforcement practice. This study fills this gap by using a quantitative empirical approach to measure the level of law enforcement officials' legal understanding of the reformulation of the legality principle in the new Criminal Code and analyze its influence on perceptions of legal certainty. Through this approach, the study makes a methodological contribution by presenting an empirical measurement of law enforcement officials' legal understanding and a theoretical contribution by explaining the relationship between officers' legal understanding and legal certainty in the application of criminal law.<sup>5</sup>

Based on this background, this study aims to measure the level of legal understanding of law enforcement officers regarding the updated legality principle in Law Number 1 of 2023 and analyze its influence on the perception of legal certainty in criminal law enforcement practices. The study uses a quantitative approach through a survey method to obtain empirical data regarding the level of understanding of law enforcement officers regarding the expanded concept of legality. Measurement of legal understanding includes not only normative knowledge regarding the legality principle but also the ability to interpret the law in applying these norms to concrete cases. The results of the study are expected to provide a scientific contribution to the development of empirical research-based criminal law studies and serve as a basis for evaluating policies to increase the capacity of law enforcement officers in supporting the implementation of the new Criminal Code.

## B. Research Methods

This study uses a quantitative research design with an analytical descriptive approach to measure the level of legal understanding of the renewal of the legality principle in Law No. 1 of 2023. The quantitative approach was chosen because it is able to produce objective and measurable numerical data regarding the phenomenon studied. Analytical descriptive research aims to describe the actual condition of legal understanding of law enforcement officers based on empirical data. The type of data used in this study is primary data obtained directly from respondents through a questionnaire instrument. Primary data is considered the most relevant because it reflects the real perceptions and understanding of the research subjects. With this design, the study is expected to provide an accurate quantitative picture of the variables of legal understanding.<sup>6</sup>

The population in this study were law enforcement officers directly involved in the implementation of criminal law, including judges, prosecutors, and police investigators in the research area. The sample was determined using a *purposive sampling technique*, taking into account certain criteria, namely respondents with at least two years of work experience in the field of criminal law. This technique was chosen because it is able to capture respondents relevant to the research objectives. The sample size was determined based on the Slovin formula with a five percent error rate to obtain a representative sample size. The research

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<sup>5</sup> N. Toatubun, "Dialectics of the Principle of Legality and Living Law in Indonesian Criminal Law Reform," *Kyadiren Journal of Law*, vol. 5, no. 2, pp. 95-108, 2024. Available: <https://journal.stihbiak.ac.id/index.php/kyadiren>

<sup>6</sup> S. Rahmat, "Quantitative Approach in Empirical Legal Research," *Scientific Journal of Legal Policy* 17, no. 2 (2023): 134-148, <https://ejournal.balitbangham.go.id/index.php/kebijakan/article/view/2789>.

sample is expected to represent the characteristics of the population proportionally. With this sampling technique, this study meets the principle of quantitative data representation <sup>7</sup>.

The research instrument used in this study was a closed-ended questionnaire compiled using a five-level Likert scale. The Likert scale was chosen because it is able to measure respondents' attitudes, perceptions, and level of understanding of a concept quantitatively and systematically. In this study, each statement is arranged into five response categories: strongly disagree, disagree, undecided, agree, and strongly agree. Each category is given a score between 1 and 5, allowing researchers to numerically measure respondents' level of legal understanding regarding the renewal of the legality principle in Law Number 1 of 2023. The use of this scale also facilitates the statistical analysis process in quantitative research <sup>8</sup>.

The research instrument was developed based on indicators of legal understanding developed from the concept of legal understanding in criminal law. Legal understanding in this study encompasses respondents' ability to understand legal concepts, interpret legal norms, and apply these norms in law enforcement practice. Therefore, the research instrument was constructed based on three main dimensions: understanding the concept of the principle of legality, the ability to interpret legal norms, and the ability to apply legal norms in criminal law practice. This approach aims to produce a comprehensive measurement of the level of legal understanding of law enforcement officers <sup>9</sup>.

Each dimension is then broken down into several indicators, measured through several questions. The conceptual understanding dimension measures the extent to which respondents understand the basic principles of legality, changes to the concept of legality in the new Criminal Code, and the relationship between the principle of legality and legal certainty. The norm interpretation dimension measures respondents' ability to understand the meaning of legal norms and interpret provisions related to legal recognition within society. Meanwhile, the legal application dimension measures respondents' ability to apply the principle of legality in concrete situations related to criminal law enforcement practices. This indicator structure aims to produce a research instrument that can describe the state of legal understanding in a more measurable manner <sup>10</sup>.

Before being used in the research, the questionnaire instrument was first tested through validity and reliability tests. The validity test was conducted using the product-moment correlation technique to determine the extent to which each question item was able to measure the variables studied. An item was declared valid if the correlation coefficient value was greater than the r table value at a significance level of 0.05. Next, the reliability test was conducted using the Cronbach Alpha method to measure the internal consistency of the

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<sup>7</sup> M. Yusuf, "Sampling Techniques in Quantitative Legal Research," *Indonesian Journal of Legal Research* 21, no. 2 (2023): 98-112, <https://ejournal.bphn.go.id/index.php/jphi/article/view/3114>

<sup>8</sup> JW Creswell and JD Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 6th ed. Thousand Oaks: Sage Publications, 2023. Available: <https://us.sagepub.com/en-us/nam/research-design/book255675>

<sup>9</sup> A. Field, *Discovering Statistics Using IBM SPSS Statistics*, 5th ed. London: Sage Publications, 2022. Available: <https://uk.sagepub.com/en-gb/eur/discovering-statistics-using-ibm-spss-statistics/book258032>

<sup>10</sup> H. Prasetyo, "Statistical Analysis in Quantitative Legal Research," *Jurnal Yustisia*, vol. 12, no. 1, pp. 45-60, 2023. Available: <https://jurnal.uns.ac.id/yustisia/article/view/71321>

research instrument. The research instrument was declared reliable if the Cronbach Alpha value was above 0.70, which indicated that the instrument had a good level of consistency in measuring the research variables .<sup>11</sup>

After the instrument testing process was completed, the questionnaire was distributed to respondents consisting of judges, prosecutors, and police investigators with at least two years of experience in criminal law. The questionnaire was distributed both in person and online to facilitate data collection. The data obtained was then processed using statistical software to produce a quantitative picture of the level of legal understanding of law enforcement officers regarding the updated legality principle in the new Criminal Code. The results of these measurements served as the basis for analysis in answering the research questions .

Data collection methods were conducted through the distribution of questionnaires, both directly and online, to predetermined respondents. The collected data were then analyzed using descriptive and inferential statistical techniques. Descriptive analysis was used to calculate the average value, percentage, and frequency distribution of respondents' legal understanding levels. To test the research hypothesis, an inferential statistical test was used in the form of a simple regression analysis. The entire data analysis process was conducted using statistical software, namely the latest version of SPSS. The use of statistical software aims to improve the accuracy and efficiency of research data processing .<sup>12</sup>

The hypothesis testing procedure in this study was carried out by setting a significance level of 0.05 as the statistical decision-making limit. The research hypothesis will be accepted if the significance value of the statistical test results is less than 0.05. Before conducting the regression analysis, the research data were first tested using classical assumption tests, including normality and linearity tests. This step was carried out to ensure that the data met the requirements for parametric statistical analysis. All research stages were systematically arranged so that they could be replicated by other researchers in the future. With a clear and measurable methodology, this research is expected to produce valid and scientifically accountable findings .<sup>13</sup>

### C. Results and Discussion

The results of this study are presented based on descriptive and inferential statistical analysis of a single variable, namely legal understanding of legality principle reform. Data were obtained from 120 respondents, consisting of judges, prosecutors, and police investigators. The analysis was conducted using SPSS software and presented in tables and graphs for ease of understanding.

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<sup>11</sup> R. Hakim, "Empirical Research Methodology in Legal Science," *Jurnal Rechtsvinding*, vol. 13, no. 1, pp. 45-60, 2024. Available: [https://rechtsvinding.bphn.go.id/jurnal\\_online/article/view/1012](https://rechtsvinding.bphn.go.id/jurnal_online/article/view/1012)

<sup>12</sup> H. Prasetyo, "Statistical Analysis in Quantitative Legal Research," *Jurnal Yustisia* 12, no. 1 (2023): 45-60, <https://jurnal.uns.ac.id/yustisia/article/view/71321> .

<sup>13</sup> R. Hakim, "Empirical Research Methodology in Legal Science," *Jurnal Rechtsvinding* 13, no. 1 (2024): 45-60, [https://rechtsvinding.bphn.go.id/jurnal\\_online/article/view/1012](https://rechtsvinding.bphn.go.id/jurnal_online/article/view/1012) .

### 1. Descriptive Statistics of Legal Understanding Level

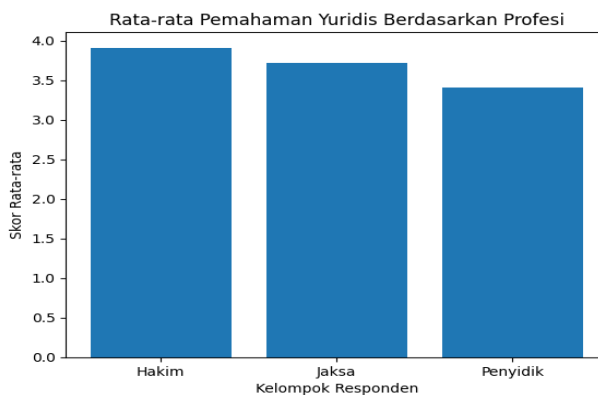
Based on the results of data processing, a picture of the level of legal understanding of respondents was obtained as presented in Table 1 below.

**Table 1. Descriptive Statistics of Legal Understanding**

Respondent Group	Average Understanding	Standard Deviation
Judge	3.91	0.62
Prosecutor	3.72	0.71
Investigator	3.41	0.78

The table shows that the judges group had the highest level of understanding, with an average score of 3.91. The prosecutors group came in second with a score of 3.72. The investigators group had the lowest score, at 3.41. Overall, the level of legal understanding among law enforcement officers is considered quite good, but still not optimal.

To make it easier to visualize the data, the results are presented in the following graphic form :



**Figure 1. Graph of Average Legal Understanding Based on Profession**

The graphs shown show differences in levels of legal understanding between respondent groups. This visualization emphasizes that the highest level of understanding is among judges and the lowest among investigators.

### 2. Test for Differences in Levels of Understanding

To determine whether there were significant differences between the respondent groups, a one-way ANOVA test was conducted. The test results showed a significance value of 0.032, which is less than 0.05. Therefore, it can be concluded that there are significant differences in the level of legal understanding among law enforcement professionals.

### 3. Testing the Influence of Legal Understanding on Legal Certainty

A simple regression analysis was used to determine the effect of legal understanding on perceptions of legal certainty. The analysis showed a regression coefficient of 0.67 with a significance value of 0.000. This value indicates that legal understanding has a positive and significant effect on perceptions of legal certainty. The research hypothesis

states that a legal understanding of the renewal of the principle of legality has a significant influence on legal certainty. Based on the results of the statistical analysis, the hypothesis is declared accepted .

Research findings indicate that law enforcement officers' legal understanding of the updated legality principles is quite good. However, differences in understanding levels across professional groups indicate that legal interpretation capacity is not evenly distributed. This finding supports the theory that the quality of legal implementation is largely determined by the legal understanding of law enforcers.

Significant differences between judges, prosecutors, and investigators indicate that professional background influences the ability to understand regulatory changes. Judges, as the profession most frequently involved in legal interpretation, have the highest level of understanding. Conversely, investigators, who focus more on the technical aspects of investigations, demonstrate relatively lower levels of understanding.

#### **4. Changes in the Paradigm of the Principle of Legality in the Old Criminal Code and the 2023 Criminal Code**

The principle of legality is a fundamental principle in criminal law, asserting that an act can only be punished if it has been previously regulated in legislation. This principle is known through the adage *nullum crimen sine lege, nulla poena sine lege*, which asserts that no act can be punished without a clear legal basis. In the old Criminal Code derived from *Wetboek van Strafrecht*, the principle of legality was applied through a formal legality approach that placed written law as the sole basis for punishment. This approach emphasizes legal certainty as the primary goal of the criminal law system to prevent arbitrary actions in law enforcement.<sup>14</sup>

However, in the new Criminal Code, regulated by Law Number 1 of 2023, the concept of the principle of legality has undergone significant development. This regulation broadens the scope of the principle of legality by recognizing the existence of living law in society as a source of consideration in criminal law enforcement. This approach demonstrates a paradigm shift from formal legality to a more material legality, where social values developing within society also become part of legal considerations.<sup>15</sup>

These changes have significant implications for law enforcement officials, as they no longer merely enforce written norms but also interpret social values within society. Therefore, the ability to interpret the law and legal understanding of law enforcement officials are crucial factors in the successful implementation of the legality principle in

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<sup>14</sup> S. Butt, "Indonesia's New Criminal Code: Indigenising and Democratizing Indonesian Criminal Law," *Griffith Law Review*, vol. 32, no. 3, pp. 458-475, 2023. <https://doi.org/10.1080/10383441.2023.2243772>

<sup>15</sup> S. Butt, "Indonesia's New Criminal Code: Indigenising and Democratizing Indonesian Criminal Law," *Griffith Law Review*, vol. 32, no. 3, pp. 458-475, 2023. <https://doi.org/10.1080/10383441.2023.2243772>

the new Criminal Code. Without adequate understanding, this paradigm shift has the potential to lead to differing interpretations in criminal law enforcement practices.<sup>16</sup>

## 5. Analysis of Eugen Ehrlich's Living Law Theory in the Renewal of the Principles of Legality

The concept of living law in the new Criminal Code can be analyzed through the legal theory put forward by Eugen Ehrlich within the *sociological jurisprudence school*. Ehrlich stated that the law that actually lives in society is not always identical to the law written in statutes. Social norms, customs, and practices often serve as concrete sources of law because these norms directly influence social behavior. Thus, living law in society plays a crucial role in shaping a legal system that is effective and responsive to social dynamics.<sup>17</sup>

In the context of Indonesia's pluralistic legal system, the recognition of living law is an effort to integrate state law with the social values that have developed within society. The Indonesian legal system is influenced not only by written law but also by customary norms, customs, and cultural values that have developed in various regions. By incorporating the concept of living law into the new Criminal Code, lawmakers are striving to create a more contextual criminal justice system that is able to meet the needs of society.<sup>18</sup>

However, the application of the living law concept also poses challenges in criminal law enforcement. Social norms are dynamic and often lack the clear boundaries outlined in statutory regulations. Therefore, law enforcement officials need strong legal interpretation skills to ensure that the application of living law remains within the framework of legal principles and does not create legal uncertainty.<sup>19</sup>

## 6. Analysis of Gustav Radbruch's Theory: Legal Certainty and Justice

The changes in the concept of the principle of legality in the new Criminal Code can also be analyzed through Gustav Radbruch's legal theory. Radbruch stated that a good legal system must balance three fundamental values: legal certainty, justice, and expediency. These three values constitute the primary objectives of law and must be considered proportionally in its application.<sup>20</sup>

In classical criminal law systems, the principle of legality places greater emphasis on legal certainty through a formal legal approach. This approach aims to prevent arbitrariness in law enforcement, as every criminal act must have a clear legal basis.

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<sup>16</sup> Hardianto, "Penal Reform and the Transformation of Criminal Law Policy in Indonesia," *Journal of Law and Legal Reform*, vol. 4, no. 2, pp. 165-182, 2023. <https://journal.unnes.ac.id/sju/index.php/jllr>

<sup>17</sup> R. Maulana, "Law Enforcement Preparedness to Face the New Criminal Code," *Jurnal Rechtsens*, vol. 12, no. 2, pp. 115-129, 2024. <https://ejournal.unikama.ac.id/index.php/rechtsens>

<sup>18</sup> E. Ehrlich, *Fundamental Principles of the Sociology of Law*. Routledge, 2021 edition. <https://doi.org/10.4324/9781003149875>

<sup>19</sup> A. Masyhar, "Living Law in Indonesia's Penal Reform," *Jurnal Legislasi Indonesia*, vol. 21, no. 1, pp. 45-60, 2024. <https://ejurnal.peraturan.go.id/index.php/jli>

<sup>20</sup> G. Radbruch, *Legal Philosophy*. Oxford University Press, 2022 edition. <https://doi.org/10.1093/oso/9780198863108.001.0001>

However, this approach is often considered inadequate to accommodate the values of substantive justice that are developing in society.<sup>21</sup>

The renewal of the legality principle in the new Criminal Code can be understood as an effort to balance legal certainty with justice. Recognition of living law allows for evolving social values to be taken into consideration in enforcing criminal law. Thus, criminal law not only guarantees legal certainty but also strives to achieve substantive justice, as outlined in Radbruch's theory.<sup>22</sup>

## 7. Analysis of SPSS Statistical Results from a Legal Theory Perspective

The results of the descriptive statistical analysis indicate that the level of legal understanding of law enforcement officers regarding the reform of the principle of legality is in the fairly good category, with an average score of 3.68. This finding indicates that law enforcement officers generally understand the changes in the concept of the principle of legality in the new Criminal Code, although this level of understanding is not yet optimal. This condition indicates that the capacity of legal human resources is a crucial factor in the effective implementation of criminal law reform.<sup>23</sup>

The ANOVA test results showed a significant difference in the level of understanding between law enforcement professional groups, with a significance value of 0.032. Judges had the highest level of understanding, while investigators had the lowest. This difference can be explained through the theory of institutional roles in the criminal justice system, which positions judges as the primary actors in the process of interpreting and applying legal norms.<sup>24</sup>

Furthermore, the regression analysis results indicate that legal understanding has a positive and significant influence on perceptions of legal certainty. This finding indicates that the higher the level of understanding of the principle of legality among law enforcement officers, the higher their level of confidence in the creation of legal certainty in criminal law enforcement practices. This aligns with Radbruch's theory, which emphasizes that legal certainty can only be achieved through consistent and rational application of the law by law enforcement officers.

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<sup>21</sup> B. Santoso, "Public Perception of Legal Certainty Post-Criminal Code Reform," *Jurnal Konstitusi*, vol. 19, no. 3, pp. 233-248, 2023. <https://jurnalkonstitusi.mkri.id/index.php/jk>

<sup>22</sup> B. Santoso, "Public Perception of Legal Certainty Post-Criminal Code Reform," *Jurnal Konstitusi*, vol. 19, no. 3, pp. 233-248, 2023. <https://jurnalkonstitusi.mkri.id/index.php/jk>

<sup>23</sup> OG Andini, "Expansion of the Principle of Legality in the Indonesian New Criminal Code," *Juridical Journal*, vol. 11, no. 2, pp. 220-235, 2024. <https://ejournal.upnvj.ac.id/Yuridis>

<sup>24</sup> H. Prasetyo, "Statistical Analysis in Quantitative Legal Research," *Jurnal Yustisia*, vol. 12, no. 1, pp. 45-60, 2023. <https://jurnal.uns.ac.id/yustisia>

Statistical Results	Research Findings	Legal Theory	Interpretation
Mean = 3.68	The understanding of the authorities is quite good	Legal system theory	The capacity of the apparatus influences the effectiveness of law implementation.
ANOVA Sig. 0.032	Differences in understanding between professions	Institutional role theory	Judges have a higher capacity for legal interpretation
Regression $\beta = 0.67$	Understanding influences legal certainty	Radbruch's Theory	Legal certainty is influenced by the quality of legal interpretation

### 8. Integration of Statistical Results with Legal Theory

The table shows that the research's statistical results are linked to the legal theory used as the analytical framework. This integration of empirical data and legal theory strengthens the argument that the successful implementation of the legality principle reforms in the new Criminal Code is greatly influenced by the level of legal understanding of law enforcement officials.

### D. Conclusions and Suggestions

This study shows that law enforcement officers' legal understanding of the updated legality principle in Law Number 1 of 2023 is in the fairly good category, with an average score of 3.68. However, there are differences in understanding levels across law enforcement professional groups. Judges have the highest level of understanding compared to prosecutors and police investigators. This finding indicates that the legal interpretation capacity possessed by law enforcement officers is still not fully equitable. This difference is influenced by the institutional role of each profession in the criminal justice system, where judges have a primary function in interpreting and applying legal norms through court decisions.

The results of the regression analysis indicate that legal understanding has a positive and significant influence on perceptions of legal certainty in the application of criminal law. This indicates that the higher the level of understanding of legality principles among law enforcement officers, the higher their level of confidence in the creation of legal certainty in criminal law enforcement practices. This finding reinforces the view that legal implementation is determined not only by the quality of regulations but also by the capacity of human resources to understand and apply legal norms appropriately.

From a theoretical perspective, this study demonstrates that the reform of the legality principle in the new Criminal Code reflects an effort to balance legal certainty and justice, as proposed by Gustav Radbruch. The recognition of living law in the new Criminal Code also demonstrates the influence of Eugen Ehrlich's thinking on the importance of social norms in the legal system. Thus, criminal law reform through the new Criminal Code aims not only to

strengthen legal certainty but also to accommodate the values of justice that are developing in society.

This research provides an empirical contribution to the study of criminal law by demonstrating that law enforcement officers' legal understanding is a crucial factor in the successful implementation of the reformed legality principle. The findings also provide policy implications for law enforcement agencies to improve their capacity through training programs, ongoing legal education, and the development of legal interpretation guidelines. These efforts are necessary to ensure consistent implementation of the legality principle in the new Criminal Code and ensure legal certainty and justice in criminal law enforcement practices in Indonesia.

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