

# THE IMPACT OF POLITICAL CHANGE ON THE DYNAMICS OF CRIMINAL LAW REFORM (A COMPARATIVE STUDY OF POLITICAL RELATIONS AND THE IMPLEMENTATION OF CRIMINAL LAW IN THE PHILIPPINES)

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## Abstract

In a political system which is interconnected between government departments and elements of society in a nation, there is always social interaction that influences each other. This influence has an impact on the configuration of interests formed in a legal product. Law is a means to achieve political goals, therefore in every stage of its formation and implementation there is a lot of partisanship from political stakeholders. In a democratic country, the supreme power is in the hands of the people which is manifested in a legislative institution with a periodic replacement cycle. However, competition between political groups is an inevitability that requires qualified regulation, including in emergency situations. One country that has a political system similar to Indonesia and has experienced disruptive politics and legal reform is the Philippines. Hopefully this study will create awareness for mitigation in dealing with similar emergency situations.

**Keywords:** *Change; Politics; Reform; Law*

## INTRODUCTION

Politics is closely related to law, as law is essentially a political statement from the government, expressed in norms. Some experts define politics as follows:

a. Talcot Parsons

Politics is an aspect of all actions related to collective efforts for collective goals.

b. Hoogerwerf

Politics is an effort to achieve certain goals with certain means and in a certain time sequence.

c. Robert R. Mayer and Ernest Greenwood

Politics or in other words policy can be understood as a decision that outlines the most effective and efficient way to achieve jointly determined goals.

From these opinions, it can be concluded that politics is an effort made collectively to achieve collective goals by using certain means within a certain timeline so that the most effective and efficient method is agreed upon. Meanwhile, Legal Policy is a policy taken or implemented by the state through state institutions or officials who are given the authority to determine which laws need to be replaced, amended, maintained or regulated, so that with this policy the state and government administration can run well and orderly so that the state's goals can be gradually planned and realized.

Given the strong relationship between politics and law, a system is formed that is structured in an orderly manner between the components. The political system is defined as a unified (collective) set of political structures that each have their own function to achieve the nation's goals. In democratic countries with presidential systems of government, such as those in Indonesia and the Philippines, changes in political power significantly impact law enforcement, particularly in addressing extraordinary crimes such as drug abuse and corruption. However, the process often clashes with the dignity of human rights. With a proper understanding, it is hoped that applicable laws will provide benefits, certainty, and justice for the public.

## Main Issue

Based on the background explanation, it is necessary to discuss: What is the impact of political change on criminal law reform and the implications of its implementation?

## RESULTS AND DISCUSSION

Merriam-Webster defines politics as an activity that has a relationship to influence the actions and policies of a government or to gain and maintain power in a government.<sup>4</sup> The impact of these policies will influence the character of the government in power and give rise to developments in the life of society. A democratic system of government demands active participation and public involvement in the development and administration of the state. The people are the subjects of sovereignty, granting a mandate to elected rulers to carry out their duties to protect their rights and interests. This foundation is established by the norms enshrined in the constitution. Basically, the sovereignty of the people (Democracy) and the sovereignty of law (Nomocracy) are interrelated and cannot be separated, because both are the main components that complement each other in forming a country that aims to improve the welfare of its people (Welfarestate). Law as a formal policy is binding and must be obeyed by all members of society and state and government administrators, including law enforcement officers, in order to create order in achieving state goals. In law enforcement efforts, there are challenges and obstacles both from within the country and abroad, including:

- a. Challenges and Obstacles from Within the Country
  - Instability of domestic political and economic conditions
  - Conflict of interest and influence of power in law enforcement
  - Gaps in accessibility to the legal system and discrimination in law enforcement
  - The bureaucracy of the legal system is complicated and complex.
  - Limited infrastructure, facilities and technology for implementing the law
  - Inequality in education, culture and public awareness of the law
- b. Challenges and Obstacles from Abroad
  - Instability of foreign political and economic conditions
  - Threats and disturbances to national interests
  - Intervention by other countries that have an interest in the potential of state assets
  - Changes in agreements and foreign policy
  - Dynamics of global geopolitical and geostrategic conditions
  - The speed of international information, communication and transportation flows

The stability of political and economic conditions is the main factor in supporting the implementation of law in a country. Therefore, special efforts are needed so that the law can develop in accordance with dynamic changes in society, and the government can be more anticipatory and responsive. In the context of changes in governmental power in a democratic state, a succession mechanism is implemented. There are differences in the meaning of succession, namely State Succession and Governmental Succession. The definition of State Succession is a condition where there is a change or replacement of sovereignty within a state, which then includes a kind of change of state that brings very complex legal consequences.<sup>6</sup> Meanwhile, in Governmental Succession there is no change in the international identity of the state and does not affect the continuity of the state. The change is only a process of transition of leadership and power that is legitimate according to the law of the country concerned. Governmental Succession aims to ensure the continuity of government and state administrators for the stability and control of the state. Generally, the transition of government and power is carried out through the mechanism of General Elections. General Elections are considered a process of polling the aspirations of the people as holders of sovereignty to elect their representatives to serve in the Legislative Institution and the leader of the state and government in the Executive Institution.

Considering the diverse conditions of the people, a public legal body was formed which was recognized by the government and consisted of a group of people who were well organized with the aim of seizing or maintaining power peacefully, this body is a Political Party. In essence, Political Parties occupy an important position and role in the people's sovereignty system because they function as intermediaries between the people and the government of a country. Each Political Party contains the vision and mission of its founders, administrators and members that are in line with its ideology and aspirations. However, if not controlled and addressed properly, there will be vulnerabilities that will arise after the completion of the General Election contest. Quoting Montesquie's statement quoted by Harold J Laski, namely "When legislative and executive powers are united in one person or body, it means there will be no freedom, because of the fear of the emergence of a king or senate who will act tyrannically, to enforce it in a tyrannical manner..". As the holder of legislative power to make laws and the holder of executive power to implement laws, in order to avoid abuse of power, it is necessary to strengthen the independent and firm Judicial Institution to guarantee the basic rights of citizens in accordance with the mandate and mandate of the constitution. As a manifestation of the interests of political parties, those in government have the authority to create

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policies to utilize all state resources for specific purposes. This phenomenon is highly susceptible to deviations, violations of law, and crimes. Deviations can be categorized as behavior that deviates from accepted social norms such as ethics and other unwritten rules. FM Lemert, a criminology expert, distinguishes deviations into three forms, namely:

- a. Individual Deviation  
Deviations that arise due to psychological pressure from within
- b. Situational Deviation  
Deviation due to stress or pressure from circumstances
- c. Systematic Deviation  
Patterns of organized crime behavior in sub-cultures or behavioral systems<sup>9</sup>.

Sociologist Howard S. Becker distinguishes between lawbreakers and criminals. Breaking the law is a behavior, while crime is the reaction of others to that behavior. To punish and deter perpetrators of prohibited acts, criminal sanctions are imposed.

## Criminal Law Politics

According to legal expert Sudarto, legal politics is defined as the state's policy, through authorized bodies, to establish desired regulations that are expected to be used to express what is contained in society and to achieve what is aspired to. Based on this theoretical basis, it can be interpreted that criminal law politics is the national will to create criminal law that is in accordance with the aspirations and values sourced from the nation's wisdom. The essence of criminal law policy is to formulate and guide the creation and implementation of criminal law. As legal policy, there is a symmetrical relationship between politics and law, influencing each other. Therefore, "Politics without law is cruel, while law without politics is paralyzed."

The identification of the direction of legal policy towards the implementation of national law is based on the principles of concordance and codification. Based on the principle of concordance, the same law is applied from a colonial country to its colonial territory. In Indonesia, this has a significant influence on the legal system adopted because its essence is influenced by the law that was once in force in the Netherlands, while in the Philippines, it is strongly influenced by Spanish law (Civil law) in the realm of material law (Substantive) and United States law (Common law) in procedural law and evidence (formal law), the result of this combination produces a judicial system that integrates the inquisitorial aspects of Spain with the judicial procedures of the United States.

A fundamental example of this application is reflected in the handling of corruption cases, which place greater emphasis on the evidentiary and judicial aspects, while similar handling in Indonesia tends to consider the substantive legal aspects. There are several similarities and differences between the application of law in Indonesia and the Philippines. Specifically, for handling corruption crimes, an agency is established that is mandated to eradicate and handle it. In Indonesia there is the Corruption Eradication Commission (KPK), while in the Philippines there is the Office of the Ombudsman. However, there are several differences in the application of the law, including:

- a. In the legal system adopted
- b. Authority of Institutions in the process of handling corruption
- c. Authority of the Corruption Court
- d. Coordination between law enforcement agencies
- e. Sanctions imposed for criminal acts

Although there are a number of variables, basically criminal law in a country is an integral part of the social defense policy which is oriented towards fulfilling the rights of the community (social policy).<sup>12</sup> By paying attention to the development of civilization, a policy is needed which is devoted to reforming criminal law.

## Criminal Law Reform and Its Implementation

Criminal Law Reform is an effort to reorient and reform Criminal Law in accordance with the central socio-political, socio-philosophical, and socio-cultural values that underlie social policy, criminal policy, and law enforcement policy<sup>13</sup>. So that the reform that occurs comprehensively includes Legal Substance, Legal Structure, and Legal Culture to be better and provide clear guidance. Historically, the application of law in Indonesia began before Dutch colonialism. The kings of the Indonesian archipelago were familiar with laws with characteristics adapted to local customs. In general, these laws have the following characteristics:

- a. Laws that are not made intentionally

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- b. Laws that show strong spiritual aspects
- c. Laws that are closely related to the foundations and structure of local society

Until now, there are still customary law communities who preserve and practice local customary law.

Continuing in 1642, the VOC enacted the Bataviasche Statuten, which consisted of Roman and Dutch law, plus plakaten and ordonantie, which were applied to all people in Batavia. The penetration of this law continued with actions to replace the Javanese criminal system (Kawolo Pradoto), until in 1819 the Indonesian Regulation (Indische Reglement) was enacted. After the bankruptcy of the VOC and the takeover of power by the Kingdom of the Netherlands, in 1870 the Criminal Code (KUHP) was drafted based on the French penal code, the KUHP came into effect on 1 September 1886. However, on 12 April 1898, with the Koninklijk Besluit in Staatsblad 1898 Number 30 by the De Pauly Committee, a new KUHP was drafted specifically for Europeans in the Dutch East Indies. During the colonial period, various types of courts were held, including:

- a. Government Justice for all residents of the Dutch East Indies
- b. Self-governing Court
- c. Religious Courts
- d. Village Court

Each of these courts is subject to different laws, including the criminal law realm that applies in the Government Courts, as well as the Swapraja Courts which comply with the Selfbestuur-Regelen 1938 and the customary law that applies in the Inheems Ordinance 1932. During the Japanese occupation, starting in 1942, there were no significant changes in the application of criminal law, except for minor adjustments to strengthen the position of the Japanese military government. Initially lenient and sympathetic provisions were gradually reversed by the Japanese military government.<sup>14</sup> Since the Japanese occupation, all Dutch East Indies courts were closed until April 29, 1942, based on Law Number 14 of 1942, a civil court was established to handle criminal and civil cases, namely:

- a. District Court (Gun Hooin)
- b. District Court (Kan Hooin)
- c. Police Court (Kaizai Hooin)
- d. District Court (Rihoo Hooin)
- e. High Court (Kooto Hooin)
- f. Supreme Court (Saikoo Hooin)

The Japanese military government implemented an arbitrary legal system and there was no guarantee of legal certainty for the people, as well as neglect of human rights. After Indonesian independence in 1945, a regulation was issued stating that "All state bodies and regulations that existed until the founding of the Republic of Indonesia on August 17, 1945, as long as no new ones have been established according to the Constitution, are still valid, as long as they do not conflict with the Constitution." As it developed, Law No. 1 of 1946 concerning Criminal Law Regulations was issued. However, the Dutch East Indies government in exile in Australia issued the Brisbane Ordinance of 1945 to change the WvS voor Netherlands Indie to WvS voor Indonesie, which later gave rise to dualism in criminal law in Indonesia.

During the Dutch military aggression after Indonesian independence, changes were implemented in the Brisbane Ordinance, including the threat of punishment in several articles concerning crimes against state security, such as conspiracy to assassinate the President and several other crimes whose criminal penalties were changed to the death penalty. This provision was aimed more at Dutch interests, with political considerations rather than legal reasons. Furthermore, there were additional penalties, namely the punishment of imprisonment, which had never been implemented and was abolished. In 1949, the Kingdom of the Netherlands recognized the sovereignty of the Republic of Indonesia, allowing the legitimate government to focus on implementing development. In 1958, Law No. 73 of 1958 was issued, stating that Law No. 1 of 1946 applies to all of Indonesia. Thus, a single rule was established in criminal law provisions. By 1976, there were 16 laws recorded that could be considered reformed legislation. The latest legal reform was implemented in 2023 with alignment with the 1981 Criminal Procedure Code and the 2012 Criminal Procedure Code Draft with the following points:

- a. Regulation of legal requirements for the examination of minor crimes
- b. Form of the judge's pardon decision (Judicial Pardon or Rechterlijk Pardon)
- c. The form of the decision to impose measures without imposing criminal penalties on people with mental and/or intellectual disabilities who are perpetrators of criminal acts
- d. Provisions regarding the content of court decisions that take into account sentencing guidelines
- e. Procedural provisions for the implementation of the termination of the authority to sue

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- f. Procedural legal provisions for examining criminal acts against corporations.

The fundamental principle of the 2023 Criminal Code is that it does not differentiate between crimes (misdrijven) and violations (overtredingen), both are combined into one criminal act, thus giving rise to logical consequences in terms of examining cases in court. Every crime will have a specific impact on the victim and society in general, given that human civilization is increasingly moving toward modernization, which influences lifestyles and behavior. The development of information technology accelerates this influence, therefore, crimes with widespread impact are categorized as extraordinary crimes. Extraordinary crimes develop dynamically following changes in government, economics, and politics within a country. Saiichiro Uno stated that extraordinary crimes are a universal phenomenon, increasing not only in quantity but also in quality over time. Furthermore, the continued occurrence of extraordinary crimes will negatively impact the development of human civilization.<sup>17</sup> Some crimes that are considered extraordinary because they have a direct impact on human safety and peace include:

- a. Serious violations of human rights (HAM)
- b. Genocide and crimes against humanity
- c. Crime of terrorism
- d. Crimes of aggression

As public understanding and awareness increases, extraordinary crimes are categorized as criminal acts that do not have a direct but massive impact on human welfare, including:

- a. Criminal acts of corruption
- b. Narcotics and psychotropic crimes
- c. Environmental pollution crimes

In Indonesian criminal law, only the classification of violations and crimes is recognized; there is no nomenclature for crime categories.<sup>18</sup> Therefore, criminal law reform is necessary to allow for the implementation of extraordinary measures to address these issues. Claude Pomerleau defines extraordinary crime as a planned, systematic and organized behavior, act or action that targets its targets mostly towards certain individuals and groups for discriminatory reasons.

In line with this opinion, in the Indonesian legal system, these types of crimes are referred to as special crimes. Some special laws that regulate crimes considered similar to extraordinary crimes are:

- a. Law No. 26 of 2000 concerning Human Rights Courts
- b. Law No. 5 of 2018 concerning Amendments to Law No. 15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism
- c. Law No.35 concerning Narcotics
- d. Law No. 5 of 1997 concerning Psychotropics
- e. Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption

It is hoped that with the regulation of these special criminal acts, law enforcement will be further improved, particularly in several criminal acts related to corruption, narcotics and psychotropic crimes, as well as an independent Human Rights Court. In comparison, Indonesia's neighboring country, the Philippines, has a long history of establishing a legal system that is influenced by the dynamics of political change and has implications for the renewal and implementation of laws in force in that country. The legal system in the Philippines is a combination of civil law as an influence of Spanish colonialism, namely civil law whose legal sources are from laws (statutes), derivative regulations (regulations), and customs that do not conflict with the law (customs).

Furthermore, the United States' influence on the Philippines, which adopted common law, made court decisions one of its sources of law, as they were not only binding on the parties involved in the case but also generally applicable to similar cases. The sources of law in common law are written regulations, customs, and court or judge decisions. Because the Philippine legal system is a mixture of common law and civil law, its sources of law are the Constitution, regulations, treaties, conventions, and court decisions or judicial rulings. In practice, lawmaking refers to civil law, but the implementation of the legal system refers to common law.<sup>19</sup> The constitutional law of the Philippines establishes a system of government headed by a President as Head of Government and Head of State. The President is elected through a general election and serves a six-year term, but can be impeached at any time for political reasons by the Senate with the approval of one-third of the House of Representatives.

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As the executor of legislative functions, the Congress includes 24 senators in the Senate and 316 members of the House of Representatives, who are elected directly through a general election mechanism based on the most votes. The judicial branch of the Philippines is the Supreme Court, which consists of one Chief Justice and 14 Associate Justices. They are appointed by the President upon recommendation from the Council of the Judiciary and Bar. In terms of law enforcement, the Philippines faces various types of extraordinary crimes, including:

## 1. Narcotics and Psychotropic Crimes

Based on data from the National Household Survey, there are approximately 1.3 million people in the Philippines who have tested positive for narcotics, and the Philippines is the country with the largest number of crystal methamphetamine users in the world. Furthermore, the Philippines serves as a transit point for narcotics and illicit drug trafficking, particularly crystal methamphetamine and marijuana. Therefore, the Philippine government has implemented large-scale operations, managed by the Dangerous Drug Board (DDB) to develop national strategies and policies, with the Philippine Drug Enforcement Agency (PDEA) implementing these strategies and policies. During President Rodrigo Duterte's administration, a tough crackdown on drug offenders in the Philippines has been implemented, involving the police, the National Narcotics Agency, and the Armed Forces of the Philippines. The right to shoot and kill drug offenders who resist law enforcement is even granted. Furthermore, drug dealers and addicts can be sentenced to death without trial, thus impacting human rights protections.

## 2. Serious Human Rights Violations

There are two types of gross human rights violations, namely genocide and crimes against humanity. In relation to the prosecution of narcotics crimes in the Philippines during the leadership of President Rodrigo Duterte, there was a positive impact on society, namely a reduction in narcotics and psychotropic crimes, but the negative impact that occurred was a violation of human rights protection, as regulated in Article 6 paragraph 1 of the ICCPR (International Covenant on Civil and Political Rights) which states that "no human being shall be deprived of the right to life that every other human being has arbitrarily. Therefore, the death penalty by shooting at the scene of the crime is closely related to a person's right to life<sup>21</sup>. Whereas this policy is to safeguard national interests that must be achieved through government leadership and guarantee state sovereignty.

The international follow-up impact of the drug eradication policy was the reaction of the International Criminal Court (ICC) in February 2018 to investigate alleged violations against humanity, which President Rodrigo Duterte responded to by withdrawing from the ICC membership on March 14, 2018, then stated that he would also withdraw from the Rome Statute and continue repressive operations to eradicate drug crimes. However, after the transfer of power of the presidential office to Ferdinand Romualdez Marcos Jr., there was a change in policy, even Former President Rodrigo Duterte was arrested by the Philippine Police on March 11, 2025 to be further processed in the ICC Court. The polemic continued until the impeachment attempt of the incumbent Vice President of the Philippines, Sara Duterte, she is the biological daughter of Former President Rodrigo Duterte. The reason for the impeachment was the accusation of inciting treason and misuse of public funds.

## 3. Corruption

As in other developing countries in Southeast Asia, the issue of dynastic politics, involving rivalries between family groups at various levels in the region, has become a significant factor in national politics. In the Philippines, the Priority Development Assistance Fund (PDAF) case has come under scrutiny by the country's anti-corruption agency. In the Philippines, corruption is defined as any form of abuse of power by public officials for personal gain, including accepting bribes, rewards or gifts related to government transactions, as defined in Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act).

Since its ratification on August 17, 1960, the Anti-Graft and Corrupt Practices Act has undergone two amendments, namely in 1991 (Republic Act No. 7080) and in 2005 (Republic Act No. 9346). In an effort to eradicate corruption, in 1973 Presidential Decree No. 1486 was issued which ordered the establishment of Sandiganbayan, a special court for corruption cases, the Court is the second highest court after the Supreme Court. To support efforts to eradicate corruption, in 1989 the Ombudsman was established based on An Act Providing for The Functional And Structural Organization of The Office of The Ombudsman And for Other Purposes (Republic Act No. 6770/1989). The Ombudsman has the power and authority to receive reports, investigate, prosecute, and recommend disciplinary action. The superiority of the Ombudsman in combating corruption is strengthened by the issuance of Republic Act No. 9346.

In addition to repressive measures, the Office of the Ombudsman also carries out various efforts to prevent corruption, by providing education and raising public awareness regarding the dangers of corruption, its impacts and the resulting sanctions. Penalties for corruption are regulated by Republic Act No. 3019 and the Revised Penal

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Code, which carries a minimum of one year and a maximum of 10 years' imprisonment, but also a lifetime ban for public officials, as well as confiscation of the proceeds of corruption. Under the Revised Penal Code, public officials who accept bribes face a minimum of six years' imprisonment and a maximum of 15 years' imprisonment. Most recently, in order to maximize the eradication of corruption, the Presidential Anti-Corruption Commission was formed, whose main task is preventive efforts and improving the handling of corruption cases by drafting regulations and policies<sup>22</sup>. Several events in the dynamics of Philippine politics are suspected of having an impact on gross human rights violations and corruption, one of which was during the leadership of President Ferdinand Marcos, who took office in 1965. At the beginning of his administration, the Philippines' Gross Domestic Product (GDP) was 257 USD, but in the second period of his presidency, namely 1970, the Philippines' GDP fell to 244 USD, and further declined in the period 1972 - 1981 to 214 USD.

Some of the causes that are thought to contribute to this condition are:

- a. The implementation of the 1801 Martial Law Protocol as the legal basis for the state of emergency to address the communist rebellion of the New People's Army (NPA) and the Moro Rebellion in Mindanao. Prior to the declaration of the state of emergency, opposition figures, activists, and media employees were arrested.
- b. The 1969 election indicated the involvement of thuggery and money politics, even in the book Democracy At The Crossroads by Magno R. Alexander published in 1998, it was mentioned that there was the deployment of military personnel and Philippine bureaucratic officials for the benefit of Ferdinand Marcos in the election.
- c. Constitutional changes that extended the presidential term resulted in abuses of power, resulting in excessive force, including the kidnapping, imprisonment, torture, and murder of opposition figures, journalists, and civil rights activists, all with the involvement of the military. A December 1979 Amnesty International report outlined systematic and brutal actions against the victims.
- d. Misuse of foreign aid. In 1979, the Philippines received \$37 million in financial aid and military support, as well as \$100 million in economic aid in the form of food, according to a report by the House Foreign Affairs Subcommittee on Asia and the Pacific published by The New York Times on December 12, 1985.

During the Ferdinand Marcos regime from 1965 to 1986, the Philippines' national debt increased to 20 billion USD.

In order to maintain his political support, Ferdinand Marcos gave concessions to parties who were considered influential and supported him, including Antonio Floirendo to control the banana business, Eduardo Cojuangko who was Corazon Aquino's cousin to control the coconut commodity industry. Hermino Disnis to monopolize the import of cigarettes and tobacco-based products and broker the Bataan Nuclear Power Plant project, but the project was stalled because it was located in the dangerous area of Mount Pinatubo Volcano. After Ferdinand Marcos was no longer President, the Presidential Commission on Good Government (PCGG) was formed, one of whose functions was to recover state losses, but this effort encountered obstacles due to the existence of networks with interests in the Ferdinand Marcos family who continued to regain power in the Philippine political system.<sup>23</sup>

## 4. Acts of Terrorism

Terrorism is a form of attack (understanding or ideology) that is coordinated by a certain group with the aim of instilling fear in society. Terrorism contains elements of violence that impact local and international communities. Terrorist acts generally occur in countries that are unstable socio-politically, economically, and security-wise. With the development of globalization, terrorism has the potential to spread across countries and regions, whether through state or non-state actors.

The Philippines is one of the countries targeted by acts of terrorism, with several recorded terrorist incidents occurring both domestically and abroad.

Some of these terrorist attacks include:

1. The bombing of the residence of the Philippine Ambassador to Indonesia in Jakarta
2. Terror by Moro rebel groups (MNLF and MILF) affiliated with Al-Qaeda
3. Terror by the radical group Abu Sayyaf
4. General Santos City explosion in 2000
5. Explosions in Zamboanga City in 2001
6. Explosion at Fitmart Store Tacurong in 2002
7. Sasa Pier Explosion in Davao City in 2003
8. The explosion of Superferry Fourteen in Manila Bay in 2004

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## 9. Hotel explosion in Zamboanga City in 2011

The five-month hostage-taking of Marawi City by the Abu Sayyaf-backed Maute group in 2017. After the hostage-taking ended, discrimination against Marawi residents ensued. This attack claimed the lives of approximately 1,000 people, including military personnel, terrorists, and civilians. As a strategically important Southeast Asian nation, the Philippines is an archipelago located between the Pacific Ocean to the east and the South China Sea to the west. It also borders Indonesia to the south and the Formosa Sea (Taiwan) to the north. This geographical location serves as a vital international shipping and aviation route. Various influences pervade the nation's life, including the predominantly Catholic population in the north and the Muslim population in the south. Furthermore, the presence of United States military bases on several key Philippine islands, along with government policies favoring certain groups, makes it vulnerable to acts of terrorism. In addition to domestic law enforcement to combat acts of terrorism, the Philippine Government also collaborates with several friendly countries, including ASEAN member countries, the AUKUS security pact and others.

## CONCLUSION

There is a link between changes in political power and regulatory implementation and law enforcement policies in both the Republic of Indonesia and the Republic of the Philippines. These changes also impact legal reform, particularly in the realm of criminal law, which is characterized by various legal events that stimulate criminal law reform. Therefore, it is inevitable for all components of a nation to face change, especially in the dynamics of civilization within a country. As part of the global community, a country will be directly or indirectly affected by events in other regions. For example, the fighting in Afghanistan, a base for the Al-Qaeda terrorist group, has affiliated with and inspired rebel groups within the Philippines.

The firm action against narcotics crimes led directly by President Rodrigo Duterte resulted in the arrest and trial of the person concerned at the ICC Court in The Hague, Netherlands. The change in the Presidential office gave rise to polemics and conflict between the President and Vice President which resulted in a proposal for impeachment and changes in foreign political and economic policies. Lord Acton stated, "Power tends to corrupt and absolute power corrupts absolutely." Therefore, it is appropriate and a right and obligation for every citizen to ensure the running of a good government system, in accordance with the mandate of the constitution, by paying attention to the proper distribution of power.

Indonesia, as a neighboring country to the Philippines, shares nearly identical characteristics. These similarities can be seen from various perspectives, including:

- a. Geographical aspects, namely as an island nation in Southeast Asia which is part of the ring of fire of volcanoes
- b. Demographic aspects, namely countries with similar livelihoods in the plantation, agriculture, mining and manufacturing sectors.
- c. A similar system of government, the unitary republic, adopts a presidential system in which the president serves as both head of state and head of government. The Senate and the House of Representatives act as a counterweight and implementer of legislative functions.
- d. Similarities in people's lifestyles are largely influenced by historical factors.

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**THE IMPACT OF POLITICAL CHANGE ON THE DYNAMICS OF CRIMINAL LAW REFORM (A COMPARATIVE STUDY OF POLITICAL RELATIONS AND THE IMPLEMENTATION OF CRIMINAL LAW IN THE PHILIPPINES)**

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