

## **Unishment Of Elderly Age Of Criminal Offenders In The Reform Of Criminal Law In Indonesia**

### **ABSTRACT**

The aim of this research is to determine and analyze the criminal law arrangements for elderly criminals in the reform of criminal law in Indonesia and criminal law policies for elderly criminals in the reform of criminal law in Indonesia. This research includes normative juridical research, namely legal research carried out by examining library materials or secondary data. The legal research approaches that the author uses in this research are the statutory approach, conceptual approach, and case approach. Results: 1) Sentencing for elderly criminals still looks at the actions committed by the criminal without considering the existing conditions, decision making is carried out ignoring justice and the benefits of the criminal sentence. Imposing a prison sentence is not one of the programs that can improve the perpetrators of criminal acts, there are still other alternative punishments that can return the perpetrators of criminal acts completely to society. Imposing a prison sentence can even lead to stigmatization for perpetrators of criminal acts, which can worsen their psychological conditions. 2) Law Number 1 of 2023 regulates provisions regarding punishment policies for elderly criminals. Article 70 paragraph (1) letter b of Law Number 1 of 2023 concerning the Criminal Code states that as far as possible, imprisonment should not be imposed on elderly people aged 75 (seventy five) years. The policy in reforming criminal law in Indonesia is in Law Number 1 of 2023 concerning the Criminal Code, which basically provides an understanding that by considering the interests of elderly perpetrators of criminal acts, the resolution of criminal cases committed by elderly people with the concept of restorative justice is as far as possible. in order to prevent the elderly from being punished by criminal sanctions, so that ideally in the future the formulation of the idea of restorative justice through the legal process is hoped that the elderly can truly avoid the negative impacts of the formal justice process and the bad stigma that may arise in society.

**Keywords:** Sentencing, Elderly Offenders, Criminal Law Reform