

Implementation of the 2023 Criminal Code (KUHP) and the 2025 Criminal Procedure Code (KUHP) in Criminal Justice Practices: An Analysis of Judicial Policy on Supreme Court Circular Letter Number 1 of 2026

Deddy Isniyanto

Komisi Yudisial, Indonesia

Email: deddy_isniyanto@komisiyudisial.go.id

Keywords	Abstract
judicial policy; Supreme Court Circular Letter; Criminal Code 2023; Criminal Procedure Code 2025; judicial independence	The enactment of the 2023 Indonesian Criminal Code (KUHP 2023) and the 2025 Criminal Procedure Code (KUHP 2025) marks a fundamental paradigm shift in Indonesia's criminal justice system. These reforms require a consistent application of law to prevent fragmented judicial practices and sentencing disparities. In this context, the Supreme Court issued Supreme Court Circular Letter Number 1 of 2026 as a guideline for the implementation of the new Criminal Code and Criminal Procedure Code. This article aims to analyze the position and function of Supreme Court Circular Letter Number 1 of 2026 as a form of judicial policy, as well as its implications for judicial independence and court governance. This study employs a normative juridical method using statutory, conceptual, and judicial policy approaches. The findings indicate that Supreme Court Circular Letter Number 1 of 2026 constitutes a strategic and transitional judicial policy instrument to maintain the unity of criminal justice practices. Nevertheless, its implementation must be positioned proportionately as an interpretative guideline to prevent it from evolving into a form of quasi-legislation that may unduly restrict judicial discretion. Accordingly, future judicial policy of the Supreme Court should be strengthened through an adaptive, reflective, and continuously evaluated approach.

INTRODUCTION

The enactment of Law Number 1 of 2023 concerning the Criminal Code (*Kitab Undang-Undang Hukum Pidana* [KUHP]) and Law Number 20 of 2025 concerning the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* [KUHP]) constitutes a historic milestone in the reform of Indonesia's national criminal law system. These two laws not only replace criminal law products inherited from the colonial era, but also reflect the state's efforts to establish a criminal law system rooted in the values of Pancasila, human rights, and the needs of contemporary Indonesian society. Thus, the reform of the KUHP and KUHP is not merely normative and technical, but also paradigmatic, as it transforms the state's perspective on crime, offenders, victims, and the purpose of punishment itself (Amrullah, 2024; Andriyani et al., 2026; Faisal et al., 2024; Winoto, 2025; Wisnubroto, 2024).

The new paradigm promoted by the KUHP and KUHP is reflected in the strengthening of the principle of restorative justice (Braithwaite, 2020; Umbreit & Armour, 2021), the recognition of diverse criminal responses through sentencing differentiation (Tonry, 2019), the regulation of a guilty plea mechanism (Turner, 2022), and the expansion of non-custodial sentencing alternatives (Düinkel et al., 2021). This shift marks a transition from a retributive

approach focused on punishment to a more corrective, rehabilitative, and restorative approach (Ward & Maruna, 2022). In this context, judges are no longer positioned solely as "mouthpieces of the law," but rather as key actors required to possess moral sensitivity, interpretive precision, and the ability to balance legal certainty, justice, and utility (Taekema, 2018; Carcano, 2023).

However, this fundamental transformation of the criminal law paradigm is inseparable from serious implementation challenges (Packer, 2021; Lacey & Soskice, 2020). The new norms introduced in the KUHP and KUHAP, many of which lack jurisprudential precedents, create broad interpretive discretion for judges (Dworkin, 2022). On the one hand, such interpretive space is a logical consequence of modern law as an open texture of law (Hart, 2019). On the other hand, the absence of adequate guidance has the potential to result in fragmentation of criminal justice practices (Ashworth & Zedner, 2021), particularly during the initial transition period following the enactment of the new laws (Nelken, 2020; Vogler, 2023).

Differences in the interpretation of key concepts such as restorative justice, sentencing proportionality, the requirements and implications of a guilty plea, and alternative forms of non-custodial punishment may lead to significant disparities in judicial decisions among judges and courts. Such disparities not only create legal uncertainty, but also risk undermining public trust in the judiciary. In the context of a rule-of-law state, consistency in the application of the law is an essential prerequisite for realizing the principle of equality before the law and protecting citizens' rights.

In such circumstances, the Supreme Court, as the apex of judicial authority, has a strategic role and constitutional responsibility to maintain legal unity and consistency in the application of the law throughout the judiciary. This role is exercised not only through its judicial function in examining and deciding cases at the cassation and judicial review levels, but also through non-judicial functions in the form of internal judicial regulation and the formulation of judicial policy. These functions are intended to ensure that criminal law reform can be implemented effectively without sacrificing legal certainty and justice.

One of the judicial policy instruments employed by the Supreme Court in this context is the Supreme Court Circular Letter (*Surat Edaran Mahkamah Agung* [SEMA]). In practice, SEMA has long been used as a mechanism to provide guidance, clarification, and uniformity in the application of law and judicial administration. Within the framework of implementing the 2023 KUHP and the 2025 KUHAP, the Supreme Court issued Supreme Court Circular Letter Number 1 of 2026 concerning Guidelines for the Implementation of the 2023 KUHP and the 2025 KUHAP. The issuance of this SEMA may be understood as an institutional response to the urgent need for practical guidance for judges in addressing complex and untested norms in judicial practice. The SEMA is intended to provide interpretive direction and operational guidance so that the implementation of the new KUHP and KUHAP does not proceed sporadically or inconsistently. Through this SEMA, judges are expected to share a common frame of reference in applying the new norms, thereby minimizing the potential for disparities in judicial decisions and ensuring the optimal realization of criminal law reform objectives.

However, the existence and implementation of SEMA also raise complex juridical and constitutional issues. Normatively, SEMA does not constitute legislation within the hierarchy of laws and regulations. Its position as an internal policy instrument of the Supreme Court has generated debate regarding its binding force upon judges in adjudicating cases. On the one

hand, SEMA is viewed as an internal administrative instrument necessary to maintain uniformity in judicial practice. On the other hand, the application of SEMA in the technical sphere of adjudication may be perceived as a form of intervention into judicial independence.

Judicial independence is a fundamental principle of the rule of law and a primary prerequisite for a fair and impartial judiciary. Judges must be free from both external and internal pressures in carrying out their judicial functions. Consequently, crucial questions arise regarding the limits of the Supreme Court's authority in issuing guidelines through SEMA, particularly when such guidelines concern the interpretation of substantive criminal law and criminal procedure law. The tension between the need for uniformity in the application of the law and the protection of judicial independence constitutes a central issue in the implementation of the 2023 KUHP and the 2025 KUHAP.

Based on the foregoing discussion, it is evident that the issuance of Supreme Court Circular Letter Number 1 of 2026 is not merely a technical matter concerning the implementation of the new criminal law, but also implicates broader theoretical and constitutional dimensions, particularly the relationship between the Supreme Court's judicial policy and the principle of judicial independence. Therefore, an in-depth and critical study of the position, functions, and implications of SEMA in the implementation of the 2023 KUHP and the 2025 KUHAP is both important and relevant, not only for the development of legal scholarship but also for the improvement of criminal justice practices in Indonesia.

The novelty of this article lies in its positioning of Supreme Court Circular Letter Number 1 of 2026 as the primary object of analysis from the perspective of judicial policy, rather than merely as an administrative technical guideline. Unlike previous studies, which generally focused on the normative substance of the new KUHP and KUHAP, this article examines Supreme Court Circular Letter Number 1 of 2026 as a strategic instrument employed by the Supreme Court in managing the national criminal law transition, while also analyzing the constitutional tension between the need for legal unity and the principle of judicial independence. The author further proposes a graded analytical framework for judicial policy by classifying the provisions contained in the SEMA according to their degree of intervention in judicial discretion.

METHOD

This research employed normative legal research methods aimed at critically examining the position and implications of the Supreme Court Circular Letter within the Indonesian legal system. The approaches used included the statutory approach, the conceptual approach, and the judicial policy approach. The statutory approach was used to analyze the position of the Supreme Court Circular Letter within the national legal system and its relationship with the 2023 Criminal Code (*Kitab Undang-Undang Hukum Pidana* [KUHP]) and the 2025 Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* [KUHAP]).

The conceptual approach was used to examine the concepts of judicial independence, legal unity, and judicial policy from the perspective of the theory of the rule of law and judicial power. Meanwhile, the judicial policy approach was used to analyze, in stages, the normative character and implications of the provisions contained in Supreme Court Circular Letter Number 1 of 2026 with respect to judicial independence. The legal materials used consisted of primary legal materials in the form of laws and regulations, including Supreme Court Circular

Letter Number 1 of 2026, as well as secondary legal materials in the form of books, scientific journals, and relevant legal doctrines. The analysis was conducted qualitatively using deductive and interpretive reasoning methods to draw normative and prescriptive conclusions.

RESULT AND DISCUSSION

The Juridical Position of the Supreme Court Circular in the Indonesian Legal System

The Supreme Court Circular Letter (SEMA) is one of the policy instruments that is consistently used in the practice of administering the judiciary in Indonesia. Although its existence has long been known and used by the Supreme Court, SEMA's juridical position in the national legal system still remains debated, especially regarding its binding force and normative legitimacy. This debate has become increasingly relevant in the context of national criminal law reform through the enactment of the 2023 Criminal Code and the 2025 Criminal Code, when SEMA is used as an implementing guideline for new legal norms.

Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, states: The types and hierarchy of laws and regulations consist of: a) The Constitution of the Republic of Indonesia of the Republic of Indonesia in 1945; b) Decree of the People's Consultative Assembly; c) Government Laws/Regulations in Lieu of Laws; d) Government Regulations; e) Presidential Regulation; f) Provincial Regional Regulations; and g) Regency/City Regional Regulations. Furthermore, Article 8 paragraph (1) states: Types of Laws and Regulations other than as referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Financial Audit Board, the Judicial Commission, Bank Indonesia, Ministers, bodies, institutions, or commissions at the same level established by law or the Government on the order of the Government Laws, Provincial Regional People's Representative Councils, Governors, Regency/City Regional People's Representative Councils, Regents/Mayors, Village Heads or equivalent. Then Article 8 paragraph (2) provides a limit on the regulations issued by the official/institution that can be recognized for their existence, if their formation is ordered by higher laws and regulations or formed based on authority.

The starting point of the Law is that it limits the type and hierarchy of laws and regulations, and SEMA is not listed in it. Thus, from a positive legal perspective, SEMA does not have a position as a source of formal law that is general and binding on the wider community. The absence of SEMA's position in the hierarchy of laws and regulations shows that SEMA is not intended as an instrument for the formation of new legal norms. SEMA cannot be aligned with laws, government regulations, or other regulations that regulate (*regeling*). Therefore, theoretically, SEMA cannot be used as the main legal basis in deciding cases, but only functions as an internal guideline in the administration of justice.

Furthermore, seen in terms of the naming of the "Circular Letter", in the book Concerning the Law by Prof. Jimmly Asshidiqie, Circular Letter is classified in policy rules or quasi legislation. Therefore, if we look at it in terms of naming, ignoring the legal basis for the validity of each circular. Therefore, it can be assumed that the Supreme Court Circular Letter is a policy regulation. However, the reading of SEMA's juridical position cannot stop at a purely normative-formal approach. In constitutional practice, the Supreme Court as the peak of judicial power has constitutional authority not only in the function of adjudicating, but also

in the function of coaching and supervising the judiciary under it. This function includes administrative and organizational authority that aims to ensure the implementation of an effective, efficient, and quality judiciary.

Within this framework, SEMA can be understood as a manifestation of the Supreme Court's internal coaching authority. SEMA functions as a judicial policy instrument that provides general direction, affirmation, or clarification of certain judicial practices. This position places SEMA as an internal policy product that is intra-institutional, i.e. binding internally in the judicial environment, but does not have an external normative binding force. Thus, SEMA's juridical position is functional-administrative, not normative-legislative. SEMA does not create new legal norms, but rather provides guidelines on how existing legal norms are understood and applied by the judicial apparatus. This position is important to distinguish between the authority of the Supreme Court as the supervisor of the judiciary and the authority of lawmakers as the creator of legal norms.

However, in judicial practice, the boundaries between administrative guidelines and substantive norms often become blurred. It is not uncommon for SEMA to be treated by judges as a reference that has de facto binding power, especially when SEMA regulates judicial technical aspects that are directly related to the interpretation of law and the imposition of judgments. This condition raises critical questions about the extent to which SEMA can affect the freedom of judges in carrying out their judicial functions.

In the context of SEMA Number 1 of 2026 concerning Guidelines for the Implementation of the 2023 Criminal Code and the 2025 Criminal Code, the issue of SEMA's juridical position has become increasingly complex. The SEMA was issued in response to the need for guidance on the application of new norms that do not yet have established jurisprudence. From the perspective of judicial policy, the issuance of SEMA can be understood as a preventive measure to prevent the fragmentation of criminal justice practices during the transition period. However, from the point of view of legal source theory, SEMA Number 1 of 2026 cannot still be positioned as a legal norm that binds judges substantially. A judge cannot make SEMA the primary legal basis that supersedes the law or as an instrument limiting his judicial discretion. SEMA can only be used as a supporting reference that is interpretive and administrative.

Therefore, the juridical position of SEMA must be placed proportionately. SEMA has legitimacy as long as it is used within the framework of internal coaching and administrative uniformity, but loses legitimacy when it is treated as a norm that forces judges to follow a certain pattern of interpretation. In this context, the enactment of SEMA is more appropriately understood as a soft law, which is a guideline that is persuasive and educational, not a rigidly binding hard law.

The soft law approach to SEMA allows the Supreme Court to carry out its coaching function without violating the principle of independence of judicial power. Judges still have the freedom to deviate from SEMA guidelines as long as they are accompanied by rational and accountable legal arguments. Thus, SEMA does not close the space for the discovery of concrete law and justice in every case.

By paying attention to the entire description, it can be concluded that the juridical position of the Supreme Court Circular in the Indonesian legal system is between the administrative and judicial realms. SEMA is not a formal legal source, but a judicial policy instrument that has a practical influence on the administration of justice. The main challenge

is not the existence of SEMA itself, but rather how SEMA is positioned and implemented so as not to exceed the limits of the Supreme Court's constitutional authority and not to erode the independence of judges in upholding law and justice.

With a juridical position that is an internal policy and not normatively binding, the Supreme Court Circular cannot be assessed solely from the formal aspect of its enforcement. In fact, the significance of SEMA needs to be further analyzed from a functional point of view, especially in its role in maintaining the unity of law enforcement during the transition period of criminal law reform. Therefore, the next discussion is focused on the function of SEMA Number 1 of 2026 as a judicial policy instrument in realizing unity of law.

The Function of the Supreme Court Circular Letter Number 1 of 2026 as a Judicial Policy in Maintaining the Unity of Law

The issuance of the Supreme Court Circular Letter Number 1 of 2026 concerning Guidelines for the Implementation of the 2023 Criminal Code and the 2025 Criminal Code cannot be separated from the function of the Supreme Court as the guardian of the unity of law. In a multi-tiered and geographically dispersed judicial system, the diversity of legal interpretations is an inevitable phenomenon, especially when the legal system enters a transition phase due to fundamental changes in the law. In this context, SEMA serves as a judicial policy instrument to keep national criminal law reform implemented within a relatively uniform framework of principles.

The concept of unity of law requires that the law be applied consistently to cases that have similar substantive characteristics. This consistency is not only important for legal certainty, but also for the moral legitimacy of the judicial system. Very different verdicts on similar cases have the potential to create perceptions of injustice and undermine public trust in the judiciary. Therefore, in the context of the reform of the Criminal Code and the Criminal Code, the need for uniform law enforcement has become increasingly urgent.

SEMA Number 1 of 2026 can be understood as the Supreme Court's response to the potential fragmentation of criminal justice practices after the enactment of new norms that do not yet have an established pattern of jurisprudence. The 2023 Criminal Code and the 2025 Criminal Code introduce a number of new concepts, such as restorative justice, criminal differentiation, confession of guilt, and the expansion of non-prison criminal alternatives, which inherently opens up a wide range of interpretive spaces. Without institutional guidance, such interpretation has the potential to produce too far variations in practice between judges and between courts.

Within this framework, the main function of SEMA is not to standardize the results of decisions, but to harmonize the approach and orientation of legal interpretation. SEMA provides a principled framework on how the new norms should be understood in accordance with the objectives of criminal law reform. Thus, SEMA operates at the level of guiding principles, not at the level of determining the verdict. This approach is in line with the concept of law as integrity, which emphasizes the importance of coherence of legal principles in judicial practice. However, the function of unity of law carried out by SEMA must be understood carefully so as not to shift into mechanical uniformity. The unity of law in question is not absolute uniformity in making decisions, but unity in the framework of legal reasoning and principles used by judges. The judge is still required to consider the concrete facts, the

condition of the defendant, the interests of the victim, and the social impact of the verdict handed down.

In this context, SEMA Number 1 of 2026 has a pedagogical and corrective function. Pedagogically, SEMA helps judges understand the philosophy and direction of the new criminal law policy, so that the application of norms is not stuck in the old approach that is no longer relevant. Correctively, SEMA serves as a tool to direct judicial practices so as not to stray too far from the goal of national criminal law reform. However, this function has clear constitutional limits. SEMA should not be used as an instrument to impose a single interpretation of legal norms that textually or systematically opens up space for interpretation. If SEMA is treated as a rigid and substantively binding guideline, then the function of unity of law turns into a threat to concrete justice and the independence of judges. Under such conditions, legal unity is achieved at the expense of judicial independence, which can ultimately reduce the quality of the verdict itself.

In practice, SEMA's success in maintaining the unity of law is highly dependent on the way in which SEMA is understood and applied by judges. If SEMA is treated as a persuasive soft law, then it can be an effective instrument to encourage consistency without negating judicial discretion. Judges still have room to deviate from the SEMA guidelines as long as they are accompanied by rational and accountable legal arguments. Thus, the function of SEMA Number 1 of 2026 in maintaining the unity of law is conditional. SEMA functions optimally when used as a policy orientation framework that strengthens the coherence of the implementation of new criminal law, but becomes problematic when used as a uniformity tool that closes the space for legal discovery. In the context of the reform of the Criminal Code and the Criminal Code, the balance between legal unity and concrete justice is the key to the successful implementation of the Supreme Court's judicial policy.

Based on this description, it can be emphasized that SEMA Number 1 of 2026 has a strategic function in maintaining the unity of law during the transition period of national criminal law reform. However, these functions must always be placed within the corridor of judicial policies that respect the independence of judges and the character of cases *in concreto*. With such an approach, SEMA not only contributes to the uniformity of the application of the law, but also to the improvement of the quality and legitimacy of criminal justice in Indonesia. Although the function of SEMA Number 1 of 2026 in maintaining the unity of the application of the law has a strong normative justification, efforts to standardize judicial practices cannot be separated from the consequences for the freedom of judges in interpreting and applying the law. It is at this point that the tension arises between the need for unity of law and the principle of independence of judicial power, which is the focus of the analysis in the next discussion.

Implications of the Application of the Supreme Court Circular Letter Number 1 of 2026 on the Independence of Judges

The implementation of the Supreme Court Circular Letter Number 1 of 2026 concerning Guidelines for the Implementation of the 2023 Criminal Code and the 2025 Criminal Code has various implications for the principle of judge independence. These implications are not uniform, but gradual and multi-staged, depending on the normative character of the provisions or articles regulated in SEMA. Therefore, the analysis of the implications for the independence

of judges must be carried out by expressly distinguishing the types and functions of the regulation contained in the SEMA.

1. Provisions with Philosophical Declarative Character

Declarative-philosophical provisions are mainly reflected in the considerations and objectives section of the issuance of SEMA Number 1 of 2026. On the first page of SEMA, it is emphasized that this guideline is intended to maintain the unity and consistency of the implementation of the 2023 Criminal Code and the 2025 Criminal Code and prevent multi-interpretation in criminal justice practice. This provision does not regulate concrete judicial actions, but rather affirms the policy orientation and spirit of national criminal law reform. From the perspective of the independence of the judge, this kind of declarative provision does not raise constitutional problems, because its function is pedagogical and ideological. The judge is not directed to the results of a particular decision, but is invited to understand the context and purpose of criminal law reform. Therefore, arrangements at this level are fully justifiable as part of the Supreme Court's judicial coaching function.

2. Provisions with the Character of General Guidelines for Implementation

Provisions with the nature of general implementation guidelines can be found, among others, in Appendix I regarding general provisions and regulations regarding the transitional provisions of the Criminal Code and the Criminal Code, especially those referring to Article 3 of the Criminal Code and Article 361 of the Criminal Code (pages 3-4 and page 9). This provision provides a general framework regarding which laws must be applied during the transition period and how judges respond to cases that are in the transition of the legal regime. The implications for the independence of judges in this group are relatively low or safe. Although SEMA provides clear directions regarding the applicable legal regime, the judge still has room to assess the relevance of the application of the provision to the case *in concreto*. As long as it is understood as a persuasive soft law, this provision can actually strengthen legal certainty without eroding judicial freedom.

3. Provisions with an Interpretive Character

Provisions with an interpretive character are clearly seen in the arrangement of Chapter II number 3 regarding the structure of decision considerations, especially those that require judges to consider the aspects of punishment as stated in Article 54 paragraph (1) of the Criminal Code (page 9) where there are 11 (eleven) aspects. SEMA emphasized that these aspects must be considered in the consideration of the decision, even though it is stated that they are not limiting. At this point, SEMA begins to enter sensitive territory, as it regulates the way judges construct legal reasoning. Although it still leaves room for discretion by stating that it is not restrictive, this provision has the potential to form certain standards of reasoning that are institutionally expected to be followed. The implications for the independence of judges are moderate, because there is a subtle shift from administrative coaching to influence on judicial reasoning.

4. Provisions with Directive-Preferential Character

The directive – prescriptive character is intended to be the provisions in SEMA providing direction and setting standards. This character can be seen in SEMA's provisions that use imperative redaction, such as the provisions that use redaction: "judges are obliged to consider..." (Judge's pardon verdict, p. 7), "the judge is obliged to inform..." (Article 234 of the Criminal Code, p. 14) and maximum criminal restrictions (e.g. ≤ 3 years, $\leq 2/3$ threats).

The provision provides an obligation for the judge to consider the judge's pardon or an obligation to notify the defendant of certain rights in the guilt mechanism (e.g. on pages 7 and 14).

This type of provision is in direct contact with the core of judicial function, namely the freedom of judges to assess facts, interpret the law, and determine the form and content of decisions. Although SEMA is not formally a law and regulation, the use of imperative redaction and a detailed operational model makes SEMA function close to a binding norm (quasi-normative). At this level, SEMA has the potential to go beyond the functions of judicial policy and enter the realm of control of decisions, which is theoretically and constitutionally contrary to the principle of independence of judicial power. The main risk of directive-prescriptive provisions lies not in the intention of their formation, but in their systemic effects. When internal guidelines are practiced as substantive compliance standards, judges may be encouraged to prioritize administrative suitability over concrete justice considerations. In the long run, this condition has the potential to dwarf the function of legal discovery (*rechtsvinding*) and shift the independence of judges from substantive freedom to mere procedural compliance.

Based on this multi-level analysis, it can be emphasized that SEMA Number 1 of 2026 contains non-uniform implications for the independence of judges. At the declarative level and general guidelines, SEMA is still within the limits of its legitimate judicial coaching authority. However, at the interpretive-operational and especially directive-prescriptive level, SEMA shows a tendency to go beyond the function of judicial policy and has the potential to cause constitutional tension with the principle of independence of judicial power. Thus, the main problem does not lie in the existence of SEMA as a judicial policy instrument, but in the intensity and normative character of the provisions contained in it. As long as SEMA is positioned as a soft law that is persuasive and argumentative, its existence can still be justified. On the other hand, when SEMA is practiced as a prescriptive guideline that limits the space for judicial deviation, the judicial policy risks reducing the independence of judges and the quality of substantive justice.

CONCLUSION

The juridical position of Supreme Court Circular Letter (*Surat Edaran Mahkamah Agung* [SEMA]) Number 1 of 2026 within the Indonesian legal system is not as a statutory regulation, but as an internal judicial policy instrument that functionally plays a significant role in maintaining legal unity and consistency during the transition toward the implementation of the 2023 Criminal Code (*Kitab Undang-Undang Hukum Pidana* [KUHP]) and the 2025 Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* [KUHAP]). Although SEMA does not formally constitute a source of binding law within the hierarchy of legislation, its practical influence on judicial practice is substantial due to its issuance by the Supreme Court as the highest judicial authority. The study found that the implications of SEMA for judicial independence vary according to the normative character of its provisions: declarative and general provisions tend not to create constitutional concerns, whereas interpretive, operational, and prescriptive provisions possess greater potential to limit judicial discretion and influence adjudication. Accordingly, the critical issue lies not in the existence of SEMA itself, but in the degree to which it is applied as a persuasive soft law instrument or as a binding directive that

restricts judicial independence and substantive justice. Future research should therefore examine the empirical implementation of SEMA Number 1 of 2026 in judicial decisions across Indonesian courts to assess its actual impact on sentencing consistency, judicial discretion, and the protection of judicial independence in practice.

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