

Evaluation of ICJR: **Advancing democratic governance through criminal justice reform**

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ICJR at a glance

The problem

As part of a picture of increased systemic corruption and violence contributing to democratic erosion, Indonesia's civic space has faced mounting challenges in recent years, particularly due to an increasingly restrictive legal environment. Civil society members report patterns of intimidation, digital and physical harassment, surveillance, and defamation lawsuits. These pressures reflect a broader trend of securitising dissent by treating political opposition and criticism as criminal threats rather than democratic expression.

The organisation

The Institute for Criminal Justice Reform (ICJR) is an independent Indonesian research institution, established in 2007, that works on criminal law and justice system reform grounded in human rights principles.

What they do

ICJR proposes a two-project initiative to monitor, research, and advocate for reform of Indonesia's new Criminal Code – *Kitab Undang-Undang Hukum Pidana* (KUHP), and new Criminal Procedure Code – *Kitab Undang-Undang Hukum Acara Pidana* (KUHAP) – two landmark pieces of legislation.

The initiative combines civil society capacity-building, regional monitoring, evidence-based reporting, and reform change through strategic litigation or legislative advocacy. Running from 2026 to 2028, the initiative is led by ICJR as coordinator of the 41-member National Alliance for Criminal Code Reform.

Background on the codes

Indonesia's new Criminal Code (KUHP) (Law No. 1/2023) and new Criminal Procedure Code (KUHAP) (Law No. 20/2025) are both historic reforms. They replace colonial-era laws, and New Order-era laws introduced under General Suharto's authoritarian regime (1966–1998), that have governed Indonesia's criminal justice system for more than a century.

The bill for the new Criminal Code (KUHP) passed in December 2022, and it officially became law in January 2023, when it entered a three-year transition period. The KUHAP, meanwhile, was passed in November 2025 and fast-tracked in a matter of weeks with critics saying no meaningful period of consultation¹. Both came into effect in January 2026.

Criminal law plays an important role in democracy² as it sets out the framework for access to justice, exercise of state authority, civic participation in the criminal justice process, and the accountability of state officials to the law³.

How ICJR's work strengthens democracy

By producing evidence-based advocacy following the enforcement of the codes, ICJR focuses on identifying their shortcomings and the potential violations that could arise in practice. This advocacy work is essential in challenging the erosion of civil liberties and supporting Indonesia's transition towards a fairer criminal justice system.

In addition, the recommended initiative has the potential to significantly impact freedom of speech, as it scrutinises provisions that can be weaponised to silence dissent or criminalise legitimate criticism. By monitoring implementation and documenting misuse, the initiative helps ensure that the new legal codes do not become tools for restricting civic space.

Understanding the problem

The KUHP and KUHAP contain provisions that risk criminalising dissent, restricting freedom of expression, and enabling police abuse. Their democratic impact will depend on how civil society, oversight bodies, and the courts shape their implementation.

Why does this threaten democracy?

Among the most serious concerns are⁴:

- the reinstatement of penalties for insulting the president and state institutions, directly limiting political speech and criminalising government critics⁵
- six-month jail terms imposed on organisers of parades, rallies, or demonstrations on public streets without police notification
- legal loopholes in the Criminal Procedure Code's pre-investigation (*penyelidikan*) provisions that risk enabling police entrapment and corruption⁶
- provisions on treason and defamation, the scope of which were narrowed as a result of advocacy, which retain sufficient vagueness as to be misused against journalists, activists, and human rights defenders, thus restricting freedom of expression
- criminalisation of sex outside of marriage and cohabitation, which disproportionately affects certain groups such as LGBT+ individuals, and unmarried couples⁷, but is also reportedly used against human rights defenders.

Amnesty International Indonesia's executive director Usman Hamid described the Criminal Code as 'a serious setback for civil liberties'⁸ when it was passed in 2022.

ICJR research found that most cases prosecuted under the KUHP's provisions deemed problematic by human rights observers involved speech on matters of legitimate public interest. In these cases, the accused had reported or posted on social media about issues such as corruption, alleged misuse of authority by public officials, alleged police misconduct, sexual harassment allegations on college campuses, and environmental concerns⁹.

Why is action needed now?

Both laws came into force in January 2026¹⁰. This is the window of opportunity or 'democratic opening' in which patterns of enforcement are established, precedents set, and the gap between the law on paper and in practice becomes evident.

Moreover, despite notable successes, many of the reforms advocated for by ICJR and the National Alliance were not included in the amended Criminal Code. Meanwhile, several provisions in the Criminal Procedure Code that civil society would like to see changed remain unaddressed, particularly since the code was fast-tracked. In fact, civil society has claimed the speed with which the code was passed did not allow for and even manipulated the principles of meaningful participation¹¹.

Thus, monitoring in this implementation phase is essential for detecting any outstanding issues and gaps that will need further attention in future evolutions of the law.

Several factors make immediate action particularly urgent:

- The transition period of the Criminal Code failed to deliver proper implementation regulations, as key laws required to operationalise its 624 articles are still being finalised, and numerous overlapping regional regulations create legal uncertainty¹².
- Civil society organisations across the different regions of Indonesia lack a shared interpretive framework for the new laws, making consistent, rights-informed monitoring impossible without coordination.
- Funding for monitoring and advocacy led by civil society organisations – and especially work focused on

strengthening civil society rather than formal government engagement – is scarce, negatively compounding an already challenging political environment in which civil society actors are often penalised.

- ICJR's established institutional relationships with the Constitutional Court and legislative bodies, and their previous advocacy efforts during the drafting phase of the code, represent a window of opportunity that requires sustained investment to remain effective.

Why we recommend ICJR

How they got here

Founded in 2007, the Institute for Criminal Justice Reform (ICJR) is an independent Indonesian research institution with nearly two decades of engagement in criminal law reform. From early on, ICJR positioned itself at the intersection of legal expertise and civil society advocacy, building credibility with both government bodies and the broader human rights community.

ICJR's work has connected it with many other organisations on the ground, creating a network of civil society organisations with which it collaborates and organises. Among the 13 networks and alliances of which ICJR is a part, the aforementioned National Alliance for Criminal Code Reform is particularly relevant for this project. ICJR has led this network of 41 member organisations since 2015 and been the primary civil society voice in shaping the content of Indonesia's new Criminal Code for more than a decade of legislative deliberation.

ICJR's track record has also brought it to the table as technical assistant to the Government of Indonesia in preparing the implementation framework for the new KUHP (2023–2024), a project funded by the Kingdom of the Netherlands.

What they stand for

ICJR's mission is to encourage the realisation of a fair criminal justice and legal system oriented toward human rights values, contributing to policy reform, institutional transformation, and the empowerment of civil society in criminal justice processes.

What they've worked on in the past

- ICJR has a demonstrated track record of producing policy-relevant research and advocacy outputs at the intersection of criminal law and human rights. Notable examples include:
- coordinating the National Alliance for Criminal Code Reform (2015–present), managing a 41-member coalition through more than a decade of legislative negotiations
- supporting the Indonesian government's drafting of the Law on Criminal Adjustment (November 2025), earning formal recognition from members of parliament for ICJR's indispensable contribution
- being commissioned to work as technical assistant to the Indonesian government for the implementation of the new Criminal Code and receiving an EUR 238,577 grant from the Kingdom of the Netherlands (2023–2024) for this work
- conducting advocacy on the Criminal Code and narcotics law reform with an EUR 127,567 grant from the Asia Foundation (2022–2024).

The change they've already made

ICJR's advocacy has resulted in concrete amendments to Indonesia's legal framework. Through its advocacy work as part of the National Alliance, it has helped shift provisions in the Criminal Code (KUHP)'s original formulation to more rights-protective alternatives. These include:

- securing the inclusion of a 10-year probationary period for death sentences, creating a pathway towards abolition, and promoting alternative sentences to address prison overcrowding concerns
- narrowing the applicability of ITE Law defamation articles (Articles 27 and 28), including the requirement that defamation complaints must relate to real individuals, not institutions
- advancing the reclassification of blasphemy offences as 'hate speech based on religion,' and the limitation of treason charges to physical acts – protecting political expression
- achieving the introduction of complaint-based standing requirements for defamation against the president and public officials, limiting potential misuse.

How others see them

ICJR enjoys a high degree of credibility across government, civil society, and international donor communities, a position that amplifies their effectiveness as both an advocacy actor and a technical resource.

Recognition and awards

ICJR has received extensive praise and a number of awards in recognition of its work:

- ICJR received an award from the Directorate-General of Laws and Regulations of the Ministry of Law and Human Rights for its inspirational contributions to legislative development in Indonesia.
- Members of parliament praised ICJR for its substantive contributions to the Law on Criminal Adjustment (2025).
- The Ministry of Law acknowledged many of ICJR's advocacy efforts related to the Criminal Code, as well as regulations, including its work on living law regulations, criminal sanctions and punishment, and commutation of sentences.

- ICJR has collaborated with a number of international organisations on different projects aligned with its core area of work.

Who they work with

ICJR works with the following networks and alliances:

- The National Alliance for Criminal Code Reform (*Aliansi Nasional Reformasi KUHP*)
- The Civil Society Coalition for Criminal Procedure Code Reform (*Koalisi Masyarakat Sipil untuk Pembaruan KUHP*)
- The Coalition Against Sexual Violence (*Koalisi Anti Kekerasan Seksual, KOMPAKS*)
- The Coalition for the Serious Revision of the ITE Law (*Koalisi Serius Revisi UU ITE*)
- The Alliance for the Elimination of Violence against Children (*Aliansi Penghapusan Kekerasan Terhadap Anak*)
- The Coalition Against Gender-based Violence against Girls (*Koalisi Anti Kekerasan Berbasis Gender Terhadap Anak Perempuan*)
- The Coalition of Freedom of Religion and Belief (*Koalisi Kebebasan Beragama dan Berkeyakinan*)
- Reform for Police (*Koalisi Reformasi Polisi*)
- Effective Defence in Death Penalty Cases in Asia
- Digital Democracy Resilience Network
- Coalition of Advocacy Teams for Democracy (*Koalisi Tim Advokasi Untuk Demokrasi, TAUD*)
- Forum of Justice Study (*Forum Kajian Dunia Peradilan*) (supporting the coalition of young judges in Indonesia)
- Civil Society Coalition for the Abolition of the Death Penalty (*Jaringan Anti Pidana Mati, JATI*)

Past funders of ICJR's work include the Open Society Foundation (OSF), UNICEF, United Nations Office on Drugs and

Crime (UNODC), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the Clooney Foundation for Justice, the Asia Foundation, the Kingdom of the Netherlands, Penal Reform International, the World Coalition Against the Death Penalty, and the Australian Indonesia Partnership for Justice (AIPJ), among others.

How ICJR's initiative will support democracy

ICJR's proposed initiative comprises two closely related projects, both responding to the entry into force of Indonesia's new criminal justice framework in January 2026. Together, they constitute a comprehensive civil society response to the critical implementation phase of two landmark pieces of legislation - the Criminal Code (Law No. 1/2023) and the Criminal Procedure Code (Law No. 20/2025).

The initiative in detail

Project 1 addresses the Criminal Code (KUHP) and its implementing regulations. Building on ICJR's leadership of the National Alliance for Criminal Code Reform for more than a decade, this project will train and coordinate civil society organisations across three key regions in Indonesia (Tarakan, Aceh, and Manado) to monitor how the code is applied in practice.

The monitoring process will be anchored in a set of jointly developed annotations – interpretive guidelines that translate rights standards into practical monitoring tools. Data gathered in the regions will feed into national-level research reports and advocacy, including constitutional court petitions or legislative revision requests.

Project 2 focuses on the Criminal Procedure Code (KUHAP), with a specific lens on accountability within the pre-investigation phase (*penyelidikan*).

ICJR's monitoring phase will focus on two hypotheses grounded in prior research and advocacy: (1) that the new criminal procedure enables the police to conduct entrapment in the pre-investigation phase; and (2) that it allows the police to terminate examinations without authorisation from judicial oversight.

This project will research the problematic provisions that could enable police entrapment and corrupt practices, monitor their implementation in the field, and pursue judicial review before the Constitutional Court, where appropriate.

The two projects are designed to reinforce each other: both draw on ICJR's legal expertise, its coalition networks, and its track record in constitutional litigation and legislative advocacy.

How much funding is still needed

Year	Budget (IDR*)	Budget (EUR)
2026	IDR 2,847,778,200	€147,080
2027	IDR 3,442,591,200	€177,801
2028	IDR 3,383,153,200	€174,731

*IDR Indonesia Rupiah

How change happens

Theory of Change – Project 1

New Criminal Code (KUHP)

Theory of change

Train National Alliance member organisations on coding and collecting data for use in advocacy



Draft annotations for monitoring phase



Monitoring and reporting



Advocacy for legislative change based on annotations and monitoring report



Overall protection of civil rights and increased freedom of expression

Theory of Change – Project 2

Criminal Procedure Code (KUHAP)

Theory of change

Research of articles deemed problematic



Monitor implementation of identified problematic articles



Advocacy for legal reform



Fairer and more rights-based procedures for criminal trial process



Overall protection of civil rights

What they will do

Under **Project 1**, ICJR will conduct substantive training for member civil society organisations of the National Alliance on the Criminal Code, drawing on existing modules covering freedom of expression, and other ‘offences’ affecting the protection of privacy.

It will host regional consultation meetings in the three provinces of Tarakan, Aceh, and Manado to collect data on local legal practice and build monitoring networks. The three regions were selected based on crime prevalence and strong regional representation to obtain the maximum variation of sampling, thus capturing a broad spectrum of social conditions affecting crime.

ICJR will then lead the drafting and finalisation of annotations to the Criminal Code – interpretive guidelines that will serve as the monitoring standard for participating civil society organisations across Indonesia. Drawing on the monitoring data collected from regional consultations, ICJR will also draft a research report that documents patterns of enforcement and emerging issues.

Together, the annotations and the report will serve as the foundation for criminal justice reform advocacy, including potential judicial review petitions before the Constitutional Court and engagement on targeted legislative revisions.

Under **Project 2**, ICJR will conduct desk and field research to identify provisions in the Criminal Procedure Code that enable corrupt pre-investigation practices, including unlawful entrapment and the uncontrolled termination of cases. Hypotheses developed during the previous research phase will be tested through field monitoring to assess how these provisions operate in practice. Based on the findings, ICJR will pursue the advocacy for legal reform and campaign to address the identified gaps.

What they will produce

The initiative will produce a range of tangible outputs across both projects:

- Research reports and policy briefs on Criminal Code implementation and Criminal Procedure Code accountability
- Annotated guidelines for the Criminal Code, developed with and for the 41-member National Alliance
- A monitoring platform to systematise data collection and reporting across regions

- Regional consultation meeting reports from Tarakan, Aceh, and Manado
- Advocacy documents for legal changes, amicus briefs, and monitoring reports for use in litigation and advocacy
- Training and capacity-building materials for civil society organisations within the National Alliance

What will change as a result

The initiative aims to produce the following changes at the outcome level:

- Direct changes in the provisions deemed problematic that relate to freedom of expression (KUHP) and preliminary investigation (KUHAP)
- A coordinated, evidence-based civil society monitoring capacity for both the Criminal Code and Criminal Procedure Code established and operational across three regions.
- Rights-informed interpretations of the new Criminal Code – articulated in publicly available annotations – becoming the reference standard for civil society organisations, lawyers, and legal advocates nationwide
- Identified violations or gaps in the codes challenged through constitutional court petitions or legislative advocacy, with documented evidence from the monitoring process
- Police accountability in the pre-investigation phase scrutinised and subject to legal challenge, reducing opportunities for corrupt or arbitrary enforcement
- Strengthened civil society capacity to engage constructively and credibly in ongoing criminal justice reform processes

The bigger picture

In the longer term, this initiative contributes to a criminal justice system in Indonesia that upholds human rights, constrains state overreach, and protects the civil and political freedoms that underpin democratic governance.

By establishing a durable monitoring infrastructure and building a robust evidence base for reform, ICJR's work will extend beyond this project cycle. It will strengthen civil society's role in the ongoing process of shaping how Indonesia's laws are interpreted and enforced, ensuring sustained oversight and informed engagement in future reform processes.

When it will happen

Activity	2026				2027				2028			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Criminal Code												
Advocacy on the Criminal Adjustment Law and implementation regulations	█	█	█	█	█	█	█	█	█	█	█	█
Civil society coordination: National Alliance	█		█		█		█		█		█	
Civil society meeting: 3 regions			█									
Drafting of civil society coalition annotation				█	█							
Monitoring by civil society						█	█	█	█	█	█	█
Judicial review							█	█	█	█	█	
Criminal Procedure Code												
Advocacy on Criminal Procedure Code implementation regulations	█	█	█	█	█	█	█	█	█	█	█	█
Research report on Criminal Procedure Code implementation regulations	█	█	█	█								
Research report on institutional accountability (abuse in criminal investigation)					█	█	█	█				
Judicial review									█	█	█	█

What could go wrong, and how ICJR will handle it

ICJR's initiative operates in a challenging political environment, and the organisation has demonstrated a clear-eyed awareness of the risks involved. The project's flexible advocacy design – which allows ICJR to shift between constitutional court litigation and legislative review depending on findings – provides meaningful structural resilience. ICJR's longstanding relationships with key actors in both the legislature and the judiciary further mitigate exposure to political risk. The key risks and their corresponding mitigation strategies are outlined below.

Risk	Impact	Likelihood	Mitigation
Political resistance from government or parliament	Medium	High	ICJR maintains constructive diplomatic relationships and flexible advocacy routes; with the Constitutional Court available as an alternative route.
Deteriorating civic space/further democratic backsliding	Medium–High	High	The ICJR-led National Alliance and its civil society network provides distributed coverage; the project design avoids formal government cooperation, reducing exposure.
Insufficient CSO capacity in targeted regions	Low	Medium	ICJR has experience in all selected regions as its researchers have previously led capacity-building training there.
Limited judicial responsiveness to constitutional court petitions	Medium	Medium	The legislative advocacy route serves as a parallel pathway; the wide coalition also creates multi-channel pressure.

How ICJR will learn and adapt

Power for Democracies is committed to ensuring that the resources that are allocated because of our recommendations are used effectively.

ICJR will closely monitor implementation activities and track progress against key performance indicators for this recommendation. These include:

- regular coordination meetings within the National Alliance to review monitoring findings and align on advocacy priorities
- a dedicated monitoring platform to track implementation patterns over time and enable comparative analysis across regions
- a formal review process, built into the project design, to assess ad hoc advocacy routes (e.g. Constitutional Court or legislative revision, or formal engagement with policy-makers) based on evolving research findings
- ongoing dialogue with funders on impact evidence, including efforts to document not only the outputs delivered but also the demonstrable effects of advocacy on legal outcomes.

Regular updates to donors will be published throughout the initiative, tracking progress on the planned outputs. Where feasible, Power for Democracies will collaborate with ICJR to design a more rigorous evaluation approach to assess outcomes and impact. The monitoring, learning, and evaluation insights derived from this initiative will directly inform future donor recommendations, helping refine strategies, identify best practices, and ensure that subsequent investments are grounded in evidence and experience.

Our assessment

What makes them stand out

ICJR is exceptionally well positioned to lead this initiative. As coordinator of the 41-member National Alliance for Criminal Code Reform, ICJR sits at the centre of Indonesia's civil society infrastructure on criminal justice – with existing relationships, networks, and a proven track record that gives it a significant competitive advantage. Its strategy is notable for its flexibility: rather than committing to a single advocacy route, ICJR will assess findings before determining whether to pursue constitutional court petitions, legislative revisions, or other types of formal engagement with policy-makers. This allows for a more contextually appropriate response.

The two proposed projects of the initiative are not stand-alone interventions: they build directly on prior research, advocacy, and legislative engagement, ensuring that the work is grounded in institutional knowledge and existing relationships. ICJR has successfully implemented similar projects in the past, comparable in scale and complexity, and has received formal recognition from the Indonesian government for its contributions to legislative reforms¹³.

Where challenges remain

The primary areas of concern relate to impact documentation and organisational transparency. To date, ICJR has provided strong evidence of the outputs delivered and legislative changes achieved through its work, but it has not yet offered a systematic analysis of the causal link between the outcomes of its advocacy and their broader impact on democracy. This evidence gap limits a full evaluation of the organisation's effectiveness.

ICJR is aware of this limitation and is already in active dialogue with our team at Power for Democracies to develop a more robust impact evaluation framework for the initiative. Given the project's learning and accountability commitments, we

expect ICJR to develop a more robust impact evaluation framework for this initiative in the near future.

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