

Juridical Analysis of the Concept of “Legislation” in the New Criminal Code: Implications and Applications

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Abstract

The phrase "statutory regulations" in Article 1 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code (KUHP) contains the meaning that criminal provisions can be regulated by various hierarchies of statutory regulations, as regulated in Law Number 12 of 2011 concerning the Formation of Legislation. However, this is contrary to the basic principle of the formation of criminal provisions, namely the principle of *nullum crimen sine lege parlamentaria*, which means that the formulation of criminal sanction norms can only be determined if it has obtained the approval of the people, through their representatives in the People's Representative Council (DPR) for the level of laws and the approval of the governor, regent, or mayor for regional regulations. This study uses a normative legal research method with a statutory approach. The results of the study show that Article 1 paragraph (1) of Law Number 1 of 2023 contains unclear norms, because the phrase "statutory regulations" opens up the possibility that criminal provisions can be made by parties other than people's representatives, which can obscure the principle of representation in the formation of criminal provisions.

Keywords: Principle of Legality, Criminal Code, Statutory Regulations.

INTRODUCTION

The principle of legality in criminal law regulated in the Criminal Code (KUHP) is one of the fundamental principles that is very important to guarantee legal certainty. According to Sri Rahayu (2014), this principle plays a crucial role in maintaining order in law enforcement and ensuring that every criminal act can only be punished if it has been clearly regulated in the applicable legal regulations. (Sri Rahayu, 2014) This principle is known as "*nullum crimen nulla poena*

sine praevia lege poenali", which means "no act can be punished except based on criminal law." With this principle, citizens are protected from uncertainty and subjectivity in law enforcement, because every criminal act must be explained in advance by written law. Thus, the principle of legality not only binds individuals to obey the law, but also limits the power of the state so that it is not arbitrary in imposing criminal sanctions.

Currently, Indonesian criminal law is entering a significant phase of renewal with the aim of replacing the existing positive criminal law system (*ius constitutum*) with the desired or expected criminal law system (*ius constituendum*). This renewal aims to make the applicable criminal law more relevant to the social, cultural, and dynamic developments of Indonesian society that continue to develop. (Cahyani et al., 2022) As a manifestation of this effort, the government has passed Law Number 1 of 2023 concerning the Criminal Code, a legal product that reflects fundamental changes in the national criminal law system. This law is scheduled to come into effect on January 2, 2026. The presence of this new Criminal Code is expected to be able to present a fairer criminal law system, in accordance with the nation's cultural values, and strengthen the principle of legality as the main foundation to guarantee the rights of the community in the criminal law process. This renewal is a strategic step for Indonesia in compiling a criminal law system that is not only based on legal norms, but also relevant and responsive to the demands of the times.

The principle of legality was first regulated in Article 1 paragraph (1) of the Criminal Code (KUHP), which is often referred to as the Old KUHP. This article states that "an act cannot be punished except based on the power of existing laws and regulations," emphasizing that criminal acts can only be punished if they have been regulated in written law in force at the time the act was committed. (Widayati, 2016) This principle provides legal guarantees to society, so that everyone can know what acts are prohibited and what sanctions they may face if they violate them. Through this principle, criminal law also emphasizes that the state cannot arbitrarily enforce rules against citizens without a clear legal basis.

The application of the principle of legality in the Old Criminal Code has two important functions that underlie the criminal law system. First, this principle serves to protect society from potential abuse of state power. With clear limitations through written rules, the government or law enforcement officers do not have the authority to criminalize an act that is not regulated by law. This creates control over state power so that it is not dominant and arbitrary, protects individual rights and guarantees justice in the legal process. Second, the principle of legality ensures that all criminal acts tried have been formally regulated by law. (Hafizah et al., 2022) This principle plays a role in preventing overly broad or subjective interpretations from law enforcement, which have the potential to harm individuals because their actions are considered unlawful based on unwritten interpretations or previously nonexistent rules. (MuIksan, 2017)

Thus, the principle of legality in the Old Criminal Code is a main pillar in the Indonesian criminal law system, which provides legal certainty and builds a sense of security for the community. Every citizen has the right to know the applicable legal norms before they can be considered to have committed a violation, and to have the certainty that the law will not change or be applied retroactively to acts that have already occurred. This principle also encourages transparency in the preparation of legal regulations and requires the state to be careful in formulating criminal provisions. (Widayati, 2011).

The meaning contained in the principle of legality, if explained in more detail, is as follows: as follows: Schaffmeister, Keijzer and Sutorius who emphasized that the principle of legality has seven aspects, namely First, a person cannot be punished except based on criminal provisions according to law. Second, there is no application of criminal law based on analogy. Third, a person cannot be punished based on custom, meaning that violations of customary rules do not necessarily result in a criminal act. Fourth, there must be no unclear criminal formulation (application of the *lex certa* principle). Fifth, there is no retroactive legal force from criminal provisions. Sixth, there are no other criminal penalties except those stipulated by law. Seventh, finally, the determination of criminal penalties may only be carried out in a manner stipulated by law. (Hiariej, 2009).

However, with the renewal of criminal law regulations, there is a difference in the meaning of the principle of legality itself, as regulated in Article 1 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code (hereinafter referred to as the New Criminal Code) which states that there is no act that can be subject to criminal sanctions and acts, except for laws and regulations that existed before the act was committed. (Sudiby & Rahman, 2021)

From the provisions of the legality principle regulated in the New Criminal Code, the understanding of the legality principle itself has been expanded. There is a difference, especially in the phrase "statutory regulations", which means that there is a connection with the hierarchy of laws and regulations regulated in Law Number 12 of 2011 concerning the Formation of Legislation.

As is known in Article 7 of Law Number 12 of 2011, there are types and hierarchies of laws and regulations in Indonesia which consist of:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly
- c. Law/Government Regulation as a substitute for Law;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regional Regulations; and
- g. Regency/City Regional Regulations.

Basically, in the regulation of criminal law, the principle of no punishment without a representative is also known, meaning that the formulation of criminal sanction norms is only permitted if there has been an agreement with the people concerned. which in this case means that the approval of the People's Representative Council (DPR) will result in laws and the approval of the Governor and Regent and Mayor will result in Regional Regulations. (Bustomi & Muhammad, 2022) This is proven as regulated in Article 15 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation, which states that the contents of criminal provisions can only be contained in a. Law; b. Provincial Regional Regulations; or c. Regency/City Regional Regulations.

Thus, there is an interesting problem to study related to the use of the phrase "statutory regulations" in the principle of legality regulated in the New Criminal Code, which can cause problems, namely the existence of confusion of norms considering that criminal law rules require the approval of the people through their representatives in government, but with the existence of this phrase, it actually opens up opportunities for parties outside the people's representatives to make criminal provisions.

METHODS

In this study, the author uses a normative legal research method, which focuses on the study of literature and legal norms. Normative legal research, according to Peter Mahmud Marzuki, is a type of research that is *sui generis*, or has its own characteristics that distinguish it from empirical or evaluative research. (Marzuki, 2019) This method places legal science as a field of study that is not based on observation or collection of empirical data from the field, but on the analysis of existing written legal sources, such as relevant laws, doctrines, and legal principles. This research processes information from written legal sources to formulate clear and applicable legal arguments or concepts. Through this approach, researchers seek to understand the normative framework underlying the legal issues raised.

In the context of this article, normative legal research is conducted to analyze the meaning of the phrase "legislation" in Article 1 paragraph (1) of the New Criminal Code. This research aims to produce legal arguments and theories that can explain the position and consequences of the phrase in the Indonesian criminal law system, while also identifying the legal prescriptions needed to solve potential problems arising from the interpretation of the article. Thus, the results of this research are expected to contribute to the development of legal science and offer practical solutions for more appropriate interpretations in judicial practice.

DISCUSSION AND RESULT

Understanding the Principle of Legality in the Criminal Code

The Criminal Code (KUHP) is the main law governing criminal acts and sanctions in Indonesia. The Criminal Code serves as a basic guideline for the criminal justice system to determine acts that can be categorized as criminal acts and to determine the sanctions to be imposed. The history of the formation of the Criminal Code in Indonesia cannot be separated from the influence of the Dutch colonial government, which in the early 20th century saw the need for consistent and systematic legal regulations in dealing with various criminal acts in the Dutch East Indies. (Situngkir, 2018) The existence of these regulations was considered important to create legal certainty and ensure that various violations of the law could be handled with uniform standards throughout the colonial territory.

The Criminal Code was first enacted in 1918 and enforced in Indonesia during the colonial period. The Criminal Code was heavily influenced by the Dutch legal system, both in its structure and in its legal concept. After Indonesia's independence, the existing Criminal Code continued to be applied, although various reform efforts had been made since the beginning of independence. The main purpose of the formation and revision of the Criminal Code in Indonesia was to align criminal law with the social, political, and cultural conditions of the Indonesian nation that had developed rapidly since the colonial period. At the end of the 20th century, there was a strong push to reform the criminal law system, with the aim of creating a system that was more transparent, effective, and in accordance with the principles of democracy and the values of Pancasila which are the foundation of the Indonesian state (Setyawan, 2021).

In January 2023, after a long process, the House of Representatives (DPR) together with the President ratified the Draft Law on the Criminal Code (RKUHP) into Law Number 1 of 2023 concerning the Criminal Code. This new Criminal Code contains various significant changes and updates from the previous Criminal Code, reflecting efforts to modernize Indonesian criminal law in accordance with societal developments and contemporary legal needs. Among the changes introduced are more detailed regulations regarding criminal acts and sanctions based on human rights values and the principle of restorative justice that seeks to find a balance between punishment and the restoration of social relations (Nugraha & Silalahi, 2024).

However, the new Criminal Code is not free from controversy. Several articles in it have sparked debate among academics, legal practitioners, and the wider community. One article that has attracted a lot of attention is Article 1 paragraph (1) of the New Criminal Code, which emphasizes the principle of legality by stating that "no act can be subject to criminal sanctions and/or actions except for laws and regulations that existed before the act was committed." This article maintains the principle of legality, which is a basic principle in criminal law that guarantees that

every crime can only be punished if there are written regulations governing the act before the act occurs. In other words, this principle of legality prohibits the application of the law retroactively, which means that a person cannot be punished based on a legal rule made after the act was committed (Malau, 2023).

Article 1 paragraph (1) of the Old Criminal Code (KUHP) states that an act cannot be punished except based on the provisions of the applicable laws and regulations. This provision contains the principle of legality, which in Latin is called *nullum delictum nulla poena sine praevia lege poenali*, which means "no act is considered a crime and no punishment without a preceding legal provision." The main difference between Article 1 paragraph (1) of the Old Criminal Code and the New Criminal Code lies in the phrase "statutory regulations." This phrase gives rise to different interpretations in the context of the New Criminal Code, which raises questions regarding the scope of criminal provisions that can be regulated by various types of laws and regulations (Yuherawan, 2014).

According to Moeljatno, the principle of legality stipulates that no act can be punished if it is not first determined in written regulations (Yuherawan, 2014). This view emphasizes that criminal provisions must be clearly regulated by law before an act can be considered a crime. Moeljatno's opinion is also supported by Wirjono Prodjodikoro, who states that there is no crime and no punishment without a criminal law that regulates it. (Murphy, 2010) This means that every citizen has the right to know the applicable norms before they can be punished for their violations.

Criminal law must be interpreted strictly. Therefore, the existence of the principle of legality is used to limit that the Criminal Code must first regulate the imposition of criminal sanctions. According to Andi Hamzah, an act that is prohibited and threatened with criminal sanctions must first be regulated in the Criminal Code. Cleiren and Nijboer also argue that criminal law is a written law that cannot be punished by anyone based on customary law. On the other hand, customary law is vague because it is not written and announced clearly in general (Andi Hamzah, 2018).

From this opinion, it is emphasized that criminal law is not only interpreted strictly, but only applies if it is a product of the People's Representative Council or the Regional Representative Council. This is because these institutions are representatives of the people who will receive legal products that are enacted in the form of laws. Apart from legislative institutions, they may not make "criminal provisions" that contain prohibitions and orders with the imposition of criminal sanctions; this is done so that there are no arbitrary actions from other institutions of power.

The Importance of Adhering to the Principle of Legality

The purpose of using the principle of legality in criminal law according to Klaas Rozemond is to create legal certainty (*rechtszekerheid*) and democratic

legitimacy (*demokratische legitimatie*). Klaas Rozemond's opinion can be interpreted that by enforcing the Criminal Code in writing, the public is expected to know what actions are prohibited and required for them, and it is also a legitimacy in democracy because the Criminal Code is a product of the People's Representative Council which is elected by the public in general and freely. In the legal sense, the word/term statutory regulations is a legal terminology along with its meaning. If the word/term is a translation of the word *wetgeving* or *wettelijke regelingen*, then according to A. Hamid SA who quoted the Fockema Andreae Law Dictionary, the word *wetgeving* is interpreted as 1) the act of forming central and regional state regulations and 2) all central and regional state regulations. While the word *wettelijke regelingen* is interpreted as statutory regulations (Rokilah, 2020).

Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Legislation provides a definition of legislation as regulated in Article 1. Number 2 states that legislation is a written regulation containing generally binding legal norms and is formed or stipulated by a state institution or authorized official through procedures regulated in legislation.

In general, statutory regulations are always identified with the hierarchy of statutory regulations as regulated in Article 7 of Law Number 12 of 2011, which consists of:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly
- c. Law/Government Regulation as a substitute for Law;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regional Regulations; and
- g. Regency/City Regional Regulations.

The formation of criminal law norms in Indonesia is regulated in Article 15 of Law Number 12 of 2011 concerning the Formation of Legislation. This article strictly regulates who is authorized to form criminal provisions and the limits of sanctions that can be regulated in various levels of regulations. In Article 15 paragraph (1), it is stated that criminal provisions can only be contained in three types of regulations, namely: (a) Laws; (b) Provincial Regulations; and (c) Regency/City Regulations. This means that only legal products issued at the national or regional level with the approval of people's representatives are permitted to contain criminal provisions.

Furthermore, Article 15 paragraph (2) provides strict limitations regarding criminal sanctions that can be regulated in Provincial Regional Regulations (*Perda*) and Regency/City Regulations. The sanctions permitted in this regional regulation are imprisonment for a maximum duration of six months or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah). This provision is designed to maintain a balance

between regional authority in regulating local issues and the limitations of criminal sanctions that must not exceed the authority of laws at the national level.

Furthermore, Article 15 paragraph (3) provides leniency by allowing Provincial Regulations and Regency/City Regulations to contain provisions for imprisonment or fines in addition to the provisions contained in paragraph (2), but only if these provisions are further regulated in other laws and regulations that provide special authority for regional regulations. (Olásolo, 2007) This reflects respect for regional autonomy, but still with strict limitations so that criminal regulations made by regional governments are in line with national criminal law policies.

The provisions regarding the formation of criminal law norms regulated in Article 15 are very important in Indonesian criminal law policy. This rule serves as a guideline that ensures that the formation of criminal law is carried out in a structured manner and in accordance with the principles of democracy and people's representation. (Claes & Krolkowski, 2008) With this rule, it is hoped that every criminal provision regulated in Indonesia has a strong basis of legitimacy, both at the national level through laws ratified by the House of Representatives (DPR) together with the President, and at the regional level through Regional Regulations formed based on the approval of the Regional House of Representatives (DPRD).

The principle that criminal provisions can only be made through regulations passed by the people's representatives is referred to as the principle of "no punishment without representation." This principle emphasizes that criminal sanctions may not be determined unilaterally by the government without the involvement of the people's representatives, who act as direct representatives of the people in the law-making process. (Velarde Rodriguez, 2014) This principle also reflects the importance of people's participation in the formation of rules that will affect their basic rights, including the right not to be subject to criminal penalties without a valid legal basis.

From a contextual and textual perspective, the rules regarding criminal provisions that may only be contained in Laws or Regional Regulations approved by the DPR or DPRD have a significant impact on maintaining consistency, openness, and legal certainty in the Indonesian criminal system. Thus, these regulations must be formulated carefully and without legal loopholes, so that every criminal regulation that is enforced is truly in line with the principles of justice and does not result in violations of citizens' human rights.

Understanding the Concept of "Legislation"

When associated with the norm in Article 1 paragraph (1) of the New Criminal Code (KUHP), which uses the phrase "statutory regulations," then the meaning of this provision has the potential to be unclear. (Arifin, 2021) This is due to the confusion regarding the scope of the phrase. As regulated in Law Number 12 of 2011 concerning the Formation of Legislation, "statutory regulations" refers to the hierarchy of

regulations consisting of Laws, Government Regulations in Lieu of Laws (Perppu), Government Regulations, Presidential Regulations, and Regional Regulations. In this context, the use of the phrase "statutory regulations" in Article 1 paragraph (1) of the New Criminal Code can provide a confusing interpretation because it has the potential to be interpreted that criminal provisions can be made not only in Laws or Regional Regulations, but also in regulations at a lower level such as Government Regulations or Presidential Regulations.

In fact, as regulated in Article 15 of Law Number 12 of 2011, criminal provisions specifically may only be included in Laws or Regional Regulations. This means that criminal provisions may not be regulated in lower regulations, because such regulations do not go through the process of approval by people's representatives, either through the People's Representative Council (DPR) for the national level or the Regional People's Representative Council (DPRD) for the regional level. Therefore, the interpretation of Article 1 paragraph (1) of the New Criminal Code which allows criminal provisions to be regulated in regulations other than Laws and Regional Regulations is contrary to the principle of "no crime without representation." This principle emphasizes that every criminal regulation must be ratified through the approval of the people represented in the legislative institution, in order to maintain the validity and legitimacy of the regulation.

However, in the explanation of Article 1 paragraph (1) of the New Criminal Code, it is stated that this provision contains the principle of legality. The principle of legality regulates that a new act can be categorized as a crime if it has been firmly determined through or based on statutory regulations. In the explanation of the article, it is also explained that what is meant by "statutory regulations" is limited to Laws and Regional Regulations. (Hariri et al., 2022) This shows that although Article 1 paragraph (1) of the New Criminal Code uses the phrase "statutory regulations" which is general in nature, the scope of the phrase has actually been limited in the official explanation of the article, which only covers two types of legal products: Laws and Regional Regulations.

However, this limitation is only found in the explanation of the article, not in its normative text. As a result, the phrase in Article 1 paragraph (1) of the New Criminal Code still has the potential to cause multiple interpretations, especially in the implementation and interpretation of the law in the field. This can result in legal uncertainty because, on the one hand, the text of the article can give the impression that criminal regulations can be regulated at various levels of statutory regulations in accordance with the hierarchy regulated in Law Number 12 of 2011. On the other hand, the explanation of the article tries to limit its scope only to Laws and Regional Regulations (Hariri & Arifin, 2023).

From a criminal law perspective, the clarity of the norms governing the principle of legality is very important. The principle of legality aims to ensure that no

individual can be punished without written regulations that clearly regulate the act as a criminal offense. Enforcing the principle of legality is very vital to safeguarding the basic rights of citizens, because with this principle, citizens have legal certainty that there will be no application of criminal provisions made unilaterally or without a legislative process involving people's representatives.

Therefore, to avoid uncertainty and strengthen legal certainty, it is very important that the formulation of the phrase "statutory regulations" in Article 1 paragraph (1) of the New Criminal Code is formulated explicitly in the body of the article, not only in the explanation. This will ensure that the intent and purpose of the legislators to limit criminal provisions only to Laws and Regional Regulations can be clearly fulfilled, and does not provide room for interpretation that could lead to violations of the principle of legality and the principle of "no punishment without representation".

Based on Attachment I of Law Number 12 of 2011 concerning the Formation of Legislation, there are provisions regarding the function and role of explanations in a regulation. Point 177 of the attachment states that the explanation of a regulation does not have the status as a legal basis for forming future regulations. In addition, the explanation must not contain formulations that have a normative character or that function as legal norms. In other words, the explanation is only intended to help understand and clarify the intent of the norms regulated in the body of the regulation, without becoming a binding basis like the main norm in the article.

In the context of Article 1 paragraph (1) of the New Criminal Code, which contains the principle of legality and uses the phrase "statutory regulations," the provisions in its explanation appear to include limitations regarding the types of statutory regulations recognized as the basis for criminal punishment, namely Laws and Regional Regulations. In the author's opinion, this explanation has normative implications because it limits the meaning of "statutory regulations" to two specific types of regulations, namely Laws and Regional Regulations. This limitation should be explicitly stated in the body of the article, not just in the explanation, to provide legal certainty.

By only listing these limitations in the explanation, there is a risk of legal uncertainty that can lead to different interpretations in the field. In a normative view, the explanation does not have binding force as the norms regulated in the body. This means that if this explanation is used as a reference that has normative content, this will be contrary to point 177 of Attachment I of Law Number 12 of 2011, which clearly prohibits the existence of norms in the explanation.

Therefore, in this case the author is of the opinion that the limitation regarding "statutory regulations" in Article 1 paragraph (1) of the New Criminal Code should be included directly in the text of the main body of the article, so that it has binding force as a clear and explicit legal norm. By moving this limitation to the main body, this will

eliminate the potential for ambiguity that can arise due to reliance on explanations, which are not legally binding. This clarity will also help ensure that the principle of "principle of legality" regulated in the New Criminal Code is applied consistently in accordance with the objectives of the legislators and does not leave room for deviant interpretation.

CONCLUSION

Article 1 paragraph (1) of the New Criminal Code, which contains the principle of legality, stipulates that no act may be subject to criminal sanctions except based on existing laws and regulations before the act was committed. However, the use of the phrase "laws and regulations" in this article has the potential to create ambiguity, because in the context of the hierarchy of laws and regulations regulated in Law Number 12 of 2011, this phrase can be interpreted to mean that criminal provisions can be made not only through Laws and Regional Regulations, but also through regulations at a lower level, such as Government Regulations or Presidential Regulations. This is contrary to the principle of the principle of legality which requires criminal provisions to be ratified through people's representatives, namely through Laws and Regional Regulations.

In this case, the principle of legality which aims to protect legal certainty and prevent abuse of authority by the authorities, requires clarity in the formulation of norms that regulate statutory regulations. For this reason, norms that regulate the limitations of statutory regulations must be clearly stated in the body of Article 1 paragraph (1) of the New Criminal Code, not only in the explanation. Thus, the potential for abuse of authority in determining criminal provisions that do not involve people's representatives can be avoided, and legal certainty for the community can be guaranteed.

As a recommendation, the author suggests that the government, especially the institution authorized to create legal products, conduct an evaluation or review of Article 1 paragraph (1) of the New Criminal Code. This is important to ensure that the formulation of norms regarding statutory regulations does not cause confusion that could harm the community. Clear and firm changes in this provision will strengthen the principle of legality and ensure that criminal provisions can only be regulated by Laws and Regional Regulations, which are produced through a legislative process involving people's representatives, so as to avoid the potential for abuse of authority by parties outside the legislative institution.

REFERENCES

- Andi Hamzah. (2018). *Asas-Asas Hukum Pidana di Indonesia & Perkembangannya*. PT Softmedia.
- Arifin, S. (2021). Pertanggungjawaban pidana terhadap anak sebagai kurir narkoba. *Justitia Jurnal Hukum*, 5(1).

- Bustomi, Y., & Muhammad, G. A. (2022). Urgensi Kriminalisasi Kepemilikan Perolehan dan Penggunaan Airsofr Gun Tanpa Izin. *Jurnal Novum*, 9(1), 1-13.
- Cahyani, H., Firdaus, I. N., Sitanggang, J. E., & Irawan, F. (2022). Kebijakan Pasal-Pasal Kontroversial Dalam RUU KUHP Ditinjau Dari Perspektif Dinamika Sosial Kultur Masyarakat Indonesia. *Journal of Law, Administration, and Social Science*, 2(2), 81-90. <https://doi.org/10.54957/jolas.v2i2.175>
- Claes, E., & Krolikowski, M. (2008). The limits of legality in the criminal law. In *Facing the Limits of the Law* (pp. 1-19). Springer.
- Hafizah, A., Ablisar, M., & Lubis, R. (2022). Asas Legalitas Dalam Hukum Pidana Indonesia Dan Hukum Pidana Islam. *Mahadi: Indonesia Journal of Law*, 1(1), 1-10.
- Hariri, A., & Arifin, S. (2023). Analysis Of Local Government Policy Model In Preventing Corruption In A Village Government Sector. *JCH (Jurnal Cendekia Hukum)*, 8(2), 290-300.
- Hariri, A., Wicaksana, S. U., & Arifin, S. (2022). A Critical Study of Legal Positivism As a Legal System in a Pluralist Country. *KnE Social Sciences*, 563-572.
- Hiariej, E. O. . (2009). *Asas Legalitas dan Penemuan Hukum dalam Hukum Pidana* (Cetakan Ke). Penerbit Erlangga.
- Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 837-844. <https://doi.org/10.37680/almanhaj.v5i1.2815>
- Marzuki, P. M. (2019). *Penelitian Hukum* (Cetakan Ke). Kencana.
- Mulksan, M. (2017). Asas Legalitas Dalam Hukum Pidana: Studi Komparatif Asas Legalitas Hukum Pidana Indonesia Dan Hukum Pidana Islam (Jinayah). *Serambi Hukum*, 11(01), 1-26.
- Murphy, C. C. (2010). The principle of legality in criminal law under the ECHR. *European Human Rights Law Review*, 2, 192.
- Nugraha, R. S., & Silalahi, C. F. (2024). Pembaharuan Berlakunya Asas Legalitas Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana. *PALAR (Pakuan Law Review)*, 10(1), 73-81.
- Olásolo, H. (2007). A note on the evolution of the principle of legality in international criminal law. *Crim. LF*, 18, 301.
- Rokilah, R. (2020). The Role of the Regulations in Indonesia State System. *Ajudikasi : Jurnal Ilmu Hukum*, 4(1), 29-38. <https://doi.org/10.30656/ajudikasi.v4i1.2216>
- Setyawan, V. P. (2021). Asas Legalitas Dalam Perspektif Filsafat Hukum. *Justitia et Pax*, 37(1).
- Situngkir, D. A. (2018). Asas Legalitas Dalam Hukum Pidana Nasional Dan Hukum Pidana Internasional. *Soumatra Law Review*, 1(1), 22-42.
- Sri Rahayu. (2014). Implikasi Asas Legalitas Terhadap Penegakan Hukum dan Keadilan. *Jurnal Inovatif*, VII(September), 4.
- Sudibyo, A., & Rahman, A. H. (2021). Dekonstruksi Asas Legalitas Dalam Hukum

- Pidana. *Journal Presumption of Law*, 3(1), 55-79.
- Velarde Rodriguez, J. A. (2014). Principle of Legality in Criminal Law. *LEX*, 225.
- Widayati, L. S. (2011). Perluasan Asas Legalitas Dalam Ruu Kuhp. *Negara Hukum*, 2(2), 307-328.
- Widayati, L. S. (2016). Perluasan asas legalitas dalam RUU KUHP. *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 2(2), 307-328.
- Yuherawan, D. S. B. (2014). *Dekonstruksi Asas Legalitas Hukum Pidana Sejarah Asas Legalitas dan Gagasan Pembaharuan Filosofis Hukum Pidana* (Cetakan Ke). Setara Press.