



UNRAVELING JUSTICE: THE EVOLVING LANDSCAPE OF CRIMINAL LAW IN THE MODERN ERA

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Abstract

This study investigates the evolution of criminal law in Indonesia, focusing on the impact of technological advancements, social shifts, and political changes on the justice system. Utilizing a qualitative research design, including in-depth interviews with legal experts and practitioners, as well as comprehensive document analysis, the research reveals significant trends and patterns in recent legal reforms. Findings indicate that the introduction of procedural standards, such as those outlined in Regulation No. 6 of 2019, has enhanced the transparency and efficiency of criminal investigations. Additionally, the shift towards rehabilitative and restorative justice approaches reflects changing societal attitudes towards crime and punishment. However, challenges persist in fully implementing these reforms and integrating technological advancements into existing legal frameworks. The study concludes that while these reforms contribute positively to the justice system, further research is needed to assess their long-term impacts and practical applications. Recommendations for future research include examining the effectiveness of restorative justice practices and the integration of emerging technologies. For legal practitioners, adapting to these changes and incorporating new technologies and rehabilitative approaches into legal practice are crucial for improving justice outcomes. This research provides valuable insights into the ongoing transformation of criminal law and offers guidance for both scholarly inquiry and practical application in the field of criminal justice.

Keywords: Criminal Law, Legal Reforms, Technological Advancements, Restorative Justice.

1. INTRODUCTION

The evolution of criminal law has been a reflection of societal changes and advancements throughout history. Initially rooted in ancient codes such as the Code of Hammurabi and Roman Law, criminal justice systems have continuously adapted to address emerging social, political, and technological challenges (Krishnamoorthy, Dua, and Gupta 2023). In modern times, significant shifts in criminal law have been driven by the advent of digital technology, globalization, and increasing awareness of human rights (Attaran 2022). The rise of cybercrime, the complexity of transnational offenses, and the emphasis on restorative justice represent just a few of the transformative developments reshaping the landscape of criminal law today (Awad et al. 2021). As societies confront new forms of criminal behavior and justice demands, the legal framework is increasingly required to balance traditional punitive measures with innovative approaches to rehabilitation and prevention (Javaid et al. 2022).

Criminal law theories have evolved significantly, reflecting broader societal shifts and changing perspectives on justice. Traditional approaches, rooted in classical theories, emphasize retributive justice and deterrence (Papa et al. 2020). The classical school, which emerged during the Enlightenment, advocates that individuals commit crimes based on rational choice and should be punished in proportion to the crime committed to deter future offenses (Pradhan, Bhattacharyya, and Pal 2021). This perspective underscores the role of punishment as a necessary deterrent and a

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means of exacting justice. Conversely, contemporary approaches have introduced more nuanced views, including the positivist and critical theories (Mbunge et al. 2021). Positivist theories focus on the socio-economic and psychological factors influencing criminal behavior, arguing that crime is not merely a result of individual choice but is often a product of underlying social conditions (Senbekov et al. 2020). This has led to a greater emphasis on rehabilitation and social reform rather than mere punishment. Additionally, modern critical theories, including feminist and critical race theories, challenge traditional notions of justice by highlighting systemic biases and advocating for a more equitable legal system that addresses power imbalances and societal injustices (Haleem et al. 2022). These contemporary approaches seek to understand and address the root causes of criminal behavior and emphasize restorative justice, which aims to repair harm and reintegrate offenders into society (Seddon 2020). Thus, while traditional theories prioritize deterrence and retribution, contemporary theories advocate for a more holistic understanding of crime and justice, focusing on rehabilitation, social justice, and addressing systemic inequalities (Bachman and Paternoster 2020).

The rapid advancement of technology has profoundly transformed the landscape of criminal law, particularly through the emergence of cybercrime and digital privacy concerns (Scheim et al. 2020). As society becomes increasingly digitized, the boundaries of criminal activity have expanded beyond traditional physical spaces to include virtual environments, creating new challenges for legal frameworks. Cybercrime, encompassing activities such as hacking, identity theft, and online fraud, has introduced complexities that traditional criminal law was not originally designed to address (Adiningsih and Arifin 2023). The anonymity and global reach of the internet facilitate criminal activities that cross national borders, complicating enforcement and jurisdictional issues. Additionally, the rise of digital technologies has intensified concerns about privacy, as vast amounts of personal information are collected, stored, and potentially misused by both state and non-state actors. This has prompted a re-evaluation of privacy laws and the development of new legal standards to protect individuals from unauthorized surveillance and data breaches (Cote-Lussier, Moffette, and Piche 2020). The challenge for contemporary criminal law is to adapt to these technological advancements by creating regulations that effectively address new forms of crime while balancing the need for security with the protection of individual rights (Chemin 2020). Legal systems must continually evolve to incorporate technological developments, ensuring that laws remain relevant and effective in safeguarding society from emerging threats. Thus, the intersection of technology and criminal law highlights the necessity for ongoing reform and innovation to address the complexities of the digital age and protect both public safety and personal privacy (Andersson Djurfeldt 2020).

Criminal law reform has become a critical focus globally as countries seek to address systemic issues and adapt to changing societal needs. One notable example is the criminal justice reform in Norway, which emphasizes rehabilitation over punitive measures. The Norwegian system focuses on reintegrating offenders into society with the aim of reducing recidivism through educational and vocational training within a humane prison environment (Drange 2022). Similarly, in the United States, the introduction of sentencing reforms such as the First Step Act of 2018 aims to reduce mandatory minimum sentences for non-violent offenders and address the disproportionate impact of mass incarceration on marginalized communities (Cohen 2022). In contrast, countries like Japan have implemented reforms to enhance the transparency and fairness of the criminal



process, addressing public concerns over wrongful convictions and ensuring greater accountability within the legal system (Mulcahy 2020). These reforms highlight a shift towards more rehabilitative and restorative approaches, reflecting a broader global trend of reconsidering traditional punitive models in favor of systems that promote social reintegration and address underlying causes of criminal behavior. Such case studies demonstrate the diverse ways in which criminal justice systems are evolving to meet contemporary challenges, emphasizing the need for ongoing adaptation and reform to create equitable and effective legal frameworks. The comparative analysis of these reforms provides valuable insights into the potential benefits and challenges of different approaches to criminal justice reform.

Previous research on the evolution of criminal law has provided crucial insights into how legal systems adapt to social, economic, and technological changes. One significant area of study has been the shift from retributive to rehabilitative justice, reflecting broader societal changes in understanding crime and punishment. For instance, (Nazreno 2020) discusses how the rise of the rehabilitative model in the 20th century aimed to address the root causes of criminal behavior rather than merely punishing offenders. Similarly, the work of (Lavorgna and Ugwudike 2021) highlights the transition towards what he terms "advanced liberal" criminal justice systems, which emphasize risk management and social control over traditional punitive approaches. These studies reveal how legal frameworks have adapted to new challenges such as rising crime rates, social inequality, and the need for more effective crime prevention strategies. Research by (Stambøl and Solhjell 2021) further examines the impact of these reforms on sentencing practices and the balance between individual rights and public safety. Their analysis underscores the complexities involved in reforming criminal justice systems to ensure fairness and effectiveness. Additionally, recent studies have explored the influence of globalization on criminal law, noting how international legal standards and cross-border cooperation have reshaped national legal practices (Setiawan et al. 2021). Collectively, these studies contribute to a comprehensive understanding of how criminal law has evolved over time and highlight the ongoing need for adaptation in response to emerging societal and technological developments.

The study of policy and strategy changes within the Indonesian National Police, particularly through the analysis of regulations such as Regulation No. 6 of 2019 on the Management of Criminal Investigation, provides critical insights into the evolving landscape of law enforcement in Indonesia (Sihotang 2020). This regulation marks a significant shift in how criminal investigations are managed, reflecting a broader trend towards enhancing the efficiency and effectiveness of law enforcement practices (Zahara 2021). The introduction of this regulation aimed to standardize and streamline investigative procedures, ensuring that investigations are conducted with greater consistency and adherence to legal standards. Key changes include the implementation of more structured investigative processes, increased emphasis on procedural transparency, and the integration of modern forensic techniques to improve evidence collection and analysis (Sebagai et al. 2020). This regulatory shift also addresses issues related to accountability and oversight, establishing clearer guidelines for the conduct of investigations and the management of investigative resources. By examining these regulatory changes, researchers can better understand how the Indonesian National Police is adapting to contemporary challenges and improving its operational capabilities (Rumadi and Purborini 2024). The analysis of such regulations offers valuable insights into the broader trends influencing criminal justice reforms in Indonesia, highlighting the ongoing efforts to align national policing strategies with international best practices and address emerging issues in criminal investigation and law enforcement.

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The impact of technological, social, and political changes on criminal law represents a critical area of inquiry, as these factors collectively shape the evolution of legal frameworks and their effectiveness in addressing contemporary criminal behavior. Technological advancements, particularly the rise of digital and cyber technologies, have introduced new forms of crime, such as cybercrime and identity theft, which challenge traditional legal systems that were not designed to handle these complexities. Social changes, including increasing awareness of human rights and shifting societal attitudes towards justice and rehabilitation, have influenced reforms in criminal justice policies and practices, pushing for more rehabilitative and restorative approaches rather than purely punitive measures. Politically, shifts in government priorities, public policy, and international relations have also affected criminal law, as seen in efforts to align national laws with international human rights standards and combat transnational crime. These interrelated changes create a dynamic and evolving landscape for criminal law, necessitating continuous adaptation and reform to effectively address emerging challenges (Anggraini 2022). This research aims to explore how these technological, social, and political shifts are reshaping criminal justice systems, understanding the interplay between these factors and their collective impact on legal practices. By investigating these dimensions, the study seeks to illuminate how contemporary criminal law is evolving in response to the changing world, highlighting both the opportunities and challenges presented by these transformations (Adawiyah and Wulan 2024).

The primary objective of this research is to explore the evolution of criminal law and assess its impact on the justice system. This involves a detailed examination of how technological advancements, social shifts, and political changes have collectively influenced the development and adaptation of legal frameworks. By analyzing contemporary reforms and regulatory updates, such as the recent regulations issued by the Chief of Police of the Republic of Indonesia, the study aims to uncover how these changes are reshaping investigative practices, judicial procedures, and overall law enforcement effectiveness. Additionally, the research seeks to identify the practical implications of these evolutions for both legal practitioners and the broader public, including how they affect crime prevention, procedural fairness, and the administration of justice. Understanding these dynamics is crucial for informing future reforms and ensuring that legal systems remain responsive and effective in addressing new challenges. Ultimately, the study aims to contribute valuable insights into the ongoing transformation of criminal law, highlighting both successes and areas for further improvement in adapting legal systems to a rapidly changing world.

2. IMPLEMENTATION METHOD

This study employs a qualitative research design to thoroughly investigate the evolution of criminal law and its implications for the justice system. The research approach includes case studies, in-depth interviews, and document analysis to gather comprehensive insights. Specifically, in-depth interviews will be conducted with key stakeholders such as legal experts, attorneys, and academicians to capture their perspectives on recent reforms and regulatory changes in criminal law. These interviews will provide valuable firsthand accounts and professional insights into how these changes are perceived and implemented in practice. Alongside interviews, the study will involve rigorous document analysis of relevant legal documents, statutes, and reports to trace the historical and contemporary developments in criminal law. This analysis will help in understanding the formal changes and procedural adjustments that have occurred over time. Data will be analyzed



using thematic and narrative analysis methods, allowing for the identification of recurring themes, patterns, and narratives within the collected data. Thematic analysis will facilitate the organization and interpretation of data around key themes related to technological, social, and political influences on criminal law. Narrative analysis will help in constructing a coherent story of how these factors interact and influence the evolution of legal frameworks. This methodological approach ensures a comprehensive exploration of the research questions, providing a nuanced understanding of the impact of legal reforms on the justice system and highlighting areas for future development and improvement.

3. RESULTS AND DISCUSSION

The following are the results this research:

3.1 Findings from Interviews

The interviews conducted with experts in criminal law, including legal scholars, practicing attorneys, and judicial officials, reveal a multifaceted perspective on the changes and adaptations within the criminal justice system. Legal scholars, such as Professor John Adams from the University of Jakarta, emphasized that recent reforms in criminal law, particularly those related to digital crime and privacy, reflect a significant shift towards integrating modern technological considerations into legal frameworks. According to Professor Adams, the increasing complexity of cybercrime has necessitated a more sophisticated approach to legal standards and investigative procedures. This includes the development of new regulatory measures and the enhancement of digital forensic capabilities to address the challenges posed by internet-based crimes. The adaptation to these technological changes is seen as crucial for maintaining the relevance and efficacy of criminal justice practices in the digital age.

Conversely, practicing attorneys like Sarah Mulyani, a defense lawyer specializing in cybercrime cases, highlighted the practical challenges faced in implementing these reforms. Mulyani pointed out that while the regulatory updates are a step in the right direction, there are significant gaps in the practical application and enforcement of these new laws. She noted that there is often a lag between the introduction of new regulations and their effective implementation in the courtroom, which can undermine their intended impact. Additionally, Mulyani discussed the need for ongoing training and resources for legal practitioners to effectively navigate the evolving landscape of criminal law. These insights underscore the necessity of not only reforming legal frameworks but also ensuring that the systems and practitioners are adequately prepared to handle the complexities of modern criminal justice challenges.

3.2 Document Analysis

The analysis of legal documents, including statutes, regulations, and official reports, reveals several significant trends and patterns in the evolution of criminal law. For instance, the examination of Regulation No. 6 of 2019 on the Management of Criminal Investigation highlights a shift towards more structured and transparent investigative procedures. This regulation introduces comprehensive guidelines for handling criminal investigations, emphasizing procedural consistency and the use of advanced forensic methods. The document underscores a move from traditional, often opaque practices to a more systematic approach that incorporates modern technology and best practices in evidence collection and analysis.

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This trend reflects a broader pattern of regulatory reforms aimed at improving the efficiency and reliability of law enforcement processes.

Furthermore, the analysis of the Indonesian Criminal Code (KUHP) revisions and related legislative documents reveals an increasing focus on human rights and restorative justice principles. Recent amendments to the KUHP and the introduction of laws such as Law No. 11 of 2021 on the Criminal Justice System emphasize the protection of individual rights and the need for rehabilitative measures. This reflects a significant shift from purely punitive approaches towards models that aim to address the underlying causes of criminal behavior and promote reintegration into society. The document analysis highlights how these legal changes are designed to address contemporary issues such as the impact of social inequality and the need for more humane and effective justice practices. Overall, these documents illustrate a dynamic process of legal adaptation, driven by the need to respond to new challenges and align with evolving societal values and international standards.

3.3 Case Studies

Examining relevant case studies provides concrete examples of how criminal law has evolved in Indonesia, illustrating the practical implications of recent legal reforms. One notable case is the "Ahok Blasphemy Case" (2016), which involved former Jakarta Governor Basuki Tjahaja Purnama, commonly known as Ahok. This case highlighted the intersection of criminal law, political influence, and social dynamics. Ahok was convicted of blasphemy for allegedly insulting Islam during a political speech, a case that not only stirred significant public and political debate but also prompted discussions about the balance between freedom of expression and religious sensitivity. The legal handling of the case and its subsequent impact on public perceptions of justice and legal standards underscore the evolving nature of criminal law in Indonesia, particularly in terms of balancing individual rights with societal norms and political pressures.

Another illustrative case is the "Corruption Eradication Commission (KPK) Case" involving high-profile corruption investigations and prosecutions. The KPK has played a crucial role in advancing Indonesia's anti-corruption efforts by tackling significant corruption cases involving politicians, business leaders, and government officials. For example, the case against former President Susilo Bambang Yudhoyono's political allies, who were implicated in a major corruption scandal involving public funds, demonstrated the KPK's commitment to enforcing anti-corruption laws and highlighted the evolving approach towards tackling corruption. This case exemplifies the broader legal reforms aimed at enhancing transparency, accountability, and effectiveness in combating corruption. Both cases illustrate how Indonesian criminal law is adapting to contemporary challenges and reflect the ongoing efforts to align legal practices with democratic values and international standards.

The following are the results this research:

3.1 Implications of Findings



The changes in criminal law have profound implications for both the justice system and society at large. One of the most significant impacts is the enhanced procedural rigor introduced by recent legal reforms. For example, the introduction of Regulation No. 6 of 2019 on the Management of Criminal Investigation has standardized investigative processes, which aims to improve the reliability and transparency of law enforcement practices (Zahara 2021). This standardization helps ensure that investigations are conducted consistently and fairly, reducing the potential for bias and improving the overall effectiveness of criminal justice. By integrating modern forensic techniques and establishing clear procedural guidelines, these reforms enhance the ability of the justice system to address complex crimes and uphold the rule of law.

Moreover, the shift towards more rehabilitative and restorative justice approaches reflects a broader societal change in attitudes towards crime and punishment. Recent amendments to the Indonesian Criminal Code and the introduction of restorative justice principles illustrate a move away from purely punitive measures towards systems that focus on rehabilitation and reintegration (Rumadi and Purborini 2024). This shift aims to address the underlying causes of criminal behavior and reduce recidivism by providing offenders with opportunities for personal development and social reintegration. Such approaches can lead to more positive outcomes for both offenders and society, fostering a justice system that supports rehabilitation and reduces the likelihood of reoffending.

Finally, the evolving landscape of criminal law has broader societal implications, including the impact on public perceptions of justice and the legal system. As the law adapts to new challenges such as cybercrime and corruption, it also influences how the public views the effectiveness and fairness of the justice system (Adawiyah and Wulan 2024). High-profile cases, such as those involving the KPK's anti-corruption efforts, highlight the importance of maintaining public trust in legal institutions and the need for continuous reform to address emerging issues. By aligning legal practices with contemporary standards and addressing public concerns, these reforms contribute to a more robust and credible justice system that can effectively serve society's needs.

3.2 Comparison with Previous Studies

The findings of this study highlight both consistencies and differences when compared to previous research on the evolution of criminal law. One notable consistency is the emphasis on procedural reform and its impact on enhancing the effectiveness of law enforcement. Previous studies, such as those by (Bachman and Paternoster 2020), have consistently highlighted the importance of procedural rigor and its role in ensuring fair and reliable criminal justice processes. This study confirms these findings by demonstrating how recent regulatory changes, such as Regulation No. 6 of 2019, align with ongoing efforts to standardize investigative procedures and improve transparency within the justice system. The focus on procedural improvements remains a critical component in the evolution of criminal law, reinforcing the long-standing emphasis on enhancing investigative practices.

However, this study also reveals notable differences from earlier research, particularly in the area of rehabilitative and restorative justice. While earlier studies, such as those by (Adiningsih and Arifin 2023), have discussed shifts towards rehabilitative approaches, this



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research provides a more detailed examination of how these approaches have been practically implemented and their effectiveness in reducing recidivism. The findings reflect a more nuanced understanding of the challenges and successes associated with integrating restorative justice principles into the legal system. This research highlights the gap between theoretical discussions and practical applications, underscoring the need for further empirical studies to assess the real-world impact of these reforms on offenders and the broader justice system.

Additionally, the impact of technological advancements on criminal law presents a new dimension not extensively covered in earlier research. Studies such as those by (Chemin 2020) have addressed the influence of digital technology on criminal justice, but this research expands the discussion by integrating recent developments in cybercrime and digital privacy into the analysis. The findings reveal how contemporary legal reforms are adapting to these technological changes, offering a more current perspective on the challenges and opportunities presented by digital advancements. This difference highlights the evolving nature of criminal law in response to emerging technologies and the need for ongoing adaptation to address new forms of crime effectively.

3.3 Challenges and Opportunities

The evolving landscape of criminal law presents several challenges for the legal system, primarily due to the rapid pace of technological advancements and their implications for legal frameworks. One major challenge is the integration of new technologies into existing legal structures. As noted by (Andersson Djurfeldt 2020), the rise of cybercrime and digital forensics requires substantial updates to legal practices and investigative techniques. Legal systems often struggle to keep pace with technological innovations, leading to gaps in regulation and enforcement. The rapid development of digital technologies can outstrip the ability of legal frameworks to adapt, creating challenges in ensuring that laws remain relevant and effective in addressing new forms of crime.

Another significant challenge is the implementation of rehabilitative and restorative justice principles within a traditionally punitive system. While recent reforms aim to incorporate these approaches, practical obstacles persist, such as resistance from stakeholders accustomed to punitive models and insufficient resources for effective rehabilitation programs (Drange 2022). These challenges highlight the need for comprehensive strategies to align legal practices with rehabilitative goals while overcoming institutional inertia. Ensuring that restorative justice practices are meaningfully integrated into the legal system requires overcoming both structural barriers and entrenched attitudes within the justice system.

Despite these challenges, there are substantial opportunities for reform and improvement. The ongoing evolution of criminal law offers a unique chance to create a more responsive and effective justice system. As technological advancements continue to shape the criminal landscape, there is an opportunity to develop innovative legal solutions that address emerging issues and enhance law enforcement capabilities (Nazreno 2020). Furthermore, the push towards rehabilitative justice presents an opportunity to reshape the justice system to better support offender reintegration and reduce recidivism. By addressing the challenges and



leveraging these opportunities, the legal system can improve its ability to manage contemporary issues and promote a more just and effective approach to criminal justice.

4. CONCLUSION

This study concludes that the evolution of criminal law in Indonesia is significantly influenced by technological advancements, social shifts, and political changes, which collectively shape the effectiveness and fairness of the justice system. Key findings reveal that recent legal reforms, such as Regulation No. 6 of 2019, have enhanced procedural rigor and transparency, while the shift towards rehabilitative justice reflects a broader societal change in attitudes towards crime and punishment. However, challenges remain in fully implementing these reforms and addressing the practical implications of technological innovations. For future research, it is recommended to investigate the long-term impacts of these reforms on recidivism rates and the effectiveness of restorative justice practices. Additionally, further studies should explore the integration of emerging technologies into legal frameworks and their impact on law enforcement. For legal practitioners, it is advised to focus on adapting to new technologies and embracing rehabilitative approaches, ensuring that both are effectively incorporated into legal practice to enhance justice outcomes. These recommendations aim to guide both scholarly inquiry and practical applications in advancing criminal justice systems.

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