

# Who Executes Justice? Comparative Institutional Paths from Verdict to Prison

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## Abstract

*This article examines sentence-execution control in Indonesia, Thailand, and Tajikistan through the distinction between the Verdict Executor and the Criminal Executor as a basis for penitentiary law reform. It starts from the premise that the post-trial stage, particularly the enforcement of imprisonment, remains one of the least theorized yet most crucial parts of criminal procedure, with direct implications for legal certainty, institutional accountability, and prisoners' human rights. Using normative legal research and a functional comparative approach, the study analyzes criminal sentence-execution systems, justice and imprisonment frameworks, relevant laws and regulations, institutional structures, and supervisory mechanisms in the three countries. The findings show important differences in the allocation of powers and functions between supervisory and executive bodies. Indonesia reflects an integrated model in which prosecutorial authority extends to the admission of convicts and the administration of sentences. By contrast, Thailand and Tajikistan adopt more differentiated institutional arrangements, with specialized and relatively independent bodies responsible for penitentiary supervision. The analysis concludes that judicial supervision of sentence enforcement and the execution of criminal punishment involve distinct doctrinal functions that should be institutionally separated. Such separation would reduce overlapping authority, minimize conflict, and improve systemic order and efficiency. In this context, the article argues that autonomous supervision of sentence execution should be recognized as a doctrinal category within criminal procedure law. It further proposes electronic supervision as a regulatory and procedural instrument to strengthen transparency, proportionality, and human rights compliance during the execution stage. Overall, the research demonstrates that without effective supervision of sentence execution, meaningful reform of the sentence-enforcement system and the rule of law remains unattainable.*

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## Introduction

The operational effectiveness of law enforcement will first depend on the quality of legal norms that support their legal actions.<sup>1</sup> Legal resolutions are the final manifestations of the legal order, and a situation arises in which the state must demonstrate its legal and political dignity as a *rechtsstaat*.<sup>2</sup> Therefore, the reliability of a legal system rests not only on the wise design of its laws, the legislation and judicial verdicts, but also, and more crucially, on the monitoring and enforcement mechanisms, within the executive branch, of the final judicial decisions, in particular, in the post-adjudication phase of criminal justice. In the field of criminal law, the post-adjudication stage has its own specificities in relation to the activity of penitentiary institutions, as the execution of criminal sanctions will, in most cases, result in a loss of freedom as a consequence of the application and enforcement of imprisonment.

Nevertheless, a gap exists in the contemporary legal scholarship literature regarding how varying legal traditions influence the executive power in the administration of sentences, and how these structures impact responsibility, institutional relationships, and the safeguarding of rights within the penitentiary system.<sup>3</sup> The absence of a systematic investigation into this matter has led to the establishment of concurrent jurisdiction, inadequate oversight, and a lack of clarity in the law regarding the enforcement of the penalty. A comparative examination of the supervision of criminal execution in Indonesia, Thailand, and Tajikistan helps to fill the gap. This study aims to clarify the doctrinal confusion between the enforcement of judicial decisions and the execution of sentences for convicted offenders. The research seeks to demonstrate how the power of execution, its institutional arrangements, and the supervision of such power can be configured in different legal systems and how they influence the governance of criminal institutions.

Additionally, the methods and practices surrounding the supervision of offenders are significantly influenced by technology and shifting social norms. Confinement has arguably shifted from a primary focus to the concepts of supervision and the social rehabilitation of offenders. In this sense, the use of electronic monitoring devices has been positioned to enhance the supervision of sentence execution and facilitate reform of the penitentiary legislation. In addition to its use as a technical device, electronic monitoring also serves as a legal instrument to clearly delineate the responsibilities of a supervising officer, reduce arbitrary decision-making, and enhance public trust in the criminal justice system.

Based on the above, the study aims to integrate the normative legal approach with functional comparative analysis. The study presents the research design in a

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<sup>1</sup> Ramadhan Kasim, "From Forced Confessions to Digital Coercion: Rethinking the Admissibility of Evidence in Criminal Trials in Indonesia," *Jurnal Litigasi* 26, no. 2 (2025): 386–413, <https://doi.org/10.23969/litigasi.v26i2.25584>.

<sup>2</sup> Mark Turner et al., "The Challenge of Reforming Big Bureaucracy in Indonesia," *Policy Studies* 43, no. 2 (2022): 333–51, <https://doi.org/10.1080/01442872.2019.1708301>.

<sup>3</sup> Hadassa Noorda, "Regulation as Punishment," *Criminal Justice Ethics* 40, no. 2 (2021): 108–23, <https://doi.org/10.1080/0731129X.2021.1949922>.

comparative order, outlining the theoretical distinction between the execution of verdict, the criminal executor, and then provides a comparative analysis of the execution of authority in Indonesia, Thailand, and Tajikistan. Lastly, the study synthesizes the findings and discusses them in relation to the criminal procedure laws, penitentiary reform, and the rule of law.

### Problem Statement

Given the identified theoretical and practical gaps, this study aims to address three main questions, namely: what is the theoretical distinction between the execution of verdicts and the execution of criminal sentences in criminal law; how execution authority is legally and institutionally allocated in Indonesia, Thailand, and Tajikistan; and whether there are significant structural differences in the execution of criminal punishment among these legal systems, together with their legal implications.

### Methods

Normative legal research, combined with a comparative law approach, is used in this study to examine law as an object by eliminating non-legal material from the scope of research for a systematic analysis of the legal norms governing the separation of functions between court decision executors and criminal enforcement personnel. This methodological choice is crucial for understanding how different legal systems regulate, allocate, and supervise authority in the post-judgment phase, which is the primary focus of penitentiary law reform. This research employs a functional method in comparative law, focusing on how various legal systems manage the same legal activity, specifically the enforcement and supervision of criminal court decisions, despite disparities in legal cultures and institutional frameworks. This way, the research identifies the similarities, differences, and configurations in Indonesia, Thailand, and Tajikistan as a result of the distribution of executive power, the design and operation of the legislative process, and how the frameworks of supervision ensure that accountability and rights are safeguarded. Moreover, contextual analysis is integrated alongside the functional approach to describe the particular systems' peculiarities, such as in Tajikistan, where the post-Soviet legal legacy consists of a model of criminal justice dominated by prosecution and adjudged by judges. This peculiar context also enables the research to situate itself within a larger constellation of institutions, contemporary mechanisms of oversight, such as judicial and prosecutorial oversight, thereby enriching the comparative study of oversight mechanisms applied to the reconsideration of penitentiary laws.

The study utilizes particular tiers one and two legal sources to maintain a high level of accuracy and precision in legal doctrine.<sup>4</sup> Primary sources refer to the laws and regulations that control and oversee the execution of sentences that are criminal in nature, such as the Indonesian Criminal Procedure Code, the Correctional Law, the relevant provisions of the Prosecutors' Office Law, the Thai Criminal Procedure Code,

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<sup>4</sup> Prohorova, E. (2024). The role of doctrine in criminal procedure regulation. *Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia*, 2024(4), 183-193. <https://doi.org/10.35750/2071-8284-2024-4-183-193>

the Criminal Code, and Minister of Justice Regulations of Thailand, as well as the Law of the Prosecutor's Office of Tajikistan and subordinate legislation on the execution of sentences that are criminal. Secondary sources comprise academic books, journal articles, and comparative legal studies that focus on institutional design, supervisory authority, and accountability in the implementation of criminal executors. Together, these sources provide a comprehensive normative basis for evaluating supervisory mechanisms in criminal execution.

The comparative analysis has been methodically structured within the particular boundaries of the established analytical building blocks or criteria, namely: legal basis, enforcement agencies, inter-agency relations, control mechanisms, and accountability provisions. These components align to determine how legal control is configured and operationalized in each system, and whether there exists a distinct separation of the functions of enforcing judgments versus the authority to execute sentences of imprisonment. This structure also facilitates the description of the organizational conditions under which electronic surveillance can function as a supplementary control, thereby improving visibility, proportionality, and inter-institutional coherence in the mechanisms of criminal executor.

Thailand, Tajikistan, and Indonesia, due to their contrasting institutional designs, are the focus of this study. Tajikistan is a post-Soviet state, and unlike the others, it has a civil law system, characterized by a significant dominance of the prosecution and tight oversight of the judiciary. While Indonesia is currently undergoing discussions and revisions to its criminal procedure law, institutional changes are also taking place in the country. By Indonesia's recent standards, Indonesia is also experiencing a paradox of change. Thailand is highly regarded in the region, particularly in ASEAN, for its unique institutional model, which features greater specialization, more defined functions, and a more precise separation of institutional roles. This variation allows for a study to be able to focus on and assess oversight of enforcement in criminal justice and the mechanisms to be able to provide effectiveness and accountability in the enforcement of sentences, and also the ability of criminal law to provide for the innovative use of electronic surveillance to be incorporated in a reformed penitentiary law.

This study systematically restricts its scope to positive law and formal institutional design. It focuses on the normative arrangements that emerge from the implementation of scholarly empirical research. Practical and operational difficulties may be sidelined, but this scope of study seeks to advance the discourse on clarifying doctrinal gaps, oversight mechanisms, and normative reform theories. Consequently, these findings provide a conceptual starting point for further empirical research on the use of electronic monitoring in the oversight and human rights protection, as well as the modernization of different traditions in corrections.

## Conceptual and Comparative Analysis of Verdict Executors and Criminal Executors

### 1. Conceptual Framework: Verdict Executor and Criminal Executor

Building on a well-established legal theory problem in criminal procedure law, which deals with overlaps and ambiguities in the functions and roles of the criminal executor and the verdict executor. This stage is the most important among all others because the actions taken in this stage result in court decisions that become final and binding (*res judicata*), transforming them from mere legal normative statements into tangible actions that significantly limit or even revoke the legal rights and freedoms of individuals. Considering the penitentiary law reforms, the legal and institutional framework at this phase is the most significant factor determining whether imprisonment penalties are executed legally and responsibly, or whether they result instead from poor normative and institutional structures, leading to human rights violations.

The role of a verdict executor is indeed an outgrowth of the powers of the courts to perform functions that fully complete the judicial process. It is an "administrative substitute for the judges", ensuring that judicial decisions have legal repercussions and that there is no disruption or divergence from the judicial evaluation. The integration of executive and judicial functions, specifically about the control exercised post-trial, also deserves attention from the viewpoint of the executor of the verdict. On the other hand, the executor of the criminal sentence does have an easier, though more technical, job of carrying out the terms of the specific punitive sentences of imprisonment, monetary sanctions, forfeiture of assets, and other measures, which are, in and of themselves, repressive and so suppress one's rights. The position of the executor of the sentence has, in theory, an established division of the functions within the operational sphere, which fundamentally requires the differentiation of the control of the sphere and the technical operational sphere. This clarifies the distribution of powers in a system and, in this case, provides the system of enforcement with the features of the rule of law, including the protection of rights and proportionality, in the modern system of enforcement.<sup>5</sup>

This analysis emphasizes supervision as a key variable interlinking both functions. Supervision of sentence execution is more than the administrative supervision of the execution of a sentence. Supervision, in terms of legal and institutional frameworks, serves to counterbalance the powers of the executor of the sentence and the executor of the crime, ensuring that the execution of a sentence does not become a power black hole without accountability. In this regard, Indonesia, Thailand, and Tajikistan constitute a comparative study, as they are all distinct countries with varying institutional configurations regarding the separation (or unification) of functions between the executor of a sentence and the executor of a crime. Indonesia, for example, still skews towards the problematic institutional configuration, which

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<sup>5</sup> Faisal et al., "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code," *Cogent Social Sciences* 10, no. 1 (2024): 15, <https://doi.org/10.1080/23311886.2023.2301634>.

results in the dissipating of oversight, while Thailand has a more sophisticated functional differentiation. As a result of Tajikistan's history of Soviet law, there is a strong emphasis on regulations concerning the prosecution function in criminal processes in Tajikistan, with a particular focus on judicial oversight.

The reconfiguration of the legal and institutional frameworks becomes important for effective systems capable of promptly responding to public interests.<sup>6</sup> Electronic monitoring is conceptualized not strictly as a technological form, but also as a normative and institutional tool to bolster the division of functions between the criminal execution and oversight of execution. With the ability to significantly reduce reliance on the discretion of individual officials and strengthen institutional accountability in criminal execution, electronic monitoring can enable the execution of institutional discretion through measurably documented and auditable means. Within the paradigm of penitentiary law reform, electronic monitoring serves as a balancing mechanism between law enforcement and the safeguards of human rights, while also potentially alleviating the structural complexities of inter-agency collaboration, conflicting resource demands, and complex operations. Additionally, this enhancement of understanding reinforces the assertion that the problems encountered in the operation of the criminal justice system, such as poor oversight, insufficient interagency collaboration, and the systemic disregard of the rights of imprisoned convicts, are not merely administrative or technical deficiencies. There are issues with the normative executions and institutional homogenization, as evidenced by the problem with executing the sentence and the issues with the frameworks of the criminal law. Therefore, the improvement of the legal and institutional frameworks for the execution of criminal sentences needs to focus on strengthening control in the design, specifying control in the design, and consolidating power.

From this perspective, the supervision of criminal execution and the deployment of electronic monitoring are situated adequately within penitentiary law reform, as such reform seeks to clarify the allocation of authority, reinforce oversight mechanisms, and to safeguard fundamental rights at the most critical stage of the criminal justice process, namely the execution of criminal sanctions. The theoretical distinction between verdict executors and criminal executors provides a solid analytical basis for understanding the legal and institutional structure of criminal execution. Comparisons between the Indonesian, Thai, and Tajikistani systems, as well as the integration of electronic monitoring, offer concrete, systemic, and relevant directions for reform in modern penitentiary law.

In the Indonesian overall set of laws, the place of the judgment executor and the criminal agent plays an essential part in the execution of the law.<sup>7</sup> The judgment

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<sup>6</sup> Emami, S., & Aperce, C. (2024). The amended international health regulations: Implications and challenges for domestic legal frameworks. *In The International Journal of Health Planning and Management*. <https://doi.org/10.1002/hpm.3853>

<sup>7</sup> E. Lea Johnston et al., "Diminished Criminal Responsibility: A Multinational Comparative Review," *International Journal of Law and Psychiatry* 91, no. August (2023): 19, <https://doi.org/10.1016/j.ijlp.2023.101919>.

executor, or what is frequently alluded to as the agent of the court, is liable for completing the choices given by the court. They play a part in ensuring that decisions made by courts are effectively implemented. In the meantime, criminal agents must administer punishments that the court does not entirely predetermine for the perpetrators of violations. These two positions in Indonesia play different but related roles. The judgment executor, often referred to as an assigned bailiff or law enforcement officer, is entrusted with ensuring that court decisions, ranging from detention to the seizure of property, are executed in accordance with relevant legal provisions. As the court's executors, they ensure that the legal process proceeds fairly and in accordance with the law. In the meantime, criminal agents play a more significant role in administering criminal executors to perpetrators of wrongdoing. They can be correctional officers, staff at restorative establishments, or individuals entrusted with executing sentences chosen by the court against detainees. Their primary responsibilities include incarceration, prison supervision and monitoring, and organizing programs for rehabilitation and social reintegration of prisoners. According to Riski, Pujiyono, and Dodi Roikardi (2025), the present study argues that these weaknesses construct operational failings but instead portray a normative ambiguity on the issue of execution authority. This condition can affect the quality of nutrition, sanitation, inmate activities, healthcare services, and vulnerable group care, potentially leading to injustice as inmates lose their right to decent living space and humane treatment as guaranteed in the second principle of Pancasila, 'Just and Civilised Humanity'.

In practice, verdicts executors and criminal executioners in Indonesia face several obstacles. . One of these factors is limited resources and capacity. Legal systems often lack the requisite level of adequate human resources, infrastructure, and financial resources necessary for fully accomplishing their duties. This can affect the equity to be gained by all of the players involved in the order of policing the execution of sentences. Equity is to be gained by all of the players involved in the order of policing the execution of sentences. For these two positions to be functional, there is also a need for specific coordination among different relevant institutions. For the seamless execution of court decisions and the criminal justice system, there is a need for the efficient integration of courts, police, prisons, and other relevant institutions.

Regarding legal reform, efforts are continuously being made in the criminal justice system in Indonesia with the aim of improving the implementation of the law. Reforms to regulations, human resource capacity building, and policy changes are among the steps taken to enhance the efficiency and fairness of law enforcement.<sup>8</sup> Indonesia must continue to improve its legal system, including executions of criminals and convictions, to prepare for the future. Conquering existing difficulties, further developing coordination between significant foundations, and ensuring the protection of fundamental rights at every stage of law enforcement are necessary to create a fair and impartial legal framework for all citizens.

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<sup>8</sup> Simon Butt, "Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law?," *Griffith Law Review* 32, no. 2 (2023): 190-214, <https://doi.org/10.1080/10383441.2023.2243772>.

## 2. Criminal Executor Comparative Analysis Based on Predefined Categories

The supervision of criminal execution can be conceptually and normatively categorized as part of institutional and normative reform in penitentiary law, rather than purely administrative or technological reform. Within the framework of modern criminal law reform, supervision of criminal execution is a post-adjudication reform that focuses on restructuring the authority, functions, and control mechanisms in the implementation of court decisions and criminal sanctions.

Judging from the typology of penitentiary law reform, the supervision of criminal execution falls under structural-functional reform, as it targets the institutional design that regulates the relationship between the verdict executor and the criminal executor. This reform aims to clarify the limits of authority, prevent role conflicts, and strengthen accountability mechanisms at the most sensitive stage in the criminal justice system, namely when the state legally restricts individual rights and freedoms. Therefore, the supervision of criminal execution cannot be reduced to an improvement of internal procedures within correctional institutions, but rather as an effort to reconstruct the distribution of executive power within the framework of the rule of law.

In comparing Indonesia, Thailand, and Tajikistan, the supervision of criminal execution can also be understood as part of executive governance reform in penitentiary law. Indonesia, which still shows a conflict of roles between prosecutors as *dominus litis* and executioners, demonstrates that reform of criminal execution oversight is necessary to overcome institutional burdens, sectoral egos, and weak controls. While Thailand and Tajikistan exhibit far more advanced forms of institutional changes by disaggregating technical implementers from legal monitors, which allows further institutionalization of monitoring the enforcement of prison sentences as a mechanism of accountability and human rights protection.

Furthermore, when linked to the use of electronic monitoring, the supervision of criminal execution is also incorporated into normative and adaptive reforms in response to technological developments. However, this reform is derivative in nature because technology can only function effectively if it is supported by a clear institutional design. Thus, the supervision of criminal execution through EM is not technological reform itself, but rather part of normative reform that tests the readiness of the penitentiary legal system in facing modern forms of punishment that demand transparency, proportionality, and protection of rights.

The supervision of criminal execution is a step in the penitentiary law reform group that is structural, normative, and based on human rights, which aims to strengthen the separation of functions between the verdict executor and the criminal executor, clarify the state control mechanism over the use of coercive power, and ensure that criminal execution does not deviate from the principles of the rule of law. This reform places the supervision of criminal execution at the core of modern penitentiary law reform, not as an administrative supplement, but as the foundation of the legitimacy of law enforcement itself.

As specified in the Criminal Procedure Code in force in Indonesia, the authority to execute criminal judgments rests with the public prosecutor, who is referred to as the *dominus litis* at this stage of the process. In Thailand, the legal framework is structured in a more detailed manner, as it is the only jurisdiction with statutory provisions establishing a Legal Execution Department under the Ministry of Justice to handle civil execution, whereas the execution of criminal sanctions is regulated separately under the Criminal Code and correctional laws. In Tajikistan's Criminal Executive Code, there is a division of functions on advocacy of prosecution and serving of punishment which are the responsibilities of the Ministers of Justice and the Government. Indonesia, however, views the execution of sentences as a unitary function of the Prosecutor's Office, National Police and the relevant prison systems as all being of the same authority. Thailand operates a split system in which there is a Department of Legal Execution which is responsible for the execution of civil sentences, and for the execution of criminal sentences there is the Department of Corrections which then becomes the executive authority of the sentence under prosecution supervision. In Tajikistan, the execution of punishments is the responsibility of distinct criminal-executive branches of the Ministry of Justice. The Office of the Prosecutor is also in a subordinate position, serving as a supervisor rather than an executor.

While the Republic of Indonesia has faced challenges concerning the coordination of different governmental branches, the country has predominantly focused on supervisory prosecution. In Thailand, there is a less formalized system of branch ministerial supervision, which helps to reduce functional overlaps. In Tajikistan, there is a system of supervision whereby prosecutors oversee the legality and alignment of judgments, maintaining a distance from the technical aspects of implementation. There are also disparities concerning spatial control, as shown by the tier-based inter-jurisdictional comparison, in the architecture of power in the bounded governance concerning the exercise of control, and the dispersal of control in system of supervision.

According to Article 270 of the Criminal Procedure Code in Indonesia, public prosecutors are granted the power to carry out or execute the penalties imposed in criminal decisions, and this position implements the *dominus litis* at the level of execution. Nonetheless, this disposition also has the same powers, supervising and executing these functions simultaneously. Primarily, this concentration has the flexibility for administrative and sectoral friction to increase, particularly in the absence of adequate functional and intra-agency collaboration.

Thailand has a unique geographical distribution of legal authorities and institutions. For one, the Legal Execution Department is under the Ministry of Justice and has the power over civil judgments. For civil executors, those are also under the same minister, but are called corrections officials. This division is also evident in Tajikistan, which further reinforces the division of supervisory powers between the Prosecutor's Office. On the other hand, the actual technical execution is the responsibility of the criminal-executive bodies, also under the Ministry of Justice. This type of further institutional differentiation is seen as more positive in terms of collaboration,

responsible execution, and upholding formal obligations, particularly human rights, during the execution phase.

Execution problems stem from numerous considerations. Law enforcement members face unique challenges due to legislative constraints (what laws can be enforced), officer attitudes (democratic), public facilities and infrastructure (public products), and ethnographic variables (the culture of the law in the case of competing sociologies). On the contrary, a major flaw must be acknowledged when it comes to bureaucratic behavior, which appears to remain unchanged even after numerous legislative acts. This flaw is most visible in a bureaucracy in which several compartments are allowed to execute their own legislation, thus creating a 'sectoral ego' environment. The ego dominance of distinct jurisdictional units leads to 'overlapping empowerment' and 'fragmented execution' of primary policies in this case, which are not simply administrative problems. They are fundamentally ethical and procedural in nature. At the centre of the problem is the tension between what the bureaucracy is supposed to do and what people do, right or wrong, in the system. A key think tank in the executive system of society emphasizes that a public district is intended to be a 'rational, rule-bound' apparatus, which structures and allocates functions and resources optimally, or manages the flow of people in a laboratory for the law. They are supposed to 'work' the system. For that reason, the excess does not significantly contribute to the public district's policy implementation. The problem of excess in institutions responsible for policy execution is, in the case of several executing institutions, a fundamental and serious issue, rather than an administrative problem. Each system is focused on expanding institutions and control. Having competing sectoral egos within implementing institutions creates a culture where one's own individual self-interest undermines cooperation and synergy. These self-serving egos diminish the quality of the justice system's execution and characterization. Self-serving bureaucratic entities create a system characterized by mistakes, injustice, and abuse of power.

Moreover, the interpersonal relations among the divisions of the execution units, due to the egos, impact their specialization to the detriment of the inmates on death row. There are several lags, discrepancies, and omissions that contribute to the prolongation of the execution of inmates. This, in turn, creates a space where suffering and anguish reside, wherein a situation, just as the inmates on death row, the relatives of the deceased also become victims. It is the void of the execution system that gives rise to uncertainty, and therein the deaths that could have been prevented. The execution system contains bureaucratic sectoral egos, which is clear evidence of significant regression in managing the interdepartmental flows, to the effect that major order inefficiencies are generated with respect to the execution of justice and due process. The system amalgamates the structural and the cultural aspects of systemic responses to what is a major case of bureaucratic dysfunction. The punitive framework that must accompany a breach of substantive criminal law is

essential to embed whenever a right is to be exercised in relation to the proposed reform within the penitentiary system.<sup>9</sup>

However, structural reforms alone are insufficient to address the underlying issue of sectoral egos within executing bureaucracies. Cultural shifts are also necessary to foster a collaborative and ethical organizational climate that prioritizes the common good over individual interests.<sup>10</sup> There is a need for such institutions to have leadership that is willing to instill values of professionalism, accountability, and a respect for human dignity. Execution in institutions requires training, ethics, and rewards that foster a culture of shared purpose and responsibility among employees. Additionally, public advocacy and discourse are crucial for promoting systemic change and challenging the existing order. Civil society organizations, legal practitioners, and interested citizens need to educate and advocate for their target audience about the ethics and politics of sectoral egos within the executing bureaucracies. Through public advocacy, sustained pressure on decision-makers and institutional leaders is likely to pave the way for articulating reforms that strengthen justice and human rights. Accordingly, the roles of judgment executors and criminal executors involve distinct mandates, justifying the establishment of a specialized execution authority to address the complexity of criminal execution.

Research with the territory of Thailand, which has an extraordinary foundation connected with common executions and Chapter 11 executions called the Lawful Execution Division, which the President of the Court of Equity directly influences. The Thai Ministry of Justice holds authority over the criminal justice systems of both Thailand and the Kingdom of Thailand. Its responsibilities extend to managing government policies on drug control and narcotics while also administering prisons and providing support to the Royal Thai Police.<sup>11</sup> "The Ministry of Justice (Abrev: MOJ; Thai: กระทรวงยุติธรรม, RTGS: krasuang yutti tham) is a cabinet ministry in Thailand's government. The ministerial control of the kingdom's criminal justice administration is given to the ministry. While assisting the Royal Thai Police and overseeing various prison system services, the Ministry of Justice manages functions that extend beyond its department, such as drug and narcotic control. This minister oversees many of his ministries' offices, which are divided into administrative blocks and interconnected to form dependent agencies, public agencies, and internal ministerial units. These dependent agencies, or "specially authorized agencies," include the Department of Special Investigation, the Central Institute of Forensic Science, the Department of Rights and Liberties Protection, the Department of Juvenile Observation and Protection, the Department of Corrections, and the Department of Legal Execution. The Legal Execution Department is one of the units under this grouping, headed by

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<sup>9</sup> Sharon Dolovich, "The Failed Regulation and Oversight of American Prisons," *Annual Review of Criminology* 5 (2021): 153–77, <https://doi.org/10.1146/annurev-criminol-011518-024445>.

<sup>10</sup> Mihailis E. Diamantis and William S. Laufer, "Prosecution and Punishment of Corporate Criminality," *Annual Review of Law and Social Science* 15 (2019): 453–72, <https://doi.org/10.1146/annurev-lawsocsci-101317-031212>.

<sup>11</sup> Yoshinori Nishizaki, "Embedded in a Patrimonial Culture: The Politicized Judiciary and an Undisciplined Reformist Party in Thailand," *Critical Asian Studies* 53, no. 2 (2021): 310–23, <https://doi.org/10.1080/14672715.2021.1891444>.

the Minister of Justice, and is responsible for functions specifically related to the management of civil enforcement and insolvency. The Legal Execution Department is mandated to provide enforcement of civil executions and bankruptcies, reorganization and liquidation of businesses, judicial custodianship of property, and administrative resolution of post-judgment settlements, while pursuing administrative efficiency, equity, and timeliness in the performance of these functions.

*"Participating in continuous educational and analytical activities related to the mechanisms of enforcing civil judgments, bankruptcies, corporate reorganizations, liquidations, property retention, and post-judgment mediation, as well as improving the technology and ancillary systems for the betterment of effectiveness and efficiency in the systems used."*

More broadly, the Legal Execution Department is responsible for delivering a wide range of services, including the enforcement of civil judgments, the administration of bankruptcy and business reorganization proceedings, liquidation processes, property management, and post-judgment mediation.<sup>12</sup> Its role extends beyond service provision to encompass analysis, research, and the advancement of practices in these domains. The inception of this specialized execution agency was prompted by the escalating workload in civil case enforcement and bankruptcy matters within Thailand. Its expansion aims to streamline civil case enforcement, manage bankruptcy cases, and oversee property custody services across the Kingdom of Thailand.<sup>13</sup> This expansion, which includes the liquidation of partnerships, companies, and legal entities under court mandates, is designed to facilitate precise processing by competent authorities, enhance overall efficiency, and alleviate burdens within the judicial system. The establishment of this specialized institution serves to mitigate risks associated with overlapping authorities during the execution process. The proliferation of cases and institutions handling executions may dilute the effectiveness and quality of execution. Furthermore, the presence of distinct institutional interests can potentially spark conflicts and power struggles within this domain.

Executing judgments is one of the many critical functions of the Legal Execution Department of the Ministry of Justice. It concerns three subdivisions of the Deputy Permanent Secretary's Office of the Ministry of Justice. This involves the Civil Execution Division, the Division of Execution of Insolvency, and the Execution of Bankruptcy Cases. This goes back to the year 1974 [B.E. 2517] regarding the delegation of some of the administrative tasks to the Permanent Secretary of the Ministry of Justice. It is the Law, Transfer of all the rights and duties of the administration of the Office of the Legal Executions Department of Thailand, along

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<sup>12</sup> Mahrus Ali et al., "Philosophical Foundation, Application, and Controversies of Judicial Pardon in Islamic Criminal Law, Indonesian Penal Code, and the Criminal Justice System of Kuwait," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025): 624–48, <https://doi.org/10.18860/j-fsh.v17i2.32629>.

<sup>13</sup> Dhiyathad Prateppornnarong and Richard Young, "A Critique of the Internal Complaints System of the Thai Police," *Policing and Society* 29, no. 1 (2019): 18–35, <https://doi.org/10.1080/10439463.2017.1356298>.

with all the possessions, and all the debts of the employees, and all budgetary obligations, and all the subdivisions of the Civil Execution Division. The Department of Legal Executions has 2 divisions, and the core functions are, respectively, the enforcement of Civil Court Orders and the management of bankruptcies.

In the Thai judicial system, there are three levels of courts. which is the Court of First Instance, Court of Appeal, and Supreme Court. These courts have enhanced their efficiency in case management by expanding the number of courts, establishing new divisions and branches, creating specialized courts, and promoting Alternative Dispute Resolution (ADR) through a dedicated office. The differences in the execution authority are most pronounced when it comes to electronic monitoring (EM) as a method of executing a criminal sentence. Uncertainty in the implementation of the electronic monitoring system in Indonesia is exacerbated by the absence of a clear institutional design regarding which agency has supervisory and technical control authority at the execution stage, highlighting structural problems in Indonesia's criminal justice system.<sup>14</sup> The lack of clarity risks electronic monitoring becoming an administratively disconnected system that fails to take responsibility for the internal fragmentation, as well as the emerging administrative silos in monitoring compliance with and safeguarding fundamental rights.<sup>15</sup> Indonesia, thus, illustrates that in the absence of an evident and operational differentiation of the execution of the verdict and the execution of the sentence, the incorporation of technology-enabled sanctions will most likely exacerbate the flaws in the administration of the criminal justice system.<sup>16</sup>

Unlike other countries, Thailand's EM model, which focuses solely on Emergency Management Probation, illustrates the impact of the specific institution's role on implementation. However, observational evidence suggests that effectiveness remains constrained by the availability of human resources and the ethical concerns of probation officers. Tajikistan poses a different problem, where conversations surrounding digitalization and the state's surveillance powers indicate that, without due legal constraints, EM privately justifies state power control and, as such, augments penal powers. Collectively, these situations provide evidence that EM operates as a technical instrument, going beyond that to serve as a normative stress test on various frameworks of execution systems.<sup>17</sup> The comparative perspective thus strongly sustains the primary proposition of this research: clear and differentiated executive authority, in a manner that cohesively substantiates the rule of law, separation of powers, and the transcendent rights of individuals, is imperative at the point of execution.

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<sup>14</sup> Pangaribuan A. Indonesia's Criminal Justice System: A Case Study of Inter-Agency Conflict and the Fight for Power. *Asian Journal of Law and Society*. Published online 2025:1-27. doi:10.1017/als.2025.10018

<sup>16</sup> Saputra, R., Setiodjati, J. P., & Barkhuizen, J. (2023). Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States). *Journal of Indonesian Legal Studies*, 8(1), 243–288. <https://doi.org/10.15294/jils.v8i1.67632>

<sup>17</sup> Společnost Podané ruce, *Curret Situation of Data Collection and Drug Early Warning System in Tajikistan*, no. 3 (2023), 32:167.

**Table 1.** *Criminal Punishment in Thailand*

<b>Types of criminal penalties</b>	<b>Implementation</b>
Death Sentence	<p>“The death penalty is sanctioned in Thailand where it is conducted by way of lethal injection. The execution, however, is not implemented instantly. Rather, it is postponed so that the sentenced individual can attempt to appeal to two higher courts and petition for a pardon from the King. If the appeal to the case is not granted, the individual will be moved to the infamous Bang Kwang Prison in Bangkok, more popularly referred to as the "Bangkok Hilton."</p>
Imprisonment	<p>“In Thailand, life imprisonment does not come with the possibility of parole. Once an individual is convicted of a crime and sentenced to life imprisonment, that decision is final - appeals cannot be made.”</p> <p>“Imprisonment, as a punishment, starts on the day the judgement is delivered in Thailand. In this case, the person who was convicted and has been in pre-trial custody will have that time subtracted from the total prison term served.”</p> <p>“With regard to Thailand, capital punishment and life imprisonment is not applicable to minors under the age of 18. Rather, the sentence for such serious offenses committed by someone younger than 18 years old is 50 years of imprisonment.”</p>
Confinement	<p>“In the case of a person who is sentenced to serve less than three months of incarceration, the only option available to the court is confinement. Nevertheless, a penalty in this case can only be assigned if this is the person's first time serving prison time. The court determines where the individual will be confined. This may be the holding cell at a police station.”</p>
Fine	<p>“Fines must be settled immediately for convicted individuals. Those unable to pay may have their assets confiscated or will need to be detained, for which a fee of 200THB a day is charged. If the total payment is capped at, and does not exceed 80,000THB, then in some extraordinary situations the judgment may be altered to community service or public benefit service, if the convicted individual is unable to pay the fine. The individual circumstances of those convicted will be evaluated and decided on case by case basis.”</p>
Forfeiture of Property	<p>“Forfeiture is one of the possible legal sentences that the judge may decide upon. The items possessable by</p>

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the accused that are subject to forfeiture include things that are illegal to possess. For instance, a firearm or illegal drugs involved in criminal activity are some examples. In Thailand, all undisposed evidence will be claimed by the government upon the court's destruction order.”

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*Source: Data processed by researchers, 2024.*

In compliance with the table every authorized unit is responsible for the execution of the sentence. For example, imprisonment and confinement fall under the jurisdiction of the Department of Corrections (Thailand), a division of the Ministry of Justice of Thailand. He was tasked with, first of all, holding prisoners and then rehabilitating them. Sections 23 to 27 of the Thai Criminal Code define the rules regulating confinement. The court is given the power to allocate the place of confinement, which is not limited to prisons, police cells, or places of detention for suspected persons by the police. This place can even be the offender's house, subject to the court's approval and the person whose house is to be used. The place of confinement can be changed. The court is also empowered to impose conditions on a convict and appoint an authorizing officer to supervise the convict, as provided in the Criminal Code. The conditions must be satisfied, which would permit the convict, if he or she so wished, to retake his former employment. Not following the specified parameters set out, as well as repeating a crime, may cause the court to reconsider the decision to imprison the person for the duration of the sentence.

While there are noticeable gaps and discrepancies in the exercise of supervisory powers and executive powers in every country studied for these comparative findings, a trend still seems to be present. Indonesia appears to be a more unified case, as the public prosecutor in the Jakarta area holds significant power over execution, whereas in Thailand and Tajikistan, the supervisory and technical divisions are more clearly separated. This separation is more than a matter of administrative size and illustrates significant variances in the value placed on the separation of powers, legal predictability, and the safeguarding of individual rights. While evaluating the jurisdiction of these separate and private fields, the Indonesian case offers a more significant potential for overlap of authority and sectoral capture to occur, whereas the other jurisdictions offer more clearly defined structural counterbalances to institutional conflict. Consequently, the functions of executing judicial acts and executing acts of a criminal executor are to be understood as distinct functions of different branches of law, which require different institutional arrangements.

When a judicial sentence that prescribes the death penalty in Thailand is executed, it is executed by lethal injection. Even death sentences are not executed immediately after the court renders a death sentence. A request for clemency from the King is also required. If the death-sentenced convict does not lodge an appeal, that convict is transferred to the infamous Bang Kwang prison, which is a highly notorious prison. In every case involving the death penalty, the court is required to appoint a lawyer as defense counsel, regardless of whether the alleged offender wishes to have a lawyer

as defense counsel. The portion of the death penalty execution that is of concern is the peculiar compartment within the Ministry of Justice of Thailand. If the judicial sentence prescribes a fine, the person is obligated to pay that fine to the court. If a person does not pay the fine, the authorities are entitled to seize the person's property and imprison them. Every day a person is imprisoned, that person is presumed to pay the sum of 200 THB. If the judicial sentence prescribes a fine and it is less than 80,000 THB, and the convict is unable to pay that fine, then there is a possibility that the assessment can be converted to a work of social service or a work of general social usefulness.

Taking into consideration the convict's individual situation (including the individual's health condition, age, etc.), the specific type of service or work is determined. Each day of service is compensated with 200 THB. Another possible measure of punishment is confiscation. This is the case of things that are legally prohibited (e.g., drugs) or those that are used by or are intended to be used in the commission of a crime (e.g., an assault weapon). Furthermore, if a profit is made due to illegal activities, such profit must be forfeited, unless these things are the property of another person. According to Articles 34 and 149-150 of Thailand's penal laws, items used in the commission of crimes, such as bribery, are to be confiscated. Typically, such confiscated items are vested in the state, unless a court order is issued to destroy them.<sup>18</sup> The previous holder of such objects is ascertained subsequently, and the property is to be given back. A sentenced person who does not obey the deprivation order as prescribed in Section 37 of the Thai Criminal Code has several options available for enforcing deprivation.

The principal constituents of the Criminal Justice System in Thailand are the Police, the Ministry of Justice, Public Prosecution, Defense Counsel, and the Courts, which are all systemically and functionally interrelated. All these institutions, except the Council, act as the State. Usually, the Police are the first to respond to and act on Criminal cases when they observe an offence. The Ministry of Justice's Department of Corrections, which is also the last agency in the Justice Process, enters the picture after a claimant's case is adjudicated in court. Public Prosecution is also traditionally the first to act after the Police and the last to act before the court. However, they act as a facilitator in all of them. Their scope of function is multidisciplinary and focuses on core collaboration with the Police and other Justice Ministry institutions, such as the Special Investigation Department and the Money Laundering Office, during the preliminary stage of a criminal trial to determine the evidence of the alleged crime. Although it appears that the Office of the Attorney General is active at all stages of the Criminal Justice System, its activities are limited to three primary functions: Investigation, Prosecution, Trial, and Authority in Special Laws concerning Criminal Acts and International Collaboration in Criminal Matters.

The public prosecutor's role revolves around presenting evidence and details to the court to establish the guilt of the accused and seek lawful punishment as per the

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<sup>18</sup> Siwatch Sripokangkul and Mark S. Cogan, "Political Demonology , Dehumanization , and Contemporary Thai Politics," *Asia-Pasific Social Science Review* 19, no. 2 (2019): 115-19, <https://doi.org/10.59588/2350-8329.1225>.

statutes. In Thailand, the Office of the Prosecutor holds the primary responsibility for prosecuting criminal cases nationwide. It also covers the defense of public servants who are sued in the course of their duties. Additionally, in the realm of international legal assistance in criminal matters, the Prosecutor's Office serves as the Central Authority. Moreover, this Office protects the interests of the state by providing legal services to state authorities, examining drafts of state contracts, and representing the state in civil litigation involving public authorities. The Office also offers civil assistance and legal counselling to people experiencing poverty.

The authority and functions of Thailand's public prosecutor in the criminal justice system aren't explicitly outlined in the country's current constitution, unlike those of judges. However, these responsibilities are distinctly outlined in various laws and regulations, including the Criminal Procedure Code of 1934, the Criminal Procedure Code of 1979, and the statutes establishing Child and Family Courts, along with their associated protocols.<sup>19</sup> Furthermore, the Criminal Code provides specific provisions empowering the public prosecutor to petition the court for security measures, such as demotion, restricted access to specific areas, supervised release for maintaining peace, hospital confinement, prohibition from certain types of employment, and imposing restraints on particularly dangerous convicts.

The Tajikistan Prosecutor's Office holds the primary responsibility of enforcing the unquestionable legality of, and safeguarding, the independence and sovereign attributes of the Republic of Tajikistan, the socio-economic and political rights and freedoms of citizens, the constituents of the democratic governance system, as well as the legal framework about representative councils, state agencies, and civil society organizations (based on the Law "About Prosecutor's Office of the Republic of Tajikistan" in 1992).<sup>20</sup> The Tajikistan Prosecutor's Office processes Eastern, Western, Executive, and some other Courts. The State Prosecutor's Office carries out functions provided for by the applicable legislation of the Republic of Tajikistan and relevant positions of the Supreme Prosecutor's Office of the country.

Such supervision is carried out to maintain proper observance and uniform application of the law when carrying out and serving sentences (executions). It can be seen that the position differs between the prosecutor, who executes the decision, and the relevant authorized institution, which investigates and prosecutes the crime. According to the Criminal Executive Code of the Republic of Tajikistan, the prosecutor acts as a supervisor, not an executor, in the execution of the crime. The execution of criminal sanctions in Tajikistan is conducted by designated criminal executive bodies that operate entirely under the authority of the Ministry of Justice. This arrangement is comparable to Thailand's model, where execution is entrusted to specialized institutions, reflecting a differentiated institutional structure in which distinct

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<sup>19</sup> Sage Wilde et al., "The Psychological Impact on Mothers Who Have Experienced Domestic Violence When Navigating the Family Court System: A Scoping Review," *Psychiatry, Psychology and Law* 31, no. 4 (2024): 764–91, <https://doi.org/10.1080/13218719.2023.2214927>.

<sup>20</sup> Aleksey Zolotukhin et al., "Juvenile Justice and the Defense of the Rights of a Child in the Republic of Tajikistan," *Advances in Social Science, Education and Humanities Research (ASSEHR)* 312 (2019): 482–86, <https://doi.org/10.2991/tphd-18.2019.90>.

authorities are assigned specific roles within the execution process. Having a differentiating section in each criminal execution authority can make executions more specialized and optimize them to reach the pinnacle of macro law enforcement, thereby preventing any forms of authority tug-of-war due to sectoral egos arising from each constituent of the institution in question. The professional technical skills attributed to perpetrators of criminal implementation lead them to a primary role in the practice of their tasks and the exercise of power in conformity with the law, as the judgment of the court in question has a far-reaching impact in law.<sup>21</sup>

Agencies involved in providing law enforcement escorts for the purpose of serving and enforcing judicial orders and commands must consider the principles of legality, predictability, equity, and justice. The application of these principles hinges on the interactivity of all branches of the law enforcement system, which include police, governmental executives, and citizens. This approach would position the execution of court orders as a central mechanism for realizing justice that is not merely formalistic, but also oriented toward the protection of human dignity and the broader welfare of society.<sup>22</sup> The knowledge and understanding of those in charge of operationalizing the criminal policy shape the outcomes of the criminal policy. Implementing the policy entails utilizing the relevant legislative and policy frameworks. The control gained over the frameworks is the starting point for operationalizing the policy, shaping control over the judicial system, and the application of the system's disparate commands. Furthermore, control in this context is not simply administrative control, but it is control of considerable lawful authority. This legal control rests within their hands, and their control is of significant concern, both to the individuals they govern and the broader public. Consequently, their legal control must reflect the proper operational legality as a means of preventing the individuals from becoming subject to the policy and to guarantee that their control does not overstep mere legal control.

In addition, the execution of court decisions goes beyond procedure and is the manifestation of justice itself, explains. By implementing court orders, law enforcement agencies help achieve this, foster trust in the justice system, and in justice itself. Nevertheless, such loyalty to justice should stem from the most fundamental values that all actors in the legal system should hold, and the rule of law is one such guiding value. There is no doubt that the execution of court decisions is the point at which the principles of the rule of law and the needs of the people for the justice system meet. The aims of legal authority and its governance serve the benefit of the people. By executing court orders, law enforcement agencies help maintain social order while also protecting individual rights. However, such efforts hinge on the collaborative action of the different actors, each with distinct functions in the system of legal governance.

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<sup>21</sup> Virginia Garcia, "The Enforcement of Restorative Justice in Indonesian Criminal Law," *Legality: Jurnal Ilmiah Hukum* 28, no. 1 (2020): 22–35, <https://doi.org/10.22219/ljih.v28i1.10680>.

<sup>22</sup> Sawitri Yuli Hartati, Emelia Kontesa, Agri Baskara. "Sharia Fintech In The Digital Age: Human Rights in Sharia Fintech Through Criminal Law Safeguards". *Indonesian Journal of Criminal Law Studies* 8, no.2 (2023). <https://doi.org/10.15294/ijcls.v8i2.48678>

The actual implementation of court decisions represents an active commitment to upholding these principles of justice in society. This means that nobody is above the law, including those with legal rights and responsibilities. Therefore, the work of such individuals, who are entrusted with the authority to implement court decisions, is not only of legal significance but also of ethical importance, representing the collective conscience of the people in a society striving to achieve justice. Still, the achievement of that justice is not something that can be done in isolation, as it requires the contributions from all the members of society. From the Police Officers, who have the responsibility to enforce court orders, to the other members of the Government in charge of legislation and law implementation, all share a portion of the burden in pursuing the principles of justice and equity. Likewise, the society of the people in the community also helps shape the culture in such a way that justice is not an unreachable ideal, but rather a lived experience.

Due to a discrepancy in the 'trinity' of values, rules conflict with paired values, creating confusing regulations and unchanneled behavioral patterns that disrupt the balance of society, leading to law enforcement provocations. Factors in law enforcement stand as the most critical problem. Law enforcement, in principle, does not mean the enforcement of law or the execution of a judicial mandate. Still, the problem in the principle of enforcement of law lies in the factors that influence the enforcement of law-on-law enforcement officials who play a significant role in the realization of effective and ideal enforcement of law in accordance with the principles of the nation.

### **3. Criminal Executor Synthesis and Comparative Discussion: Are They Different?**

Analysis and elaboration of this description show that differences in legal and institutional structures in criminal execution and supervision are at the heart of penitentiary law reform efforts in modern criminal justice systems. The question concerning how the legal and institutional structures of execution, criminal punishment, and their supervision differ in the context of penitentiary law reform is addressed through the conceptual distinction between the Verdict Executor and the Criminal Executor, which serves as an analytical lens for comparing institutional arrangements in Indonesia, Thailand, and Tajikistan.

Post-adjudication is viewed not only as an administrative segment, but also as a constitutional domain that determines the extent to which the state exercises power in compliance with the principles of the rule of law, the separation of powers, and respect for the fundamental rights of the people. The distinction between the power to implement a judicial decision and the power to enforce a punishment is crucial for understanding how the regulation within the design of the institution determines the increase/decrease of control within a punishment. Indonesia represents a relatively integrated and centralized model, in which public prosecutors play a dominant role as dominus litis not only at the prosecution stage, but also in the implementation and supervision of criminal execution. Normatively, this model is designed to ensure the effectiveness and uniformity of decision implementation. However, in practice, the

integration of the functions of executor and supervisor in the same actor has led to institutional overload, overlapping authorities, and sectoral conflicts. As a result, oversight has lost its independence, and legal accountability has become blurred, especially when criminal proceedings involve restrictions on fundamental rights.

Thailand and Tajikistan, on the other hand, show more pronounced structural differences as part of their penitentiary law reforms. Thailand adopted an administrative-judicial model under the Ministry of Justice, with a clear separation between the penal enforcement agency (the Department of Corrections) and the oversight function, which operates in a different hierarchy.<sup>23</sup> This structure allows for a more rational division of tasks, reduces conflicts of authority, and strengthens supervisory mechanisms. Tajikistan even more explicitly separates the function of legal supervision by the prosecutor's office from the function of technical execution by a special executive agency under the Ministry of Justice, reflecting the post-Soviet legal tradition of placing supervision as a normative control function rather than an operational one.<sup>24</sup>

This difference emphasizes the importance of each country's legal policy on the efficacy of punishment and the sanctity of human life, as the difference of criminal execution legal structure and institutional framework is more than just a case of administrative difference. Administrative decisions require certainty and prompt organization, but the execution of decisions is always more complex, especially when there are coercive criminal executors, because the control of human free will and dignity is more significantly impacted. To this end, the functional differentiation between executors of the verdict and criminal executors should be explained from the perspective of the human rights normative requirement for reforming penitentiary law.

This research shows that the separation of power within systems of control has its limits. Systems of control fragmentation, lack of accountability, and missing coordination may weaken control systems. *Ius Constituendum* points out that the design of prison reform needs to be one where the modules functionally remain separate but are also connected through strong regulatory oversight. Electronic monitoring (EM) serves as a normative test of the quality of criminal justice system design.<sup>25</sup> EM necessitates self-evident power, such as who establishes, monitors, and enforces rules. Indonesia illustrates the danger of authority fragmentation in the execution of EM due to the vague delineation of roles between the doer and the

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<sup>23</sup> Tedy Nopriandi and Risky Fany Ardiansyah, "Paradigm of Death Penalty (Comparative Study in Indonesia, Saudi Arabia and China)," *Lampung Journal of International Law* 2, no. 1 (2020): 57-68, <https://doi.org/10.25041/lajil.v2i1.2032>.

<sup>24</sup> Aleksey Zolotukhin et al., "Juvenile Justice and the Defense of the Rights of a Child in the Republic of Tajikistan," *Advances in Social Science, Education and Humanities Research (ASSEHR), Volume 312 International Conference "Topical Problems of Philology and Didactics: Interdisciplinary Approach in Humanities and Social Sciences" (TPHD 2018)* 312, no. Tphd 2018 (2019): 482-86, <https://doi.org/10.2991/tphd-18.2019.90>.

<sup>25</sup> Jyoti Belur et al., "A Systematic Review of the Effectiveness of the Electronic Monitoring of Offenders," *Journal of Criminal Justice* 68, no. April (2020): 1, <https://doi.org/10.1016/j.jcrimjus.2020.101686>.

overseer. Thailand illustrates the possible effectiveness of EM, albeit constricted by a low level of human resources with a comparatively more open Institutional framework. Similarly, there is a danger in Tajikistan of the widening of state power, especially with the use of surveillance technologies, in the absence of adequate legal and judicial oversight<sup>26</sup>

The analysis thus confirms that the supervision of criminal execution is part of structural and normative penitentiary law reform, not merely technological modernization.<sup>27</sup> The differences in the legal and institutional structures of criminal execution in Indonesia, Thailand, and Tajikistan show that effective penitentiary reform must be directed at: (1) a clear functional separation between those who carry out court decisions and those who carry out criminal punishment; (2) strengthening independent and accountable supervisory mechanisms; and (3) integrating technology such as electronic monitoring within the framework of human rights protection. From this perspective, penitentiary reform is a reform of the design of state power at the most sensitive stage in the criminal justice system, namely the stage of criminal execution.<sup>28</sup>

The findings, to a greater extent, support the doctrinal distinction between the execution of a sentence and the execution of a judicial verdict. Both fall under the post-adjudication phase, yet they are differentiated in scope, institutional arrangements, responsibilities, and legal design. The execution of a sentence refers to the imprisonment and all that pertains to it, where the judicial authority's discretion is exercised. In contrast, the execution of a judicial sentence is an administrative process that requires a specialized, human rights-responsive governance system. Thus, the response to the titular question is yes, they are different. The differences are not only in the use of different terminology, but also in the distinct types of legal functions and institutional design of the fragmentations. A manuscript of comparative evidence supports the idea that there is greater clarity, and, unlike weaker supervisory controls, there is greater congruence with the theories of the separation of powers, with fundamental rights being protected to a greater extent during the execution stage. The evidence supports the views of the legal scholars regarding the functional differentiation within the criminal justice system. However, evidence also demonstrates that a fragmentation of authority without a system of coordination among the different functions also goes against the theories of the separation of powers.<sup>29</sup>

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<sup>26</sup> Daniel Pascoe et al., "Deadly Justice without Mercy in East Asia?," *International Journal of Comparative and Applied Criminal Justice* 46, no. 2 (2022): 141–65, <https://doi.org/10.1080/01924036.2020.1824873>.

<sup>27</sup> Sholahuddin Al Fatih et al., "Understanding Regulations of Online Ambling in Indonesia: Is It Forbidden?," *Jurisdictie: Jurnal Hukum Dan Syariah* 16, no. 1 (2025): 55–76, <https://doi.org/10.18860/j.v16i1.31101>.

<sup>28</sup> Frank Pasquale, "The Substance of Poetic Procedure: Law & Humanity in the Work of Lawrence Joseph," *Law and Literature* 32, no. 1 (2020): 1–46, <https://doi.org/10.1080/1535685X.2019.1680130>.

<sup>29</sup> Lita Tyesta Addy Listya Wardhani et al., "The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems," *Cogent Social Sciences* 8, no. 1 (2022): 17–19, <https://doi.org/10.1080/23311886.2022.2104710>.

Under *ius constituendum*, *iudicum executores* and *supplicium executores*, constructions must be functionally differentiated, and be transparent and accountable. Legal reforms should not be limited to redistributing authority among different entities, and must refocus on the normative logic that assigns authority for execution. Using the comparator models of Thailand and Tajikistan, Indonesia should design a specialized execution authority that is autonomous in technical implementation but under the supervision of the prosecution and judiciary. Such reconfiguration would reduce institutional duplication, resolve sectoral fragmentation, and enhance the respect of the right to life in the execution phase.

*Ius Constituendum* is a term in law relating to the formation or making of law. In the context of forming verdicts and executing criminal justice, this concept becomes essential because it determines how legal decisions are applied and implemented within a country's legal system.<sup>30</sup> The construction of the executor of the judgment and the criminal executor in the *Ius Constituendum* refers to the legal framework, the process of formation, and the roles and responsibilities of the institution or individual responsible for implementing the legal decision.

One key person or entity is the executor of the judgment, responsible for carrying out the court's orders.<sup>31</sup> This position is crucial as it involves translating court orders into actions that foster the court's envisioned vision of justice. Under various systems of laws, the court's judgment has the executor the significant power to execute decisions of the court, including the collection of debts, the imposition of and execution of one's imprisonment, and the performance of any other actions the court orders. From the side of the *Ius Constituendum*, this role is to detail the limits of the appointment of these executors and their discipline. Within this exercise is the necessity to provide absolute law and regulations that state and delimit the powers, rights, and range of actions of the executors of the judgment. The uncertainty of normative boundaries and law enforcement has the potential to give rise to enforcement practices that deviate from the principles of substantive justice, especially when the law encounters contradictory social and religious norms.<sup>32</sup> By delineating the contours of their jurisdiction with precision, the legal system not only safeguards against potential abuses of power but also fosters an environment conducive to the equitable execution of judicial decisions. The efficacy of this system hinges on scrupulous adherence to these delineations, whereby the executor of the judgment is endowed with the requisite powers to discharge their duties without transgressing the bounds of legality or infringing upon the rights of individuals subject to their jurisdiction. Thus, the process of constituting the executor of the judgment assumes paramount significance within the realm of legal governance, serving as the linchpin that bridges the gap between judicial pronouncements and their tangible realization in societal

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<sup>30</sup> Nina Persak, "Beyond Public Punitiveness: The Role of Emotions in Criminal Law Policy," *International Journal of Law, Crime and Justice* 57, no. February (2019): 47-58, <https://doi.org/10.1016/j.ijlcj.2019.02.001>.

<sup>31</sup> Joyman Lee, "The Irreducible Core of Trustee Duties in East Asian Trusts," *Trusts & Trustees* 27, no. 4 (2021): 302-10, <https://doi.org/10.1093/tandt/ttab013>.

<sup>32</sup> Mohamad Tohari, Iqbal Kamalludin, Jarot Jati Bagus Suseno, Achmad Jauhari Umar, Bunga Desyana Pratami. "Mairil and Nyempet as Child Sexual Violence in Pesantren: Contradictions of Traditional Norms, Religion, and Criminal Law Policy in Indonesia". *Indonesian Journal of Criminal Law Studies* 9, no. 1 (2024): 33-62. <https://doi.org/10.15294/ijcls.v9i1.50291>

affairs. In essence, the executor of court decisions serves as a guardian of justice, entrusted with the sacred duty of upholding the sanctity of the law and ensuring its fair implementation, including through effective supervision measures to prevent prisoners from being exposed to the negative impacts of the prison environment while simultaneously protecting their rights within the criminal justice system.<sup>33</sup> Through their conscientious endeavors, they not only breathe life into the edicts of the judiciary but also affirm the enduring principle that justice, in its purest form, is not merely a lofty ideal but a tangible reality attainable through the meticulous execution of legal mandates. Legal reform has become an urgent necessity to address the complexity of issues at the criminal justice implementation stage, considering that the application of criminal law in Indonesia is still sectoral and has not yet been established in an integrated codification. The condition of partial regulation can disrupt the law enforcement system, particularly in the execution of judgments and the enforcement of criminal sentences. A non-integrated system tends to create complexity for law enforcement agencies, the academic community, and other segments of society.

The reform of criminal law aims to construct and modify legal norms and rules that are consistent with Indonesia's socio-political, socio-philosophical, and socio-cultural values.<sup>34</sup> These values serve as the foundation for social, criminal, and law enforcement policies, guiding the direction and changes in criminal law reform efforts. Furthermore, the anticipatory, normative, and substantive aspect of criminal law is also provided. "The reform of criminal law in favor of the Indonesian people" encapsulates two functions of criminal law. First, the primary function is to control crime through law enforcement. Secondly, there is a need to ensure that the government responsible for preventing crime fulfills its obligation as required by criminal law. In addition to non-penal measures, criminal law serves as an instrument of punishment in combating crime. With this role, the construction of criminal law is closely tied to the assessment of law enforcement.<sup>35</sup>

Efforts to achieve a fairer and more humane criminal justice system require fundamental reform of criminal law, with an emphasis on substantive justice. During this reform period, there was a strong desire to carry out more equitable law enforcement against all types of criminal law violations.<sup>36</sup> In this time, there's a growing need for transparency, democracy, safeguarding human rights, upholding the law, and ensuring justice and truth across all facets of society, within our communities, our nation, and at the state level. Reforming criminal law is seen as a

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<sup>33</sup> Anis Widyawati et al., "Strengthening the Correctional System through Electronic Supervision of Prisoners: A Comparative Legal Study for Reforming Indonesia's Penitentiary Law," *Jurnal Hukum Novelty* 16, no. 2 (2025): 267. <https://doi.org/10.15294/ijcls.v9i2.50313>

<sup>34</sup> Lies Sulistiani et al., "Urgency of Regulation of Witness and Victim Protection Agency (LPSK) in the Upcoming KUHAP," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (2025): 520-44, <https://doi.org/10.29303/ius.v13i3.1835>.

<sup>35</sup> Yaffe, G. (2020). Punishing Non-citizens. *Criminal Law and Philosophy*, 14(3), 347-364. <https://doi.org/10.1007/s11572-020-09537-6>.

<sup>36</sup> Nurcahyo, N., Ricky, R., & Manitra, R. R. M. (2024). Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice. *Journal of Law, Environmental and Justice*, 2(1), 89-108. <https://doi.org/10.62264/jlej.v2i1.91>

crucial step towards replacing the current system with one that emphasizes fairness, promotes community growth, and prioritizes justice.

The reform of national criminal law must be comprehensive and integrated, covering substantive criminal law, criminal procedure law, and the law on the execution of criminal penalties, in order to fully achieve the objectives of substantive justice and social usefulness.<sup>37</sup> Because these three areas of law are integral to the criminal justice system as a whole, they can be distinguished from one another. However, they are inextricably linked to each other. Of course, if the reform is not carried out thoroughly, the overall goal of criminal law revision will be impossible to achieve. The main goal of reform is to tackle all forms of crime. The three areas of law are interrelated.

Legal politics, whose task is to analyze changes that need to be made to existing laws to meet new societal demands, cannot be separated from efforts to reform criminal law in Indonesia.<sup>38</sup> The direction of evolution of the legal order is continued with legal politics, from the "*ius constitutum*", which is based on the previous legal framework, through the preparation of the "*ius constituendum*" or future law.<sup>39</sup>

A country that seeks to establish a policy affecting the lives of its people must consider the development, decision-making, and implementation of these policies in relation to its political system.<sup>40</sup> It is said that the substance of the policies that will be made, determined, and implemented is public policy, which will later serve as a basis and reference for solving every problem that occurs in the life of society, nation, and state, to achieve the goals of statehood. That is, to gain protection, the government must determine and implement specific actions to realize the protection and welfare of the community, which involves such actions as deciding and implementing goals, making decisions about the purpose of determining public policy to implement these goals, and having the power or authority to implement policies either persuasively or by using coercion.<sup>41</sup>

Criminal Law Reform or Penal Policy is another term for criminal law politics. What is meant by "efforts to realize criminal laws and regulations in accordance with circumstances and situations at the time and for the future" is an effort to implement criminal laws and regulations in accordance with circumstances and situations at the time and for the future. If examined through the lens of "Legal Politics", "Criminal Law

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<sup>37</sup> Muhtar Hadi Wibowo, Ali Mahsyar, Anis Widyawati. Progressionism Restorative Justice Policies in Achieving Rehabilitative Criminal Justice. (2024). *Indonesian Journal of Criminal Law Studies*, 9(1), 117-138. <https://doi.org/10.15294/ijcls.v9i1.36420>

<sup>38</sup> Pascoe and Novak, "Deadly Justice without Mercy in East Asia?"

<sup>39</sup> Usman Rasyid and Rismanto Kaku, "From Bandung to the Constitution: Post-Colonial Constitutional Values in Indonesia, India, and South Africa," *Internasional Journal of Constitutional and Administrative Law* 1, no. 2 (2025): 148-62.

<sup>40</sup> Rebecca Strating, "The Rules-Based Order as Rhetorical Entrapment: Comparing Maritime Dispute Resolution in the Indo-Pacific," *Contemporary Security Policy* 44, no. 3 (2023): 372-409, <https://doi.org/10.1080/13523260.2023.2204266>.

<sup>41</sup> Michael Zoorob, "There's (Rarely) a New Sheriff in Town: The Incumbency Advantage for Local Law Enforcement," *Electoral Studies* 80, no. March (2022): 102550, <https://doi.org/10.1016/j.electstud.2022.102550>.

Politics" refers to how the government finds, creates, and formulates effective criminal law for the present and future. Penal policy, criminal law policy, and strafrechtspolitik are all words used in foreign literature to refer to the politics of criminal law.<sup>42</sup> Meanwhile, if examined through the lens of "Criminal Politics", it refers to strategies with policies for the eradication of crime through the use of criminal law. The primary purpose of criminal politics is to protect society and promote social or communal welfare. Therefore, in carrying out criminal law reform, it is also necessary to consider other social policies, both those directly related to crime prevention and those that are not. Sudarto said, "In the political practice of criminal law, it is necessary to hold general elections to obtain the best possible results of criminal law, to meet the demands of justice and efficiency". The execution of criminal sanctions engages multiple actors, including the public prosecutor, correctional institutions, the mobile brigade corps, and other relevant agencies. At another time, Sudarto argued that the term 'criminal law politic' refers to the effort to execute criminal legal laws and policies rationally and proactively based on the existing and future environment. In that respect, it may be argued that the aim or essence of criminal politics is to provide a safeguard to people for the purpose of achieving societal progress. Social defense and social welfare measures to prevent crime must be coordinated and executed with particular attention to integration. Consequently, criminal politics is, in essence, a branch of social politics, which is defined as a set of policies or actions directed towards the achievement of social welfare.

It is seen in the scheme that crime prevention activities must be carried out from a policy perspective, in the sense that there must be synergy (integral) between criminal politics and social politics, as well as between penal and non-penal crime prevention initiatives. Effective criminal law policies are necessary to address the problems and obstacles that arise during the execution process.<sup>43</sup> The policy should initially focus on developing formative policies or policies that lead to penal law reform, especially policies to establish appropriate criminal execution laws to avoid difficulties or complexities in future executions. The renewal of written laws (regulations) derived from community legal standards and norms should be the first step in criminal law reform, as well as the review of existing rules and norms in society.<sup>44</sup>

It is through this formulation policy that laws are codified. The codification model itself has total codification (whole) and open codification.<sup>45</sup> Each model has its own advantages and disadvantages, as well as different settings. Total codification aims to prevent the inclusion of new criminal law concepts in laws and regulations other than the Criminal Code, particularly those not covered in the General Provisions of Book One. Furthermore, comprehensive (total) codification can avoid criminalization

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<sup>42</sup> Joseph M. Lodangco, "Bias in the Law: A Definitive Look at Racial Prejudice in the Philippine Criminal Justice System: A Systematic Literature Review," *Journal of Advances in Humanities Research* 2, no. 3 (2023): 9-34, <https://doi.org/10.56868/jadhur.v2i3.133>.

<sup>43</sup> Diamantis and Laufer, "Prosecution and Punishment of Corporate Criminality."

<sup>44</sup> Wardhani et al., "The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems."

<sup>45</sup> Faisal et al., "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code."

arising from laws other than the Criminal Code, both general and specific, which can result in duplication of criminal law standards. Total codification is excellent for harmonizing criminal law. The total codification paradigm, on the other hand, mandates that all criminal provisions outside the Criminal Code be incorporated into the Criminal Code, which can ultimately lead to dualism, conflict, and vagueness between the set of instruments and the law contained in all provisions outside the Criminal Code.<sup>46</sup>

In the framework of open codification, the formation and development of criminal law outside the Criminal Code remain open and valid, in line with Masferrer (2018) who views that the codification of criminal law is historically dynamic and not closed to influences from outside formal codification.<sup>47</sup> This implies that criminal law can be flexibly updated to reflect the changes and developments in crime that occur in people's lives. Still, open codification can also reduce the position of criminal law and the enforceability of codified criminal law. In terms of choosing a codification model, the overall codification model is a perfect choice; however, it is undeniably difficult to implement due to the emergence of unique violations outside the Criminal Code, which have been well-developed. It is not an easy task to unify the diverse criminal law systems that were previously developed outside the Criminal Code. As a result, the open codification approach is a more reasonable alternative for application in the Criminal Code Bill. In the process of forming verdicts, executors, and criminal executors in the *Ius Constituendum*, several fundamental aspects need to be considered. The primary principles are transparency and accountability. The principles of transparency that allow for fairness, openness, and public participation in the selection and appointment of judges, executors, and criminal executors must be in place. Furthermore, an accountability mechanism must be in place concerning the verdicts, judges, executors, and criminal executors who make decisions within a framework of the law, legally and otherwise.

### Conclusion

This article arrives at three interconnected conclusions. First, the distinction between verdict executors and criminal executors in criminal procedure law, especially at the post-adjudication stage, is not merely terminological but doctrinally significant, as it relates directly to the allocation of functions, authority, and oversight in the execution of court decisions that restrict individual rights and freedoms. The absence of a clear distinction between these roles risks generating overlapping powers and weakening institutional accountability. Second, the comparative analysis of Indonesia, Thailand, and Tajikistan demonstrates that the design of criminal execution authority varies considerably, with important consequences for oversight effectiveness and human rights protection. Indonesia tends to adopt a more integrated model in which the prosecution holds a dominant role in both implementation and supervision, thereby

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<sup>46</sup> Johnston et al., "Diminished Criminal Responsibility: A Multinational Comparative Review."

<sup>47</sup> Masferrer, A. (2018). Tradition and Foreign Influences in the 19th Century Codification of Criminal Law: Dispelling the Myth of the Pervasive French Influence in Europe and Latin America. In *Studies in the History of Law and Justice* (pp. 3–50). Springer International Publishing. [https://doi.org/10.1007/978-3-319-71912-2\\_1](https://doi.org/10.1007/978-3-319-71912-2_1)

creating a risk of concentrated power and reduced independent control, whereas Thailand and Tajikistan reflect a clearer separation between the technical execution of punishment and supervisory functions, resulting in a more accountable framework consistent with rule of law principles.

Third, these comparative findings confirm that the effectiveness of criminal execution does not depend on institutional uniformity, but on the clarity of authority design and the strength of oversight mechanisms. Within this framework, electronic monitoring should be understood not merely as a technological innovation, but as a normative and institutional instrument capable of enhancing transparency, proportionality, and human rights protection in the implementation of criminal sanctions. The article therefore emphasizes the need for penitentiary law reform directed toward a clearer separation of functions, stronger independent oversight, and the integration of technology within a rule of law framework as essential prerequisites for improving the criminal execution system.

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### References

- Al Fatih, Sholahuddin, Asrul Ibrahim Nur, and Bagus Hermanto. "Understanding Regulations of Online Ambling in Indonesia: Is It Forbidden?" *Jurisdictie: Jurnal Hukum Dan Syariah* 16, no. 1 (2025): 55–76. <https://doi.org/10.18860/j.v16i1.31101>.
- Ali, Mahrus, Hamad F. Al-Fahad, and Wasikh Maulana. "Philosophical Foundation, Application, and Controversies of Judicial Pardon in Islamic Criminal Law, Indonesian Penal Code, and the Criminal Justice System of Kuwait." *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025): 624–48. <https://doi.org/10.18860/j-fsh.v17i2.32629>.
- Belur, Jyoti, Amy Thornton, Lisa Tompson, Matthew Manning, Aiden Sidebottom, and Kate Bowers. "A Systematic Review of the Effectiveness of the Electronic Monitoring of Offenders." *Journal of Criminal Justice* 68, no. April (2020): 1. <https://doi.org/10.1016/j.jcrimjus.2020.101686>.
- Butt, Simon. "Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law?" *Griffith Law Review* 32, no. 2 (2023): 190–214. <https://doi.org/10.1080/10383441.2023.2243772>.
- Diamantis, Mihailis E., and William S. Laufer. "Prosecution and Punishment of Corporate Criminality." *Annual Review of Law and Social Science* 15 (2019): 453–72. <https://doi.org/10.1146/annurev-lawsocsci-101317-031212>.

- Dolovich, Sharon. "The Failed Regulation and Oversight of American Prisons." *Annual Review of Criminology* 5 (2021): 153–77. <https://doi.org/10.1146/annurev-criminol-011518-024445>.
- Faisal, Andri Yanto, Derita Prapti Rahayu, Dwi Haryadi, Anri Darmawan, and Jeanne Darc Noviyanti Manik. "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code." *Cogent Social Sciences* 10, no. 1 (2024): 15. <https://doi.org/10.1080/23311886.2023.2301634>.
- Garcia, Virginia. "The Enforcement of Restorative Justice in Indonesian Criminal Law." *Legality: Jurnal Ilmiah Hukum* 28, no. 1 (2020): 22–35. <https://doi.org/10.22219/ljih.v28i1.10680>.
- Hartati, Sawitri Yuli, Emelia Kontesa, Agri Baskara. "Sharia Fintech In The Digital Age: Human Rights in Sharia Fintech Through Criminal Law Safeguards". *Indonesian Journal of Criminal Law Studies* 8, no.2 (2023). <https://doi.org/10.15294/ijcls.v8i2.48678>
- Johnston, E. Lea, Kendall D. Runyan, Fernando José Silva, and Francisco Maldonado Fuentes. "Diminished Criminal Responsibility: A Multinational Comparative Review." *International Journal of Law and Psychiatry* 91, no. August (2023): 19. <https://doi.org/10.1016/j.ijlp.2023.101919>.
- Kasim, Ramadhan. "From Forced Confessions to Digital Coercion: Rethinking the Admissibility of Evidence in Criminal Trials in Indonesia." *Jurnal Litigasi* 26, no. 2 (2025): 386–413. <https://doi.org/10.23969/litigasi.v26i2.25584>.
- Lee, Joyman. "The Irreducible Core of Trustee Duties in East Asian Trusts." *Trusts & Trustees* 27, no. 4 (2021): 302–10. <https://doi.org/10.1093/tandt/ttab013>.
- Lies Sulistiani, Efa Laela Fakhriah, Ijud Tajudin, and Christian Tobing. "Urgency of Regulation of Witness and Victim Protection Agency (LPSK) in the Upcoming KUHP." *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (2025): 520–44. <https://doi.org/10.29303/ius.v13i3.1835>.
- M. Lodangco, Joseph. "Bias in the Law: A Definitive Look at Racial Prejudice in the Philippine Criminal Justice System: A Systematic Literature Review." *Journal of Advances in Humanities Research* 2, no. 3 (2023): 9–34. <https://doi.org/10.56868/jadhur.v2i3.133>.
- Masferrer, A. Tradition and Foreign Influences in the 19th Century Codification of Criminal Law: Dispelling the Myth of the Pervasive French Influence in Europe and Latin America. In *Studies in the History of Law and Justice* (2018). (pp. 3–50). Springer International Publishing. [https://doi.org/10.1007/978-3-319-71912-2\\_1](https://doi.org/10.1007/978-3-319-71912-2_1)
- Nishizaki, Yoshinori. "Embedded in a Patrimonial Culture: The Politicized Judiciary and an Undisciplined Reformist Party in Thailand." *Critical Asian Studies* 53, no. 2 (2021): 310–23. <https://doi.org/10.1080/14672715.2021.1891444>.
- Noorda, Hadassa. "Regulation as Punishment." *Criminal Justice Ethics* 40, no. 2 (2021): 108–23. <https://doi.org/10.1080/0731129X.2021.1949922>.
- Nopriandi, Tedy, and Risky Fany Ardhiansyah. "Paradigm of Death Penalty (Comparative Study in Indonesia, Saudi Arabia and China)." *Lampung Journal of International Law* 2, no. 1 (2020): 57–68. <https://doi.org/10.25041/lajil.v2i1.2032>.

- Nurchahyo, N., Ricky, R., & Manitra, R. R. M. (2024). Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice. *Journal of Law, Environmental and Justice*, 2(1), 89–108. <https://doi.org/10.62264/jlej.v2i1.91>
- Pangaribuan A. Indonesia's Criminal Justice System: A Case Study of Inter-Agency Conflict and the Fight for Power. *Asian Journal of Law and Society*. Published online 2025:1-27. doi:10.1017/als.2025.10018
- Pascoe, Daniel, and Andrew Novak. "Deadly Justice without Mercy in East Asia?" *International Journal of Comparative and Applied Criminal Justice* 46, no. 2 (2022): 141–65. <https://doi.org/10.1080/01924036.2020.1824873>.
- Pasquale, Frank. "The Substance of Poetic Procedure: Law & Humanity in the Work of Lawrence Joseph." *Law and Literature* 32, no. 1 (2020): 1–46. <https://doi.org/10.1080/1535685X.2019.1680130>.
- Persak, Nina. "Beyond Public Punitiveness: The Role of Emotions in Criminal Law Policy." *International Journal of Law, Crime and Justice* 57, no. February (2019): 47–58. <https://doi.org/10.1016/j.ijlcj.2019.02.001>.
- Prohorova, E. The role of doctrine in criminal procedure regulation. *Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia*, 2024(4), 183–193. <https://doi.org/10.35750/2071-8284-2024-4-183-193>
- Prateppornnarong, Dhiyathad, and Richard Young. "A Critique of the Internal Complaints System of the Thai Police." *Policing and Society* 29, no. 1 (2019): 18–35. <https://doi.org/10.1080/10439463.2017.1356298>.
- Rasyid, Usman, and Rismanto Kaku. "From Bandung to the Constitution: Post-Colonial Constitutional Values in Indonesia, India, and South Africa." *Internasional Journal of Constitutional and Administrative Law* 1, no. 2 (2025): 148–62.
- Saputra, R., Setiodjati, J. P., & Barkhuizen, J. "Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)". *Journal of Indonesian Legal Studies*, 8(1), (2023) : 243–288. <https://doi.org/10.15294/jils.v8i1.67632>
- Rahayu, Derita Prapti, Faisal Faisal, Rafiqah Sari, and Ndaru Satrio. "Law Enforcement in the Context of Legal Culture in Society." *Law Reform* 16, no. 2 (2020): 276–89. <https://ejournal.undip.ac.id/index.php/lawreform/article/view/33780>.
- Společnost Podané ruce. *Curret Situation of Data Collection and Drug Early Warning System in Tajikstan*. Vol. 32. no. 3. 2023.
- Sripokangkul, Siwatch, and Mark S. Cogan. "Political Demonology , Dehumanization , and Contemporary Thai Politics." *Asia-Pasific Social Science Review* 19, no. 2 (2019): 115–19. <https://doi.org/10.59588/2350-8329.1225>.
- Strating, Rebecca. "The Rules-Based Order as Rhetorical Entrapment: Comparing Maritime Dispute Resolution in the Indo-Pacific." *Contemporary Security Policy* 44, no. 3 (2023): 372–409. <https://doi.org/10.1080/13523260.2023.2204266>.
- Tohari, Mohamad., Iqbal Kamalludin, Jarot Jati Bagus Suseno, Achmad Jauhari Umar, Bunga Desyana Pratami. "Mairil and Nyempet as Child Sexual Violence in Pesantren: Contradictions of Traditional Norms, Religion, and Criminal Law Policy in Indonesia". *Indonesian Journal of Criminal Law Studies* 9, no. 1 (2024): 33-62. <https://doi.org/10.15294/ijcls.v9i1.50291>

- Turner, Mark, Eko Prasajo, and Rudiarto Sumarwono. "The Challenge of Reforming Big Bureaucracy in Indonesia." *Policy Studies* 43, no. 2 (2022): 333–51. <https://doi.org/10.1080/01442872.2019.1708301>.
- Wardhani, Lita Tyesta Addy Listya, Muhammad Dzikirullah H. Noho, and Aga Natalis. "The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems." *Cogent Social Sciences* 8, no. 1 (2022): 17–19. <https://doi.org/10.1080/23311886.2022.2104710>.
- Wibowo, Muhtar Hadi, Ali Masyhar, Anis Widyawati. Progressionism Restorative Justice Policies in Achieving Rehabilitative Criminal Justice. *Indonesian Journal of Criminal Law Studies*, 9(1), (2024): 117- 138. <https://doi.org/10.15294/ijcls.v9i1.36420>
- Widyawati, Anis, Didik Purnomo, Heru Setyanto, and Leony Sondang Suryani. "Strengthening the Correctional System through Electronic Supervision of Prisoners : A Comparative Legal Study for Reforming Indonesia's Penitentiary Law." *Jurnal Hukum Novelty* 16, no. 2 (2025): 267.
- Wilde, Sage, Nicola Sheeran, and Heather Douglas. "The Psychological Impact on Mothers Who Have Experienced Domestic Violence When Navigating the Family Court System: A Scoping Review." *Psychiatry, Psychology and Law* 31, no. 4 (2024): 764–91. <https://doi.org/10.1080/13218719.2023.2214927>.
- Yaffe, Gideon. Punishing Non-citizens. *Criminal Law and Philosophy*, 14(3), (2020) : 347–364. <https://doi.org/10.1007/s11572-020-09537-6>.
- Zolotukhin, Aleksey, Valijon Abdukhamitov, and Vladimir Koshcheev. "Juvenile Justice and the Defense of the Rights of a Child in the Republic of Tajikistan." *Advances in Social Science, Education and Humanities Research (ASSEHR), Volume 312 International Conference "Topical Problems of Philology and Didactics: Interdisciplinary Approach in Humanities and Social Sciences" (TPHD 2018)* 312, no. Tphd 2018 (2019): 482–86. <https://doi.org/10.2991/tphd-18.2019.90>.
- Zoorob, Michael. "There's (Rarely) a New Sheriff in Town: The Incumbency Advantage for Local Law Enforcement." *Electoral Studies* 80, no. March (2022): 102550. <https://doi.org/10.1016/j.electstud.2022.102550>.