

## CHAPTER V

### CONCLUSION

#### A. Conclusion

Based on the results of the research and discussion above, it can be concluded as follows:

1. The regulation of the formulation of moral offenses in the Criminal Code, Law Number 1 of 2023, is systematically placed in Chapter XV concerning Moral Crimes. In this chapter, there are a number of articles that specifically formulate criminal acts related to moral norms in society, namely Articles 406 to 424. These articles cover various forms of acts that qualify as violations of morality, which include violating public decency, pornography, displaying contraceptives and abortions, and adultery and obscene acts. The provisions of Articles 424 to 427 are related to criminal acts related to liquor and intoxicating substances, as well as gambling. Thus, the regulation of moral offenses in the Criminal Code Law Number 1 of 2023 is not only limited to sexual matters, but also includes actions that are contrary to social ethics and the values of propriety or decency in community life.
2. The development of the formulation of moral offenses in the Criminal Code Law Number 1 of 2023, rearranging the articles of moral offenses, especially adultery and cohabitation. Article 411 of the 2023 Criminal Code expands the concept of adultery but still qualifies it as an absolute complaint offense, so that criminal law is used selectively and proportionately. Meanwhile, Article 412 of the 2023 Criminal Code regulates cohabitation as an absolute complaint offense to fill the

previously existing legal vacuum, while still limiting state intervention to protect the private sphere and prevent excessive criminalization. Oriented towards moral and social reform, adapting the criminal law of morality to the development of the times without ignoring the nation's religious and cultural values. The 1946 Criminal Code is still based on Dutch colonial law which is not fully in accordance with the moral and social values of Indonesian society. In the 1946 Criminal Code, moral crimes are divided into two groups, namely: crimes against morality (Article 281 – Article 303) and Violations of morality (Article 532 – Article 547). In the 2023 Criminal Code, the regulation of moral crimes is more structured and specific, contained in Chapter XV (Article 406 – Article 427) which is divided into 8 (eight) parts, namely: Morality in public (Article 406), Pornography (Article 407), Displaying contraceptives and abortion devices (Article 408 – Article 410), Adultery (Article 411 – Article 413), Obscene acts (Article 414 – Article 423), Drunken drinks and materials (Article 424), Child use for begging (Article 425), Gambling (Article 426 – Article 427).

## **B. Recommendations**

### **1. For lawmakers**

It is recommended that the regulation of moral offenses in the Criminal Code continue to be evaluated periodically, especially in adjusting legal norms to social, cultural, and technological developments, including in terms of the dissemination of moral content in the digital space

2. For law enforcement officials

It is hoped that law enforcement officials can understand and consistently implement the provisions in Chapter XV of the 2023 Criminal Code regarding moral crimes, while still paying attention to the principles of justice, proportionality, and protection of human rights.

3. For the community

The public is expected to be more aware of the importance of maintaining moral norms as part of social life. Legal socialization and public education regarding the limits that have been regulated in the 2023 Criminal Code are very necessary to prevent violations.

