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Application of The Juridic-Scientific Religious Approach Model in Execution of Penal Law Enforcement

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Abstract

Reforming the criminal application legislation in the national legal system is critical. This research uses the paradigm of legal constructivism and the type of research used is juridical-sociological. Criminal law enforcement regulations are currently still scattered in various laws and regulations, it is not impossible that they will disrupt the law enforcement system, especially in the implementation of criminal decisions/ actions. Character building is an effort to establish a conservation value system to achieve the value of justice, the value of certainty and the value of benefit in law enforcement for the implementation of criminal law. Therefore, efforts are needed to enforce the law on the implementation of criminal law through a juridical-scientific-religious approach that is oriented (guided) on "science" (criminal implementation law) and "God's guidance". The juridical-scientific religious approach is realized as a concrete effort to reform the law through reforming the substance and culture of the law. In reforming the legal substance, the religious approach is carried out by making religious teachings a source of motivation, inspiration, and creative evaluation source in building legal people with noble character, so that concrete efforts must be developed in the content of national legal development policies.

A. Introduction

Poor law enforcement practices stemming from a weak legal culture, both law enforcement officers and community members (Pujiyono, 2012). The development of the legal system must be able to provide a platform for achieving the goals of the founding of the Indonesian state. If we carry out legal politics to form a national legal system, then we must carry out reforms in the three areas that make up the legal system (Jaya, 2015). In essence, the enforcement of criminal law enforcement based on Pancasila values is in line with the theme of Character Development in the achievement of the UNNES Strategic Plan. Character development as an effort to establish a conservation value system to achieve the value of justice, the value of certainty and the value of benefit in law enforcement of criminal implementation (execution) (Arief, 2014).

Execution is the final stage of case settlement process in an integrated criminal justice system (ICJS). Based on the results of the trial in the CJS, the judge gives a criminal decision which is then carried out by the Prosecutor, while the implementation of the crime is carried out by law enforcement officers or the perpetrators of criminal execution, namely the Prosecutor, Prisons, Fathers, Rupbasan, and the Police and related agencies in accordance with the type of cri-

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minal imposed. Arief, 2014). The process of resolving a criminal case is considered and considered successful in law enforcement if the execution of the judge's decision which has permanent power is carried out by the Prosecutor correctly in accordance with the provisions of the applicable legislation. Until now, there are still weaknesses and failures when it is executed. This has worsened the image of law enforcement officers in the eyes of the public (Jaya, 2016). Therefore, the perpetrators of carrying out the crime based on the judge's decision which has permanent legal force are required to have professional technical capabilities in carrying out their duties and authorities as executor in accordance with applicable regulations (Orman, 2016).

The law of execution / execution of criminals is currently scattered in several laws and regulations. The arrangements are sometimes contained in material criminal law (KUHP), in criminal procedural law (KUHAP), in special laws, in various Governmnet Regulations (PP) as implementing laws, and even in various ministerial decrees. Several portraits of the formulation policies above show that in the realm of the ius constitutum, reform of the implementation of criminal acts has been carried out in a partial form. Such a policy choice seems to be something that the Government wants to maintain, as can be seen from the draft Law on the Correctional System which was prepared in the context of updating the implementation of prison sentences contained in Law Number 12 of 1995 concerning Corrections and is currently in the revision process in the Correctional Bill. 2019. With the codification of widespread criminal enforcement laws, the public in general will find it easier to find criminal law enforcement regulations (it would make it easier to find the relevant law). Why is it easier, because the law on criminal implementation can be directly found and read in the "Execution of Penal Law".

The enforcement of criminal law manifests itself as the application of criminal law that involves structures such as the police, prosecutors, courts, and social institutions. Rational enforcement of criminal law consists of three stages, namely:

1) The formulation stage is the enforcement of criminal law in abstract by the legislature. The legislators carry out activities to choose values that are in accordance with current and future conditions and situations and then formulate them in the form of criminal legislation to achieve the best results of criminal legislation.
2) Application stage, criminal law enforcement stage (criminal law application stage) by law enforcement officers starting from the police, prosecutors to courts. law enforcement officers enforce and applies criminal laws and regulations that have been made by the legislature.
3) Execution stage, namely the stage of concrete enforcement (implementation) of criminal law by criminal implementing officers. The criminal implementing law enforcement officers is tasked with enforcing the criminal regulations that have been made by the legislators through the application of the criminal law that has been determined by the court (Barda Nawawi Arief, 2012).

Law enforcement requires legal instruments consisting of a legal structure component or law enforcement officers, a legal substance component including legal rules and a legal culture component, which is the social atmosphere that underlies people's attitudes towards law (Wiharyangti, 2011). These instruments are needed to suppress internal conflicts in law enforcement and so that the objectives of the existence of law in the form of justice, benefit and legal certainty are achieved. In realizing it all, criminal law recognizes the term Integrated criminal justice system (CJS) which is known as the criminal justice system or justice enforcement within the framework of an integrated criminal justice system. (Barda Nawawi Arief, 2014).

Integrated criminal justice system or ICJS is a criminal justice system that regulates how criminal law enforcement is carried out. (Effendy, 2013: 251-252). ICJS can be

used as a system as well as a process. As a system, it means that there are functional and institutional relationships between each subsection in the context of law enforcement. Meanwhile, as a process, it is intended that the judiciary will proceed in accordance with the provisions of criminal law and applicable criminal procedural law (Bawekes, 2013:93). ICJS as a process is defined as a judicial network that uses not only material criminal law and formal criminal law but also criminal law enforcement.

In enforcing the law for the implementation of the crime, it is proper that the law enforcement officers implementing the crime applies a juridical-scientific-religious approach. This approach is oriented (guided) on "science" (criminal implementation law.pen.) and "God's guidance", in enforcing the law of criminal implementation. This approach model needs to be carried out considering that bad practices have occurred so far, perhaps because of the low knowledge of law enforcement officers and ignoring God's guidance, many laws enforcement officers' things separate and do not link God's law and guidance. God's guidance covers the principles of equality, objectivity, impartiality, and impartiality. The problems that will be studied in this research include, what are the procedures for law enforcement for the implementation of criminal acts by criminal actors? and how is the application of the juridical-scientific-religious approach in law enforcement for the execution of penal law?

B. Method

This research uses the paradigm of legal constructivism, in the context and content of the application of the juridical-scientific-religious approach to law enforcement in the implementation of criminal law. The type of research used is juridical-sociological. This means that the enactment of the law must be in accordance with higher rules, namely the values of Pancasila, or formed in a predetermined way at the same time to find out how the law is implemented in the law enforcement process. This study will analyze the application of the juridical-scientific-religious approach in execution penal law enforcement.

This research uses a hermeneutic approach to sociological juridical qualitative research. Research with this approach will look at the rule of law as the basis for policy formation by looking at the legal chronology of the process of its formation. Hermeneutic is analyzing the content and context of policy material. Qualitatively, it will interpret the meaning of the articles in the policy so that the correct meaning will be obtained sociologically, philosophically and juridically.

Research data obtained from interviews, observations, interpretation of documents and materials as well as persona lexperience. In accordance with the constructivism paradigm and hermeneutic approach, in conducting observations, the researcher takes a position as a facilitator by using the participatory principle. In-depth interviews were conducted with open-ended questions but did not rule out the possibility that they would be conducted behind closed doors, especially with informants who had a lot of information. Data interpretation is an attempt to make sense of what has been learned from the field data that has been collected and analyzed.

Research data is evaluated to test the quality of a study, among others through (a) plausibility (logical), (b) credibility (trustworthy), (c) relevance (relevance or suitability), (d) urgency (urgency or importance). The data that has been collected is tested for validity by using triangulation techniques. In this study, to test the validity of the data using source triangulation, to check the degree of confidence in the information that the author can obtain and make comparisons between the information that the author gets from interviews with documents related to the research.

C. Results and Discusson

1. Procedure for Law Enforcement of Execution Penal Law

Law Number 12 of 1995 concerning Corrections can be the legal basis for the implementation of a crime. This is because the Correctional Law regulates the imple-

mentation of court decisions in the form of criminal acts as well as being the object of study in penitent science. The articles contained in the law, among others, regulate the implementation of the rights of prisoners, the implementation of investigations in prisons, the implementation of the rights of criminal children, the implementation of the rights of state children, the implementation of the rights of civil children, the implementation of coaching and mentoring programs, and implementation of prisoner care (Arief, 2017). All of these are part of the court's decision handed down against the defendant in the form of a crime. Although the rules for implementing the crime are still scattered in several laws and regulations, it depends on the institution authorized to carry out the decisions and implementation of the crime. Article 10 of Law Number 1 of 1946 concerning Criminal Law Regulations jo. Law Number 73 of 1958 concerning the Enactment of Law Number 1 of 1946 concerning the Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Law Act is considered a Criminal Code, the types of crimes are as follows:

a. Principal crime:
    1. The death penalty is carried out by the Mobile Brigade Shooting Team.
    2. Imprisonment, carried out by the Correctional Institution (LAPAS).
    3. Confinement, carried out by the Correctional Institution (LAPAS).
    4. Fines, carried out by the Prosecutor.
    5. Coverage, carried out by the Correctional Institution (LAPAS)

b. Additional Penalties:
    1. Revocation of certain rights, carried out by the institution depending on the type of rights revoked.
    2. The confiscation of certain goods, carried out by the Prosecutor.
    3. Announcement of the judge's decision, carried out by the Registrar of the District Court.

The procedure for implementing the crime is regulated in several laws and regulations as follows (Moeljatno, 2021):

1.1 Death Penalty

The implementation of the death penalty is not carried out in public and according to the provisions of the law can be seen in Article 271 of the Criminal Procedure Code which is also further regulated in Law Number 2/Pnps/1964 concerning Procedures for the Implementation of the Death Penalty and Law Number 22 Year 2002 concerning Clemency. Within three 24 (twenty-four) hours prior to the execution of the death penalty, the prosecutor concerned shall notify the convict about the execution of the death penalty and if the convict wants to state something, the statement or message is received by the prosecutor concerned. Executors of the Death Penalty are Shooting Teams consisting of 12 (twelve) enlisted persons as implementers, 1 (one) non-commissioned officer as commander and 1 (one) officer as implementing supervisor, all of whom are from the Brimob Unit. If the convict is a military person, then he must wear daily service clothes without epaulettes or other signs. The firing squad comes from the Military Unit (in the case of a Military Court that imposes the death penalty). The members of the Shooting Squad were blindfolded with black cloth and were not told whether their rifles contained the lethal bullets or not. The shooting distance or the distance between the point where the convict is located, and the firing squad is 5 (five) to 10 (ten) meters. The rifles used are not organic weapons. The shot was directed at the heart of the convict. Execution is carried out quickly, efficiently, cheaply, and immediately. The Chief of Police from the area concerned is responsible for the implementation of the death penalty after hearing the advice of the prosecutor who has demanded the death penalty and determining the day and date of the execution of the death penalty. If the convict is a military person who is sentenced to death by the Military Court, then the responsibility is the Regional Commander/Regional Commander. The execution was carried out 30 (thirty) days after the District Attorney received a copy of the Presidential Decree regarding the refusal of his clemency. If the convict becomes pregnant then 40 (forty) days after giving birth. Not la-

ter than 3 (three) days prior to the execution of the death penalty, the convict and his family shall be notified. Minutes of the Implementation of the Death Penalty are made to be submitted to the parties concerned. The implementation of the death penalty is carried out in the jurisdiction of the First Level Court which examines, hears, and decides on the death penalty in question. The burial is handed over to the convict's family or friends and demonstrative burials must be prevented unless the high prosecutor/prosecutor in question determines otherwise.

1.2 Imprisonment

Implementation of Imprisonment, Calculation of the entry into force of imprisonment when the decision has obtained permanent legal force, if the convict is not detained, the person concerned has served the decision since. In the case of applying for clemency and being detained, it is not considered unless the President determines in part or in whole as the time for serving a sentence (Article 33a of the Criminal Code). In the case of being sentenced to imprisonment and confinement at the first time, the imprisonment shall come into effect since the decision has obtained permanent legal force (Article 32 paragraph (1) of the Criminal Code). Criminal Code). For Deduction of Detention Period and Arrest of Judges, it is permissible to cut it or not. As for the Types of Prison Penalties:

a. Life imprisonment.
b. Temporary imprisonment: a minimum of 1 (one) day (Article 12 paragraph (2) of the Criminal Code and maximum of 15 (fifteen) years (Article 12 paragraph (2) of the Criminal Code) which can be changed to 20 (twenty) years in the event that alternative to death penalty; alternative to life imprisonment; there is weighting due to concursus or residive; there are special burdens, for example: child abuse by the biological mother (Article 355 in conjunction with Article 356 of the Criminal Code), abortion by a doctor or midwife (Article 347 in conjunction with Article 349 of the Criminal Code).

Convicts are obliged to work (Article 14 and Article 19 in conjunction with Article 29 of the Criminal Code). divided into 2. first, the convicts of lighter confinement (Article 19 paragraph (2) of the Criminal Code). second, may be obliged to work outside the prison walls (Article 24 of the Criminal Code) with some exceptions being sentenced to life; women; sick based on a Doctor's Certificate. There are so-called convicts who run away, so the time outside the prison does not count as time to serve a sentence (Article 34 of the Criminal Code). If the Public Prosecutor's authority expires (Article 84 of the Criminal Code).

3) Confinement Penalty

Imprisonment by looking at Article 57 Stb.1917 No.708 in conjunction with Article 19 of the Criminal Code, which is meant by the Criminal Confinement, namely those who are not allowed to work outside the walls are also included in the Regulations by the Minister of Justice or the Minister of Law and Human Rights. Referring to Article 69 paragraph (1) Stb.1917 No.708. There are 4 (four) kinds of disciplinary penalties, namely:

a) the facilities that they are entitled to receive based on the Gestichten Reglement and Household Regulations of the Correctional Institution shall be terminated for a certain period of maximum 1 (one) month.
b) Subject to "eenzame opsluiting" a maximum of 8 (eight) days.
c) subject to "eenzame opsluiting" and food restrictions (rice and water only).
d) subject to "eenzame opsluiting" a maximum of 8 (eight) days and the execution of the sentence in a barred place. The provisions in Article 71 Stb.1917 No.708. Implementation of "eenzame opsluiting" as follows: a. the convict is closed in a separate cell and separated from other convicts, cannot talk except with clergy, religious teachers, and officers; b. the convict is placed in a room without a bathroom and without fresh air. Only given the opportunity in a narrow time to take a shower (2x a day) and 1 (one) hour to breathe the air outside the cell; c.

officers are prohibited from talking to the convict; d. wherever possible convicts are given heavy work.

4) Fines Penalty

There are 2 implementations of fines. In a quick examination: a fine must be paid immediately. In a brief and ordinary examination procedure: The convict is given 1 (one) month and if there is a strong reason so that the fine has not been paid, it can be extended for a maximum of 1 (one) month (see Article 273 paragraph (1) jo (2) KUHAP)

5) Nappe Penalty

The procedure for Implementing the Closed Penalty begins with the definition of the Closed House, the Nappe House is a house for the execution of the criminal closure as referred to in Article 5 of Law No.20 of 1946 concerning the Close-Up Punishment (Article 1 of Government Regulation No.8 of 1948 concerning Closed Houses). The Minister of Defense determined the number of people in the Nappe House. The Minister of Defense oversees the general affairs of the Nappe House and the highest supervision of the Nappe House (day-to-day supervision by the Chief Justice of the Army from the Ministry of Defense). Government No. 8 of 1948 concerning Nappe Houses). Towards the military personnel of the Nappe House, the Military Disciplinary Law applies (Article 6 paragraph (2) of Government Regulation No. 8 of 1948 concerning the Tutupan House). Convicts in captivity may not be employed outside the walls of the Tutupan House (Article 14 paragraph (2) of Government Regulation No. 8 of 1948 concerning Closed Houses). The maximum length of work is 6 (six) hours/day and a minimum of 1 (one) hour rest (Article 17 Government Regulation No. 8 of 1948 concerning Closed Houses). The disciplinary punishments such as those found in the Prison House shall be enforced, including a. anger; b. revocation of part or all the rights they have obtained based on the Rumah Nappe regulations or administrative regulations. c. silent cover maximum 14 (fourteen) days after working hours. d. silent cover for a maximum of 14 (fourteen) days. The food convicts closed must be better than prison convicts and convicts may repair food at their own expense (Article 33 of Government Regulation No. 8 of 1948 concerning Closed Houses). Drinking water that has been cooked and clean must be provided (Article 35 of Government Regulation No. 8 of 1948 concerning Covered Houses). The convict is allowed to wear his own clothes and if given, it must be better than the prison convict (Article 36 paragraph (1), (2) Government Regulation No. 8 of 1948 concerning Closed Houses). Convicts may use their own cot (Article 37 of Government Regulation No. 8 of 1948 concerning Covered Houses). The gun rights are in Article 40 paragraph (1), Article 44, Article 46, and Article 33 of Government Regulation No. 8 of 1948 concerning Closed Houses.

Types of Additional Crimes in Article 10 b of the Criminal Code are as follows:

1. revocation of certain rights;
2. confiscation of certain goods;
3. announcement of the judge's decision.

Additional Crime Types in Wetboek van Strafrecht Nederlandsch

1. revocation of certain rights;
2. confiscation of certain goods;
3. placement in a state job training site (plaatsing in een rijkswerkinrichting);
4. announcement of judge's decision.

Additional penalties may only be imposed in addition to the main punishment, they cannot be imposed independently. Additional punishments are facultative except those that are explicitly stipulated as imperative in the law so that they can be said to have a dual character (tweezijdig character), namely as additional crimes as well as police actions, for example (Moeljatno, 2021):

1. Article 250 of the Criminal Code (counterfeit money and the means of manufacture);
2. Article 261 of the Criminal Code (false stamp duty and its manufacture);
3. Article 275 of the Criminal Code (a fake authentic deed and its making tools).

Revocation of Certain Rights

The revocation of certain rights can take effect from the time the sentence is imposed without waiting for the execution of the principal criminal concerned. Revocation is not the same as dismissal or dismissal. Revocation declares the absence of a person's rights. Dismissal or dismissal is the right or duty of the superior or leader of the convict concerned.

The revocation of rights has existed since Roman times with the term INFAMIA which in the Penal Code there is "peines infamantes" in the form of grading human dignity which is valid for life. They are seen as losing their civil rights, for example: the right to act as judges, teachers, notaries and so on.

The revocation of certain rights is temporary, ranging from 2 (two) to 5 (five) years longer than the main punishment, except if sentenced to death or life imprisonment (in such case the length of the revocation of rights is life).

According to Article 35 of the Criminal Code, the rights that can be revoked are:

1. holding certain positions;
2. enter the Armed Forces of the Republic of Indonesia (ABRI)/ Indonesian National Army (TNI) and the Police of the Republic of Indonesia;
3. choose and be elected based on general rules;
4. become an advisor/manager in accordance with the judge's stipulation: guardian, trustee, supervisor, supervisor for people who are not their own children;
5. the power of the father, guardianship, guardian over his own child;
6. certain jobs.

The implementation of the revocation of certain rights is as follows:

1. For the revocation of certain rights mentioned above, it is determined in the relevant Article or Chapter which in this case applies the adage "Lex specialis derogate lex generalis", for example: Article 128 for Chapter I Book II of the Criminal Code; Article 139 for Chapter II Book II of the Criminal Code; Article 145 for Chapter III Book II of the Criminal Code.
2. Revocation of the right to hold office or enter the ABRI/TNI and POLRI can be carried out in the following cases:
   a. punishment for a crime of office (Article 413 to Article 437 of the Criminal Code).
   b. a crime that violates the special obligations of a position (e.g., "fence eating plants").
   c. a crime that uses the power, opportunity or means obtained from his position (Article 52 and Article 52a of the Criminal Code).
3. For the revocation of the father's power and so on over his own child or another person, the punishment for:
   a. a parent/guardian who knowingly participates with a minor under their control commits one of the crimes.
   b. parents/guardians against minors who are under their control commit crimes contained in Book II of the Criminal Code in: Articles 277 to 280; Articles 281 to 303 bis; Article 304 to with 309; Articles 324 to 337; Articles 338 to 350; Articles 351 to 358 of the Criminal Code.
4. The definition of "General Rules" in Article 35 paragraph (1) of the 3rd Criminal Code is in a broad sense not just a law.
5. For that in Article 35 paragraph (1) 6 of the Criminal Code, only certain jobs if all work is the same as being deadly.

Confiscation of Certain Items

The term "confiscation" is a translation of "verbeurd verklaren" which is different from confiscation or "in beslagnemen".

The implementation of the criminal confiscation of certain goods is as follows:

1. The items must be mentioned one by one, it may not be said "all items in X's house" with the intention of preventing the reduction or replacement of these items.
2. Items that may be confiscated are:
   a. corpora delictie, namely goods obtained because of intentional crimes, negligent crimes and violations that are expressly determined in the Act.
   b. instrumenta delictie, namely property belonging to the convict

which is used to commit an intentional crime, a crime of culpa and a violation that is expressly determined in the law in question.

3. Goods that have a "tweezijdig character" regardless of who owns the "imperative" are confiscated, for example:
   a. counterfeit money and counterfeit money-making tools (Article 250 bus KUHP).
   b. dangerous merchandise (Article 205 paragraph (3) of the Criminal Code).
   c. goods resembling money (Article 519 paragraph (2) of the Criminal Code).
   d. livestock (Article 549 paragraph (2) of the Criminal Code).
4. Against common property between the convict and other people who are not involved in the crime. According to T.J. Noyon: can be seized because of the difficulty of determining the ownership of the object. According to W.P.J. Pompe: can be confiscated and it is an "action" or "maatregel".
5. Things to consider in execution:
   a. for goods that have been confiscated and then sold and the proceeds go to the State Treasury.
   b. for goods that have not been confiscated applies:
      1) the goods are delivered, sold, and entered into the State treasury.
      2) the price/value of the money submitted shall be entered into the State Treasury.
      3) if it is not submitted, it shall be subject to a substitute imprisonment.

Announcement of Judge's Decision

The decision in this case is the Final Decision or "vonnis" not an interim decision / determination or "beschikking" or "schikking".

The implementation of the punishment for the announcement of the judge's decision is as follows:

1. announcement of judge's decision means extra publication.
2. The announcement fee is borne by the convict, there is no arrangement on how to force the payment if the person concerned does not want to pay.
3. can only be imposed if it is expressly stipulated in Book II of the Criminal Code or other laws, for example:
   a) Article 385 paragraph (1) of the Criminal Code: various frauds.
   b) Article 377 paragraph (1) of the Criminal Code: embezzlement.
   c) Article 405 paragraph (2) of the Criminal Code: detrimental to debtors.

d. Additional Crimes outside the Criminal Code

Additional crimes outside the Criminal Code include:

1. Revocation of Rights, for example:
   a) revocation of SIM in the Traffic Law.
   b) closure of companies, elimination of certain profits and so on in Law No. 7/Drt/1955 concerning Investigation, Prosecution and Judiciary of Economic Crimes.
2. Confiscation of certain goods:
   a) confiscation of firearms, ammunition, and explosives (Article 5 of Law No.12/Drt/1951 and Article 14 of Law No.8 of 1948 concerning Registration/ Permit of Firearms).
   b) confiscation of goods remains with which or where the economic crime is committed (Article 7 paragraph (1) b and c of Law No. 7/Drt/1955 concerning Investigation, Prosecution and Judiciary of Economic Crimes).
3. Announcement of Judge's Decision:
   a) only if it is determined explicitly (Article 7 paragraph (1) of Law No. 7/Drt/1955 concerning Investigation, Prosecution and Judicial Economic Crimes).
   b) for minors cannot be applied (see Article 47 of the Criminal Code).

2. Application of the Juridical-Scientific-Religious Approach Model in Enforcement of Execution of Penal Law

Law is a normative social science (*normative maatschappij wetenschap*) or a normative science of human relations. Consequently, formal legal science is prescriptive and contains the limits of what actions are prohibited and threatened with certain punishments so that they become guidelines for humans to behave properly. Criminal law is a very important element in protecting legal

objects that are attached to a person. The goal is to maintain human honor and prevent actions that will tarnish it. According to Lawrence M Friedman, every legal system consists of three sub-systems, namely, legal substance, legal structure, and legal culture (Arief, 2017). The legal substance is related to the legal material contained in a statutory regulation, the legal structure contains law enforcement officers who are authorized to implement the law, and legal culture is related to the condition of society. Law is dynamic following the development of conditions and needs of society in every era of development. This means that the law must always be renewed so that the context of law enforcement runs in sync and harmony with cultural developments (Alia & Nuridin, 2021). Prof. Soedarto argues that the politics of criminal law means holding elections to achieve good results of criminal legislation in the sense of fulfilling the requirements of justice and usability (Arief, 2016).

Criminal law consists of material law or substance and formal law or procedural law. The Criminal Justice System is defined as a system of power to enforce criminal law, meaning that the CJS is a series of criminal law enforcement efforts consisting of 4 (four) sub-systems (Arief, 2015a), namely investigative powers by investigators; the power of prosecution by the public prosecutor's office; the power to adjudicate and pass decisions by a court body; and the power of implementing decisions/criminals by law enforcement officers and related agencies (Effendy, 2012). All stages become an integrated criminal justice system. The reform of the law enforcement system is commonly referred to as SPH reform which implies making changes with the aim of improving quality for the better. The word "to reform" has the meaning "to make better", "become better", "change for the better", or "return to a former good state" (Bawekes, 2013). Efforts to carry out reforms to achieve an increase in the quality of the law enforcement system can be carried out in several ways, such as reorientation or readjustment, re-evaluation or reassessment, reformulation, or reformulation, restructuring or rearrangement, and reconstruction or rebuilding. The scope of reform can be carried out by reforming the three aspects of the law enforcement system. This means that reforms are carried out on the judicial system or law enforcement system which includes the legal substance reform, the legal structure reform and the legal culture reform including legal ethics reform and science or legal education (legal ethics and legal science/education reform) (Widyawati, 2019).

One of the changes to the Integrated Criminal Justice System (ICJS) is by applying the Juridical-Scientific-Religious approach to implementing criminal law. The concept is a combination of several elements to be elaborated into a comprehensive approach in law enforcement (Arief, 2015b). The Juridical-Scientific-Religious approach is an approach that is oriented towards the science of criminal law and God's guidance in enforcing positive criminal law. So, the Juridical-Scientific-Religious approach is an effort to enforce the law in a divine manner. The concept is a prerequisite for law enforcement. Prof. Barda Nawasi Arief argues that so far in practice law enforcement officers have done it, but it needs to be optimized because there seems to be a shift that mastery is more on positive law, while understanding science itself is sometimes ignored or even not mastered (Jaya, 2015). The most obvious negative impact is that the approach to legal science has been displaced by other orientations such as material, power, and political influence, which seem to forget God's guidance. The rise of judicial mafia cases or the practice of dirty games in every law enforcement process is an indicator that law enforcement is still partial and secular because it ignores the values of God. Law enforcement is only considered to be carrying out formally without paying attention to God's teachings in every implementation. Whereas the principle of justice based on the YME Divinity is a juridical-religious principle contained in Article 4 of Law Number 48 of 2009 concerning Judicial Power (Republic of Indonesia, 2009). In addition, Article 8 Paragraph (3) of the Prosecutor's Law Number 16 of 2004 also states "For the sake of justice and truth based on God Almighty, the prosecutor conducts prosecu-

tions with conviction based on valid evidence". This indicates that law enforcement in Indonesia is not based on secularism. Law enforcement and justice are not only based on written regulations but must also be based on "God's guidance".

The following is the application of the juridical-scientific religious approach model in law enforcement for the implementation of criminal law:

1) Juridical

The Juridical-Contextual Approach is an approach in carrying out criminal law enforcement that is based on positive law. In the current reality, it is often separated between law enforcement issues and law reform and development issues (Wicaksono, 2016). Whereas criminal law enforcement is a part (sub-system) of the entire national law enforcement policy system, which is also part of the national development system/policy. In essence, penal policy, both in the sense of enforcement in abstracto and in concreto, is part of the overall policy of the national legal system (enforcement) and is part of efforts to support national development policies. This means that the enforcement of criminal law in abstracto, such as making or changing laws and enforcing criminal law in concreto (law enforcement) should be in line with the orientation of the development of the national legal system as well as support the realization of a national law enforcement system.

Although positive criminal law in Indonesia is currently based on the Dutch Criminal Code, law enforcement does not have to be the same as criminal law enforcement as in the Dutch era because environmental conditions or the national legal framework as a place for the implementation of the WvS Criminal Code have changed. is no longer a colony. This means that the current positive criminal law enforcement (Dutch heritage KUHP) must of course also pay attention to the general signs of the judicial process in the national legal system. Positive criminal law enforcement must be in the Indonesian context. The National Law Convention implemented in March 2008 concluded: "law enforcement and public attitudes towards the law must not ignore the circumstances and the time dimension when the law was enacted/enacted".

Some of the signs for law enforcement in Indonesia which are mandated by the Law on Judicial Power are:

a) Judiciary is conducted "For the sake of Justice based on the One Godhead" (Article 4 Paragraph 1);
b) Judges are obliged to explore, follow, and understand the legal values and sense of justice that live in society" (Art. 28 paragraph 1).

The two provisions above clearly describe and emphasize the "cultural-religious approach". This is a characteristic of the Indonesian justice system. However, the practice is hampered by a provision, namely the principle of legality in Article 1 of the Criminal Code. With its existence, the values of national wisdom seem to have been killed by the place where the law operates itself using weapons inherited by the invaders.

2) Scientific

The quality of science is intended not only to improve the quality of education and the development of legal science, but to improve the quality of values and products from a series of law enforcement processes "in abstracto" and "in concreto". A product will be considered quality if it is processed with quality science as well. Products that are processed with quality knowledge capacity, will have added value and high appreciation. It is the same with legal products, both products produced by the legislature, as well as judicial or judicial products, such as the Minutes of Examination (BAP), prosecutors' indictments or demands, judges' decisions, as well as the implementation of criminal decisions and implementers will be of higher quality by using knowledge.

3) Religious

The model for applying a religious approach to legal reform is carried out by reforming the substance and culture of the law. In reforming the legal substance, the religious approach is carried out by making religious

teachings a source of motivation, inspiration, and creative evaluation source in building legal people with noble character, so that concrete efforts must be developed in the content of national legal development policies that can:

a. strengthen the foundation of religious culture;
b. facilitate religious development;
c. prevent social conflicts between religious communities.

Various discussions on the cultural-religious approach were carried out in seminars, as well as commission meetings in the House of Representatives (DPR), of course demanding the exploration and realization of values based on religious morals and social moral cultural values (the values of local and national wisdom) in the preparation of (formulation policy) the substance of criminal law. For example, in the VIII/2003 national law development seminar, he concluded a firm stance, that to build a legal person with noble character, religious values must be a source of motivation, a source of inspiration, a source of evaluation, and a source of substance in national legal development policies.

The implementation of the cultural-religious approach in the criminal law formulation policy is carried out in the overall structure of the criminal law system, namely:

a) the problem of criminalizing: the formulation of a crime;
b) the issue of punishment/sentencing; and
c) the problem of implementing criminal / criminal law sanctions (execution of punishment).

Within the three scopes of the criminal law system, three main problems of criminal law are covered, namely:

a) what actions should be punished;
b) what conditions should be met to blame/account for someone who commits the act; and
c) what sanctions (criminal) should be imposed on that person. These three main problems of criminal law are subsystems that are closely related to the general principles of criminal law.

The development of "envelope culture, shortcut culture, horse glasses culture, and coffee-extract culture" is certainly not in accordance with the values of "scientific culture" and "religious culture". From a religious point of view, the culture of bribery is clearly despicable.

While cultural reform is essentially about improving the quality of law enforcement, it cannot be separated from the goal of improving the quality of people's lives and the quality of sustainable development/sustainable society. The existence of "judicial mafia culture" as a culture that deviates from God's teachings can damage sustainable development or sustainable society because development resources are not only natural resources, but also non-physical resources. A good/healthy criminal justice system (CJS), which can guarantee justice, security for the community, who is honest, responsible, ethical, and efficient and can foster public trust and respect, is basically a non-physical resource that needs to be maintained for its sustainability. for the next generation. The judicial mafia is essentially a form of exploitation that destroys non-physical resources and can set a bad precedent for the ideal ICJS, and this can damage the quality of people's lives.

D. Conclusion

Law enforcement in Indonesia is not based on secularism. The implementation of court decisions must be distinguished from the implementation of court decisions. Besides that, the implementation of court decisions must also be distinguished from the implementation of crimes, even though both are material from the Criminal Execution Law or the Criminal Implementation Law or the Penitensier Law or Penitentiere Recht. Court decisions can be implemented if the decision has obtained permanent legal force (*in kracht van gewijsde*).

The religious-scientific juridical approach model in law enforcement for the implementation of criminal acts becomes a unified whole in the reform of the implementation of criminal law in Indonesia which not only prioritizes written regulations but is also based

on God's guidance.

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