



THE MEANING OF OFFENCE BY SUPERNATURAL POWERS IN LAW NUMBER 1 OF 2023 CONCERNING THE CRIMINAL CODE

Bernadus OKOKA

Universitas 17 Agustus 1945 Surabaya

Slamet SUHARTONO

Universitas 17 Agustus 1945 Surabaya

Received: Nov 02, 2025

Accepted: Jan 31, 2026

Published: June 01, 2026

Abstract:

Etymologically, supernatural powers are synonymous with the term "supernatural power," as they are beyond human comprehension. Supernatural powers can manifest in various forms, such as magical abilities, which are exercised with the aid of unseen forces. Supernatural powers are commonly found in various spiritual traditions of traditional rural and remote communities that still believe in supernatural powers. Supernatural powers are usually associated with powers wielded by demons or jinn, which can be commanded through prayers and specific offerings. In Islamic religious concepts, supernatural powers are believed to originate from Allah SWT, such as miracles, blessings, and the like. In religions other than Islam, supernatural powers are interpreted as powers born from specific prayers offered to the Creator, or even in dynamism beliefs, supernatural powers rely on the power of certain objects, such as stones, large trees, and the like. In certain traditions, such as Javanese society, supernatural powers are often referred to as "santet." Black magic is defined as magic used to harm others. It is a occult practice believed to inflict illness or suffering on victims through supernatural powers. This research is a normative legal research. The reconstruction of the formulation of criminal offenses is carried out by making changes to the provisions of Article 252 of the National Criminal Procedure Code, by adding the provisions of paragraph (3) which are worded as follows: "If the act as referred to in paragraph (1) and paragraph (2) results in psychological or physical injury and/or death of a person, the perpetrator shall be subject to criminal sanctions for assault, serious assault and/or premeditated murder with the threat of a special conditional criminal sentence.

Keywords:

Criminal; supernatural; assault

1. Introduction

Etymologically, supernatural powers are synonymous with the term "supernatural power," as they are beyond human comprehension. Supernatural powers can manifest in various forms, such as magical abilities, which are exercised with the aid of unseen forces. Supernatural powers are commonly found in various spiritual traditions of traditional rural and remote communities that still believe in supernatural powers. Supernatural powers are usually associated with powers wielded by demons or jinn, which can be commanded through prayers and specific offerings.

In Islamic religious concepts, supernatural powers are believed to originate from Allah SWT. (Burge et al., 2014) Such as miracles, blessings, and the like. In religions other than Islam, supernatural powers are interpreted as powers born from specific prayers offered to the Creator, or even in dynamism beliefs, supernatural powers rely on the power of certain objects, such as stones, large trees, and the like. In certain traditions, such as Javanese society, supernatural powers are often referred to as "santet." Black magic is defined as magic used to harm others. It is a occult practice believed to inflict illness or suffering on victims through supernatural powers.

Black magic is an evil practice that uses supernatural powers to harm others physically or mentally. (Suhemi, 2023) Black magic generally involves the use of spells, amulets, offerings, and other means to induce spirits such as jinns and demons to carry out the desired actions, sending negative energy to the victim, who will be harmed or injured. Therefore, black magic is considered dangerous. However, its very existence as an evil practice is difficult to prove

scientifically, but it is believed to have effects such as sudden illness, death, or other suffering, and can even target specific organs.(Gnanaolivu et al., 2022)

The debate surrounding black magic as a criminal act, due to its perceived evil consequences and the resulting suffering, has become an endless debate. However, after Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) was ratified and enacted and came into effect on January 2, 2026, black magic was officially declared a criminal offense, with the terminology used being "supernatural powers." The National Criminal Code stipulates that: "Supernatural powers are a criminal act that imposes criminal penalties on anyone claiming to possess supernatural powers, who is subject to criminal sanctions.

The criminal offense of supernatural powers is further outlined in Article 252 paragraph (1) of the National Criminal Code, with a penalty of 1.5 years. The provisions of Article 252 of the National Criminal Code are formulated in more detail as follows:

1. Any person who claims to have supernatural powers, informs, gives hope, offers, or provides assistance or services to other people that due to their actions can cause illness, death, or mental or physical suffering to someone, shall be punished with a maximum prison sentence of 1 year and 6 months or a maximum fine of category IV, namely IDR 200 million.

2. If any person as referred to in paragraph (1) commits the act to seek profit or make it a livelihood or habit, the penalty may be increased by 1/3.

The provisions of Article 252 of the National Criminal Code further constitute the criminal offense of supernatural powers, which was previously often used as the term black magic. The legal problem is related to the meaning of supernatural powers in the provisions of the article related to the phrase supernatural powers which does not have a clear formulation and meaning. So that in its application it can give rise to interpretations in understanding the phrase supernatural powers.(Purboyo, 2023) In addition, it also runs into the problem of proof, because in criminal cases what is sought is material truth, while in this criminal offense the proof will be faced with the difficulty of proving the existence of supernatural powers. The meaning of supernatural powers in Article 252 of the National Criminal Code as an effort to achieve legal certainty.

2. Research Method

This research is a normative legal research.(Pena et al., 2025)

3. Discussion

3.1. Supernatural Power Terminology

Supernatural powers, also known as occultism, black magic, and so on, are supernatural powers known to society since ancient times.(Shermukhamedova & Ibraimov, 2022) These powers are not only recognized in Indonesia but also in other countries, such as voodoo (Italy) and magic (Arabic). In Indonesian culture, various terms for supernatural powers or *teluh* (witchcraft) are known, such as *Leak* in Bali, *Begu Ganjang* in North Sumatra, *Suwanggi* in Eastern Indonesia, and *Puntianak* in West Sumatra. Despite the increasing advancement of science and technology, the world of shamanism remains popular and even believed in by some, known as black magic, and so on. Supernatural powers, commonly referred to as *santet*, although difficult to prove legally, are recognized by Indonesian society for generations. This is because victims are often abused, disabled, insanity, or even death as a result of the actions of people believed or believed to possess supernatural powers or black magic.

As part of the culture of society, the existence of supernatural powers cannot be simply eliminated, because reality shows that people still often need people to ask for help simply to predict fate and luck, ask for help with matchmaking, medicine, affection, smooth business, and various other needs, even though it is difficult to prove the relationship between the use of supernatural powers and the results desired by society.(Rafif & Munjid, 2022) The existence of paranormal and supernatural powers is a social phenomenon on the one hand seen as black magic that is hated by society, but on the other hand is needed by society. Indonesian society still strongly believes in magical things that are considered to bring them benefits. This behavior is evident in people's efforts to visit paranormals simply to predict their fate, ask for protection from bad things, bring good fortune, attract the opposite sex, get a position and even harm others.(Slyvka, 2023)

3.2. The Use of Supernatural Powers is a Formal Criminal Offense

The current Indonesian criminal law system adheres to the formal principle that perpetrators of criminal acts can only be punished if the act is regulated by law.(Amrianto et al., 2023) This is based on the principle of legality that applies in criminal law, namely the principle of legality, which states "nullum delictum nulla poena sine praevia lege poenali." (no act can be punished unless it is regulated by law). This principle provides protection for perpetrators of acts that fulfill the elements of a crime. However, if the act is not or is not regulated by criminal law, then the perpetrator cannot be punished. This criminal law system only punishes perpetrators of criminal acts whose external actions can be empirically identified and whose causal relationship between the act and the resulting consequences can be proven.(Alat et al., 2023)

Based on this legal principle, the use of mystical, supernatural, or metaphysical supernatural powers is difficult to accept within a formal and rational legal system, so that perpetrators of supernatural powers cannot be punished.(Daci, 2019) However, this does not mean that all acts related to supernatural matters cannot be regulated within a formal and rational legal system. As long as the act (related to supernatural matters) can be identified, it can be regulated by formal law (legislation). Since the enactment of the National Criminal Code (KUHP), the use of supernatural powers is legally a criminal offense, for which perpetrators can be punished, with a penalty of 1.5 years. The criminal offense of using supernatural powers is regulated in Article 252 paragraph (1) of the National Criminal Code, which is formulated in full as follows:

- 1) Any person who claims to have supernatural powers, tells, gives hope, offers, or provides assistance or services to other people that due to their actions can cause illness, death, or mental or physical suffering to someone, shall be punished with a maximum prison sentence of 1 year and 6 months or a maximum fine of category IV, namely IDR 200 million.
- 2) Any person as referred to in paragraph (1) who commits the act to seek profit or makes it a livelihood or habit, the penalty may be increased by 1/3.

If the elements of the criminal offense are analyzed in the provisions of Article 252 paragraph (1) of the National Criminal Code, they consist of :

- a) every person (person who uses supernatural powers);
- b) who claims to have supernatural powers, tells, gives hope, offers, or provides assistance to other people;
- c) because his actions can cause illness, death, or mental or physical suffering to someone.

Based on the elements of criminal offenses in provisions of Article 252 paragraph (1) of the National Criminal Code, it can basically be said that it meets the criteria for formal criminal offenses. Formal criminal offenses can be understood through letter b, namely by simply stating that one has supernatural powers, informing, giving hope, offering, or providing assistance or services to other people. People who fulfill the provisions of this article can be punished. Formal offenses, namely offenses whose formulation emphasizes the act (handling), without requiring the occurrence of consequences from the act. Formal offenses or also called completed offenses, are criminal offenses that are carried out by the act and do not wait for the occurrence of consequences. In formal offenses, the consequences (of an act) are not a condition for the completion of the offense. However, if we pay attention to point c, that the use of supernatural powers results in illness, death, or mental or physical suffering of a person, then it is possible that it can be categorized as having fulfilled the elements of a material criminal offense, because there is already a consequence desired by the perpetrator of the use of supernatural powers.(Wardah et al., 2025)

3.3. Regulation the Use of Supernatural Powers to Protect Society

From a social perspective, the use of supernatural powers has given rise to negative stigma and concerns with the regulation of supernatural powers in Article 252 of the National Criminal Code. Some communities or individuals involved in certain spiritual or mystical beliefs feel that this article could be misused to suppress or restrict freedom of religion and belief. They worry that the implementation of this article could trigger social conflict or reinforce negative stereotypes against minority groups. This is because criminology, as a discipline that studies crime, perpetrators, and prevention concepts, primarily focuses on behavioral phenomena deemed deviant from social and legal norms.

Furthermore, regulating the crime of using supernatural powers can also protect the public from potential victims of the use of supernatural powers. Preventively, regulating the crime of using supernatural powers in the National Criminal Code also serves as an effort to prevent the criminalization of people who practice vigilantism against those

claiming to possess supernatural abilities. The regulation of the criminal offense of using supernatural powers as regulated in Article 252 of the National Criminal Code can at least provide education to the public so that they are not provoked into taking the law into their own hands, and report it to the authorities to be resolved legally.

3.4. The crime of supernatural powers under Article 252 of the National Criminal Code is unjust

The formulation offense in Article 252 of the National Criminal Code only regulates sanctions for someone who claims to have supernatural powers, but does not regulate sanctions for someone who uses supernatural powers and can cause illness, death, or mental or physical suffering to someone. In other words, the provisions of this article only regulate sanctions for people who claim to have supernatural powers and do not regulate people who use supernatural powers that cause consequences as referred to in paragraph (1). This provision is considered unfair to the community who are victims of the use of supernatural powers, because the consequences of the use of supernatural powers are truly real, such as the insertion of razor blades, nails, wire, glass, and so on, which are released by people who also have supernatural powers.

In the provisions of this article, the sanctions do not differentiate between the actions of someone who only claims to have supernatural powers and someone who uses their supernatural powers to cause illness, death, or mental or physical suffering to someone as stated in Article 252 paragraph (1) of the National Criminal Code. Because the sanctions for those who merely claim to have supernatural powers and those who actually use them are the same: a maximum prison sentence of 1 year and 6 months or a maximum fine of category IV, namely Rp 200 million. Therefore, the provisions of this article do not differentiate between the severity of the sanctions for those who claim to have supernatural powers and those who actually use their supernatural powers, with the consequences that arise. Such sanctions are certainly considered unfair to victims of the use of supernatural powers.

Based on the principle of justice, the criminal provisions for use of supernatural powers in National Criminal Code should be clearly and firmly implemented. These provisions should not only be limited to those who claim to possess supernatural powers, but should also regulate the use of supernatural powers that cause harm to others. This is because the use of supernatural powers often causes suffering for the victim, and is generally not accompanied by a statement from the person possessing the supernatural powers, but rather directly uses them at the request of the person who desires them. The use of supernatural powers is real, but its existence and identity are difficult to detect, unless carried out by people with supernatural powers whose knowledge is at least equal to or even higher to detect the identity and existence of someone suspected of possessing supernatural powers and has used them, and has caused suffering for the victim.

If the use of supernatural powers is proven to cause death to the victim, a heavier sanction should be imposed than the sanctions imposed on people who claim to have supernatural powers. It is even very possible that the perpetrator of the use of supernatural powers that results in the death of the victim, will be subject to criminal sanctions for the perpetrator of the crime of premeditated murder as regulated in Article 340 of the old Criminal Code. Because the perpetrator of the use of supernatural powers deliberately planned to kill the victim according to the request of the person asking for his help or services. So that the perpetrator of the use of supernatural powers is not only punished with a maximum of 1 year 6 months imprisonment or a maximum fine of category IV, namely Rp. 200,000,000,- (Two Hundred Million Rupiah), which is certainly too light. Because between the death of the victim due to the use of supernatural powers and the death of the victim due to premeditated murder as regulated in Article 340 of the old Criminal Code, both are planned, but only different methods and media used, so that the perpetrator of the use of supernatural powers should be threatened with the death penalty or at least life imprisonment.

4. Proof

From a legal perspective, there is debate regarding the definition and proof of the use of supernatural powers in the context of criminal law. Some argue that the provisions of the supernatural powers article do not provide legal certainty for punishing perpetrators or those who use supernatural powers that harm society. On the other hand, many also highlight the obstacles in proving cases of supernatural powers, which often involve evidence that is difficult to understand scientifically or formally (Subhandi Bakhtiar, 2022). Article 184 of the Criminal Procedure Code (KUHAP) stipulates five types of valid evidence: witness testimony, expert testimony, letters, clues, and the defendant's testimony. This formulation limits the evidence that can be used to prove a defendant's guilt in court.

The issue of proving supernatural powers has also been researched by an academic, Rizca Natasuwarna, a Bandung Institute of Technology (ITB) graduate who developed a device called positive energy generator technology (GEPP). According to her, this device has the ability to ward off supernatural powers. When tested on a banana tree in Bandung, the tree remained healthy despite being enchanted by a black magic practitioner from Garut, thanks to the anti-supernatural power generator. In contrast, trees without the generator immediately died and dried up after being enchanted.

5. Conclusion

The reconstruction of the formulation of criminal offenses is carried out by making changes to the provisions of Article 252 of the National Criminal Procedure Code, by adding the provisions of paragraph (3) which are worded as follows: "If the act as referred to in paragraph (1) and paragraph (2) results in psychological or physical injury and/or death of a person, the perpetrator shall be subject to criminal sanctions for assault, serious assault and/or premeditated murder with the threat of a special conditional criminal sentence.

References

- Alat, P., Kampanye, P., Materi, D., Diluar, K., Sebagai, J., Pemilu, P., Andrie, M., 1 ✉, K., & Michael, T. (2023). Penyebaran Alat Peraga Kampanye Dengan Materi Kampanye Diluar Jadwal Sebagai Pelanggaran Pemilu. *Innovative: Journal Of Social Science Research*, 3(6), 7716–7732. <https://doi.org/10.31004/INNOVATIVE.V3I6.6820>
- Amrianto, A. D., Putri, M. K. A., Yusup, A., & Putra, I. P. A. D. (2023). Kriminalisasi dan Reformulasi Perbuatan Prostitusi dalam Hukum Pidana: Catatan Kritis atas Minimnya Pengaturan Perbuatan Prostitusi Di Indonesia. *Jurnal Penegakan Hukum Dan Keadilan*, 4(2). <https://doi.org/10.18196/jphk.v4i2.18091>
- Burge, D. L., Boucherle, G., Sarbacker, S. R., Singleton, M., Goldberg, E., Waghorne, J. P., ?, Adi-Da, Alter, J. S., Altglas, V., Beckford, J., Louveau, F., Anandamurti, S. S., Ankerberg, J., Weldon, J., Aravamudan, S., Ash, D., Hewitt, P., Aune, K., ... Yoga, A. (2014). Yoga and Kabbalah as World Religions? A Comparative Perspective on Globalization of Religious Resources. In *Gurus of Modern Yoga* (Vol. 15, Issue 2).
- Daci, J. (2019). Legal Principles, Legal Values and Legal Norms: are they the same or different? *Academicus International Scientific Journal*, 2. <https://doi.org/10.7336/academicus.2010.02.11>
- Gnanaolivu, S. D., Campera, M., Nekaris, K. A. I., Nijman, V., Satish, R., Babu, S., & Singh, M. (2022). Medicine, black magic and supernatural beings: Cultural rituals as a significant threat to slender lorises in India. *People and Nature*, 4(4). <https://doi.org/10.1002/pan3.10336>
- Pena, K., Atas, J., Kemerdekaan, K., Pers, K., Habibie, M. A., & Michael, T. (2025). Ketimpangan Pena Jurnalis atas Kriminalisasi Kemerdekaan dan Kebebasan Pers. *Journal Evidence Of Law*, 4(1), 239–249. <https://doi.org/10.59066/JEL.V4I1.1078>
- Purboyo, A. (2023). Declare yourself to be possessing a Criminal Act Because You Have Magical Powers as Meant in Article 252 of Law No. 1 of 2023 concerning Criminal Code. *Pancasila International Journal of Applied Social Science*, 1(02). <https://doi.org/10.59653/pancasila.v1i02.156>
- Raff, M. I., & Munjid, A. (2022). Questioning Popular Culture: Future Technology In Ready Player One. *Lexicon*, 8(2). <https://doi.org/10.22146/lexicon.v8i2.74316>
- Shermukhamedova, N. A., & Ibraimov, T. K. (2022). Қазіргі ҒЫЛЫМНЫҢ ДАМУЫНДАҒЫ ОККУЛЬТТІ БІЛІМНІҢ МАҢЫЗЫ. *BULLETIN of the L.N. Gumilyov Eurasian National University. Historical Sciences. Philosophy. Religion Series*, 139(2). <https://doi.org/10.32523/2616-7255-2022-139-2-234-246>
- Slyvka, S. (2023). Basic pedagogical laws in canon law. *Visnik Nacional'noho Universitetu «Lvivska Politehnika»*. Seria: Uridicni Nauki, 10(37). <https://doi.org/10.23939/law2023.37.118>
- Subhandi Bakhtiar, H. (2022). Pentingnya Bukti Forensik Pada Pembuktian Tindak Pidana. *Jurnal Hukum Pidana Dan Kriminologi*, 3(2). <https://doi.org/10.51370/jhpk.v3i2.82>
- Suhemi, E. (2023). Tafsir Scholar's View on Black Magic. *Jurnal Ilmiah Al-Mu Ashirah*, 20(1). <https://doi.org/10.22373/jim.v20i1.17287>
- Wardah, E. O., Michael, T., & Lyanthi, M. E. (2025). Legal Protection for Land Rights Holders Designated as Abandoned Land. *Journal Evidence Of Law*, 4(2), 419–426. <https://doi.org/10.59066/JEL.V4I2.1219>