

Daluwarsa Of Criminal Prosecution Is Associated The Criminal Threats ¹

Ifrani¹, Mohammad Rezki Ramadhan Mahfi², Muhammad Topan³,
Muhammad Hendri Yanova⁴

Email: ifrani@ulm.ac.id¹, ikimahfi@gmail.com², mtopan@ulm.ac.id³,
yanovahendrii@gmail.com⁴

^{1,3} Faculty of Law, Universitas Lambung Mangkurat, Banjarmasin, Indonesia.

² Kejaksaan Republik Indonesia

⁴ Faculty of Islamic Studies, Universitas Islam Kalimantan MAB, Banjarmasin, Indonesia.

Article Info

Received: March 2022

Revised: June 2022

Accepted: June 2022

Keywords:

Daluwarsa, Criminal
Prosecution, Criminal
Threats

Abstract

The purpose of this study is to find out what is the rationale for the existence of a criminal prosecution and to examine future arrangements for a shorter Daluwarsa period than criminal penalties. This research is normative legal research by examining laws related to the legal issues under study and by moving from the views and doctrines that have developed in the science of law related to the problems in this research. According to the results of this study, it shows that: First, the rationale for the existence of a Daluwarsa on criminal prosecution which underlies the legislators to make a policy in this field is none other than legal certainty. This legal certainty is for the sake of creating legal order, namely legal order in the settlement of a criminal case that does not find a bright spot for a long time so that the case does not have a clear direction in its resolution. Second, the current criminal prosecution Daluwarsa policy in several of its provisions in determining Daluwarsa does not pay attention to factors that can support the functioning and operation of criminal law. In several provisions regarding the expiration date for criminal prosecution in several criminal offenses, the Daluwarsa date is shorter than the criminal penalty. The expiry period for criminal prosecution which is shorter than the criminal threat can result in motivating the perpetrators of criminal acts to run away/run away or disappear to avoid legal proceedings against avoiding criminal responsibility.

¹This paper is taken from research, funded by Universitas Lambung Mangkurat, on January - 2022

I. Introduction

Legal subjects in criminal law regarding criminal acts committed by criminal law subjects are given an expiration date for prosecution by law or in other words it is regulated regarding the *Daluwarsa* of criminal acts. This is to provide legal certainty to the perpetrators of criminal acts so that the perpetrators of criminal acts are not forever disturbed by the threat of prosecution by the State. The stages in the criminal justice process are a series, where one stage influences the other stages. Mistakes in terms of prosecution will greatly affect the defendant who has completed the process of investigation, investigation, and prosecution. One of them is the existence of a criminal act that is considered to have exceeded the limits determined by the Criminal Code.²

The provisions on *Daluwarsa* limit as stipulated in Article 78 paragraph (1) number 1, number 3 and number 4 of the Criminal Code can make it possible for the criminal law itself to not function and work. The author concludes this because these provisions can motivate the perpetrators of criminal acts to run away/run away, or disappear to avoid the prosecution process against him avoid criminal responsibility. After all, in these provisions in some criminal offenses there can be a *Daluwarsa* period that is shorter than criminal threats.

Based on the things mentioned above, the writer is interested in raising the issue regarding " *Daluwarsa* of criminal prosecution is associated the criminal threats." An interesting problem in this study is what is the rationale for the existence of a criminal prosecution *Daluwarsa* date and how to set the future for a shorter expiration period than criminal threats.

2. Research Method

This research is normative research that is prescriptive. The approach in this study uses the statute Approach, namely by examining laws related to the legal issues studied and the conceptual Approach, which is an approach that departs from the views and doctrines that developed in legal studies related to the legal issues under study.

3. Results and Discussion

A. The Rationale for the Existence of *Daluwarsa* of Criminal Prosecution

Daluwarsa is an effort by the State to provide protection and legal certainty not to prosecute criminal offenses beyond the specified time limit. Black's Law Dictionary gives the notion of *Daluwarsa*, which means "a formal

² Hayu Candra Kusuma, *Ratio Decidendi* Putusan Hakim Dalam Menentukan Masa *Daluwarsa* Penuntutan Terhadap Tindak Pidana Pemalsuan Surat (Studi Putusan Nomor 261/Pid/2014/Pt. Bdg) JMFH published by Faculty of Law, Universitas Brawijaya. Juny 2020

termination on a closing date." The term closing date in Daluwarsa is defined as "the date on which an offer, option, or the like ceases to exist". It is then concluded that when the expiry date has come, there are no more offers, options or the like that can be used. Daluwarsa aborts the authority to act against the perpetrators of criminal acts.³

Daluwarsa for criminal prosecution is regulated in Article 78 of the Criminal Code which states that the right to demand the death penalty cannot be carried out again because the time has expired. This article regulates the loss of the right to prosecute a sentence (*strafsactie*) due to Daluwarsa of time, namely the right to sue someone before a judge so that they are sentenced.⁴ The right to demand the death penalty has expired, which is regulated in Article 78 paragraph 1, which means:

- If someone at one time commits a crime.
- A prosecution was not immediately held against this person before the court, because the perpetrators of this crime were not yet known because they had fled.
- The period between when the crime was committed and when the perpetrator was known or caught as determined by law, has passed, and the perpetrator cannot be prosecuted.⁵

This means that against someone who commits a crime and is not immediately prosecuted because of a certain matter and then if the prosecution has reached or has passed, the perpetrator of the crime cannot be prosecuted again for his actions or in words this time limit nullifies the authority to prosecute the perpetrators. Even though in general, everyone who commits a crime must be prosecuted and must be prosecuted before a court to be held accountable for their actions, in this case the law provides for exceptions that can nullify the legal process.

| Daluwarsa Period for Prosecution of the Old Criminal Code | |
|---|---|
| Type | One year: |
| 1. Type of crime committed | - All violations - All the crimes regarding the printing |

³ Fina Rosalina, Daluwarsa Tindak Pidana Korupsi Melalui Sudut Pandang Teori Hukum: Optimalisasi Pengembalian Kerugian Keuangan Negara. *YUSTISIA MERDEKA: Jurnal Imiah Hukum*. Volume 8 Nomor 2 September 2022, hlm. 29-36

⁴R. Soesilo. 1996. *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-komentarnya Lengkap Pasal Demi Pasal*. Bogor: Politeia, hlm. 92.

⁵ H.A.K. Moch. Anwar. 1981. *Beberapa Ketentuan Umum Dalam Buku Pertama KUHP*. Bandung: Penerbit Alumni, hlm. 126.

| | |
|---|--|
| <p>2. Number of penalties threatened for this crime</p> | <p>Six-year: - crimes punishable by fines, imprisonment, or imprisonment for no more than 3 (three) years.</p> <p>Twelve years: - all crimes are punishable by imprisonment of more than 3 (three) years.</p> <p>Eighteen years: - a crime punishable by life imprisonment or the death penalty.</p> |
| <p>Children (under 18 years old)</p> | <p>Reduced to One Third</p> |

Talking about the issue of what constitutes the rationale for the existence Daluwarsa of a criminal prosecution, the author takes several opinions of criminal law experts regarding the rationale for the existence of a criminal prosecution expiration date, including:

Jonkers in his book titled Dutch East Indies Criminal Law Guidebook, regarding the expiry of the criminal prosecution of this institution based on various reasons. The time that erases everything, also erases memories of the criminal events that were committed, so that there is no need to carry out a crime. Evidence tools due to the long period that exists between the time of committing the event and the punishment, are mostly unclear and difficult to trust, so there is a reluctance to carry out justice. This applies to Daluwarsa of the claim.⁶

HAK Moch Anwar in his book entitled Some General Provisions in the First Book of the Criminal Code states that the basis for the existence of Daluwarsa is as follows:

- The long period, since the crime was committed, results in a person's memory of the crime becoming weak. Until the purpose of punishment by itself, will not be achieved.
- To provide legal certainty by reassuring individuals, especially the accused who has avoided his life environment which is an exile to the point that exile from his community is also a (mental) punishment for him.
- The basic practical reason is that the long period between the time the crime was committed and the time of prosecution, creates difficulties in collecting evidence, because it is damaged or lost, and difficulties in collecting witnesses, because of changing addresses or death.⁷

⁶ J.E. Jonkers. 1987. *Buku Pedoman Hukum Pidana Hindia Belanda*. Jakarta : PT Bina Aksara, hlm. 236.

⁷ H.A.K. Moch. Anwar. *Op.cit.*, hlm 126-127.

Mahrus Ali in his book entitled *Fundamentals of Criminal Law* also stated that the background underlying the expiry as the reason for aborting a criminal prosecution is related to the ability of human memory and natural circumstances that allow evidence to disappear or have no value for evidentiary law.⁷

Erdianto Effendi in his book entitled *Indonesian Criminal Law an Introduction* also states what underlies *Daluwarsa* of this criminal prosecution. As for the rationale for the law regulating expiration, it is based on several reasons, including:

- a. The blurring of the need to continuously spell/prosecute the suspect because it has been too long since the incident/delict has passed from human memory towards him is also diminishing;
- b. The more difficult it is to find means of proof against the offense;
- c. By disappearing himself, the suspect/defendant has punished himself.⁸

In connection with some of the opinions of legal experts, according to the author, the purpose of making a policy is for legal certainty, so this is the main basis for thinking about making a policy regarding *Daluwarsa* of criminal prosecutions. This is the main basis directly related to how the role of the state's efforts to provide legal certainty to a criminal case that does not find a bright spot in the long term.

Legal certainty is based on various considerations, namely:

1. Considering that it is difficult for law enforcement officials to collect evidence in a criminal case, such as perpetrators who run away/run away or disappear and then for a long time do not find a bright spot, because in the long term can result in -The evidence tool is easily damaged and even disappears. So that this expiration provides legal certainty to law enforcement officials so they are not constantly burdened with spells to investigate the case.
2. With the consideration that someone who commits a crime then runs away and exiles himself which are considered self-exile is also a punishment/mental suffering. So that the existence of an expiration date also provides legal certainty to the perpetrator, namely giving a sense of peace in life to the perpetrator so that he does not feel that his

⁷ Mahrus Ali. 2011. *Dasar-Dasar Hukum Pidana*. Cet Pertama. Jakarta : Sinar Grafika Offset, hlm 207.

⁸ Erdianto Effendi. 2011. *Hukum Pidana Indonesia Suatu Pengantar*. Cet Kesatu. Bandung: PT Refika Aditama, hlm 193.

peace of life has been disturbed forever by the feeling of being chased by the law.

It is this matter as mentioned above that is the background for the rationale for legislators to make policies regarding the expiration of criminal prosecution. Seeing this rationale is quite reasonable for legal certainty for the creation of legal order. Legal certainty to answer questions about the direction of a criminal case that has not found a clear spot for a long time.

B. Future Arrangements For Shorter Daluwarsa Periods Than Criminal Threats

The existence of Daluwarsa as one of the reasons for the loss of the obligation to carry out a sentence can also become a legal loophole for convicts.⁸ Regarding Article 78 of the Criminal Code, according to the author, several provisions can allow the functioning and functioning of the criminal law itself to fail. Some of these provisions can motivate perpetrators of criminal acts to run away/run away or disappear to avoid legal proceedings against them to avoid criminal responsibility for the crimes he has committed. Because in the provisions regarding Daluwarsa of criminal prosecution, if it is associated with criminal threats in several criminal offenses, it can be seen clearly that Daluwarsa is shorter than criminal threats. Provisions on Daluwarsa for criminal prosecution which, when linked to criminal threats in some criminal offenses, can result in a shorter expiration period than criminal penalties, namely:

1. Article 78 paragraph (1) number 3 which reads "Regarding crimes punishable by imprisonment for more than three years after twelve years". An example of an offense that falls into this category, of them includes Article 338 of the Criminal Code, the offense of ordinary murder, which carries a maximum prison sentence of 15 years. For this offense, Daluwarsa is shorter than the criminal threat, where the threat is 15 years while the expiration is 12 years. And many other offenses fall into the category of expiration in Article 78 paragraph (1) number 3 which occurs with a shorter Daluwarsa than the criminal threat.
2. Article 78 paragraph (1) number 4 which reads "Regarding crimes punishable by death or life imprisonment, after eighteen years". As an example of an offense that falls into this category, one of them includes Article 340 of the Criminal Code, the offense of premeditated murder, which carries a penalty of death or life imprisonment, or a maximum of 20

⁸ Lidya Suryani Widayati, Kedaluwarsa dan Grasi Sebagai Dasar Hapusnya Kewenangan Menjalankan Pidana, Perluakah Diatur Kembali dalam RUU KUHP. NEGARA HUKUM: Vol. 12, No. 1, Juni 2021

years in prison. For this offense, Daluwarsa is shorter than the criminal threat where the threat is even punishable by death, life imprisonment which does not know when it will end, or imprisonment for a maximum of 20 years while Daluwarsa is 18 years. And many other offenses fall into the category of expiration in Article 78 paragraph (1) number 4 which occurs with a shorter Daluwarsa than the criminal threat.

The provisions on the Daluwarsa period for criminal prosecution are contained in Article 78 of the Criminal Code, the author also found a new problem, namely in Article 78 paragraph (1) number 1 which states that the authority to prosecute criminal prosecution is deleted because of Daluwarsa regarding all violations and crimes committed by printing after one year. The problem here lies in the expiration of the prosecution of crimes committed by printing. The author will provide an example that appears that this provision also creates problems by providing examples of criminal offenses, namely:

The offense of insult contained in Article 310 paragraph (2) of the Criminal Code, this offense is included in the crime of using printing which, when viewed from the provisions of the prosecution's Daluwarsa for this offense is one year. However, if the insult is committed verbally, namely Article 310 paragraph (1) of the Criminal Code, Daluwarsa for the prosecution of the offense is six years. According to the author, it makes no sense that insults that are made printed on paper have a shorter Daluwarsa date than insults that are made orally, even though what is said orally is usually forgotten more quickly than in writing. In the Dutch Criminal Code, because the legislators were aware of this conflicting situation, this special period since 1936 was abolished from the Dutch Criminal Code, which also contains this.⁹

Then also when viewed from the criminal threat where the criminal threat to Article 310 paragraph (2) of the Criminal Code is punishable by imprisonment for a maximum of one year and four months or a maximum fine of four thousand five hundred rupiahs while Article 310 paragraph (1) of the Criminal Code threatened with imprisonment for a maximum of nine months or a fine of up to four thousand five hundred rupiahs, which can be seen that the criminal threat contained in Article 310 paragraph (2) of the Criminal Code is heavier than Article 310 paragraph (1) of the Criminal Code. Meanwhile, the deadline for prosecution is longer than the offense contained in Article 310 paragraph (1) of the Criminal Code, which carries a lighter penalty than Article 310 paragraph (2) of the Criminal Code, which carries a heavier penalty. This according to the author is very unreasonable. And also if you look at the comparison between the deadline for prosecution and the length of time for criminal threats against the offense of insulting Article 310 paragraph (2) of the Criminal Code, it is also clear

⁹J.E. Jonkers. *Op.cit.*, hlm 238

that Daluwarsa is shorter than criminal threats where Daluwarsa period is after one year, while the criminal threat is at most one year and four months.

In establishing a criminal prosecution stipulation, where the expiry period is deemed necessary for the sake of legal certainty, one should not only look at the necessity of this stipulation for the sake of legal certainty but also must pay attention to whether the existence of this stipulation has the function or impact arising from that stipulation. by legal certainty, benefits and justice that will be generated by the existence of these provisions. As Sudikno Mertokusomo said, a law that functions as the protection of human interests in enforcing it must pay attention to 3 (three) fundamental elements of law, namely: legal certainty (*Rechtssicherheit*), expediency (*Zweckmassigkeit*), and justice (*Gerechtigkeit*).¹⁰ If so, far we have only seen the need for these provisions only for the sake of achieving legal certainty, then this must be addressed.

The statute of limitations in the provisions of Article 29 of the UNCAC states that “...establish under its domestic law a long statute of limitations period in which to commence proceedings for any offense established by convention and establish a longer statute of limitation where the alleged of the offender has evaded the administration of justice”. UNCAC mandates in article 29 to set a longer grace period in national law or provide suggestions for setting a "temporary suspension" if there is a waiver of law enforcement (*administration of justice*).⁹

Meanwhile, according to the authors, the criminal prosecution's Daluwarsa is shorter than the current criminal threat, and it can motivate criminals to run away/run away or disappear, which means that the impact caused by these provisions does not have a positive impact but can instead have a negative impact. Even with this negative impact, if something undesirable happens, such as when the perpetrator of the crime runs away or disappears, the impact it causes will greatly affect our criminal system, especially in enforcing our criminal law, where the perpetrator should be responsible for his actions, but he is not responsible for his actions which are contrary to the purpose of punishment in our criminal law system. So, the purpose of convicting perpetrators of criminal acts in our criminal law system is also not achieved.

As it is known that the purpose of punishment in Indonesia adheres to the combined theory. This combined theory bases punishment on a combination of the theory of retaliation and the theory of purpose.¹¹ Apart from acknowledging that the imposition of criminal sanctions is held to avenge the actions of the perpetrators, it is also intended so that the perpetrators can be corrected so that they can return to society.¹² Meanwhile, if something undesirable happens, such

⁹ Fina Rosalina, *Op.Cit*

¹¹ Erdianto Effendi. *Op.cit.*, hlm 143

¹² Mahrus Ali. *Op.cit.*, hlm 191

as the perpetrator running away/running away or disappearing, then this goal will not be achieved either. Where the perpetrator should be punished for his actions which means it is retaliation for the actions he committed and hopes that with the punishment against him he can prevent the perpetrator from repeating his crimes or other crimes and the punishment it is hoped that it can also educate the perpetrator to become a better person and can return to society, but this cannot be done against the perpetrator because the perpetrator runs away/runs away or disappears, so that in this way the goal of punishment is not achieved and the perpetrator may commit another crime later.

The problem of criminal responsibility is very closely related to the problem of justice.¹³ Also, if we look at it from the perspective of justice for the victim, if something undesirable happens, the perpetrator runs away/runs away or disappears so that he cannot be held accountable for his actions, can justice be achieved for the victim? Not. Where the victim hopes that through the legal process, he can get justice for the suffering he gets as a result of the actions of the perpetrator and hopes that the perpetrator can be held accountable for his actions and get punished for his actions. But by running away/running away or disappearing the perpetrator so that the perpetrator cannot be held accountable for his actions justice for the victim is also not achieved.

Likewise, if we look at it from the perspective of the community, if the perpetrator of the crime runs away or disappears, can it restore a sense of calm and security to the community due to the shock caused by the perpetrator's previous actions? Not. How can you restore that sense of peace and security if the perpetrator cannot be prosecuted for his actions because he ran away/ran away or disappeared which means that a criminal can still roam even though his wandering is not in the context of free-roaming but there is still a sense of misgivings in society. The purpose of the punishment is complex, which can be briefly concluded, that it must not only be seen as educating the convict to the right path like other members of society (guiding) but also to protect and provide peace for the community (protecting).¹⁴ According to the author, the matter of reassuring society of the turmoil caused by the perpetrator's previous actions, which is said to be restoring a peaceful atmosphere is not achieved here because the perpetrators cannot be prosecuted for their actions.

Based on the considerations described by the authors above, there is sufficient reason to require amendments to the provisions on the criminal prosecution's expiry date, which has a shorter expiry date than the criminal

¹³ Roeslan Saleh. 1986. *Pikiran-Pikiran Pertanggungjawaban Pidana*. Cet Kedua. Jakarta : Ghalia Indonesia, hlm. 10.

¹⁴ Moeljatno. 1985. *Fungsi dan Tujuan Hukum Pidana Indonesia*. Jakarta : PT. Bina Aksara, hlm. 66.

threat, which can result in motivating the perpetrators of criminal acts to flee/run away or disappear to avoid legal proceedings to avoid criminal liability which is specifically contained in Article 78 paragraph (1) number 1, number 3, and number 4. So that in the future it can be a preventive measure for the state against someone who commits a crime to prevent things from happening such as motivating the perpetrator to run away/run away or disappear to avoid the legal process to avoid criminal responsibility and show that the state applies strict measures against someone who commits a crime in the settlement of a criminal case.

As said by Hans Welzel, a professor of criminal law, said that criminal law only interferes with things that are human actions, namely incidents that are intentional in nature, and does not interfere with things that are only mere causal events. A human action is an object of criminal law and the science of criminal law which has been ontologically determined. The reason for this opinion according to Welzel is very simple, that is the same as the law will not be able to require a woman to hasten her pregnancy, or a woman who is only six months pregnant can give birth to a good and healthy baby. Nor will the law be able to prohibit a woman from having a miscarriage. On the other hand, the law may require that women act and behave in such a way that a miscarriage will not result.¹⁵ The author agrees with Welzel's opinion, according to the author that the law will not be able to prohibit a criminal offender from running away/running away or disappearing to avoid legal proceedings to avoid criminal responsibility. But conversely, the law may require the person to behave in such a way through the norms contained in a provision so that the person is not motivated to run away/run away or disappear to avoid legal proceedings and avoid criminal responsibility. The norms of the law cannot require or prohibit causal processes but can require or prohibit actions that are ultimately directed or not to perform such actions.¹⁶

According to the author, even though the law cannot prohibit a criminal offender from running away/running away or disappearing to avoid the legal process to avoid criminal responsibility, but by making changes to the provisions on the current criminal prosecution expiration date, which has a shorter *Daluwarsa* than criminal threats that can result in motivating criminals to run away/run away or disappear, at least by making changes to these provisions the law can prevent this from happening.

The renewal of the New Criminal Code also has an impact on *Daluwarsa* provisions in which the New Criminal Code is based on the existence of a grace

¹⁵ Roeslan Saleh. 1979. *Beberapa Catatan Sekitar Perbuatan Dan Kesalahan Dalam Hukum Pidana*. Jakarta : Aksara Baru, hlm. 11.

¹⁶ *Ibid*, hlm. 12.

period ratio for the abolition of criminal prosecution based on the light weight of the criminal threat, starting from the view that the more serious the crime committed, the longer the memory of people or society against the criminal event.¹⁰ Determination of the grace period ratio is also associated with material aspects, namely to indicate the level of seriousness of a crime. The determination in question contains a moral aspect, among other things to provide an objective limit on when the offender can be detained, when the prosecution expires and the criminal execution expires. there are signs regarding limits or objective measures to determine the severity of a crime. An indication that the threat of imprisonment for 7 years and above is an objective limit for declaring a crime as a serious crime. However, the statute of limitations for prosecution is seen as 3 years and over as the limit for serious crimes. The benchmark of 7 years and over is the objective limit for declaring a crime as a serious crime. This crime which is considered very serious will not be alternatively imposed with a fine. However, this does not mean that fines cannot be imposed at all. This is by the ongoing nature of a crime (*voorduurend*), so the completion of the crime referred to in this formulation is when the victim is rushed, kidnapped, or deprived of his liberty, and released. The authority to prosecute was declared null and void due to *Daluwarsa* under Article 136 of the New Criminal Code, as follows:

| Decline Due to <i>Daluwarsa</i> | |
|---------------------------------|---|
| of 3 (three) Years | Criminal acts punishable by imprisonment for a maximum of 1 (one) year and/or only a fine for a maximum of category III |
| 6 (six) years | Crimes punishable by imprisonment for over 1 (one) year and a maximum of 3 (three) years |
| 12 (twelve) years | punishable by imprisonment for over 3 (three) years and a maximum of 7 (seven) years |
| 18 (eighteen) years | Criminal acts punishable by imprisonment for over 7 (seven) years and a maximum of 15 (fifteen) years |
| 20 (twenty) years | Crime is punishable by imprisonment for a maximum of 20 (twenty) years, life imprisonment, or the death penalty. |
| reduced to 1/3 (one-third) | of the Crime committed by a Child |

¹⁰ <https://www.mkri.id/index.php?page=web.Berita&id=18635> in acces 2 january 2023

| | |
|---|--|
| Daluwarsa period is calculated from the next day after the act is committed unless, | <ul style="list-style-type: none">- The criminal act of counterfeiting and the criminal act of tampering with currency expire, counting from the next day after the falsified goods or the damaged currency are used.- The criminal acts as referred to in Article 450, Article 451, and Article 452 expire on the following day after the victim of the crime is released or dies as a direct result of the crime. |
|---|--|

4. Conclusion

The rationale for the existence of a Daluwarsa on criminal prosecution which underlies the legislators to make a policy in this field is none other than for legal certainty. Provisions regarding Daluwarsa of criminal prosecution in several offenses can be seen that the Daluwarsa period is shorter than the criminal threat. The expiry period for criminal prosecution which is shorter than the criminal threat can result in motivating the perpetrators of criminal acts to run away/run away or disappear to avoid legal proceedings against them and avoid criminal responsibility.

The renewal of the New Criminal Code also has an impact on Daluwarsa provisions based on an indicator of a Daluwarsa date in the abolition of criminal prosecution based on the light weight of the criminal threat and based on the fine category.

References

- Ali, Mahrus. 2011. Dasar-Dasar Hukum Pidana. Cet Pertama. Jakarta : Sinar Grafika Offset.
- Anwar, H.A.K. Moch. 1981. Beberapa Ketentuan Umum Dalam Buku Pertama KUHP. Bandung : Penerbit Alumni.
- Anindyajati Titis, Rachman Irfan Nur, Onita Anak Agung Dian. Konstitusionalitas Norma Sanksi Pidana sebagai Ultimum Remedium dalam Pembentukan Perundang-undangan (The Constitutionality of Criminal Sanction Norms as Ultimum Remedium in the Making of Laws). 2015. Artikel dalam "Jurnal Konstitusi". No 4. Vol. 12.
- Effendi, Erdianto. 2011. Hukum Pidana Indonesia Suatu Pengantar. Cet Kesatu. Bandung : PT Refika Aditama.
- Jonkers, J.E. 1987. Buku Pedoman Hukum Pidana Hindia Belanda. Jakarta : PT Bina Aksara.
- Mahmud Marzuki, Peter. 2016. Penelitian Hukum. Jakarta:Kencana.

- Moeljatno. 1985. Fungsi dan Tujuan Hukum Pidana Indonesia. Jakarta : PT. Bina Aksara.
- Soesilo, R. 1996. Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-komentarnya Lengkap Pasal Demi Pasal. Bogor : Politeia.
- Saleh, Roeslan. 1986. Pikiran-Pikiran Pertanggungjawaban Pidana. Cet Kedua. Jakarta : Ghalia Indonesia.
- . 1979. Beberapa Catatan Sekitar Perbuatan Dan Kesalahan Dalam Hukum Pidana. Jakarta : Aksara Baru.
- Soekanto, Soerjono. dan Mamudji, Sri. 2012. Penelitian Hukum Normatif (Suatu Tinjauan Singkat). Jakarta : PT Rajagrafindo Persada.

Journal

- Fina Rosalina, Daluwarsa Tindak Pidana Korupsi Melalui Sudut Pandang Teori Hukum: Optimalisasi Pengembalian Kerugian Keuangan Negara. YUSTISIA MERDEKA: Jurnal Imiah Hukum. Volume 8 Nomor 2 September 2022
- Hayu Candra Kusuma, 2020. Ratio Decidendi Putusan Hakim Dalam Menentukan Masa Daluwarsa Penuntutan Terhadap Tindak Pidana Pemalsuan Surat (Studi Putusan Nomor 261/Pid/2014/Pt. Bdg) JMFH published by Faculty of Law, Universitas Brawijaya. Juny 2020
- Lidya Suryani Widayati, Kedaluwarsa dan Grasi Sebagai Dasar Hapusnya Kewenangan Menjalankan Pidana, Perlu Diatur Kembali dalam RUU KUHP. NEGARA HUKUM: Vol. 12, No. 1, Juni 2021

Peraturan Perundang-undangan – Indonesian Laws

- Undang-Undang Nomor 1 Tahun 1946 Tentang Peraturan Hukum Pidana.
- Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana

Website

<https://www.mkri.id/index.php?page=web.Berita&id=18635>