

Legal Certainty and the Reconstruction of Death Penalty Implementation for Premeditated Murder after the Enactment of Indonesia's New Criminal Code: A Human Rights and Restorative Justice Perspective

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ABSTRACT

Keywords:

*Legal Certainty;
Death Penalty;
Premeditated
Murder; Criminal
Law Reform;
Restorative Justice;
New Criminal
Code.*

Article Info.

Received:

17/04/2026

Revised:

18/05/2026

Accepted:

14/07/2026

Published:

31/07/2026

The death penalty for premeditated murder remains one of the most controversial issues in Indonesia's criminal justice system because it involves legal certainty, justice, and human rights considerations. This study aims to analyze the legal certainty of the implementation of the death penalty for premeditated murder and to examine the reconstruction of capital punishment after the enactment of Law Number 1 of 2023 concerning the New Criminal Code. This research employs a normative juridical method using statutory, conceptual, and comparative approaches. The study relies on secondary legal materials, including legislation, legal doctrines, books, and scientific journal articles related to criminal law and capital punishment. The findings reveal that the New Criminal Code reconstructs the death penalty from an ordinary principal punishment into a special and conditional punishment imposed only as a last resort. The introduction of a ten-year probationary period provides death row convicts with an opportunity for rehabilitation and possible commutation into life imprisonment based on good behavior and personal reform. However, the implementation of this mechanism still faces challenges concerning legal certainty, particularly due to the absence of clear and objective assessment standards. Furthermore, the current system does not adequately accommodate restorative justice principles because victims' families are not substantially involved in the sentence evaluation process. Therefore, clearer implementing regulations and greater recognition of victims' rights are necessary to ensure fairness, transparency, and consistency in the implementation of capital punishment in Indonesia. The reconstruction of the death penalty under the New Criminal Code reflects Indonesia's effort to modernize its criminal justice system while balancing retributive justice, rehabilitation, legal certainty, and human dignity.



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How to cite: Kadir, A., Ahmad, S., Redi, A., Santiago, F., Sina Chandranegara, I., & Mutiara, U. (2026). Legal Certainty and the Reconstruction of Death Penalty Implementation for Premeditated Murder after the Enactment of Indonesia's New Criminal Code: A Human Rights and Restorative Justice Perspective. *International Journal of Educational Review, Law And Social Sciences (IJERLAS)*, 6(3), 380–388. <https://doi.org/10.5281/ijerlas.v6i3.5734>

Introduction

The death penalty remains one of the most controversial criminal sanctions within contemporary legal systems. The debate surrounding capital punishment extends beyond criminal law into broader discussions concerning human rights, morality, legal certainty, state sovereignty, and the philosophy of punishment. In Indonesia, the death penalty continues to be recognized as part of positive criminal law and is imposed for

several extraordinary crimes, including terrorism, narcotics trafficking, and premeditated murder. Among these offenses, premeditated murder occupies a particularly serious position because it involves deliberate intent and prior planning to unlawfully deprive another human being of life. Consequently, Indonesian criminal law has historically justified the imposition of the harshest punishment against offenders convicted of such crimes.

The right to life constitutes one of the most fundamental human rights recognized under international and national legal instruments. Article 28A of the 1945 Constitution of the Republic of Indonesia guarantees that every person has the right to live and to defend his or her life. Similarly, Article 4 of Law Number 39 of 1999 concerning Human Rights categorizes the right to life as a non-derogable right that cannot be limited under any circumstances. Nevertheless, despite these constitutional guarantees, Indonesia continues to retain the death penalty as a lawful sanction for certain crimes considered to pose extraordinary threats to society and public order. This duality reflects an enduring tension between the protection of human rights and the state's authority to impose severe criminal sanctions in the interest of justice and social protection.

Historically, the death penalty has existed since ancient civilizations and has long been considered the ultimate punishment for grave offenses. In classical legal traditions, capital punishment was justified as an instrument of retaliation, deterrence, and protection of society. The application of the death penalty can be traced back to the laws of Moses, Roman law, Greek law, and Germanic legal traditions. In Indonesia, the existence of capital punishment predates colonialism and was recognized within customary legal systems. During the Dutch colonial era, the death penalty was incorporated into the colonial criminal justice framework through various regulations and later institutionalized within the *Wetboek van Strafrecht*, which subsequently became the Indonesian Criminal Code after independence.

The old Indonesian Criminal Code recognized the death penalty as one of the principal punishments under Article 10. Article 340 specifically regulates premeditated murder and stipulates that offenders may be sentenced to death, life imprisonment, or imprisonment for a maximum period of twenty years. The inclusion of the death penalty within Article 340 reflects the perception that premeditated murder represents one of the gravest violations of legal and moral order because the offender intentionally and consciously plans the killing. The element of prior planning distinguishes premeditated murder from ordinary murder and demonstrates a higher degree of culpability that traditionally justifies harsher punishment.

Despite its continued existence within Indonesian law, the death penalty has consistently generated controversy. Abolitionists argue that capital punishment violates the right to life and constitutes cruel, inhuman, and degrading treatment. International organizations such as Amnesty International and the United Nations have repeatedly advocated for the abolition of the death penalty and encouraged states to adopt moratoriums on executions. According to Amnesty International's global reports, a growing number of countries have abolished the death penalty either legally or in practice. This international trend reflects the increasing global acceptance of human rights norms emphasizing human dignity and the sanctity of life.

On the other hand, retentionists maintain that the death penalty remains necessary for protecting society against particularly serious crimes. Supporters of capital punishment often rely on retributive justice theory, which argues that punishment should be proportionate to the gravity of the offense committed. In cases of premeditated murder, the deliberate deprivation of life is considered to justify the ultimate punishment. Furthermore, deterrence theory suggests that the death penalty may discourage potential offenders from committing similar crimes by creating fear of severe punishment. Within Indonesian society, public support for the death penalty frequently emerges in response to brutal crimes that provoke widespread social outrage and emotional trauma.

The implementation of the death penalty in Indonesia has also raised significant concerns regarding legal certainty. Many death row inmates remain imprisoned for years or even decades without execution. Such delays are caused by various legal and political factors, including judicial review petitions, clemency applications, diplomatic pressure, and changes in government policy. This prolonged uncertainty creates psychological suffering for convicts and has been described by scholars and human rights advocates as the "death row phenomenon." At the same time, victims' families often perceive delayed executions as a denial of justice because court decisions that have obtained permanent legal force are not implemented promptly.

The principle of legal certainty constitutes a fundamental element of the rule of law. Gustav Radbruch emphasized that law must be clear, positive, and consistently enforced in order to achieve justice and legal

order. Jan Michiel Otto further explained that legal certainty requires clear legal norms, consistent implementation by authorities, independent judicial institutions, and effective enforcement of judicial decisions. In the context of capital punishment, legal certainty requires that executions be conducted according to transparent procedures and within a reasonable timeframe. Prolonged delays and inconsistent implementation undermine public trust in the legal system and weaken the legitimacy of criminal justice institutions.

The enactment of Law Number 1 of 2023 concerning the New Criminal Code represents a significant milestone in Indonesia's criminal law reform. The New Criminal Code introduces major changes to the philosophy and implementation of punishment, including the regulation of capital punishment. Unlike the old Criminal Code, which classified the death penalty as an ordinary principal punishment, the New Criminal Code categorizes it as a special and conditional punishment. This reform reflects Indonesia's effort to modernize its criminal justice system while balancing national legal values, human rights principles, and societal demands for justice.

One of the most important innovations introduced by the New Criminal Code is the concept of conditional capital punishment. Article 100 provides that death row convicts may undergo a probationary period of ten years before execution is carried out. During this period, the offender's conduct, remorse, and rehabilitation efforts are evaluated. If the convict demonstrates positive behavioral change and rehabilitation, the death sentence may be commuted into life imprisonment through presidential decision following consideration by the Supreme Court. This mechanism represents a significant shift from a purely retributive model toward a more rehabilitative and humanistic approach.

The reconstruction of capital punishment under the New Criminal Code reflects broader developments in modern criminal law theory. Contemporary theories of punishment increasingly emphasize rehabilitation, restorative justice, and social reintegration rather than solely focusing on retaliation. The New Criminal Code adopts this orientation by recognizing that punishment should not only impose suffering upon offenders but also create opportunities for repentance, reform, and reintegration into society. Nevertheless, the retention of the death penalty demonstrates that Indonesia continues to recognize the necessity of severe punishment for exceptionally grave crimes such as premeditated murder.

Several previous studies have examined the death penalty in Indonesia from different perspectives. Some scholars have focused on constitutional issues and argued that capital punishment contradicts constitutional guarantees concerning the right to life. Other studies have analyzed the effectiveness of the death penalty as a deterrent against serious crime and concluded that empirical evidence regarding deterrence remains inconclusive. Additional research has explored philosophical debates between abolitionist and retentionist perspectives as well as the compatibility of capital punishment with international human rights law.

However, limited research specifically addresses the reconstruction of the implementation of the death penalty after the enactment of the New Criminal Code, particularly in relation to legal certainty and justice for victims and their families. Existing studies often focus primarily on the rights of offenders and broader human rights debates while paying insufficient attention to restorative justice dimensions and the interests of victims. In practice, victims' families frequently experience prolonged emotional suffering and uncertainty resulting from delayed executions and inconsistent legal processes. Consequently, a comprehensive analysis is necessary to evaluate how the New Criminal Code reconstructs the implementation of capital punishment while balancing the rights of offenders, victims, and society.

This study therefore seeks to examine the legal certainty of death penalty implementation for premeditated murder in Indonesia and to analyze the reconstruction of capital punishment after the enactment of the New Criminal Code. Particular attention is given to the relationship between legal certainty, rehabilitation, restorative justice, and the protection of victims' rights. The novelty of this research lies in its integrated analysis of capital punishment from the perspectives of legal certainty and restorative justice within the framework of Indonesia's criminal law reform. Unlike previous studies that predominantly emphasize abolitionist or retentionist arguments, this research explores how the New Criminal Code attempts to reconcile retributive justice, rehabilitation, and human rights protection through a conditional death penalty mechanism. Furthermore, this study proposes the inclusion of victims' families within the probationary assessment process as part of a more comprehensive restorative justice model in Indonesian criminal law.

Method

This study employs a normative juridical research method with a qualitative approach. Normative juridical research, commonly referred to as doctrinal legal research, focuses on the examination and analysis of legal norms, legal principles, statutory regulations, legal doctrines, and judicial decisions relevant to a particular legal issue. The research is directed toward understanding the legal certainty and reconstruction of the implementation of the death penalty for premeditated murder after the enactment of Law Number 1 of 2023 concerning the New Criminal Code of Indonesia.

The study utilizes three primary approaches, namely the statutory approach, conceptual approach, and comparative approach. The statutory approach is used to analyze various legal instruments governing capital punishment in Indonesia, including the 1945 Constitution of the Republic of Indonesia, the old Criminal Code, the New Criminal Code, the Criminal Procedure Code, Law Number 39 of 1999 concerning Human Rights, and regulations related to the implementation of death penalty executions. This approach enables the researcher to identify legal consistency, normative developments, and the transformation of the death penalty concept from the old Criminal Code to the New Criminal Code.

The conceptual approach is applied to examine legal theories and doctrines associated with the death penalty, legal certainty, criminal law reform, retributive justice, rehabilitative justice, restorative justice, and human rights protection. This approach provides a theoretical framework for understanding the philosophical basis of criminal law reform in Indonesia, particularly regarding the shift from a purely punitive orientation toward a more balanced and humanistic approach. The theories of Gustav Radbruch concerning legal certainty, Jan Michiel Otto regarding the rule of law, and restorative justice theories are used to evaluate the implementation of capital punishment in contemporary Indonesian criminal law.

In addition, a comparative approach is employed to observe international developments concerning capital punishment and to compare Indonesia's legal policy with practices adopted in other jurisdictions. The comparative analysis is important because the global trend toward abolition or restriction of the death penalty significantly influences contemporary criminal law reform and human rights discourse. This approach also allows the study to examine how different legal systems balance retributive justice, deterrence, rehabilitation, and restorative justice in addressing serious crimes such as premeditated murder.

The research relies on secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include legislation, constitutional provisions, judicial decisions, and official legal documents concerning the death penalty. Secondary legal materials consist of books, scientific journal articles, dissertations, legal commentaries, and academic opinions discussing criminal law, human rights, legal certainty, and capital punishment. Tertiary legal materials include legal dictionaries, encyclopedias, and online legal databases that support the interpretation and clarification of legal concepts used in this research.

Data collection was conducted through documentation and literature study techniques. Relevant legal materials were systematically collected, classified, and analyzed according to the research objectives. The analysis process was carried out qualitatively using descriptive-analytical methods. Through descriptive analysis, the study explains the legal framework governing capital punishment in Indonesia, while analytical interpretation is used to identify legal problems, normative inconsistencies, and implications arising from the reconstruction of the death penalty under the New Criminal Code.

The qualitative analysis further evaluates how the introduction of a ten-year probationary period and conditional commutation mechanism under the New Criminal Code affects legal certainty, victims' rights, and criminal justice objectives. Particular attention is given to the role of restorative justice principles and the need for involving victims' families in the assessment process concerning sentence conversion. The findings of this research are expected to contribute academically and practically to the development of Indonesian criminal law reform and to provide recommendations for strengthening legal certainty and justice within the implementation of capital punishment.

Results and Discussion

Legal Certainty in the Implementation of the Death Penalty for Premeditated Murder in Indonesia

The implementation of the death penalty in Indonesia has long been characterized by legal, political, and philosophical complexities. Although capital punishment remains legally recognized within the Indonesian criminal justice system, its practical implementation frequently encounters delays, inconsistencies, and controversies. These challenges become particularly significant in cases of

premeditated murder because such crimes involve deliberate intent and prior planning, thereby constituting one of the gravest forms of criminal conduct under Indonesian law.

Under the old Criminal Code, the death penalty was classified as one of the principal punishments regulated under Article 10. Specifically, Article 340 stipulates that any person who intentionally and with prior planning takes the life of another person may be punished with death, life imprisonment, or imprisonment for a maximum period of twenty years. This provision reflects the traditional criminal law philosophy that severe crimes require severe punishment in order to restore justice and maintain public order.

The legal basis concerning the implementation of executions was historically regulated through Presidential Regulation in Lieu of Law Number 2 of 1964 concerning Procedures for the Implementation of Death Penalties Imposed by General and Military Courts. The regulation established that executions were to be conducted by firing squad rather than hanging, as previously regulated in Article 11 of the old Criminal Code. In practice, however, the implementation of executions has not always followed a predictable or timely process.

One of the major legal problems surrounding capital punishment in Indonesia concerns the uncertainty of execution timelines. Many death row inmates remain imprisoned for years or even decades after their convictions obtain permanent legal force (*inkracht*). This delay often occurs because convicts pursue extraordinary legal remedies such as judicial review petitions and clemency applications. Additionally, political considerations, diplomatic pressure, and human rights campaigns frequently influence the government's decision regarding whether and when executions should be carried out.

From the perspective of legal certainty, prolonged delays in execution create serious problems within the criminal justice system. Gustav Radbruch emphasized that law must possess certainty, clarity, and enforceability in order to maintain legitimacy. A legal system loses authority when judicial decisions are not implemented consistently. Similarly, Jan Michiel Otto argues that legal certainty requires the existence of clear legal norms, consistent enforcement by authorities, judicial independence, and effective implementation of judicial decisions. In the context of capital punishment, these principles imply that once all legal remedies have been exhausted, executions should be implemented within a clear and reasonable timeframe.

The uncertainty surrounding execution procedures has significant consequences not only for convicts but also for victims' families and society at large. Death row inmates experience prolonged psychological suffering caused by indefinite waiting periods. Human rights scholars often describe this phenomenon as psychological torture because convicts live under constant fear of execution without knowing when it will occur. On the other hand, victims' families frequently perceive delays as a denial of justice because the punishment imposed by the court is never fully realized. Consequently, prolonged uncertainty weakens public confidence in the criminal justice system and undermines the principle of the rule of law.

The issue of legal certainty also becomes increasingly relevant following the enactment of Law Number 1 of 2023 concerning the New Criminal Code. The New Criminal Code fundamentally reconstructs the concept and implementation of the death penalty in Indonesia. Unlike the old Criminal Code, which categorized the death penalty as an ordinary principal punishment, the New Criminal Code classifies it as a special and conditional punishment imposed selectively and as a last resort (*ultimum remedium*).

Article 67 of the New Criminal Code explicitly states that the death penalty is a special punishment that must always be imposed alternatively alongside life imprisonment or imprisonment for a maximum of twenty years. This provision reflects a significant shift in Indonesia's criminal law policy. Capital punishment is no longer viewed solely as an instrument of retaliation but also as a sanction subject to humanistic and rehabilitative considerations.

One of the most important reforms introduced by the New Criminal Code is the establishment of a ten-year probationary period before execution may be carried out. Article 100 provides that the execution of a death sentence may be postponed for ten years if the convict demonstrates remorse and the possibility of rehabilitation. During this probationary period, authorities evaluate the offender's conduct, personality development, and rehabilitation efforts. If the convict demonstrates positive behavioral change, the death sentence may be converted into life imprisonment through presidential decision following consideration by the Supreme Court.

This probationary mechanism represents Indonesia's attempt to balance legal certainty, justice, and human rights protection. On one hand, the New Criminal Code provides clearer procedural stages

concerning the implementation of capital punishment. On the other hand, the possibility of sentence conversion introduces flexibility into the criminal justice system and acknowledges the possibility of human reform.

Nevertheless, the probationary mechanism also raises new legal challenges. One significant issue concerns the absence of objective standards regarding the assessment of rehabilitation and behavioral change. The New Criminal Code does not clearly define the criteria used to determine whether a convict deserves sentence commutation. Consequently, the assessment process risks becoming subjective and inconsistent. Such ambiguity potentially undermines legal certainty because similar cases may produce different outcomes depending on the discretion of authorities.

The implementation of conditional capital punishment therefore requires detailed implementing regulations to ensure transparency, accountability, and consistency. The government must formulate measurable indicators concerning rehabilitation, including behavioral records, participation in correctional programs, psychological evaluations, expressions of remorse, and social reintegration efforts. Without such standards, the assessment process may generate legal disputes and public distrust.

Another important issue concerns the role of political and diplomatic pressure in death penalty implementation. Historically, executions in Indonesia have often been influenced by international criticism and diplomatic relations, particularly when foreign nationals are involved. This political dimension sometimes creates inconsistent implementation patterns, where certain executions are accelerated while others are postponed indefinitely. Such inconsistency contradicts the principle of equality before the law and weakens legal certainty.

Furthermore, the implementation of the death penalty involves not only legal certainty but also constitutional and human rights considerations. Article 28A of the Indonesian Constitution guarantees the right to life, while Article 4 of the Human Rights Law categorizes the right to life as a non-derogable right. Abolitionists argue that the existence of capital punishment inherently contradicts these constitutional guarantees. However, the Constitutional Court of Indonesia has repeatedly affirmed that the death penalty remains constitutional as long as it is imposed selectively, proportionately, and through due process of law.

Consequently, the New Criminal Code represents a compromise between abolitionist and retentionist perspectives. Indonesia does not abolish capital punishment entirely but reconstructs its implementation to align more closely with human rights principles. This compromise is often referred to as "The Indonesian Way," reflecting a middle path between total abolition and unrestricted retention of the death penalty.

Reconstruction of the Death Penalty after the New Criminal Code

The enactment of the New Criminal Code signifies a broader process of criminal law reform in Indonesia. Criminal law reform involves not merely revising statutory provisions but also reconstructing the philosophical foundations of punishment. Historically, Indonesian criminal law inherited many punitive characteristics from the Dutch colonial legal system. The New Criminal Code attempts to modernize this system by integrating Indonesian values, human rights principles, and contemporary criminal law theories.

The concept of reconstruction refers to the process of reorganizing or rebuilding legal norms and institutions in order to address contemporary social realities and legal challenges. In the context of capital punishment, reconstruction involves transforming the philosophy, procedures, and objectives underlying the implementation of the death penalty.

Barda Nawawi Arief explains that criminal law reform must serve as part of a rational policy aimed at improving legal substance, enhancing law enforcement effectiveness, and addressing broader social and humanitarian problems. Accordingly, the reconstruction of capital punishment under the New Criminal Code reflects Indonesia's attempt to create a more humane and balanced criminal justice system.

The traditional implementation of the death penalty was heavily influenced by retributive justice theory. Retributive justice emphasizes proportional retaliation whereby offenders receive punishment corresponding to the gravity of their crimes. In cases of premeditated murder, retributive theory justifies capital punishment because the offender intentionally deprived another human being of life. From this perspective, execution represents moral accountability and restoration of justice.

However, modern criminal law increasingly recognizes that punishment should not focus solely on retaliation. Rehabilitation theory argues that offenders should be given opportunities to reform and reintegrate into society. Similarly, restorative justice emphasizes repairing social relationships, addressing victims' needs, and restoring social harmony rather than merely inflicting suffering upon offenders.

The New Criminal Code reflects these evolving theories by reconstructing capital punishment into a more conditional and rehabilitative mechanism. The introduction of a ten-year probationary period demonstrates that punishment is no longer viewed as absolutely irreversible. Instead, the legal system acknowledges that offenders may experience moral transformation and personal rehabilitation.

This reconstruction also reflects humanitarian considerations. By allowing sentence commutation, the New Criminal Code attempts to reduce the harshness and finality traditionally associated with capital punishment. The reform therefore introduces greater flexibility and proportionality into the criminal justice system.

Nevertheless, the reconstruction of capital punishment under the New Criminal Code remains incomplete because restorative justice dimensions are insufficiently accommodated. The current framework primarily focuses on evaluating offenders' behavior while paying limited attention to the perspectives and interests of victims' families. In cases of premeditated murder, victims' families often experience profound emotional trauma, social suffering, and economic hardship. Yet the legal system rarely involves them meaningfully in decisions regarding sentence commutation.

Restorative justice theory emphasizes that justice should involve all parties affected by crime, including offenders, victims, and society. Victims' families should therefore be given opportunities to express their views regarding rehabilitation and sentence conversion. Their participation would strengthen procedural fairness and ensure that criminal justice does not prioritize offenders' interests at the expense of victims.

Comparative perspectives from Islamic criminal law provide valuable insights concerning restorative justice. Under the concept of qishash, victims' families possess the authority to forgive offenders and accept compensation (diyat). Forgiveness does not necessarily eliminate accountability but introduces opportunities for reconciliation and social harmony. Although Indonesia's legal system is pluralistic and not exclusively based on Islamic law, these restorative values may contribute to future criminal law reforms.

The reconstruction of capital punishment should therefore incorporate mechanisms allowing victims' families to participate in the probationary assessment process. Such participation could include consultation hearings, victim impact statements, and opportunities to express views concerning sentence conversion. This approach would create a more balanced and inclusive model of justice.

Another important implication of reconstruction concerns the purpose of punishment itself. The New Criminal Code explicitly recognizes multiple objectives of punishment, including prevention, rehabilitation, conflict resolution, restoration of social balance, and the promotion of remorse among offenders. These objectives demonstrate movement away from purely punitive approaches toward multidimensional criminal justice policies.

The reconstruction of capital punishment also has broader implications for human rights protection in Indonesia. By introducing conditional and alternative mechanisms, Indonesia attempts to align its criminal justice system with international human rights standards while preserving national sovereignty and cultural values. This balanced approach may strengthen Indonesia's legitimacy within global human rights discourse.

However, effective implementation requires comprehensive institutional reform. Correctional institutions must provide adequate rehabilitation programs, psychological counseling, and behavioral assessment mechanisms. Legal institutions must also ensure transparency and accountability throughout the probationary process. Without institutional support, the objectives of reconstruction may remain merely symbolic.

Ultimately, the reconstruction of the death penalty under the New Criminal Code reflects Indonesia's effort to modernize criminal law while balancing competing interests involving justice, legal certainty, social protection, rehabilitation, and human rights. The reform demonstrates that punishment should not only retaliate against offenders but also create opportunities for moral transformation and social restoration.

Nevertheless, future reforms remain necessary to strengthen restorative justice mechanisms, clarify assessment standards, and ensure consistent implementation. By integrating victims' participation, transparent procedures, and objective evaluation criteria, Indonesia can develop a more legitimate, humane, and balanced system for implementing capital punishment in cases of premeditated murder.

Conclusion

The implementation of the death penalty for premeditated murder in Indonesia remains a complex issue involving legal certainty, justice, and human rights considerations. Under the old Criminal Code, the

death penalty was treated as a principal punishment, while the New Criminal Code reconstructs it as a special and conditional punishment imposed only as a last resort. This change reflects Indonesia's effort to balance retributive justice, rehabilitation, and humanitarian values within the criminal justice system.

The introduction of a ten-year probationary period under the New Criminal Code represents a significant reform in the implementation of capital punishment. Through this mechanism, death row convicts are given an opportunity to demonstrate good behavior and rehabilitation before execution is carried out. If the convict shows genuine improvement, the death sentence may be converted into life imprisonment. This policy indicates a shift toward a more humanistic and rehabilitative approach in Indonesian criminal law.

However, challenges remain regarding legal certainty and the practical implementation of the probationary system. The absence of clear and objective assessment standards may lead to inconsistent application and subjective interpretation. Therefore, implementing regulations are necessary to ensure transparency, fairness, and accountability in evaluating death row convicts.

In addition, the reconstruction of the death penalty should pay greater attention to restorative justice principles by involving victims' families in the assessment process. Justice should not only focus on the rehabilitation of offenders but also consider the emotional and social suffering experienced by victims and their families.

Overall, the New Criminal Code demonstrates Indonesia's effort to modernize its criminal justice system while maintaining the death penalty for serious crimes such as premeditated murder. The reconstruction of capital punishment reflects an attempt to create a more balanced legal system that upholds legal certainty, justice, rehabilitation, and respect for human dignity.

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