



Legal Analysis of the Execution of Criminal Judgments at the Jayapura District Prosecutor's Office

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ABSTRACT

Execution is the final stage of the criminal justice system and determines whether a judge's decision actually provides legal certainty. This study analyzes the execution of criminal judgments by the Jayapura District Prosecutor's Office, its conformity with legal provisions, the obstacles encountered, and the efforts made to overcome them. It is normative-empirical legal research with a normative emphasis, using statute and conceptual approaches and a review of three anonymized case illustrations. Data were collected through observation, unstructured interviews, and documentation at the Jayapura District Prosecutor's Office over one month, then analyzed qualitatively with triangulation and examined using Soerjono Soekanto's law enforcement theory and Gustav Radbruch's theory of legal certainty. The field data were collected while the old KUHAP was in force, that is, before 2 January 2026. The results show that prosecutors carry out execution under Article 270 of the KUHAP through seven stages, from receipt of the copy of the judgment, issuance of the judgment execution order (P-48), and summoning of the convicted person, to handing the convicted person over to a correctional institution and drawing up the minutes, and that it generally conforms procedurally to Article 270 of the KUHAP; timeliness has not been assessed. The obstacles are legal (judicial review, delayed copies of judgments), technical (facilities, personnel, and the geographic conditions of Papua), and social (uncooperative or fleeing convicted persons and the influence of families or groups). The efforts made include strengthening coordination with the police and correctional institutions, monitoring the whereabouts of convicted persons, speeding up administration, using information technology, improving professionalism, and legal outreach. Since 2 January 2026, Law Number 20 of 2025 on the KUHAP has been in force, so these findings describe practice under the old KUHAP and adjustments to execution procedures need further study.

1. INTRODUCTION

Criminal law enforcement does not end with a court judgment but must continue with the execution of that judgment. Execution is the final stage of the criminal justice process and determines legal certainty for the convicted person, the victim, and society. Without effective execution, a court judgment becomes merely a formal document with

no real force. In Radbruch's theoretical framework, law must fulfil the values of justice, utility, and legal certainty (Radbruch, 2006), and a judgment that is not carried out forfeits the last of these. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state based on the rule of law, and Article 28D paragraph (1) guarantees recognition, guarantee, protection, and fair legal certainty. This constitutional guarantee becomes real only when a judge's decision is actually carried out.

In the Indonesian criminal justice system, the authority to execute court judgments that have obtained permanent legal force (*inkracht van gewijsde*) lies with the prosecutor. This authority derives from Article 270 of the Criminal Procedure Code Criminal Procedure Code (KUHP), Article 54 paragraph (1) of Law Number 48 of 2009 on Judicial Power, and Article 30 paragraph (1) letter b of Law Number 16 of 2004 on the Prosecution Service of the Republic of Indonesia, as amended by Law Number 11 of 2021. It is retained in Law Number 20 of 2025 on the KUHP, which entered into force on 2 January 2026 (Tio Rae et al., 2025) and, among other things, provides that the public prosecutor is authorized to carry out judicial orders and/or judgments (Article 65 letter h) and contains provisions on the execution of court judgments in Chapter XIX. The prosecution service is therefore one of the pillars that determine the effectiveness of the criminal justice system (Hamzah, 2014).

Earlier studies show that the execution of judgments faces recurring problems, including convicted persons who hide or flee after a judgment attains permanent legal force, delays in execution, the use of a judgment extract in place of a full copy, low realization of additional penalties, the absence of time limits and oversight, and problems in the execution of evidence (Adib et al., 2026; Kurniawan et al., 2020; Ardiansyah, 2025, a commentary published by Hukumonline; Turnip, 2024; Dani, 2020). The details of these findings are set out in Section 2.3.

Similar problems appear in the execution of sanctions that do not take the form of deprivation of liberty, such as traffic-ticket fines and the supervision of conditional sentences (Yusuf & Nurcahyanti, 2018; Ramadhoni et al., 2023). Obstacles to execution thus appear to be structural and not confined to one type of case.

These conditions may be heavier in regions with difficult geographic characteristics such as Papua. At the Jayapura District Prosecutor's Office, this study observed challenges in the form of convicted persons whose whereabouts are unknown, coordination that is not yet optimal, and the non-cooperative attitude of some convicted persons (Section 4.3). These observations come from a single site and are not compared with other district prosecutor's offices, so it cannot yet be concluded that conditions in Jayapura are more complex than elsewhere. At the same time, society demands law enforcement that is fair, transparent, and accountable.

The studies above generally focus on particular types of execution (fines, restitution payments, evidence, conditional sentences, the death penalty) or on other regions. As far as the authors' search extends, studies that examine the execution of

criminal judgments comprehensively at the Jayapura District Prosecutor's Office, including its conformity with legal provisions and the transition to the new KUHAP, are scarce. This article addresses that gap through three research questions: (1) how criminal judgments are executed by the Jayapura District Prosecutor's Office within the criminal justice system in Indonesia; (2) whether that execution conforms to the applicable legal provisions, particularly the KUHAP; and (3) what obstacles are faced and what efforts are made to overcome them.

2. LITERATURE REVIEW

2.1. The Execution of Criminal Judgments in the Criminal Justice System

The criminal justice system is understood as a series of processes involving the police, the prosecution service, the courts, and correctional institutions. Packer (1968) distinguishes two competing models, crime control and due process, and both require that decisions that have been handed down can be carried out with certainty. In this framework, execution is not merely an administrative matter but the point at which the purposes of punishment are realized. A judgment that remains only text does not deter offenders, does not restore victims, and does not strengthen public trust in the law.

Indonesian criminal procedure separates the function of deciding from the function of executing. Judges decide, while prosecutors execute judgments that have obtained permanent legal force. Article 270 of the KUHAP provides that the execution of a court judgment that has obtained permanent legal force is carried out by the prosecutor, for which purpose the court clerk sends a copy of the judgment to the prosecutor. Article 54 paragraph (1) of Law Number 48 of 2009 repeats this principle, while Article 55 gives the court chairperson a supervisory function over the execution of judgments. The KUHAP also recognizes supervisory and observing judges (Article 277 et seq.), who oversee the execution of sentences involving deprivation of liberty (Harahap, 2002).

Several KUHAP provisions regulate execution according to the type of sentence. Article 273 regulates fines, which must be paid within one month, with a possible extension of no more than one month, as well as the disposal of forfeited goods. Article 268 paragraph (1) affirms that a request for judicial review does not stay the execution of a judgment. For corruption offences, Article 18 of Law Number 31 of 1999 provides for an additional penalty in the form of restitution payments, while narcotics cases are governed by Law Number 35 of 2009. After execution, the convicted person's rehabilitation takes place in a correctional institution under Law Number 22 of 2022 on Corrections. The entry into force of Law Number 1 of 2023 on the Criminal Code adds variety to sanctions, so prosecutors need to adapt their execution practice.

2.2. Law Enforcement Theory and Legal Certainty

Soekanto (2008) states that the effectiveness of law enforcement is influenced by five factors: the legal factor, law enforcers, facilities, society, and culture. These five factors are interrelated, so that weakness in one can diminish the results of the others. Friedman (1975) views a legal system as a combination of structure, substance, and

legal culture. The two frameworks are similar in that they treat written law as only one element of success, alongside institutions, officials, and public attitudes.

Radbruch formulated three fundamental values of law, namely justice, utility, and legal certainty, which in certain circumstances may conflict with one another (Radbruch, 2006; Rahardjo, 2014). Legal certainty requires that established norms actually apply and be carried out (Mertokusumo, 2010). The theory has been used in a number of studies of judgments in Indonesia, but on topics other than execution: Ali (2025) assesses the sentencing of recidivists; Hibatulloh et al. (2026) show that an appeal decision can preserve certainty and formal justice yet remain open to question in terms of substantive justice; and Susanto (2014) assesses a judicial review decision that gave certainty to the applicant but fulfilled neither justice nor utility. For the topic of execution, Radbruch's theory is relevant because legal certainty is realized only when a judgment is carried out.

This study combines two main frameworks with different functions, plus one supporting framework. Soekanto's five factors are used as a diagnostic tool to map the sources of obstacles to execution. Radbruch's three values are used as an evaluative tool to assess whether the results of execution satisfy certainty, utility, and justice. Friedman's framework is used only in a supporting role in Section 4.6, to read the relationships among the parts of the structure, particularly inter-agency coordination, and is not a main analytical tool. With this division, the field findings are first mapped onto Soekanto's five factors, and the results are then assessed against Radbruch's three values.

2.3. Previous Studies

Research on the execution of criminal judgments in Indonesia can be grouped into four tendencies. The first group examines procedural and normative aspects. Kurniawan et al. (2020) stress the prosecutor's position as executor and the requirement to use a copy of the judgment, while Ardiansyah (2025) highlights the absence of time limits and oversight of execution. Adib et al. (2026) link delays in execution to legal certainty, especially for convicted persons who were not detained during trial. Febrianti and Tarigan (2025) affirm that the principle of legal certainty is central to orderly and accountable execution, and that judgments that are delayed or not carried out weaken public trust; the obstacles they identify include weak inter-agency coordination, incomplete implementing regulations, and administrative bottlenecks.

The second group examines the execution of additional penalties and evidence. Turnip (2024) notes that payment of corruption fines at the Purwokerto District Prosecutor's Office reached only 20%, and Triana (2022) cites a national realization of restitution payments of about 31.38%, while Dani (2020) and Basrawi (2023) discuss the execution of evidence and seized goods after an *inkracht* judgment. The third group examines particular forms of punishment, namely the death penalty (Nur & Sirjon, 2023), conditional sentences (Ramadhoni et al., 2023), and traffic-ticket fines (Yusuf & Nurcahyanti, 2018). A study at the Pulang Pisau District Prosecutor's Office found that,

of 988 *in absentia* traffic-ticket cases in 2017, 751 had been executed and 237 had not, while the supervision of conditional sentences at the Sampang District Prosecutor's Office tends to be passive and is hampered by the absence of technical guidelines, weak coordination, and limited budgets. The fourth group uses Radbruch's theory to assess judgments (Ali, 2025; Hibatulloh et al., 2026; Susanto, 2014). Beyond these four groups, Alhumami (2018) examines the supervision of judgment execution by supervisory and observing judges.

From this mapping, it appears that studies integrating procedure, normative conformity, obstacles, and theoretical analysis at a single district prosecutor's office in Papua, during the transition to the new KUHAP, have not been found in the sources the authors searched. The contribution of this study is analytical and limited: it uses the Soekanto and Radbruch frameworks in sequence to read execution practice at the Jayapura District Prosecutor's Office, rather than filling every gap in the study of criminal execution.

3. RESEARCH METHOD

This is normative-empirical legal research with an emphasis on normative review; field data are used to describe practice and test its conformity with norms, not for generalization. The normative aspect is carried out by examining the statutes and regulations on the execution of criminal judgments, while the empirical aspect is carried out by observing execution practice at the Jayapura District Prosecutor's Office (Marzuki, 2017; Soekanto & Mamudji, 2015). The approaches used are the statute approach to the KUHAP, the Criminal Code, and the Prosecution Service Law; a review of three anonymized case illustrations of execution, which is not an analysis of any particular judgment (see Section 4.1); and the conceptual approach, using relevant legal concepts and theories.

The study was conducted at the Jayapura District Prosecutor's Office, Papua, over a period of one month from the issuance of the research permit. Data were collected through observation, unstructured interviews with informants within the Jayapura District Prosecutor's Office based on topic outlines (the conduct of the execution stages, obstacles, and efforts to overcome them), and documentation in the form of documents related to the execution of judgments. Primary data were obtained in the field, while secondary data consisted of primary legal materials (statutes and regulations), secondary materials (books and journal articles), and tertiary materials. The data were analyzed qualitatively using triangulation; because details of the informants have not been provided, triangulation here is read as the comparison procedure intended, not as verification that readers can trace. Method triangulation was carried out by comparing the results of observation, interviews, and documents, while source triangulation was carried out by comparing statements from different informants; the data were then elaborated, the most suitable data selected, analyzed, and conclusions drawn. The field data were collected while the old KUHAP (Law Number 8 of 1981) was in force, before Law Number 20 of 2025 took effect on 2 January 2026. [Number and roles of informants, selection method, interview period, documents reviewed,

informant consent, research permit number, and the source (observation, interview, or document) for each finding in Section 4: to be completed by the authors.] The results were examined using Soerjono Soekanto's law enforcement theory (law, officials, facilities, society, and culture) (Soekanto, 2008) and Gustav Radbruch's theory of legal certainty (Radbruch, 2006).

This study has several limitations. The field research lasted only one month and therefore does not cover the entire case cycle in a budget year. The research site is limited to one district prosecutor's office, so the findings are not intended to be generalized to all prosecutor's offices in Papua. The cases analyzed are illustrations without case identities, so the analysis emphasizes patterns rather than details of judgments. Because details of the informants and the research permit have not been provided, the results section is read as a preliminary picture of execution practice, not as data that can be generalized. The combination of regulatory review, observation, and source triangulation provides a basis for assessing the conformity and obstacles of execution, subject to these caveats.

4. RESULTS AND DISCUSSION

4.1. Authority and Stages in the Execution of Criminal Judgments

The Jayapura District Prosecutor's Office is a vertical agency of the Prosecution Service of the Republic of Indonesia whose tasks are to prosecute, to execute court judgments that have permanent legal force, to supervise the execution of criminal judgments, and to exercise other powers under statute. The basis of execution authority is Article 270 of the KUHAP, which provides that the execution of a court judgment that has permanent legal force is carried out by the prosecutor, for which purpose the court clerk sends a copy of the judgment to the prosecutor (Kurniawan et al., 2020). That authority is reinforced by Article 30 paragraph (1) letter b of the Prosecution Service Law, so that the legal basis is layered and leaves no doubt about who executes.

The results show that execution is carried out after the Jayapura District Prosecutor's Office receives an official copy of the judgment from the Jayapura District Court. The executing prosecutor then issues the Court Judgment Execution Order (P-48) as the basis for execution. For imprisonment, the subsequent steps are summoning the convicted person, verifying identity, drawing up the minutes of execution, and handing the convicted person over to a correctional institution to serve the sentence according to the operative part of the judgment. In corruption, narcotics, and general crime cases, the prosecutor also coordinates with the police and correctional institutions to ensure that execution runs smoothly. Overall, these stages are summarized in Table 1.

Table 1. Stages in the Execution of Criminal Judgments at the Jayapura District Prosecutor's Office

No.	Stage	Description
1	Receipt of the copy of the judgment	The prosecutor receives an official copy of the judgment with permanent legal force from the court
2	Examination of legal status	Ensuring that the judgment is <i>inkracht</i> and that no legal remedy suspends it
3	Issuance of the P-48	The executing prosecutor issues the Court Judgment Execution Order
4	Summoning of the convicted person	Lawful and proper summons, with coercive measures if not complied with
5	Detention or securing	Detention or securing of the convicted person
6	Handover of the convicted person	Handover to a correctional institution to serve the sentence
7	Minutes	Drawing up the minutes of execution

Source: Research results at the Jayapura District Prosecutor's Office (2026)

The stages in Table 1 show that execution is not a single act but a series of interdependent administrative and operational procedures. Issuing a P-48 without a valid copy of the judgment would lack a basis, while handing over a convicted person without minutes would make accountability difficult. Delay at one stage, for example in sending the copy of the judgment, therefore affects all subsequent stages. This is consistent with the criticism of Kurniawan et al. (2020) that execution must rest on a copy of the judgment, not merely an extract.

If the convicted person does not respond to a summons that has been properly and validly served, the prosecutor may use coercive measures in accordance with the applicable provisions, with the assistance of the police. This stage shows that the prosecutor acts not only as public prosecutor but also as the executor responsible for realizing the judge's decision. This broader role means that a prosecutor's competence cannot be limited to prosecution but must also cover post-judgment case management, tracing convicted persons, and inter-agency coordination.

Three case illustrations show the pattern of execution and its obstacles (Table 2). They are given anonymous codes, namely Case A (corruption), Case B (assault), and Case C (narcotics), and are presented without judgment numbers, years, or court levels because case identities cannot be disclosed. They are therefore illustrative, not an analysis of any particular judgment, and the term "case" is used in the sense of an illustration. In the corruption case, execution proceeded in accordance with procedure after the cassation judgment, but the convicted person was at one point uncooperative and the summons was late. In the assault case, the convicted person did not respond to the first summons and fled, so coercive measures with the police were needed. In the narcotics case, execution was carried out directly at the correctional institution, but the institution's capacity and the administration of transfers were obstacles.

Case Illustrations of Execution and Its Obstacles

Case	Execution	Obstacles	Analysis
Case A (corruption)	Received the copy of the judgment, issued the order, detained, handed over to the correctional institution	Convicted person was at one point uncooperative, summons was late, coordination not yet optimal	Conforms to the KUHAP normatively, but administrative and technical obstacles exist
Case B (assault)	Summoned the convicted person, coercive measures with police assistance	Convicted person failed to appear and fled, additional time needed for arrest	Non-compliance by the convicted person and weak supervision before execution
Case C (narcotics)	Received the judgment, direct execution at the correctional institution, coordination with the institution	Limited institutional capacity, administration of inmate transfers	Obstacles lie not only in arrest but also in the placement of inmates

Source: Research results at the Jayapura District Prosecutor's Office (2026); anonymized case illustrations, without case identities

The pattern in Table 2 indicates that the type of case may influence the form of the obstacles, but with only three illustrations this remains a preliminary conjecture. In the corruption case, the obstacles were more administrative and related to the convicted person's behavior. In the assault case, the main obstacles were the convicted person's absence and flight. In the narcotics case, the obstacle shifted to the placement stage because of the limited capacity of the correctional institution. The situation is similar to the findings of Dani (2020) and Basrawi (2023), which show that even the execution of evidence can be obstructed after an *inkracht* judgment. These illustrations are descriptive and are not intended as a statistical generalization.

4.2. Conformity of Execution with Legal Provisions

The assessment of conformity in this section is procedural. Its parameters are derived from Article 270 of the KUHAP, which designates the prosecutor as executor and requires the court clerk to send a copy of the judgment, namely: (a) execution is carried out after the judgment has obtained permanent legal force; (b) the prosecutor acts as executor; (c) execution is based on an official order (P-48); and (d) every act of execution is documented in minutes. These parameters are the authors' formulation and are relatively basic, so the assessment is, admittedly, easily satisfied. On the basis of these four parameters, execution at the Jayapura District Prosecutor's Office is in principle procedurally in conformity with Article 270 of the KUHAP and with Law Number 11 of 2021 amending the Prosecution Service Law. This assessment does not yet cover timeliness. Data on the interval between the judgment attaining permanent legal force, receipt of the copy, and issuance of the P-48 are not available, and compliance with the deadline for paying fines under Article 273 of the KUHAP has not been examined. The execution of fines, restitution payments, and evidence, which according to earlier studies (Dani, 2020; Basrawi, 2023; Turnip, 2024; Triana, 2022) are often weak points, has not been assessed separately in this study. The word

“conforming” here therefore means procedurally conforming, and timeliness is discussed as an obstacle in Section 4.3.

These four elements matter because each answers a different risk. Execution after the judgment has permanent legal force protects the convicted person from premature execution of a sentence. Designating the prosecutor as executor prevents overlapping authority. An official order provides a basis that can be tested, and minutes provide an accountability trail. Together, the four satisfy the requirement of the rule of law that acts restricting a person’s liberty must have a legal basis.

From the perspective of Radbruch’s legal certainty, execution is the concrete manifestation of applying the law as decided by a court, because the rights and obligations set by a judge are meaningful only if they are actually carried out (Radbruch, 2006). The prosecution service’s success in carrying out execution is therefore an important indicator of legal certainty. However, normative conformity does not mean practical effectiveness, as the obstacles discussed below show. Moreover, certainty alone is not enough. Execution carried out rigidly without regard to utility, for example when the capacity of correctional institutions is inadequate, may conflict with the rehabilitative purpose mandated by Law Number 22 of 2022.

One important note must be made because it concerns the temporal scope of the findings. This study refers to Article 270 of the KUHAP as the basis of execution, whereas Law Number 20 of 2025 on the KUHAP has been in force since 2 January 2026. Article 270 of the old KUHAP provides that the execution of a judgment that has permanent legal force is carried out by the prosecutor, and that the court clerk sends a copy of the judgment to the prosecutor. According to the review by Tio Rae et al. (2025), the new law affirms the public prosecutor’s authority to “carry out judicial orders and/or judgments” in Article 65 letter h and contains provisions on the execution of court judgments in Chapter XIX. This reference to article numbers comes from a secondary source and has not been checked by the authors against the official text in the State Gazette or the JDIH legal database. If that reference is confirmed, the prosecutor’s position as executor does not change, and what needs to be examined is the detail of procedures, forms, and deadlines in Chapter XIX. The field data of this study were collected with the old KUHAP as the legal basis, so all findings in Section 4 describe practice before the new KUHAP took effect. The transitional provisions for judgments handed down before 2 January 2026 have not been verified and are therefore not set out here; their implications are discussed in Section 4.7.

4.3. Obstacles to the Execution of Criminal Judgments

Although procedurally conforming, execution faces three groups of obstacles, namely legal, technical, and social. These obstacles largely accord with the findings of research in other regions.

Legal obstacles

Legal obstacles include the filing of judicial review (PK), delays in receiving copies of *inkracht* judgments, and differing interpretations of the execution of certain

judgments. As regards PK, it should be clarified that Article 268 paragraph (1) of the KUHAP expressly provides that a request for judicial review does not stay the execution of a judgment. PK thus becomes an obstacle not because of the norm but because of practice, namely doubt in the field and pressure from the convicted person to delay execution. Susanto (2014) even criticizes a PK decision made while the convicted person was a fugitive, because certainty for the applicant was achieved at the expense of justice and utility.

Administrative delay of a similar kind is criticized by Kurniawan et al. (2020), who stress that execution must be carried out immediately after the prosecutor receives the copy of the judgment and that an extract cannot replace it. In death penalty cases, extraordinary remedies and clemency without a time limit are even the main cause of delay (Nur & Sirjon, 2023). Procedural law also sets no general time limit for execution and no legal consequence for its delay (Ardiansyah, 2025, a commentary published by Hukumonline; Adib et al., 2026). The absence of a time limit creates room for uncertainty: a convicted person who has not been executed is in an unclear status, while victims and society do not know when the judgment will be carried out.

Technical obstacles

Technical obstacles include limited facilities and infrastructure, the vast jurisdiction of Jayapura, difficult access to certain areas, and the limited number of prosecutors and security personnel. According to the informants, geographic conditions mean that tracing and arresting convicted persons takes longer than expected; measures of time, personnel numbers, and the number of convicted persons not yet found are not available. [Data on the number of executing prosecutors, the number of convicted persons on the wanted list, and the average search time: to be completed by the authors.] In the narcotics case, the limited capacity of the correctional institution and the administration of inmate transfers show that obstacles also arise at the placement stage, not only at the arrest stage.

These technical obstacles are also found at prosecutor's offices in other regions. High officer workload is one reason some traffic-ticket cases in Pungal Pisau have not been executed (Yusuf & Nurcahyanti, 2018), and the absence of technical guidelines and limited field budgets hamper the supervision of conditional sentences in Sampang (Ramadhoni et al., 2023). In Jayapura, these factors are aggravated by terrain and distance, which raise the cost and time of each effort to summon or collect a convicted person.

Social obstacles

Social obstacles include convicted persons who are uncooperative or flee before execution, the influence of families or community groups on the execution process, and the low legal awareness of some members of the public. The problem of convicted persons who disappear accords with the finding of Adib et al. (2026) that execution is difficult when the convicted person was not detained during the judicial process. In the execution of additional penalties, reluctance to pay and claims of inability to pay also

reduce effectiveness (Turnip, 2024; Triana, 2022). The influence of families and groups calls for an approach that is sensitive to the local sociocultural context, but within the limit that the execution of a judgment must not be negotiated.

4.4. Analysis Using Law Enforcement Theory

According to Soekanto (2008), the effectiveness of law enforcement is influenced by five factors. On the legal factor, the basis for execution is available in the KUHAP and the Prosecution Service Law but is incomplete because it does not regulate in detail the time limits and oversight of execution. On the factor of officials, prosecutors have performed their duties within their authority, but inter-agency coordination is not yet optimal and personnel are limited. On the factor of facilities, limited facilities and transport access in hard-to-reach areas remain a challenge. On the factors of society and legal culture, there are convicted persons who evade execution or are uncooperative when summoned, as well as the influence of families and groups that can delay the process.

On the basis of Friedman's (1975) framework, these findings can be read as follows. Legal substance is available but incomplete, the institutional structure is clear but not yet fully coordinated, and legal culture is the weakest point. Obstacles to execution in Jayapura are thus influenced by all four factors, with the greatest weight on facilities, officials, and society, while the legal factor contributes through the lack of regulation of time limits and oversight of execution. This weighting is qualitative because no measurable indicators are available. The finding confirms that legal certainty is guaranteed not by norms alone but also by institutional capacity and compliance by those subject to execution.

Weighed against Radbruch's three values, execution in Jayapura appears relatively strong on legal certainty because its procedures and documentation are clear, but appears still vulnerable on utility and justice. This impression is a qualitative hypothesis, not a measured finding. The indicators used are: for certainty, the existence of a legal basis, an order, and minutes; for utility, the achievement of the purposes of punishment (deterrence, restoration, and rehabilitation) without significant delay; and for justice, equality of treatment between convicted persons who comply and those who evade. Quantitative data, such as the number of delayed cases, the length of delay, and a comparison between convicted persons who comply and those who flee, are not available. Delays in execution can postpone the benefits expected from punishment. In terms of justice, a convicted person who flees may delay or avoid punishment while one who complies serves it immediately, so that equality before the law may be weakened in its implementation; this is a consequence of the convicted person's behavior and of slow handling, not a violation of the principle by the state. According to Radbruch's formulation, legal certainty may be set aside in favor of justice only when the resulting injustice is intolerable; there is no indication that this threshold is reached in these findings. Where these values collide, for example between certainty of execution and the utility of rehabilitation when the capacity of correctional institutions is limited,

resolution requires case-by-case consideration that cannot be detailed from the data of this study.

4.5. Efforts to Overcome Obstacles to Execution

The Jayapura District Prosecutor's Office takes six measures: (1) improving coordination with the police and correctional institutions; (2) monitoring the whereabouts of convicted persons; (3) speeding up the administration of receiving court judgments; (4) optimizing information technology in case-handling administration; (5) improving the professionalism of law enforcement officials; and (6) carrying out legal outreach to the public. These measures are recorded as obtained from the Jayapura District Prosecutor's Office. The concrete form, timing, and results of each measure have not been documented in this study, so their effectiveness is not assessed. [Concrete form and results of each measure: to be completed by the authors.] The proposals for strengthening in the following paragraph are the authors' views and those of the literature, not measures that the prosecution service has already taken.

These measures are consistent with other studies on the execution of judgments, including the proposals for standard operating procedures, a dedicated budget, and inter-agency memoranda of understanding in the supervision of conditional sentences in Sampang (Ramadhoni et al., 2023). The subject of that study differs from the execution of imprisonment judgments, so it is used only as an analogy for the importance of a coordination framework, not as evidence. The measures can be strengthened through five steps, each of which responds to an obstacle discussed in Section 4.3. First, regulating time limits for execution and an oversight mechanism so that delay has a clear legal consequence, as proposed by Ardiansyah (2025); this step responds to the legal obstacle of the absence of a deadline. Second, affirming that execution is carried out on the basis of a copy of the judgment, not merely an extract (Kurniawan et al., 2020); this step responds to delays in the copy of the judgment. Third, monitoring convicted persons who are not detained from the time the judgment is pronounced (Adib et al., 2026); this step responds to convicted persons who disappear. Fourth, adjusting execution procedures and forms to Law Number 20 of 2025 (Tio Rae et al., 2025), which responds to the uncertainty of the legal basis during the transition. Fifth, using an integrated information system connecting the courts, the prosecution service, the police, and correctional institutions so that case status can be monitored in real time, which responds to the obstacles of coordination and facilities. These updates are also relevant to maintaining public trust in the criminal justice system.

4.6. Inter-Agency Coordination and Accountability

The results show that inter-agency coordination is the knot at almost all stages of execution. Delivery of the copy of the judgment rests with the court, tracing the convicted person involves the police, and readiness for placement rests with the correctional institution, while the prosecution service as executor does not control all of these variables. This picture is drawn from the flow in Table 1 and Table 2, not from duration data by agency. In Friedman's (1975) framework, the strength of the formal

structure does not automatically produce performance, because performance depends on the relationships among the parts of the structure. A similar pattern is reported in the supervision of conditional sentences in Sampang (Ramadhoni et al., 2023) and by Febrianti and Tarigan (2025). Coordination therefore needs to be set out in written procedures stating who provides what information, to whom, and within what period, and strengthening it should be prioritized before adding new rules (Soekanto, 2008).

Execution also concerns victims and society. Delayed execution reduces the recovery of state finances in additional penalties (Triana, 2022; Turnip, 2024) and gives the impression that judgments can be evaded, so periodic transparency on the number of cases executed and not yet executed could serve as a form of accountability. External supervision by the court chairperson (Article 55 of Law Number 48 of 2009) and by supervisory and observing judges has not set a clear measure of delay, and Alhumami (2018) found that such supervision is less effective because it is treated as a side duty. Indicators such as the time to issue the P-48 or to serve a summons need to be formulated in further research.

4.7. Implications of the Transition to the New KUHAP for Execution

The transition to Law Number 20 of 2025 has theoretical and practical implications. Theoretically, the basis of execution authority shifts from Article 270 of the old KUHAP to Chapter XIX and Article 65 letter h of the new KUHAP, while the analytical frameworks used in this study, namely Soekanto's five factors and Radbruch's three values, remain relevant because they do not depend on specific article numbers. Practically, the prosecution service needs to examine whether forms such as the P-48, the summons mechanism, and the rules on coercive measures need adjustment, and how the transitional provisions treat judgments handed down before 2 January 2026.

Another point to note is the relationship between the new KUHAP and the new Criminal Code. Because the new Criminal Code introduces a variety of sanctions, the prosecution service needs uniform implementation guidelines, including for sentences that do not take the form of deprivation of liberty. Without such guidelines, the risk of differing practice across regions, including regions with special characteristics such as Papua, will grow. At this point implementing regulations become decisive, and further research examining execution practice during the transition would be very useful.

4.8. Policy Recommendations

Based on the findings and discussion above, five policy recommendations can be considered. First, the prosecution service needs to draw up technical guidelines for execution that conform to Law Number 20 of 2025, covering forms, workflows, and deadlines at each stage, in line with the need for technical guidelines also noted in the supervision of conditional sentences (Ramadhoni et al., 2023). Second, a mechanism should be built to monitor convicted persons from the time the first-instance judgment is pronounced, especially those who are not detained, so that their whereabouts can be traced when the judgment attains permanent legal force (Adib et al., 2026).

Third, coordination with the police and correctional institutions needs to be institutionalized through memoranda of understanding and periodic data exchange, especially for the list of convicted persons being sought and information on the institutions' capacity. Fourth, regions with geographic challenges such as Jayapura need adequate budget support and mobility resources so that efforts to summon and collect convicted persons are not hindered by distance. Fifth, a persuasive approach through outreach and the involvement of community leaders can be considered to reduce social resistance, as long as it does not reduce the certainty of executing judgments.

5. CONCLUSION

First, the execution of criminal judgments at the Jayapura District Prosecutor's Office is carried out under Article 270 of the KUHAP, which gives the prosecutor authority as executor of judgments that have permanent legal force, through seven stages from receipt of the copy of the judgment to the drawing up of minutes. Second, that execution generally conforms procedurally to Article 270 of the KUHAP, although timeliness has not been assessed, and it still faces legal, technical, and social obstacles, such as administrative delay, uncooperative convicted persons, limited facilities, and geographic conditions. Third, the prosecution service reported six measures, including strengthened coordination, monitoring of convicted persons, and the use of information technology; the effectiveness of these measures has not been assessed. Fourth, theoretically, the obstacles under Soekanto's five factors appear to stem mainly from facilities, officials, and society, with the legal factor available but incomplete; under Radbruch's three values, execution appears relatively strong on procedural certainty but vulnerable on utility and justice, and this assessment is qualitative.

Recommendations: (1) the prosecution service should draw up technical guidelines for execution that conform to Law Number 20 of 2025, covering forms, workflows, and deadlines at each stage, in response to the absence of deadlines and the shift in legal basis; (2) the prosecution service should build monitoring of convicted persons from the time the first-instance judgment is pronounced, especially those who are not detained, in response to convicted persons who disappear; (3) the prosecution service, the police, and correctional institutions should institutionalize coordination through memoranda of understanding and periodic data exchange, in response to coordination that is not yet optimal and to the capacity of correctional institutions; and (4) further research should examine execution in various regions, formulate measurable indicators of execution performance, and examine conformity with Law Number 20 of 2025 on the KUHAP. Budget and mobility support and a persuasive approach through outreach are discussed as considerations in Section 4.8 but are not made separate recommendations because they are not yet supported by the data of this study.

REFERENCES

- Adib, Sanusi, & Rasta, G. (2026). A juridical analysis of the non-execution of criminal judgments with permanent legal force from the perspective of legal certainty. *Rewang Rencang: Jurnal Hukum Lex Generalis*, 7(10), 1–26.
<https://jhlrg.rewangrencang.com/>

- Alhumami, K. (2018). The role of supervisory and observing judges in preventing irregularities in the execution of court judgments]. *Jurnal Hukum dan Peradilan*, 7(1), 45–66. <https://doi.org/10.25216/JHP.7.1.2018.45-66>
- Ali, W. (2025). The sentencing of recidivists for theft (A study of Decision Number 29/Pid.B/2024/PN.Amp) at the Amlapura District Court. *Vidhisastya: Journal for Legalscholars*, 2(2), 106–131.
- Ardiansyah, M. T. (2025, October 27). Judicial supervision of the execution of criminal judgments]. *Hukumonline*. <https://www.hukumonline.com/berita/a/pengawasan-hakim-terhadap-proses-eksekusi-putusan-pidana-lt68feeaba574b4>
- Basrawi. (2023). A juridical review of the execution of seized goods under lease status in criminal cases in court judgments that are *inkracht* under the criminal justice system in Indonesia]. *Jurnal Kewarganegaraan*, 7(1), 540–547.
- Dani, N. (2020). The execution of evidence in a theft case by the Pekanbaru District Prosecutor's Office after an *inkracht* judgment. *JOM Fakultas Hukum Universitas Riau*, 7(2).
- Febrianti, M., & Tarigan, E. K. (2025). The relevance of the principle of legal certainty in the execution of criminal judgments toward an effective criminal justice system. *MIH (Jurnal Mimbar Ilmu Hukum)*, 4(1), 13–25.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation.
- Hamzah, A. (2014). *Hukum acara pidana Indonesia* [Indonesian criminal procedure law] (2nd ed.). Sinar Grafika.
- Harahap, M. Y. (2002). Discussion of problems and application of the KUHAP: Court hearings, appeal, cassation, and judicial review (2nd ed.). Sinar Grafika.
- Hibatulloh, I. S., Kartini, I. A., Susanti, R., & Marsitiningih. (2026). A juridical analysis of a case involving law enforcement officers as defendants in the death of detainee OK in Banyumas]. *YUSTISI*, 13(3), 300–313. <https://doi.org/10.32832/yustisi.v13i3.24336>
- Republic of Indonesia. (1945). Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Republic of Indonesia. (1981). *Law Number 8 of 1981 on Criminal Procedure Law*.
- Republic of Indonesia. (1999). *Law Number 31 of 1999 on the Eradication of Corruption*
- Republic of Indonesia. (2004). *Law Number 16 of 2004 on the Prosecution Service of the Republic of Indonesia*
- Republic of Indonesia. (2009a). *Law Number 35 of 2009 on Narcotics*
- Republic of Indonesia. (2009b). *Law Number 48 of 2009 on Judicial Power*
- Republic of Indonesia. (2021). *Law Number 11 of 2021 on Amendment to Law Number 16 of 2004 on the Prosecution Service of the Republic of Indonesia*
- Republic of Indonesia. (2022). *Law Number 22 of 2022 on Corrections*

- Republic of Indonesia. (2023). *Law Number 1 of 2023 on the Criminal Code*
- Republic of Indonesia. (2025). *Law Number 20 of 2025 on Criminal Procedure Law*
- Kurniawan, I. W. E., Dewi, A. A. S. L., & Widyantara, I. M. M. (2020). The prosecutor as executor of court judgments in murder cases. *Jurnal Preferensi Hukum*, 1(2), 154–158. <https://doi.org/10.22225/jph.v1i2.2353.154-158>
- Marzuki, P. M. (2017). Legal research. Kencana.
- Mertokusumo, S. (2010). Getting to know law: An introduction]. Cahaya Atma Pustaka.
- Nur, F., & Sirjon, L. (2023). Problems in the execution of the death penalty by the Prosecution Service against narcotics convicts. *Phinisi Integration Review*, 6(2), 262–270.
- Packer, H. L. (1968). *The limits of the criminal sanction*. Stanford University Press.
- Radbruch, G. (2006). Statutory lawlessness and supra-statutory law (B. L. Paulson & S. L. Paulson, Trans.). *Oxford Journal of Legal Studies*, 26(1), 1–11.
- Rahardjo, S. (2014). Legal science. Citra Aditya Bakti.
- Ramadhoni, A., Suratman, T., & Anggriawan, F. (2023). The role of and obstacles faced by prosecutors in supervising the execution of conditional sentences. *Merdeka Law Journal*, 4(2).
- Soekanto, S. (2008). Factors influencing law enforcement. RajaGrafindo Persada.
- Soekanto, S., & Mamudji, S. (2015). Normative legal research: A brief overview]. RajaGrafindo Persada.
- Susanto, N. A. (2014). The axiological dimension of the “ST” case decision: A study of judicial review decision Number 97 PK/Pid.Sus/2012. *Jurnal Yudisial*, 7(3), 213–235.
- Tio Rae, G. N., Iryani, D., & Ismail. (2025). Readiness for the transition to the new Criminal Code ahead of 2 January 2026: Harmonization of norms and legal certainty in enforcement]. *SETARA: Jurnal Ilmu Hukum*, 6(2), 44–52. <https://doi.org/10.59017/setara.v6i2.575>
- Triana, V. (2022). The execution of restitution payments as an additional penalty in corruption offences]. *JOM Fakultas Hukum Universitas Riau*, 9(1), 1–16.
- Turnip, G. E. (2024). The execution of fines in corruption offences (A case study at the Purwokerto District Prosecutor’s Office). *Soedirman Law Review*, 6(4), 291–315. <https://doi.org/10.20884/1.slr.2024.6.4.16086>
- Yusuf, M., & Nurcahyanti, T. I. (2018). The effectiveness of executing traffic-ticket fines in Pulang Pisau Regency. *Pencerah Publik*, 5(1), 23–28.

