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SYMBOLS, EVIDENCE, AND POLICY: INTEGRATING LEGAL SEMIOTICS FOR SUSTAINABLE CRIME PREVENTION

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Abstract

This study explores crime prevention using legal semiotics, applying a doctrinal approach grounded in an extensive literature review and critical text analysis. The discussion is initiated by delineating the core principles of legal semiotics and examining legal norms and practices as sign systems that communicate cultural meanings and influence behaviour. The study examines forensic semiotics, emphasising the role of sign analysis in enhancing investigative procedures and expert linguistic testimony within criminal and civil frameworks, including authorship attribution, identification of falsified texts, and the interpretation of linguistic evidence. Additionally, courtroom discourse and decision-making are also examined, illustrating various semiotic resources (such as text design, layout, and language) influencing the authority and legitimacy of judicial outcomes. Police interactions, interpreting interview dynamics and power negotiations through semiotic frameworks are examined to enhance understanding of witness communication and investigative effectiveness. Furthermore, it examines the framing of crime narratives in the media, highlighting the impact of mediated signs on public perception and the possibility of judicial biases. The research advocates for comprehensive crime prevention policies combining penal and non-penal strategies, emphasizing the importance of symbols and meanings that underpin criminal behaviour to promote collaborative, culturally informed, and sustainable responses.

Keywords: Legal Semiotics; Forensic Semiotics; Courtroom Discourse; Police Interactions; Integrated Crime Policy.

A. Introduction

In the early phase, the principles of criminal liability may seem disconnected from the domain of semiotics. Applying foundational assumptions derived from a broadly understood semiotic theory to the complexities of criminal liability can provide significant insights. A semiotic perspective provides a detailed clarification of the status and content of legal "principles," facilitating a more precise distinction and categorisation of the philosophical and political foundations underlying the construction of criminal liability (Peno & Bogucki, 2021).

This paper details fundamental semiotic concepts and findings, establishing the methodological framework for the subsequent study sections, that examine the concept of criminal liability—focusing on the interpretations of its core principles, the structural rules that support its framework, and the different categories of criminal law from these interpretations.

The research question selected in this study significantly influences the paper's organisation, and the research methodologies used. The framework is centred on significant topics instead of rigid separations between theoretical discussion and the author's unique evaluation. The text seamlessly integrates literature reviews and critical commentary rather than isolating them into

separate sections. The main components for examination consist of referenced legal documents and essential critiques from the existing literature and goes beyond simply comparing existing knowledge; it strategically employs semiotic concepts within the specific context of criminal liability in the legal domain.

This application has a dual purpose: to outline the overarching parameters associated with what could be referred to as the "semiotics of directives"; and enables a structured approach to address particular issues concerning the principles of criminal liability. This paper presents a unique contribution by utilising semiotic theory to address specific issues within legal doctrine and theory. This can be placed in the broader framework of legal analytical theory, which has historically used logical and semiotic instruments for interpreting legal concepts, especially in Indonesia.

Semiotics, provides various frameworks for analysing legal concepts. This can be attributed to the diverse methodologies present within semiotics, encompassing various traditions like Peircean and Saussurean semiotics, as well as the distinction between theories that emphasise reference and those that concentrate on the pragmatics of language use. This study focuses on the notion that linguistic expressions, functioning as signs, can fulfil various semiotic, particularly pragmatic roles. This theory of speech acts is particularly beneficial in this context, and presents a classification system where utterances are categorised based on their illocutionary force. The types identified include assertive, directives, commissive, expressive, and declaratives.

In legal discourse, directives and the conceptual frameworks encompassed are frequently regarded as fundamental to establishing and interpreting normative systems. However, the term "directive" means inclusive and necessitates further clarification and operationalisation to be helpful in a legal context. Legal systems depend on the normative content of rules, such as commands, prohibitions, legal language's precision, and internal consistency. In legal scholarship, the terms of "principle," "rule," "norm," and "directive" are often used interchangeably, leading to considerable conceptual ambiguity and obstructing clarity of analysis. The lack of precise definitions has been extensively recognised in scholarly discussions, highlighting ongoing difficulties in clearly distinguishing the theoretical limits of these fundamental legal classifications.

The differentiation between principles and rules is often articulated through the lenses of abstraction and function. Principles are generally perceived as overarching, value-driven benchmarks, , interpretation, and implementation. They function as essential principles that support legal reasoning and validate normative conclusions, reflecting moral or political commitments. Conversely, rules exhibit a greater degree of concreteness and specificity. They serve as explicit guidelines for behaviour, implemented through a logical framework that aligns specific instances with overarching principles. Nonetheless, although this dichotomy appears attractive at first glance, it is challenging to uphold consistently across various legal systems and doctrinal contexts. Principles frequently function as rules in practical applications, and specific rules embody aspirational or value-driven elements similar to principles (Luzzati, 2016; Pavčnik, 2023; Tincani, 2020).

Norms represent a comprehensive category that includes rules and principles and various other prescriptive or permissive formulations. Legal theory frequently classifies norms into distinct subtypes: commands, prohibitions, permissions, and competencies. This level of detail aids in understanding the framework of legal systems, particularly concerning the functions norms serve in shaping legal reasoning and institutional authority. The theoretical norms examination includes a differentiation between their identification (the process of recognising a norm within a legal framework) and their individuation (the method of distinguishing norms from each other). Without well-defined criteria for these processes, conceptual ambiguity often clouds discussions surrounding norm conflict, hierarchy, and applicability (Aarnio, 2011; Mora, 2015).

The term directive adds a layer of complexity to the discussion. Unlike rules or principles, these are typically perceived as being focused on specific goals or outcomes. They do not dictate particular actions, but rather facilitate the attainment of legal or policy goals, . serving as foundational frameworks for evolving principles of criminal liability and administrative governance. Yet, directives may resemble principles when articulating long-term values or norms when adopting a prescriptive form, obscuring their conceptual distinctions (Niglia, 2010; Peno & Bogucki, 2021).

The findings reveal a widespread conceptual complexity that hinders the establishment of a stable and coherent legal vocabulary. The alleged differences between rule and principle, as well as norm and directive, prove challenging to maintain in practice and are subjects of theoretical debate. For instance, the principles of criminal liability may be viewed as rules for their prescriptive characteristics, norms for regulating behaviour, or directives when guiding legal reform. Furthermore, the distinction between regulative and constitutive norms introduces an additional layer to this complexity; the former regulates conduct (prohibiting theft), while latter establishes the fundamental conditions necessary for the emergence of legal roles, actions, or institutions (such as forming a legal entity or jurisdiction) (Peno & Bogucki, 2021; Semmelmann, 2013; Tincani, 2020).

Theoretical ambiguity carries significant practical implications, particularly when the Rule of Law are referenced. It can be viewed through various lenses: as a principle guiding governance, a directive shaping institutional behaviour, or a norm regulating conduct. Every framing presents unique consequences regarding its enforceability, range, and normative significance (Cáceres, 2022; Janderová, 2019; Rijpkema, 2013).

The absence of precise terminology poses significant theoretical challenges for researchers to develop cohesive normative frameworks. Thus, numerous authors have determined the need for precise regulatory definitions to minimise ambiguity. Robert Alexy (2000) defines the “norm” as a fundamental legal unit encompassing imperative or deontic content to elucidate legal terminology and to construct logically coherent legal arguments. Each legal term holds not only semantic significance, but also possesses substantial epistemological and methodological implications.

Considering the intricacies involved, constructing a functional “semiotics of criminal responsibility” needs a solid terminological and conceptual foundation. Before examining how legal expressions produce or communicate meaning within the framework of criminal liability, identification the significant linguistic or semiotic expressions are important. This involves elucidating differences, such as those between “norm” and “rule,” or interpreting “principle” as a framework for understanding rather than as a prescriptive command. In this regard, legal terminology serves as a technical tool and a conceptual framework that influences the very nature of legal reasoning.

From G. H. von Wright’s perspective, it is beneficial to differentiate between norms of behaviour, directives (whether technical or teleological), and what are referred to as rules of meaning (i.e., constitutive rules). Behavioural norms explicitly dictate specific actions, while directives outline methods for attaining designated results. Constitutive rules define the legal significance of specific actions, such as the lawful enactment of criminal laws, which serves as a legislative action that must also adhere to the standards defined by legal philosophy and theory (Meggle, 2011).

Moreover, “principle” is frequently used in legal theory but lacks consistent definition. Despite numerous theories, its application varies widely. This paper highlights two distinct interpretations: first, as a legal norm with specific importance within a legal framework; second, as a foundational model underpinning a legal institution, such as the principle of due process. The former presents a clear set of norms and directives, while the latter offers a descriptive framework

rather than a rule. Even such descriptive principles frequently reveal foundational philosophical or political commitments with normative implications.

The unclear nature of principles is complicated by the semiotic roles. In speech act theory, various types of utterances, such as commands, statements, or requests, can possess identical propositional content despite differing in their pragmatic force. In the legal context, this indicates that a behavioural norm, a teleological directive, a structural model, or a constitutive rule can all convey the same fundamental proposition (e.g., "P") yet vary in function and significance. If the propositional content possesses interpretive significance , it can be classified as a principle, irrespective of its structure.

Consider the confrontational dynamics inherent in criminal proceedings, it may operate in various capacities: (1) as a binding norm, guiding judges to avoid initiating the establishment of facts or legal arguments; (2) as a teleological directive, indicating that litigation driven by the parties is most conducive to justice, (3) as a model, depicting adversarial procedure as one viable institutional design, or (4) as a constitutive rule, defining adversarial procedures as a benchmark for procedural legitimacy. These forms encompass a common foundational concept but vary in their legal roles and theoretical consequences.

In legal dogmatics, the term "legal principle" often appears in line with the ambiguous concept of a "legal idea," yet its meaning is not clearly defined. The concept of propositional content provides a more defined and organised framework for examining the different meanings associated with principles.

B. Discussion

1. The Law of Signs: Exploring the Semiotic Foundations of Legal Meaning and Authority

Semiotics originates from the Greek term "*simeon*," which means sign, trace, signal, characteristic, or signpost. Indicators, remnants, signals, attributes, or manifestations that interact with the law are inherent to the legal norm from which they derive (Liani et al., 2024; Masdiana et al., 2022; Zhao, 2023). Without legal semiotics, legal norms would not exist. As its core, the rule of law embodies semiotic icons that are comprehensive, positivist, and practical. The comprehensive icon derives from divine, natural, and human values intrinsic to civilised law – order, tranquillity, certainty, truth, and legal justice. The practical symbol is linked to the standard's subject, object, condition, and operator. Their interaction forms indices that manifest through legal events, relationships, and consequences. This process involves the creation of *lex agendi lex essendi*, which refers to the formulation of conditional normative law that is factual, general, concrete, individual, public, and private and encompasses both written and unwritten forms. Through paradigmatisation, constitutive and regulative legal ideals (*ius constituendum*) evolve into the positive law that promotes the welfare and prosperity of the nation (*ius constitutum*). In Indonesia, this transition embodies a holistic legal philosophy rooted in shared values, appreciated, expressed, internalised, actualised, and accumulated, epitomised by Pancasila and the 1945 Constitution of the Republic of Indonesia, which serve as the nation's ideological and legal foundation (Samekto & Natalis, 2024).

In "Course in General Linguistics", Saussure (2011) posits that it is possible to conduct a scientific examination of the signs within a society. Science is a component of social psychology, which falls under the broader category of general psychology and can be referred to as semiology, derived from the Greek term "s*imeon*," meaning sign. The term semiotics originates from two primary schools of thought. Ferdinand de Saussure from France refers to it as semiology, while Charles Sanders Peirce (1991) from America uses semiotics. Both individuals possess distinct scientific backgrounds; de Saussure is a linguist, whereas Pierce is a philosopher and logician associated with Pragmatism. The two figures were unfamiliar with one another and lacked any scientific association.

Semiology, as proposed by Saussure, operates under the premise that human actions and behaviours, which serve as signs, underpinned by a framework of distinctions and conventions that enable the construction of that meaning. In a sign, one can infer the existence of an underlying system. A philosopher and logician, Peirce posits that human reasoning is invariably conducted and limited through signs. He perceives logic as synonymous with semiotics, asserting that these can be utilised across various types of signs.

For Saussure, signs or symbols are arbitrary, shaped by the stimuli and individual experiences. A sign forms part of the established conventions in a signalling system, and its arbitrariness reflects the absence of any inherent link between form (signifier) and meaning (signified). Language use, is not entirely arbitrary, as it relies on the 'agreement' among language users. Through his distinction between langue and parole, Saussure laid the foundation of structural linguistics (Malmberg, 2012; Stam, 2005; Williams, 2014).

In contrast, Peirce presents a triadic model concept of trichotomy, commonly referred to as the triangle of meaning in semiotics, including representamen, interpretant, and object introduces *semiosis*, the process through which meaning emerges within personal, social, or contextual dimensions. The sign merely indicates; meaning is constructed by the interpreter through experience. Unlike Saussure, Peirce equates semiotics with logic, rooted in pragmatism (Eskola, 2021; Niu, 2023; Nöth, 2023).

Upon thorough examination, the semiotic theories in the praxis context of Saussure and Pierce are not in opposition; instead, they enhance one another in a hermeneutic framework because when individuals seek to interpret using a semiotic approach, they are influenced by a complex network of meanings by historical influences (*wirkungsgeschichte*) and a false consciousness model in their interests (Gadamer, 1977).

Semiotic studies provide an analytical framework grounded in three primary aspects: signs, codes, and culture. Sign form the foundation of semiotic, encompassing their types, meaning-making mechanisms, and the relationship between signs and interpreters. Signs are not merely as physical objects but socially created meanings and interpreted within a specific context. Codes structure how signs are used and interpreted, enabling shared social understandings. The cultural dimension these sign and codes within broader social and historical contexts, where meanings are generated, disseminated, and interpreted.

Pateda (1990) delineates nine branches within semiotic – analytic, descriptive, faunal, cultural, narrative, natural, normative, social, and structural semiotics – each offering distinct method of sign analysis. However, not all are directly relevant to legal studies; thus, selecting approaches is important to recognise analytical focus and normative depth.

Five branches are particularly relevant and can be effectively applied in the context of law. Analytic semiotics examines sign systems, especially legal language, as the fundamental method for establishing legal norms. Legal language represents a tangible expression of a sign system rich in implicit and explicit meanings. Cultural semiotics explores sign systems within the specific cultural context, acknowledging that law is shaped by societal values and traditions. Hence, understanding legal meaning demands and appreciation of the cultural environment in which law operates.

The third aspect is relevant normative semiotics as they address sign systems through legal norms. The law represents a sign system that governs social behaviour. Thus, the normative approach facilitates a comprehensive examination of the signs functioning through prohibitions, orders, or permissions. The fourth aspect is social semiotics, which examines the symbols by humans, encompassing both words and sentences, that evolve within society. In law, various social expressions, including legal idioms, technical terms, and symbols of power, necessitate a semiotic analysis. The final aspect is structural semiotics, which examines the sign system by analysing language structure, focussing on the internal relationships among elements within a legal

text. This method is highly effective for analysing legal materials' grammatical and narrative frameworks.

Legal semiotics examines system of signs that generates meaning through authoritative texts and legal practices shaped by social habituation. Such interpretations construct perception that conceal underlying interests – a manifestation of *false consciousness* as described by Barthes (Barthes, 1977) in Sobur, where secondary meaning emerge from foundational language system.

This study also distinguishes forensic linguistics from legal linguistics, while underscoring their shared reliance on semiotic analysis. Through the integration of legal and forensic semiotics, this approach enhances the understanding of meaning-making in legal language, processes, and evidentiary interpretation. Tiefenbrun (2010) defines legal semiotics as 'the specialised study of the sign systems that underlie the exchange of legal information'. The law functions to literature, culture, art, music, and mathematics, serving as a communication system composed of signs that transmit coded messages. The language in law – whether in drafting, interpretation, client interviews, or testimony – functions as a system of signs. Consequently, all legal participants engage in a continuous process of interpretation, or semiotic analysis. While semiotic analysis is intrinsic to legal process, participant possess unequal access to semiotic resources, affecting their ability to create or interpret meaning. Interpretation depends on familiarity with specific codes and conventions, which are themselves shaped by institutional norms and power relations.

Within social semiotics, sign-making and meaning construction are mediated by these institutional norms and the unequal power dynamics. Law, as experienced in practice, embodies 'legal semiotics' encapsulating cultural meanings and legal interpretations, which are reflected in the conceptualisations, understandings, and practices of power, order, and authority. These become evident in interactions between legal institutions—such as police officers, lawyers, and judges—and those in lay or non-professional roles, including witnesses, suspects, victims, and jurors. The interactions are influenced by the different semiotic affordances accessible to both groups of participants, namely professionals and laypersons.

The primary distinction lies in the degree to which participants recognise the goal orientations, specific interactional constraints, and inferential frameworks. Numerous studies in legal linguistics or the language of legal processes examine, dissect, and interpret how institutional contexts and participants' intrinsic rights and obligations lead to specific discourse patterns. The research spans multiple jurisdictions, including China (*Chen* and *May*), Greece (*Fakalou*), England and Wales (*Pereira*; *Steel*), Nigeria (*Anowu, Ope-Davies*, and *Shodipe*), the Philippines (*Madrunio* and *Lintao*), Sweden (*Nyroos*), the United States (*Bartley*; *Pavlenko*; *Stanchi*), and the International Criminal Court (*Jerca*) (Wright & Picornell, 2024).

Forensic semiotics extends this analysis to language as evidence. In both criminal and civil contexts, forensic linguists assist law enforcement and the judiciary by analysing linguistic components related to crimes – such as authorship attribution, forgery detection, terrorist investigation, fraud, and addressing other language-related offences (Picornell et al., 2022). Marcel Danesi (2013, 2019, 2021, 2023) defines forensic semiotics as the intersection of semiotics and crime detection, both relying on inferential reasoning. Drawing on Sebeok and Umiker-Sebeok between Peircian semiotics and the deductive reasoning and inference employed by Sherlock Holmes, Danesi compares Peircean semiotics to the abductive reasoning of Sherlock Holmes, where clues—signs requiring interpretation—enable hypothesis generation.

Danesi (2021) also notes that Buckland employed the term 'forensic semiotics' to critique the discredited CUSUM writing method, which quantified stylistic features, such as sentences length and function words frequency. For Danesi, however, the forensic semiotics extends far beyond stylistic analysis, constitution as a branch of criminology that interprets clues as signs. He posits that clues of interpretation can benefit from semiotics, which serves as the science of interpretation. Danesi presents case studies illustrating how forensic semiotic analyses of signs in textual and non-textual objects pertinent to crime can yield novel and unique insights for criminal

investigations, such as a victim's final painting or the use of emojis in online threats – can reveal new investigate insight.

Of particular relevance is Danesi's concept of 'first-order forensic semiotics' (FS1), which applies sign theory directly to evidence collected by forensic scientists. While Danesi's scope spans various crimes, focusing on offences executed through or traced back to language. Contemporary forensic linguistics provides systematic, jurisdictionally admissible methods for analysing language evidence. Recent scholarship demonstrates this through studies on authorship identification (Mojedano Batel, Soler Bonafont, and Kredens), terrorism investigations (Giménez García and Queralt), and the illicit or illegal meanings analysis (Leung; MacLeod), reaffirming that forensic linguists engaged in identifying and interpreting semiotic clues embedded in language.

Semiotics is the unifying element spanning the domains of forensic and legal linguistics through the production of meaning in legal texts and interactions, the investigation of linguistic clues to author identity and the analysis of language crime, offering a comprehensive perspective on the work of forensic or legal linguists. Semiotics provides a comprehensive framework of theoretical and analytical principles that integrate the various aspects of the research discussed.

Various studies examine the linguistic aspects of legal decisions-making, particularly in asylum administration, criminal court, and civil litigation. Christina Fakalou (2024) analysed nine written decisions issued by appellate authorities within the asylum administration legal framework, revealing that meaning in legal document is shaped not only by language, but also by visual elements, such as layout, typography, and design. Written in a variant of Modern Standard Greek incorporating archaic and Western e orthographic features, these quasi-legal texts illustrate how visual, spatial, and verbal semiotics reinforce institutional authority within a significantly imbalanced legal structure.

Aneta Pavlenko (2024) investigates language ideology in U.S. judicial opinions involving defendants or complainants with limited English proficiency (LEP). Examining 460 appellate decisions, she shows that legal outcomes are influenced less by formal legal principles than by ideological beliefs about language competence and law enforcement adaptability, including the Miranda Warning, thereby perpetuating structural inequalities disadvantaging LEP speakers. Kathryn Stanchi (2024) analyses representation in judicial opinions on rape, focusing on how courts and judges' opinions in interpreting events and shaping the social understanding of what defines 'rape' –beginning with Commonwealth v. Berkowitz to examine six rhetorical components: plot framing, fundamental narrative structure, and the depiction of characters and actions. Stanchi illustrates that legal discourse frequently reflects significant judicial bias obscure the complexities of non-paradigmatic rape cases and reinforces harmful cultural stereotypes.

Three additional studies that analyse power dynamics within judicial questioning practices further emphasise the linguistic aspect of courtroom interaction. Research conducted by Anowu, Ope-Davies, and Mojisola Shodipe (Anowu et al., 2024) examines the electoral courts proceedings, highlighting discursive struggles between lawyers and witnesses employing linguistic strategies. Their findings challenge the notion of the passive witnesses, showing how witnesses use uncooperative or resistant linguistic responses to contest and renegotiate institutional authority.

Yan Chen and Alison May (2024) examines interactional strategies in Chinese criminal court, focusing on the use of "other repetition" during questioning. By repeating a defendant's answer, questioners employ repetition as a rhetorical and semiotic tool to illustrate institutional perspectives on the response and constructing a legal narrative. This repetition extends beyond verbal language to multimodal indicators such as intonation, changes in eye gaze, and deliberate pauses, that subtly indicate acceptance or rejection of the defendant's statement.

Jerca (2024) examines transcripts from three International Criminal Court (ICC) cases on sexual violence in conflict, showing that protective disclosure policies encourage euphemistic

reprising – such as "sleeping together" or "having sex," – to avoid retraumatising witnesses. While this strategy aims to prevent re-traumatisation of the victim; however, it diminishes the severity of the crime and may undermine the legal representation of the violence involved. Within this framework, witnesses find it nearly impossible to resist the transformation of meaning through euphemism, as institutional policies constrain their ability to legally reframe experiences. Within forensic linguistics, several studies examined the interactions between law enforcement and citizens, particularly in investigative interviewing where power, resistance, and language proficiency are central.

Madrunio and Lintao (2024) compare police interviews in the Philippines and the United States, identifying how interviewers assert discursive control by identifying turns, speech acts, and three pragmatic markers – evidence, emphasis, and mitigation. Despite shared institutional structures cultural differences shape authority and resistance, underscoring the role of intercultural dynamics in investigative discourse. Lina Nyroos (2024) examines "I do not remember" responses in Swedish police interviews, identifying that such utterances are frequently treated as avoidance or impropriety rather than legitimate memory lapses. This indicates a systematic understanding that regards memory as a resource to be retrieved when needed. Nyroos highlights that assertions of memory loss may serve as a strategic discourse to postpone, reject, or redirect the attention of the investigation, which serves as a dialogical exchange and a platform for epistemic contestation.

Pereira (2024) broaden this perspective by analysing interviews with witnesses with intellectual disabilities. Through a multimodal lens, she investigates the application of low-tech communication aids by professional intermediaries. Activities such writing, pointing, or colouring are integral to collaborative meaning-making, fostering shared understanding, and managing interaction dynamics. Pereira highlights that communicative accessibility depends not merely on the tools used but on the intermediary's capacity to adapt to participants' semiotic needs.

Expanding beyond interviews, Kate Steel (2024) presents a different viewpoint by examining audio-visual footage captured by officers' body cameras in domestic violence cases, focusing on how officers navigate personal space and institutional authority in emergency encounter. She introduced the concept of 'lawful intrusion' to describe the evidentiary use of victim's body, exposing tensions between legal necessity and ethical vulnerability. Her micro-interactional analysis uncovers tension involving agency, power, and legitimacy within communication in an uncertain environment.

2. Holistic Crime Prevention: Uniting Law, Society, and Development

The law serves as a framework that governs the interactions among individuals within a society. Its evolution is inherently linked to the progression of the human mindset that formulates the regulations governing. Consequently, the presence of law becomes a universal phenomenon. The relationship between law and society is inherently reciprocal – neither can exist independently. Law emerges from human efforts to govern their behaviour and promote social order, harmony, and tranquillity. Soerjono Soekanto (Soekanto, 1983) identifies three primary functions of law: : as an instrument for social control, a facilitator of interaction, and a determinant of specific conditions.

Crime, as both national and global concern, reflects social issue, that has evolved into an international phenomenon, or as *Sciichiro Ono* describes it (United Nations, 1971). Understanding crime apart from its societal context – its location and meaning – diminishes its relevance, as it inseparable from social processes, cultural, political, economics, and existing structures shaped by the historical social evolution (Muliadi, 2015).

Moeliono defines a crime constitutes as a violation of legal norms, which society perceives as harmful and objectionable (Dirdjosisworo, 1969). From a sociological perspective, Soesilo (1985) viewpoint expands this definition, including human behaviours not legally defined as crimes but perceived by communities as actions that damage moral sensibilities of collective life.

Criminal justice represents a singular facet of the community's comprehensive approach to addressing crime through penal measures. These non-criminal law efforts bolstered the implementation of criminal justice. Arief (2008) emphasises that effective crime prevention requires rational strategies that extend beyond punitive measures. Non-penal approaches – such as education, social assistance, moral, and religious development, and youth welfare initiatives – aim to strengthen community responsibility and indirectly reduce crime (Garland, 2020).

Additionally, efforts to enhance community well-being increasingly emphasize non-punitive measures, such as moral education, religious involvement, and similar approaches. These initiatives are complemented by ongoing patrols and surveillance activities by law enforcement and security agencies. Collectively, such measures span diverse social policy domains, aiming to improve social conditions while indirectly preventing criminal activity (Garland, 1991, 2017).

Hoefnagels (1973b) advanced the concept "Prevention Without Punishment" asserting that crime prevention strategies should not rely exclusively on criminal law or punitive sanctions. He argued that social policies based on adverse socioeconomic conditions can serve as a proactive crime prevention strategy. In this view, community planning – encompassing spatial organisation, housing, environmental conditions, and accessibility to public amenities – plays an important role in reducing crime opportunities. Moreover, considering child welfare constitutes a significant element of this non-penal approach (Asmara & Natalis, 2024). By safeguarding and ensuring children's rights from an early stage, state can effectively mitigate deviant behaviour that may evolve into criminal offences later. Such initiatives reflect a long-term commitment to human development rather than punitive measures. Hoefnagels (1973b) further identified administrative law and civil law as significant tools in preventing crime through non- criminal activity, including the license revocation, administrative fines, and compensation claims – measures that regulate conduct behaviour without resorting to more severe criminal penalties.

Hoefnagels (1973a) categorises three interrelated crime prevention strategies: 1) criminal law, addressing criminal behaviour through repressive measures against offender, which encompasses prosecution, trial, and sentencing; 2) prevention without punishment, focusing on social, administrative, and civil interventions; and 3) shaping societal perceptions of crime and punishment through media, promoting more informed and compassionate attitudes that support for preventive and rehabilitative measures.

Arief (2007) emphasized the necessity of integrating non-penal (non-criminal law) and penal (criminal law) activities to explicitly the root causes of crime. This integrated approach – termed "Social Defence Planning" – represents a comprehensive for crime prevention. As a proactive strategy, non-punitive measures target the social determinant of criminal behaviour (Battams et al., 2021; Borg, 2014). Within the broader context of global criminal policy, these initiatives play a crucial role in addressing structural and contextual factors underlying crime (Kubrin & Tublitz, 2022).

Hobbes (1651) articulated that society as a vast "human," wherein individuals coexist, engage, and connect. Louis Pasteur's analogy likens crime to a bacterium that deteriorates the human body when its immune system –society's moral and social structures – weakens (Brogren, 2024; Cavaillon & Legout, 2022). In socially disorganised or norm-deficient environment, crime proliferates, much like a disease, reflecting the broader societal illness.

Crime can be examined through analysing a physical and spiritual "human" entity (Abrahamsen, 1944; Blackburn, 1998). This entity possesses a bodily organism scrutinised through the scientific study of bodily descriptions or by focusing on anatomical references. This context can also be connected to the action theory proposed by Parsons (1951), a notable American sociologist that human action constitutes a system shaped by four "sub-systems" of the organism, including personal, social,, and cultural sub-systems. This is also relevant to criminal activity within society as a complex phenomenon that has consistently generated discussion due to its pervasive influence on social life (Baysal, 2023). Crime has increased in environments where

individuals possess varying interests (Curiel & Bishop, 2018; Wikström & Treiber, 2016), replacing legal offence, defined as actions that contradict the established principles of law, governing human beliefs and behaviours, irrespective of legal statutes (Bawengan, 1977).

Every country, regardless of its governance structure and legal framework, consistently confronts the challenge of crime and the strategies necessary to address it. Crime ranges from street offenses, such as murder, robbery, and persecution, to white-collar crime, encompassing corruption and financial fraud. Regardless of its form, crime consistently provokes strong societal response (Farrall et al., 2009; Green & Allen, 1981; Sasson, 1995).

Despite numerous efforts, the results of crime prevention remain below expectations. As Khan (1973) observed, society itself requires treatment rather than the offender, emphasizing the limits of punitive approaches. Similarly, Packer (1968) posits managing anti-social behaviour through punitive measures constitutes a major social and legal dilemma. Crime prevention is inherently correlated to policy, forming three interrelated dimensions: social policy, criminal policy, and criminal law policy, all oriented toward achieving public welfare. This approach conceptualises crime as both a legal matter and a social phenomenon, necessitating multidisciplinary and cross-sectoral intervention that combine equitable and effective social development with fair and effective law enforcement. Criminal policy or criminal politics serves as a systematic and logical approach to addressing and mitigating crime, functioning as a crucial component of law enforcement policy within the broader social policy framework. Social politics embodies the initiatives society and the state undertake to enhance citizens' living standards and welfare. Relying solely on repressive law enforcement results in a symptomatic and short-term approach, whereas an integrated approach embeds crime prevention within long-term social development efforts (Muladi & Arief, 1998).

According to Walter C. Reckless (Reckless, 1955, 2015), effective crime control requires some essential conditions. First, a competent and professional police organization must operate efficiently, and uphold human rights, serving not only as a repressive force, but also a proactive preventive institution. Second, justice must be administered efficiently, fairly, and transparently, as the integrity of the judiciary determines public confidence in the legal system. Third, the law must possess authority – codified clearly, respected, and observed by all segments of society. Fourth, crime control demands inter-institutional coordination among law enforcement officials, social institutions, and civil society to ensure early detection and prevention. Finally, community participation is vital; citizens should function not merely as protected subjects, but as active partners in maintaining public order, reporting crime, and supporting social rehabilitation.

Crime prevention involves two primary components. Initially, crime prevention emphasises identifying and understanding the factors contributing to criminal behaviour. This encompasses comprehensive investigation of criminal patterns, particularly among youth, to inform evidence-based preventive programs. Two primary methods support this: 1) a specialised approach, an abolitionist system, aims to directly eradicate the underlying factors contributing to crime through criminological and aetiological research; and 2) a moralistic framework, aimed at cultivating ethical awareness and strengthening moral and spiritual values across society through religious education and community engagement (Einstadter & Henry, 2006; Ward & Durrant, 2021). This approach is typically implemented through religious lighting activities, including lectures, sermons, and *da'wah*, to enhance society's moral integrity.

The second aspect emphasizes legal development and reinforcing the capabilities of law enforcement officials. This entails reinforcing the legal framework and enhancing the professionalism and capacity of law enforcement institutions. Consistent and firm law enforcement is crucial in establishing a deterrent effect and upholding social order. Effective legal institutions must perform both repressive and preventive functions, ensuring that the law operates as a genuine instrument of justice rather than symbolic regulation. Crime prevention, therefore, is both reactive

– addressing past offenses – and proactive –restructuring the social and legal system to enhance collective consciousness regarding legal and moral principles.

With the broader aspect of criminal politics, crime prevention reflects state policy in addressing and managing breaches of criminalised social norms. Criminal politics encompasses preventive, repressive, and rehabilitative strategies implemented systematically to achieve social order. (Sudarto(1981) distinguished three definitions of criminal politics: narrow, broader, and broadest. In a specific context, criminal politics concerns the principles and methodologies underpinning responses to crime, including theories of punishment, proportionality, and strategies grounded in retributive justice and deterrence – essentially, the conceptual dimension operating within the criminal justice system.

In a broader context, criminal politics cover. functional mechanisms of the entire law enforcement institutions – such as the police, prosecutors, courts, and correctional facilities – shaping the practical execution of justice, protection of rights, and institutional accountability. Thus, contemporary criminal politics functions as both a managerial and structural framework, determining the efficiency, legitimacy, and responsiveness of the justice system as a whole.

Criminal politics encompasses the full range of policies and legal instruments designed to uphold fundamental societal norms. At this level, it integrates prosecutorial, preventive, and promotive strategies aimed at crime prevention. These efforts extend beyond the legal domain to include broader social policies in education, welfare, housing, employment, and community development. In its broadest sense, criminal politics operates as part of the wider public policy framework, grounded in the understanding that effective crime prevention requires comprehensive social transformation rather than reliance on punitive measures.

Criminal theory plays an important role in shaping a justice system that is equitable, efficient, and responsive to societal changes. It provides the conceptual foundation for understanding the nature of crime and determining appropriate sanctions that balance retribution, prevention, and rehabilitation. Although the implementation of criminal sanctions remains a traditional approach, its relevance persists as both a means of punishment and a preventive mechanism against future crime.

One major perspective within criminal theory is retributive justice, which holds that each offense warrants a proportionate punishment. Rooted in the philosophy of moral accountability, this theory underscore the protection of victims' rights through penalising offenders. In Indonesia, this framework is often applied to serious crimes, such as corruption and terrorism, symbolizing the firmness of law enforcement and aiming to create a deterrent effect.

However, critics argue that a purely retributive model neglects victim recovery and offender rehabilitation. The emergence of restorative justice signifies a shift repairing harm and restoring relationship among offenders, victims, and society (Bazemore, 2001; Bazemore et al., 2013; Bazemore & Erbe, 2013; Braithwaite, 1999, 2003; Cornwell, 2006). This approach prioritises dialogue, accountability, and healing over retribution.

The prevention theory occupies a significant role in the contemporary criminal law, aiming to prevent crime by leveraging the consequences of punishment. It is divided into two distinct types: general deterrence and special deterrence, which focus on discouraging reoffending by individual perpetrators (Apel & Nagin, 2011; Loughran et al., 2015; Watson et al., 2015). However, this dual framework serves both preventive and repressive functions, its effectiveness depends less on punishment severity and more on certainty and consistency law enforcement (Apel, 2022; Jacobs & Piquero, 2013; Paternoster, 1987). Consequently, applying this theory necessitates a legal framework capable of enforcing the regulations fairly and consistently.

The rehabilitation theory represents another key dimension of the contemporary criminal law, encompassing behavioural reform and societal reintegration of offenders. As noted by Sudarto, rehabilitation offers a more forward-looking approach to retributive punishment, particularly suitable for minor crimes. It encourages self-awareness and personal development while reducing

recidivism. Nevertheless, its implementation in Indonesia faces several obstacles, including overcapacity and a deficiency of qualified professionals to support the rehabilitation of offenders. These limitations often constrain its effectiveness, particularly in complex cases, such as sexual or domestic violence.

Indonesia's criminal law system increasingly adopts an integrative model of punishment, combining retributive, preventive, and rehabilitative element. This integrated strategy aims to reconcile the demands for justice, legal clarity, and efficiency while considering the rights of offenders, victims, and the broader community. Integrating these objectives aim to create a criminal law system in Indonesia more responsive to the different types of criminal offences emerging within society.

The deterrence theory continues to underpin the Indonesian penal system, reinforcing the notion that punishment must correspond to the gravity of the offense. Far from being merely punitive, this approach seeks to uphold the moral authority of justice and public confidence in the legal order, particularly in cases of organised or large-scale crime.

The rehabilitative approach significantly contributes to reduce recidivism by promoting behavioural reform and facilitating their reintegration of offenders into society. It encompasses diverse programs – such as skills training, psychological counselling, and social support – designed to improve offenders' conduct and lower the likelihood of re-offending. In Indonesia, rehabilitation has gained increased traction, particularly for minor offenders and individuals requiring specialised interventions, including those with substance use issues.

An emerging development within Indonesia's rehabilitation framework is restorative justice approach, which emphasises addressing the need of both offenders and victims while restoring the social harmony impacted by crime. This approach prioritizes repairing damage and rebuilding relationships among offenders, victims, and communities. Restorative justice has proven particularly effective in interpersonal disputes and minor offences, offering more compassionate and sustainable resolutions compared to conventional punitive methods.

The Indonesian penal system implements preventive policies aimed at strengthening legal awareness, social welfare, and rigorous oversight. Legal education enhances public understanding of the legal ramifications of criminal behaviour, while employment and economic empowerment initiative help mitigate socio-economic factors that contribute to criminal activity. These measures reflect a preventive orientation that complements the retributive and rehabilitative dimensions of criminal justice.

Despite these advancements, the application of criminal theory in Indonesia encounters complex challenges. A significant challenge lies in the discrepancy between criminal law regulations and society's evolving needs. Continuous social developments demand a legal framework that can adapt to evolving contexts. Although the enactment of Indonesia's new Criminal Code marks important milestone, debates continue regarding its effectiveness and potential ambiguities. Some perspectives suggest that this reform has not comprehensively tackled current legal challenges, in some instances, introduce interpretative to legal ambiguity. This condition indicates that legal reform requires not only textual modifications, but also consider contextual and practical relevance within society.

The quality of human resources in law enforcement presents a considerable challenge. Limited understanding of fundamental criminal theory and insufficient capacity to apply it effectively hinder the realization of justice. This challenge is amplified in the digital era, where rapid technological developments demand a nuanced grasp of cyber-related crimes. A lack of comprehension regarding technology-driven offenses often results in suboptimal enforcement outcomes, highlighting the urgent need for continuous training and professional development among legal practitioners.

The evolution of social dynamics has led to new and more intricate forms of crime, notably cybercrime. Its cross-border nature and complex methods pose significant challenges to existing

legal frameworks. Similarly, the proliferation of new psychoactive substances – often unregulated by law – creates significant legal gap that impede effective enforcement and threaten public safety. These developments reinforce the necessity for law reform that is responsive and adaptive to contemporary circumstances.

In this context, Sudarto (1983), drawing on Marc Ancel's formulation, defined criminal politics as a systematic societal approach to crime control – "the rational organisation of the control of crime by society." This aligns with G. Peter Hoefnagels' (1973b) assertion that "Criminal policy is the rational organisation of the social reaction to crime." Within modern crimonologal discourse, criminal law policy represents a significant element of contemporary criminal law science, existing alongside related components, such as Criminology and Criminal Law (Ancel, 1998).

The policy surrounding criminal law encompasses many objectives to enhance positive law. Improving effective positive criminal law presents significant challenges, particularly as criminal law as an evolving aspect of social science. In practice, the law reflects socio-cultural phenomena that serve to enforce rules and establish behavioural norms within society. The study of law examines these phenomena, elucidating their significance (Arief, 2011).

The implementation of corporal punishment aims to produce a direct deterrent effect by preventing the perpetrator from re-offending through the infliction of physical pain or public humiliation. When administered publicly, such as punishment also conveys a "shame effect" on the offenders while instilling fear within the community to deter similar behaviour (Arief, 1996).

The relative theory of punishment underscores the function of punishment as a means of maintaining social order rather than serving as mere retributive. This theory posits that punishment is conceived as a forward-looking mechanism aimed at deterring future crime, both by the offender and by others, thereby contributing to the preservation of social stability (Soekanto, 1989).

Rejecting the retributive view, relative theory justifies punishment only insofar as it yields social advantages, particularly in preventing crime prevention and protecting society. It identifies three principal functions: deterrence, reformation, and incapacitation. As a deterrent, punishment discourages offenders (special deterrence) and the broader public (general deterrence) through the fear of consequences. The reformative function reflects a more humanistic perspective, recognizing offender's potential for rehabilitation and reintegration into society. Consequently, this function underpins the evolution of correctional systems, rehabilitation initiatives, and social reintegration efforts within contemporary punishment frameworks.

The incapacitative function seeks to protect society by restricting or removing an offender's capacity to reoffend through measures, such as imprisonment or, in extreme cases, capital punishment, or other isolative strategies. This protective function is predicated that certain offenders cannot be deterred by legal repercussions, necessitating their prevention from unrestricted societal interaction.

The preventive aspect of this relative theory is categorised into two types: general and special prevention. General prevention operates by deterring the public through the fear of punishment. As argued by Seneca, the public to genuinely fear committing crimes, punishments must be harsh, visibly executed, and widely known, to instil genuine fear and discourage criminal acts. Special prevention, on the other hand, aims to prevent reoffending by the convicted individual through three approaches: intimidation, rehabilitation, and incapacitation. As noted by Chazawi (2002), intimidation targets those still capable of fear, corrective measures are intended for those resistant to deterrence, and incapacitated is applied to offenders beyond reform.

The Indonesia's Criminal Justice System, as delineated by the 1981 Criminal Procedure Code (KUHAP), is founded on the principle of functional differentiation among law enforcement institutions, ensuring coordination across legislative, police, prosecutorial, judicial, and correctional functions with the "stage of authority process" (Harahap, 2002). The enactment of KUHAP marked major transformation from the colonial *Het Herziene Inlandsch Reglement* (HIR)

Stbl. 1941 No. 44, shifting toward a justice system grounded in human rights, substantive justice, and democratic law enforcement (Faisal et al., 2024). The 1981 Criminal Procedure Code also established ten fundamental principles governing criminal procedure. Among them, the presumption of innocence asserts that individuals accused of a crime are considered innocent until proven guilty by a final court decision, thereby protecting citizens from arbitrary state power. Another key principle, *opportunitas*, grants the Attorney General discretion to dismiss prosecution in the public's interest, reflecting a pragmatic balance between legal certainty and broader social considerations.

The third principle, ensuring speedy, simple, and low-cost trial, indicates the judicial system's commitment to serving efficient justice without imposing excessive burdens on litigants. The fourth principle, *unus testis nullus,* highlights that a single witness is insufficient to prove a criminal event, underscoring the importance of evidentiary caution to prevent wrongful convictions. The fifth principle, concerning public court examinations, underscores transparency and public oversight to ensure accountability in judicial proceedings.

The sixth principle, equality before the law, mandates impartial treatment for all individuals regardless of social, economic, or legal status, embodying the democratic ideal of non-discrimination. The seventh principle stipulates that trials are conducted by professional judges, permanently appointed by the state, thereby ensuring consistency, quality, and accountability in judicial outcomes – contrasting with jury system involving lay participants.

The Criminal Procedure Code ensures the right to legal assistance during the investigation and court phases, a safeguard for defendants unfamiliar with legal processes or vulnerable to coercion. Additionally, the accusatorial and inquisitorial principles illustrate two complementary approaches to justice: the former allows the accused to contest evidence and witnesses before impartial arbiter, while the latter entrusts judges an active role in gathering and evaluating evidence. Modern criminal procedure integrates both models to balance fairness, transparency, and truth-seeking of inquisitorial inquiries.

The tenth principle emphasises direct and oral examination, requiring judges to engage face-to-face with defendants and witnesses to ensures decisions are based on first-hand observation rather than written reports, thus reinforcing transparency and procedural integrity.

The evolution of penal policy reflects a continual adjustment to social dynamics, focusing on proportionality, fairness, and rehabilitation rather than retribution. Punishment is thus viewed as a tool for maintaining social order and promoting welfare. The 2006 Draft Criminal Code represents a notable reform initiative, expanding the range and varieties of punishment beyond the existing Criminal Code (Octora, 2023).

Article 65 of the draft classified punishment into four main categories: 1) main punishments include imprisonment, closure, supervision, fine, and community service – the latter two being innovations designed to reduce over-penalisation and prison overcrowding in correctional institutions; 2) special punishment, namely the death penalty, is retained but regulated as an alternative sanction under Article 66, indicating a more cautious approach; 3) additional punishment (Article 67) encompass revocation of rights, deprivation of goods and/or bills, announcement of judge's decision, payment of compensation, and fulfilment of customary obligations or legal norms living in the community – demonstrating restorative and culturally responsive principles; 4) action (Article 101) include mental treatment, government supervision, or surrender to a person. These are t non-penal and rehabilitative in nature, focusing on protection and correction rather than retribution. The Draft Criminal Code also allows these measures to accompany principal punishment – such as revocation of driver's licence, confiscation of benefits obtained from crime, reparation of the consequences, vocational training, rehabilitation – reflecting a more proportional, restorative, and socially justice penal approach. Compared to the current Criminal Code, which limits sanction to basic punishment (death penalty, imprisonment, confinement, fines) and additional punishment (deprivation of certain rights, forfeiture of goods,

and announcement of judge's decision), the concept in the 2006 Draft Criminal Code is more progressive and comprehensive, aligning with modern principles of justice and human rights.

In criminal law policy, determining appropriate punishment requires consideration beyond the offence itself, encompassing the broader social, psychological, and legal consequences of the punishment. Nigel Walker emphasised that punishment, as a facet of penal measures, must be grounded in rational consideration and logical reasoning. He outlined six principles for sentencing policy. First, criminal law should not function as a tool for retribution; punishment should embody collective retribution. Second, only actions causing real harm or posing real threats to society should be criminalised, consistent with the harm principle, asserting that only actions causing tangible harm to others warrant criminalisation. Third, criminal law should not be employed where administrative or civil sanctions would suffice. Fourth, punishment must remain proportionate to the harm caused, ensuring that the sanction does not exceed the gravity of the offence. Fifth, law prohibitions must avoid generating greater harm than the conduct they seek to prevent. Sixth, the legitimacy of criminal law depends on alignment with public support, legal norms lose authority and risk resistance.

A comprehensive crime prevention policy represents a coordinated framework aimed at reducing criminal activity through prevention, enforcement, and rehabilitation programs. Its primary goal is to enhance public safety and social well-being. Effective prevention requires an integrated, multi-agency approach, recognising crimes as multidimensional social problem linked to economic, educational, and cultural factors. A comprehensive crime prevention represents a coordinated framework aimed at reducing criminal activity through prevention, enforcement, and rehabilitation. Its goal is to enhance public safety and social well-being. Effective prevention requires an integrated, multi-agency approach, recognising crime as a multidimensional social problem linked to economic, educational, and cultural factors. The Czech Republic (Pilát, 2017)'s model has established such integration, implemented through the Government Committee for Prevention of Crime, chaired by the Minister of Interior. The Committee includes representatives from various ministries –Justice, Defence, Health, Finance, Regional Development – and institution such as Police Presidium; the Attorney General's Office, and the Institute of Criminology and Social Prevention. This cross-sectoral structure facilitates synergies across governmental functions, enabling each agency to address criminogenic factors within its domain. Each ministry subsequently designs tailored social prevention programmes, forming a cohesive national system that integrates law enforcement with social, educational, economic, and cultural interventions.

The strategy's central objective is to minimise the chances for criminal behaviour by enhancing social conditions, increasing welfare, reinforcing character education, and improving environmental oversight. Effective prevention thus depends on sustained institutional cooperation and integrated policymaking that links law enforcement with social and developmental sectors. Contemporary crime control paradigms increasingly reject fragmented, punitive approaches in favour of holistic policy integration. Criminal policy must harmonise penal measures with non-penal strategies – encompassing social, educational, economic, and cultural initiatives – positioning crime prevention within the broader framework of national development. Consequently, crime prevention must be intertwined with social policy and national development plans, as crime often reflects underlying social dynamics and disparities within the development continuum.

This reflects the long-standing view advanced in the UN Congress on the Prevention of Crime and the Treatment of Offenders, which underscores that effective criminal policy systems must adapt to a nation's social, political, economic, and cultural context. For instance, Sudarto (1981) and W. Clifford similarly assert that criminal law should form part of social defence and national development planning. International framework, such as the Caracas Declaration (1980), the Milan

Plan of Action (1985), and the Bangkok Declaration (2005) reiterate that crime prevention and criminal justice systems should evolve alongside social progress and governance reforms.

This integrated approach highlights that development devoid of moral and social protection may inadvertently generate criminogenic and victimogenic factors. The 6th UN Congress noted that while development itself is not inherently criminogenic, it can foster crime when undertaken without coherent social defence strategies. Thus, addressing root causes – such as inequality, unemployment, discrimination, and ignorance – is a fundamental aspect of rational criminal behaviour.

The 5th-8th UN Congresses have emphasised the necessity of understanding shifting crime trends, which now extend beyond traditional offences to complex phenomena, such as corruption white-collar crime, economic offences, environmental violations, drug trafficking, terrorism, and apartheid. These offences are often organised, transnational, and frequently involve power dynamics or institutions, necessitating responses that address structural and institutional vulnerabilities rather than relying solely on punitive measures.

A comprehensive strategy for crime prevention must consider both the offenders and the victims. The 7th UN Congress emphasised that recognising victims' rights is essential to justice, representing a paradigm shift from an offender-centric to a more balanced and restorative approach. Victims are not only subjects of legal protection, but also stakeholders in justice and social reconciliation. Community engagement is essential in crime prevention initiatives. The UN recognises that community-based organisations, religious institutions, educational bodies, and voluntary groups serve as vital component of informal social control. Strengthening these extra-legal systems reinforce more cohesion and collective responsibility. The Guiding Principles of the 7th UN Congress also emphasise the significance of leveraging traditional forms of social control that resonate with local values, ensuring that crime prevention remains both effective and culturally legitimate.

3. Rethinking Criminal Liability: Semiotics, Legitimacy, and the Foundations of Penal Law

The conceptual framework utilised in this reflection facilitates the development of multiple classifications of criminal law systems, pertaining to various dimensions of criminal liability. Key typologies can be categorising along two dimensions: procedural (formal) and material. Procedurally, the framework defines the rules that assign accountability to individuals, thereby shaping the structure of criminal law. Historically, criminal justice systems have been classified as contradictory, inquisitorial, or mixed, combining elements of both – a distinction widely recognised and requiring little elaboration.

Determining the type of criminal liability during legislative stage is crucial. Observing the evolution of criminal liability is characterised by formal responsibility for acts or the event deemed criminal, primarily grounded in a causal connection. Under this view, liability could theoretically extend to persons, animals, or even natural phenomena, with these governing principles mirroring the criminal responses to negative occurrences. Conversely, subjective criminal liability is rooted in the principle of guilt (*nullum crimen sine culpa*) and considers evil intent (*dolus malus*) as a prerequisite for the punishment imposition.

These examples hold significance as the rule of law principal level is established in advance. These systems' regulations stipulate that criminal responsibility is applied based on fault is important, which aims to ensure that the criminal response incorporates subjective elements to an adequate extent, allowing for strict liability in specific systems. This issue is linked to a specific legal culture. Although the social defence downplays the significance of fault as traditionally defined, its focus on the individual offender represents a distinct form of subjectivism.

A central question arises: do laws imposing liability without guild constitute genuine criminal responsibility derived from rule-making authority, or are they better classified as quasi-criminal

or administrative? In other words, should the principle of guilt be treated merely as procedural guideline for legislators, or as a foundational rule of criminal law itself? Determining the semiotic meaning of such rules is essential for effective law-making. In Poland, collective entity liability serves as a pertinent example (Materna, 2023); the Polish Constitutional Court characterised such liability as repressive rather than criminal, citing the absence of guilt, though its legitimacy remains debated.

These enquiries reveal broader complexities. The principles underpinning criminal liability not only guide legislative practices, but also define the legitimacy of criminal law formation. The validity of law depends not merely on adherence to formal procedures, but also on its substantive conformity with recognised models of liability. Thus, this inquiry extends beyond procedural norms to encompass whether such rules integrate meaningfully within the domain of criminal laws rather than merely repressive regulation. Ristroph (2008, 2018) highlights the state's justification for punishment is inseparable from its political legitimacy, which depends on adherence to fundamental socio-historical and moral standards. This notion invites critical reflection on punitive regimes, such as Nazis or the Stalinist regime, whose systems of punishment cannot be justified within legitimate legal orders. The current body of literature on criminal responsibility, punishment, and criminal policy demonstrate the prevailing influence of a liberal-contractualist democratic model, grounded in Enlightenment ideals of participatory democracy. While somewhat abstract, this model offers a normative framework for shaping criminal law, through principles of the rule of law, democracy, ethical pluralism, and societal justice. Legislators apply these principles to varying degrees according to their legal culture, which itself evolves through changing moral and ethical intuitions.

From a natural law standpoint, laws that are fundamentally unjust lack of validity. Act deemed "criminal" under such system fall outside the true definition of crime – understood as conduct prohibited and punishable within legitimate legal framework. State response to such acts, including terror or isolation and elimination measures, constitute political repression rather than criminal punishment.

Within the philosophy of criminal law, the use of a qualified majority for enacting criminal laws represents a noteworthy avenue for legislative legitimacy. This principle, found in several legal systems, establishes that the validity of criminal legislation depends on both procedural integrity and substantive content. Does a violation of this requirement conclude that the enacted act is not classified as criminal? Should the response to this inquiry be affirmative? It indicates that to acknowledge the formation of a legal act as an act of establishing criminal law is essential to meet specific content criteria alongside particular formal stipulations.

Criminal law formulation must precisely define both the offence and its corresponding punishment (Cornford, 2024). In the Indonesian legal system, where liability presupposes both conduct and fault, the attribution or responsibility absent these elements – such as the collective entities – cannot constitute true criminal liability, as affirmed by the Constitutional Tribunal. Likewise, when lawmakers breach the established protocols of criminal law by making criminal liability via enforcement actions, such measures lack legal validity. Misalignment between political will and established legal culture may result in quasi-criminal laws – states that superficially resemble criminal statutes but fail to meet its substantive and procedural standards.

C. Conclusion

Key findings indicate that important role of legal semiotics for comprehending how legal norms are received, interpreted, and enacted by various stakeholders –law enforcers, offenders, victims, and the broader community. Interpreting criminal acts as signs – through gestures, utterances, and social contexts – reveal the social, psychological, and cultural factors underlying crime. This insight informs preventive and enforcement policies that highlight the contextual significance of an offender's behaviour and the normative signals embedded in social interactions.

The research highlights the need of collaborative engagement among various stakeholders, including government, enforcement agencies, academia, and civil society, to legal awareness. A semiotic approach enhances the legal communication strategies, ensuring that symbols and language used in education campaign align with local cultural meanings. In enforcement contexts, semiotic analysis supports in the creation of more explicit normative texts, minimises interpretive ambiguity, and enhances consistency in law application. Similarly, forensic semiotic – examining linguistic and non-linguistic cues – can improve evidentiary interpretation and promote procedural fairness in judicial processes.

Effective penal policies must consider the social meanings associated with criminal acts, balancing sanctions with consideration of economic, cultural, and psychological contexts. This approach aligns with contemporary sentencing frameworks integrating retribution, deterrence, rehabilitation, and enhances restorative justice by addressing the needs of both offenders and victims in ways consistent with societal perceptions of justice.

Finally, recognising criminogenic conditions within non-penal policy – such as patterns of social inequality or communicative injustice – enables targeted social interventions. Programmes in welfare, moral education, and legal culture should employ symbols and meanings that resonate locally, ensuring that crime prevention efforts are contextually grounded, inclusive, and responsive to vulnerable groups.

The study highlights the significance of continuous semiotic evaluation to track changes in social meanings, such as public perceptions of emerging crime types like cybercrime. This approach enables legislators and enforcers to adjust norms and strategies promptly, ensuring that legal policies remain dynamic and culturally attuned. Theoretically, integrating semiotics into legal analysis adds deeper interpretive layers for examining norms, facilitating clear drafting, reducing interpretive ambiguity, and improving enforcement procedures by understanding evidence and discourse. Thus, semiotics emerges as a multifaceted tool that connects legal studies, forensic linguistics, and criminology.

However, the doctrinal approach presents limitations, as it relies significantly on literature review and conceptual analysis. Cultural and legal variations across jurisdictions may also affect the applicability of semiotic methods, highlighting the need for empirical case studies through diverse case study. Considering the findings and the associated limitations, several recommendations can be outlined. First, conduct comprehensive empirical field research – including case studies applying forensic semiotic techniques in investigations and prevention campaigns. Second, provide professional training for legal practitioners, including law enforcement and judiciary, to enhance semiotic interpretation of norms and legal discourse. Third, integrate semiotic approaches into legal understanding and meanings to cultivate interpretive awareness from the student level. Finally, promote collaborative research efforts among semioticians, criminologists, psychologists, and forensic practitioners to investigate practical applications of semiotics across various local contexts.

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