

Norms and Ethics in Criminal Justice: Assessing Contemporary Legal Policy

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Abstract. This article explores the role of norms and ethics in shaping contemporary criminal law policy, with a particular focus on the challenges posed by the digital age and globalization. The research aims to understand how norms and ethics adapt and are applied in the face of cybercrime and rapid socio-political change. It also examines the impact of different approaches to the integration of norms and ethics across different criminal law systems in the world, and how these differences affect the effectiveness of justice enforcement at the international level. Through an analytical and evaluative approach, this article provides an in-depth analysis of the complex interactions between norms, ethics and criminal law, and the implications for the future of criminal justice. Taking into account social dynamics, technological advancements, and human rights protection needs, this research highlights the importance of continuous adaptation in criminal law policy in order to remain relevant and effective. The article also emphasizes the importance of constructive dialogue, cross-cultural understanding, and joint efforts in harmonizing differences in norms and ethics to effectively address global crime.

1. INTRODUCTION

In the course of legal history, criminal justice has always been considered a domain where justice, norms and ethics intersect. In the current era, where society faces increasingly complex challenges, the role of norms and ethics in the criminal law system is becoming increasingly important. Rapid social dynamics, technological advances, and the need to protect human rights demand a more nuanced approach in assessing and implementing criminal law policies. This article aims to explore how norms and ethics play a role in shaping contemporary criminal law policy, as well as their impact on the upholding of justice.

Norms and ethics in criminal law are not static; they develop in line with changes in societal values. Over time, what is considered fair and ethical action in the context of criminal law has undergone significant changes. These changes reflect not only shifts in social morality but also responses to new challenges and issues, such as transnational crime and digital crime. This recognition motivates this research to examine how contemporary criminal justice policy responds to and integrates changing norms and ethics.

In an increasingly globalized and digital society, criminal law policies face unique challenges in accommodating norms and ethics. Issues such as data privacy, human rights, and handling cybercrime require the criminal justice system to not only maintain public order but also respect applicable ethical and normative values. Legal policies that are responsive and sensitive to these changes are essential to ensure that criminal justice remains relevant and effective. Norms and ethics in criminal law play an important role in ensuring justice and order in society. It is not just about written legal rules, but also about how those rules are applied and understood in a broader social and moral context. In the current era, with the development of global challenges and the emergence of new issues such as cyber crime, it is important to understand how norms and ethics shape and guide criminal justice policy.

Social change and technological advances have placed new pressures on the criminal justice system. With the rise of the internet and social media, for example, traditional boundaries of privacy, expression, and security have shifted. This raises the question of how norms and ethics should be adapted to meet these challenges, maintaining justice and security while respecting individual rights..

In a global context, there are significant variations in the way norms and ethics are integrated into criminal legal systems in different countries. Some systems may focus more on punishment and prevention, while others may place more emphasis on rehabilitation and restorative justice. Understanding these differences and learning from different countries' approaches can provide valuable insights into how criminal justice policies can be developed and refined.

With changing social norms and technological advances, there is a constant need to adapt criminal law policies to remain relevant and effective. This includes not only the revision of laws and regulations but also the way law enforcement and the administration of justice are carried out. Ensuring that norms and ethics continue to play a role in shaping these policies is key to maintaining public trust and the integrity of the criminal justice system. In the context of the background that has been presented for the article on "Norms and Ethics in Criminal Justice", two problem formulations can be formulated as follows: First, how norms and ethics are adapted and applied in the criminal justice system in the digital and globalization era, especially considering the challenges emerging from cybercrime and socio-political change? This issue aims to explore and evaluate how legal norms and ethics evolve in the face of new challenges and how this influences the formulation and implementation of criminal law policy. Second, what is the impact of differences in approaches to the integration of norms and ethics between various criminal law systems in the world, and how do these differences affect the effectiveness of justice enforcement in the international sphere? This issue aims to examine comparisons between criminal law systems in various countries in terms of the application of norms and ethics, evaluate the effectiveness of various approaches, and understand their implications in the global context.

2. METHOD

This research uses a normative juridical methodology which includes comparative, conceptual and normative juridical approaches. This study relies on secondary data. Data was examined through descriptive and qualitative analysis. The purpose of this research is to describe the data to gain a comprehensive understanding of certain legal events that occur in society. Next, relevant principles are used to analyze the data.

3. RESULT AND DISCUSSION

Norms And Ethics In The Criminal Legal System

Norms in criminal law refer to standards and rules that regulate the behavior of individuals and institutions in society. This includes written law, such as statutes and regulations, as well as unwritten norms in the form of accepted social conventions and practices. These norms aim to maintain order and justice in society, regulating what is considered a criminal act and how the legal system should respond.

Ethics in criminal law relates to the principles of morals and justice that guide the decision-making process in the justice system. This includes considerations about what is considered right and wrong, just and unjust, and how moral rights and obligations are applied in the context of criminal law. These ethics are important to ensure that legal actions are not only legal, but also responsible and fair from a moral point of view.

These norms and ethics complement each other in the criminal justice system. Norms provide the legal framework and rules that must be followed, while ethics guide how those rules are applied to ensure fairness and moral integrity in the practice of law. The history and evolution of norms and ethics in the criminal justice system reflects the long journey that the legal system has undergone to reach its current form. Understanding these origins and developments provides important insights into how norms and ethics play a role in shaping contemporary criminal law practice.

Initially, norms and ethics in criminal law were heavily influenced by the customs and religious beliefs of ancient societies. In Mesopotamia and Ancient Greece, for example, law and morality often had their origins in religion and tradition. Existing laws function not only to regulate social behavior but also to enforce society's moral norms, with punishment often being retributive and based on retaliation. With the development of philosophy and science, there has been an evolution in thinking about criminal law. In the Enlightenment era, for example, thinkers such as Cesare Beccaria opposed cruelty and injustice in criminal law, pushing for an approach more oriented towards individual rights and the proportionality of punishment. Concepts such as justice and protection of human rights are starting to gain an important place in legal discourse.

In the modern era, developments in human rights and social science have had a major impact

on norms and ethics in criminal justice. The rights of the accused, fair trial procedures, and the rejection of inhumane punishment take precedence. This evolution reflects a shift from a view of criminal law that is solely based on punishment to more consideration of rehabilitation and restorative justice.

Today, challenges such as cybercrime, cross-border justice, and privacy issues require continuous adjustments to norms and ethics in the criminal legal system. Contemporary discussions regarding criminal law also include topics such as the need for reform of the justice system, a rights-based approach to criminal law, and the importance of considering social and ethical aspects in law enforcement. This evolution shows that norms and ethics in criminal law continue to develop in line with changes in social values and new challenges faced by society..

The main theories about norms and ethics in criminal law include various views and approaches that have developed throughout the history of legal thought. These theories provide a framework for our understanding of how justice should be applied in the criminal legal system.

First, there is the theory of retributive justice, which argues that punishment must correspond to the wrong done. This theory is based on the idea of retribution or "an eye for an eye." Justice is seen as a way to balance the moral scales, where punishment is considered a reasonable and proportionate response to the crime committed. The second theory is distributive justice, which emphasizes the fair distribution of punishment in society. This approach aims to ensure that punishment and legal resources are distributed fairly among various social groups, avoiding discrimination and bias. The third theory, restorative justice, focuses on restoring relationships between perpetrators, victims, and society. Rather than simply punishing the perpetrator, restorative justice seeks ways to repair the impact of the crime, often through dialogue between the perpetrator and the victim and efforts to reach a resolution that satisfies all parties.

Furthermore, there is the theory of utilitarianism in criminal law, which argues that criminal law actions or policies must be directed to achieve the best results or greatest happiness for the greatest number of people.. In the context of criminal law, this may mean supporting punishments or policies that prevent future crimes more than simply retaliating against crimes that have already occurred. Finally, deontological ethics in criminal law emphasizes the importance of moral rules and obligations in determining correct actions. In contrast to utilitarianism, the deontological approach focuses on fulfilling obligations and adhering to moral principles, without considering the consequences of those actions.

In the last decade, criminal law norms have experienced significant shifts, influenced by social dynamics, technological advances, and changes in societal values. One striking aspect is the shift away from a strict and retributive approach to crime, towards a model that focuses more on rehabilitation and prevention. This is reflected in the implementation of programs such as restorative justice, which aims to restore relationships between offenders, victims, and society, as well as reduce recidivism rates. On the other hand, the challenges of globalization and the emergence of transnational crimes, such as terrorism and narcotics trafficking, have forced criminal law norms to adapt. This involves increasing international cooperation and legal harmonization to respond effectively to transnational crimes..

Furthermore, human rights have become a major focus in criminal law reform. This includes an emphasis on protecting defendants' rights, such as the right to counsel and a fair trial, as well as increasing transparency in the judicial process. These changes reflect greater concern for procedural fairness and individual rights. With the development of technology, especially in the digital field, criminal law norms must adapt quickly. Regulations on cybercrime, use of digital evidence and online privacy are becoming increasingly relevant. This shows the responsiveness of the legal system to changes in technology and societal needs

In the context of the Judiciary Law in Indonesia, norms and ethics in criminal justice cover several important, interrelated aspects. First, there is a strong emphasis on the independence of judges, which is key to ensuring fairness in every decision. Judges are required to work without interference from outside parties, including the government. Furthermore, aspects of objectivity and impartiality are the basis for every decision. Judges must decide based on facts and law, without being influenced

by prejudice or personal preferences. In this case, transparency of the judicial process is also very important. Decisions should be easily accessible to the public and the process should be open to scrutiny, which helps in building public trust in the justice system.

Accountability of judges and judicial institutions is also an important aspect. The existence of an effective monitoring and performance assessment mechanism is necessary to ensure standards of professionalism and ethics are maintained. In this context, protecting the rights of the accused, including the right to defense and the principle of presumption of innocence, must also take priority. Considering the problems of corruption that can occur in the justice system, the Judiciary Law must have a strong corruption prevention mechanism. The professionalism of judges, enhanced through ongoing education and training, is also a crucial aspect to ensure fair and efficient handling of cases. Apart from that, recognition and protection of victims' rights in the judicial process is also very important. This includes the right to obtain information, participate in the process, and obtain restitution. Having a clear code of ethics and professional standards for judges and judicial employees is also important to maintain integrity and professionalism in the justice system. Finally, access to justice for everyone, regardless of background or economic status, is a basic principle that must be upheld by the Justice Law. Effective application of these norms and ethics is crucial to maintaining the integrity of the criminal justice system and building public trust in judicial institutions.

Analysis of norms and ethics in criminal justice by focusing on the Prosecutor's Law in Indonesia highlights several important aspects that maintain integrity and justice in the legal system. The essence of the Prosecutor's Law is to ensure that the prosecutor's office acts fairly, objectively and independently, free from political interference and external pressure. One of the main principles in the Prosecutor's Law is objective and impartial law enforcement. Prosecutors are expected to strictly follow the law and evidence, without allowing personal prejudice or outside interests to influence their decisions. In this case, honesty and integrity are non-negotiable values, ensuring that the legal process runs fairly. Transparency in the judicial process is also a key aspect. Prosecutors must carry out their duties in an open and accountable manner, allowing the public to monitor and understand how decisions are made. This helps in building public trust and ensures that the legal process is not abused.

The Prosecutor's Law also emphasizes the importance of professionalism and competence. Prosecutors must have adequate and continuously updated legal knowledge, as well as effective investigative and prosecutorial capabilities. Continuous training and professional development are key to maintaining high standards in the practice of law. Protection of individual rights, including defendants and victims, is also a primary focus. This includes providing a fair opportunity for defense, as well as ensuring that victims' rights are recognized and treated with respect. Prosecutors must enforce the law in a manner that respects human rights and civil liberties.

The Prosecutor's Law must also address the problem of corruption and abuse of power in the legal system. Through the implementation of a strict code of ethics and effective monitoring mechanisms, the integrity of the judiciary can be maintained. Access to justice for all citizens, regardless of their social or economic background, is also an important aspect. The Prosecutor's Law must ensure that everyone can access the legal system easily and receive fair and equal treatment. Overall, the Prosecutor's Law aims to ensure that prosecutors in Indonesia act as responsible, professional and ethical law enforcers, maintaining the integrity of the legal system while protecting the rights and freedoms of citizens.

Analysis of norms and ethics in criminal crimes regulated by the Police Law in Indonesia underscores the crucial role of the police in maintaining justice and the law. The Police Act sets out a framework that Analysis of criminal justice norms and ethics regulated in the Police Law in Indonesia underscores the important role of the police in maintaining justice and the law. The Police Law establishes a framework that demands high levels of integrity, professionalism and accountability from police officers in carrying out their duties. A key aspect of the Police Law is fair and non-discriminatory law enforcement. Police are expected to act without prejudice, treating all individuals equally before the law. This includes protecting the rights of the accused, such as the principle of presumption of innocence, as well as enforcing the law based on evidence and correct procedures.

Openness and transparency in police operations are also very important. Police must provide information about their processes and decisions to the public, allowing for oversight and building public trust. This transparency also helps ensure that police are held accountable for their actions. Profesionalisme dan pelatihan yang berkelanjutan merupakan hal yang tidak can be separated from police norms. Police officers must be thoroughly trained in legal aspects, investigative techniques, and professional ethics. They must also be updated with the latest developments in law and technology, to increase their effectiveness in law enforcement. The Police Law also emphasizes the importance of respecting human rights and civil liberties. This includes protection against torture, ill-treatment, and other rights violations. The police must act as protectors of citizens' rights, not simply as law enforcers. Prevention of corruption and abuse of power is one of the main pillars of the Police Law. Through the implementation of a strict code of ethics and effective internal monitoring mechanisms, this effort is intended to maintain police integrity and prevent violations.

Involvement and collaboration with the community is also an important aspect of the Police Law. The police are expected to work together with local communities to prevent crime and improve security, strengthening relations between the police and the public. Finally, access to justice for all citizens, regardless of social or economic status, is a fundamental principle in the Police Act. This ensures that the police serve society thoroughly and fairly, strengthening the legal and ethical foundations in criminal justice. Overall, the Police Law in Indonesia is designed to ensure that the police act as a responsible, efficient and ethical law enforcement body, with a focus on on the protection of citizens' rights and the maintenance of social justice

Evaluation of the Application of Ethics in Criminal Justice Cases

In the complex labyrinth of the criminal justice system, evaluating the application of ethics demands a deep and serious review. Imagine walking in the corridors of a court, where each case faced is not only about the law, but also about the moral principles that apply in society. In one corner, it is clear how the defendant's rights are upheld. This is not just a matter of legal formalities, but also about respect for human dignity. A defendant, even if surrounded by accusations, still has the right to be presumed innocent until proven otherwise. They are given access to speak, to be heard, and most importantly, to defend themselves. This is where legal ethics and justice meet, where each individual is given an equal opportunity to convey his or her version of the truth.

However, in other aisles, ethical challenges arise in the form of pressure and bias. Sometimes, public voices and political pressure tend to color the legal process, bringing winds of prejudice that have the potential to cloud justice. In moments like these, the criminal justice system is tested - whether it is able to maintain its integrity or will be swayed by the tide of outside opinion.

In the midst of the legal process, there is also the problem of treatment of victims and witnesses. In the courtroom, victims and witnesses confront trauma and fear, seeking justice while struggling with their vulnerabilities. How they are protected, how their voices are raised, is a reflection of the ethics adhered to by the justice system itself. And outside the walls of the court, technological advances bring new challenges. From the use of digital evidence to privacy issues, technology has changed the criminal justice landscape. Legal ethics must now go hand in hand with technological advances, ensuring that innovation does not erode the principles of justice. Ultimately, evaluating the application of ethics in criminal justice cases is not only about weighing right or wrong in a legal context, but also about maintaining a balance between law, morals and justice. Each case becomes a story about humans and society, about the search for justice fair and ethical. In criminal justice, ethics are not just rules, but the breath that gives life to justice itself.

Challenges in applying norms and ethics in criminal justice

In the world of criminal justice, implementing norms and ethics is not a simple task, but a process full of challenges and complexity. Di tengah upaya untuk menjaga ketertiban dan keamanan publik, sistem peradilan criminals are often faced with a crucial dilemma: how to maintain a balance between the need to respond decisively to crime and the importance of respecting individual rights. On the one hand, there is a demand for strict punishment as a form of crime prevention, but on the other hand, the principle -principles of justice and ethics must not be ignored, especially when it comes to human rights.

One obstacle that often arises is the issue of bias and discrimination in the legal system. Whether intentional or not, this bias can penetrate various aspects of the judicial process, from investigations to trials. This condition not only has a negative impact on the justice that should be achieved, but can also reduce public trust in the legal system itself. Technological developments and changes in social norms also add complexity to the application of norms and ethics. For example, how criminal law responds to cybercrime and digital privacy issues are continually evolving questions and require careful adaptation of the law.

In addition, pressure from politics and public opinion often influences the way criminal law is applied. Challenges arise when there is a tendency to respond to crime in a more populist way, which may not always be in line with the principles of justice and ethics that must be prioritized. In the current era of information technology, investigative methods and the types of evidence used are also increasingly complex. Ensuring that investigative methods and evidence collection remain ethical and do not violate human rights is a challenge that the justice system continues to face.

Last, but not least, is the issue of protection for victims and witnesses. They often feel intimidated or afraid to participate in the legal process. This not only hinders the process of seeking justice but also highlights shortcomings in the system in providing adequate protection and support for them. Facing these challenges demands a balanced and balanced approach. reflective in the criminal justice system. Decisions and actions must always consider aspects of justice, ethics and effectiveness to ensure that the legal system operates not only legally, but also morally and fairly.

In the context of the digital era and globalization, the criminal justice system faces significant challenges in adapting norms and ethics to deal with cybercrime and socio-political changes. Cybercrime, which includes online fraud, hacking, and the spread of illegal content, demands the creation of new laws specific ones and adjustments to existing laws to include digital aspects.

First, it is important for law enforcement to receive adequate training and resources. This training not only covers the technical aspects of cybercrime, but also the use of tools and technology to track and prosecute perpetrators. In this case, international cooperation is key, because many cyber crimes are transnational in nature. International agreements and cooperation frameworks need to be strengthened. Second, there are ethical issues and norms in digital evidence collection. Digital technologies offer new ways of collecting evidence but also raise ethical questions, especially related to privacy and data protection. The criminal justice system must find a balance between protecting society from crime and respecting individual rights. Third, increasing public awareness and education about cybercrime is important for prevention. This education includes how to protect oneself from cybercrime and the process of reporting incidents. The criminal justice system must be responsive to changing socio-political dynamics. Changes in social attitudes towards issues such as online or data privacy must be reflected in law and judicial practice. Fifth, there are ethical questions that arise from the use of AI and new technologies in law enforcement. Issues such as bias, accountability, and transparency must be handled carefully. The criminal justice system needs to develop a framework for using these technologies responsibly.

Adaptation and application of norms and ethics in the criminal justice system in the digital era and globalization requires a holistic approach. This is not only about changing laws and regulations, but also about considering ethical and normative aspects in law enforcement. The criminal justice system must continue to innovate and develop to face these challenges effectively.

The impact of different approaches in the integration of norms and ethics between various criminal law systems in the world is very significant and complex. Each country has a unique legal system, which reflects its cultural values, history, and political structure. These differences create challenges in terms of international cooperation, cross-border law enforcement, and managing cyber and transnational crime.

One of the main impacts is the difficulty in reaching international agreements and cooperation. In the case of cross-border crimes, especially cyber crimes, coordination is often required between countries with different legal systems. Differences in norms and ethics can result in obstacles to extradition, exchange of information, and joint investigation procedures. For example, what is considered an invasion of privacy in one country may not be considered so in another country.

Additionally, there are differences in approaches to human rights and justice. States have different standards regarding the rights of defendants, treatment of witnesses, and use of evidence. This can influence how crimes are investigated and prosecuted, as well as how sentences are imposed. For example, the unauthorized use of evidence obtained through surveillance may be acceptable in one country but not in another.

This difference also affects the handling of cybercrime. With cybercrime, the challenges are not only technical but also legal and ethical. Some countries may have very strict laws regarding cybercrime, while others may not yet have a sufficient legal framework. Additionally, the approach to privacy and data protection varies greatly around the world, affecting the way cybercrime is investigated and prosecuted. Another impact is on the extradition process. Differences in legal systems and norms can make the extradition process complicated, especially when there is a conflict between national legal and ethical principles. This can lead to delays or even failure in the prosecution of cross-border crimes. Finally, these differences in legal and ethical approaches drive the need for cross-cultural dialogue and understanding in the context of international law. Building better understanding and cooperation between legal systems is critical to effectively addressing global crime.

Overall, differences in approaches to the integration of norms and ethics between the world's various criminal legal systems have broad and profound impacts, affecting everything from international cooperation to the effectiveness of law enforcement in dealing with cross-border and cyber crime. This requires flexibility, adaptation and continuous cooperation between states to deal effectively with these challenges. Differences in approaches to the integration of norms and ethics between various criminal law systems in the world have a significant impact on the effectiveness of justice enforcement in the international sphere.

First, there are differences in the definition and treatment of certain crimes. What is considered a serious crime in one country may not be defined the same way in another country. For example, views on cybercrime, intellectual property rights, or even human rights violations may differ. These differences create complexity in international cooperation, especially in the prosecution of criminals who cross national borders. Second, differences in legal procedures and evidentiary standards can affect the extradition and trial of international cases. Countries with very different legal systems may find it difficult to harmonize their legal processes, which could result in obstacles in the extradition or surrender of suspects and evidence. Third, differences in ethical and legal norms can influence how human rights are respected and protected in the context of law enforcement. . Countries with different standards on human rights may have very different approaches to the treatment of suspects, the use of evidence, and rights during the judicial process. Fourth, these differences also affect how personal data and information are safeguarded and used in investigations . With increasing concerns about data privacy in many countries, international cooperation in data handling can become complicated. Fifth, there is the issue of uniformity in the application of laws and penalties. In the case of transnational crimes, especially those involving human rights violations or war crimes, differences in legal application and punishment can raise questions about justice and equality.

The effectiveness of justice enforcement in the international sphere depends greatly on the ability of states to collaborate and adapt their legal approaches. This demands constructive dialogue, cross-cultural understanding, and a willingness to find common ground. International organizations and multilateral agreements play an important role in helping to reconcile these differences, facilitating cooperation, and advancing a shared understanding of legal and ethical standards. Overall, differences in approaches in international criminal law norms and ethics influence the effectiveness of justice enforcement globally, highlighting the importance of closer international cooperation and harmonization of legal and ethical standards.

4. CONCLUSION

In the era of digital and globalization, adapting norms and ethics in the criminal justice system is very important to overcome the challenges arising from cyber crime and socio-political changes. The legal system must adapt by creating new laws and updating legal practices to effectively address

cybercrime, while maintaining protections for privacy and human rights. International cooperation, increased training for law enforcement, and the use of technology in law enforcement are important aspects of this adaptation, balanced with strict ethical and legal considerations to ensure justice and the protection of human rights. Differences in approaches to the integration of norms and ethics between various criminal law systems in the world have a significant impact on the effectiveness of justice enforcement at the international level. These differences often complicate international cooperation in addressing cross-border crime, including cybercrime, and affect how human rights are respected and protected. This issue demands constructive dialogue, cross-cultural understanding, and joint efforts to reconcile differences, which are essential to effectively address global crimes and ensure the fair and uniform administration of justice throughout the world.

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