

DEATH PENALTY AS AN ALTERNATIVE PUNISHMENT: DYNAMICS OF CHANGE IN INDONESIAN LEGISLATION IN COMPARISON WITH THE UNITED STATES AND SINGAPORE

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Abstract

The death penalty in Indonesia is a contentious topic that ignites debate over its effectiveness and humanitarian aspects, particularly in the context of serious crimes such as premeditated murder, terrorism, and narcotics offenses. Legal reforms, including the introduction of conditional death penalty, reflect efforts to balance law enforcement with human rights principles, offering chances for rehabilitation and reconsideration of sentences. These changes mark Indonesia's response to international pressure and shifts in social values, signaling a move towards a more humane and restoration-oriented justice system. This study aims to examine the significant legislative changes brought about by the introduction of the conditional death penalty concept in Law Number 1 of 2023 on the Criminal Code. This research employs a normative juridical method. The findings indicate that the death penalty reformulation in Indonesia creates a dilemma between upholding long-standing legal traditions and the need for modernization towards restorative justice and respect for human rights. Although rooted historically as a law enforcement tool since the kingdom era and considered effective for serious crimes like systematic corruption, global pressure post-World War II has prompted a reconsideration of its application. In this context, the government strives to align the death penalty with international standards, presenting a dilemma between seeking deterrent effects and considering the humanity and effectiveness of the punishment within a broader judicial system.

Keywords: Legislation; Alternative Sentencing; Death Penalty.

INTRODUCTION

Death penalty has long been a topic of intense debate in various parts of the world, including in Indonesia (Anugrah, Roby, and Desril, 2021). As one of the oldest forms of punishment in the history of criminal justice, death penalty is considered by some parties as the last means to uphold justice against the most serious crimes. In the context of criminal law in Indonesia, death penalty is applied as an effort to aggravate punishment for perpetrators of certain crimes, which are considered detrimental to public interest and threaten social stability, such as cases of premeditated murder, terrorism, narcotics, and crimes against state security (Cahyani et al., 2023). The relevance and urgency of the discussion on death penalty in Indonesia cannot be separated from the dynamics of social, political, and legal changes that continue to move. The debate on death penalty is not only about its effectiveness as a crime deterrent, but also involves human rights considerations, systemic errors in the judicial process, and international pressure for the abolition of death penalty (Firdaus et al., 2021). Indonesia, as a country that still applies

the death penalty, is often under the spotlight due to specific cases that attract the attention of the public and the international community, triggering widespread discussions regarding justice, redemption, and possible errors in the application of the death penalty.

Amidst the global trend towards abolition of the death penalty, Indonesia has its own challenges in weighing between the pressure to comply with international norms and the need to maintain legal sovereignty in response to serious crimes (Fitrianingrum, Eva, and Susila, 2022). Discussions on the death penalty are crucial, particularly to evaluate whether this practice is still relevant and effective in Indonesia's current legal and social context. In addition, the importance of legal reforms to ensure a fair and transparent judicial process, as well as considering alternatives to punishment that focus more on rehabilitation and restoration, are crucial aspects in the discussion of the death penalty in Indonesia (Ginting, Grenaldo, 2023). The death penalty has long been a part of the legal system in Indonesia, with its roots tracing back to the colonial era when the Dutch colonial government applied this punishment for various crimes (Hutapea, Bungasan, 2017). During this period, the death penalty was used as a tool to enforce colonial order and authority, often without due process by today's standards.

Post-independence, Indonesia adopted the death penalty in its legal framework, formalizing it in Law No. 1/1946 on the Criminal Code (Kitab Undang-Undang Hukum Pidana), which is a legacy of the colonial legal system but has been adapted to national conditions and values. Since then, various laws and regulations have been introduced to regulate the application of the death penalty, adapting it to social, political, and justice dynamics. The application of death penalty in Indonesia is mainly regulated in the Criminal Code and several special laws that deal with certain criminal offenses such as terrorism, narcotics, and corruption. For example, Law No. 35 of 2009 on Narcotics and Law No. 31 of 1997 on Military Justice, which was later amended by Law No. 34 of 2004, provide provisions for the death penalty against perpetrators of certain criminal offenses.

Debates and changes related to the application of death penalty continue to develop in line with the dynamics of society and changes in existing values (Jung, Li, 2023). This can be seen from the various revisions to the law and the fluctuating attitude of the government towards the practice of the death penalty, reflecting the struggle between harsh law enforcement efforts and international human rights norms. In recent years, pressure from the international community and human rights groups has encouraged Indonesia to consider the abolition or moratorium of the death penalty, although to date the death penalty still remains a part of the criminal law (Purba, Nelvitia, 2008). Discussions and debates related to the death penalty cover various aspects, ranging from its effectiveness as a crime deterrent to humanist and ethical considerations.

The application of the death penalty in Indonesia is currently at a crossroads between the need to uphold the law and uphold human rights, with the government and judicial institutions constantly under scrutiny from both within and outside the country in relation to the policy and practice of applying this punishment (Mukantardjo, Satriyo, 2018). Law Number 1 of 2023 on the new Indonesian Criminal Code (KUHP) is a significant step in the reform of criminal law in the country. This change reflects efforts to modernize and adjust to human rights values, as

well as a response to social dynamics and the needs of contemporary society. In the context of death penalty as an alternative punishment, this Law presents several important changes that try to balance the needs of law enforcement and human rights protection (Purwodirekso, Muhajir, 2015)

One important aspect of the new Criminal Code Law is the further regulation on the application of death penalty. Although the death penalty is still recognized as part of the Indonesian criminal law system, this Law introduces the concept of "conditional death penalty" (Putri et al., 2016). This means that there is a possibility to suspend the execution of the death penalty for a certain period of time, providing room for convicts to possibly obtain a pardon or commutation (reduction of sentence) based on certain considerations. This approach reflects an attempt to reduce the application of the death penalty and provide a second chance for convicts, in line with the global trend moving towards the abolition or limitation of the death penalty (Razak, Askari, 2022).

The new Criminal Code Law also regulates the increased use of other alternative punishments, such as imprisonment with a certain period, fines, and rehabilitative measures (Saputra et al., 2023). The aim is to provide a more flexible and humane criminal justice system, which focuses not only on punishment, but also on the rehabilitation of convicts and crime prevention. This demonstrates the recognition that punishment should aim for the reintegration of the convicted person into society, rather than simply as a form of retribution. In the context of criminal law reform, the new Penal Code seeks to conform to the principles of restorative justice, which emphasizes the restoration of relationships, repair of harm, and admission of guilt by the offender. This principle is expected to reduce the reliance on imprisonment as the main solution and encourage more constructive and solution-oriented sentencing alternatives (Siburian, Hendro, 2021).

The death penalty, as the highest punishment in the Indonesian criminal law system, has long been the subject of intense debate (Sutoyo, Daniel, 2019). Despite the controversy, this punishment is still recognized and applied for certain crimes that are considered very serious, such as terrorism, narcotics, and premeditated murder. However, significant legislative change occurred with the introduction of the concept of "conditional death penalty", reflecting an attempt to strike a balance between strict law enforcement and respect for human rights (Triantono, and Marizal, 2022). The concept of conditional death penalty in Indonesia is an innovative legislative measure, giving death row prisoners the opportunity to apply for a review of their sentence after serving a certain period of time, usually 10 years. This is justified as an attempt to improve oneself and prove the possibility of behavioral change, providing an avenue for reconsideration of the sentence based on the behavior and changes demonstrated by the convict while in prison.

The introduction of the conditional death penalty marks a response to growing international criticism and pressure against the use of the death penalty, as well as recognizing the importance of human rights and the possibility of rehabilitation (Widayati, Suryani, 2017). This reflects a shift in legal thinking in Indonesia from an entirely punitive approach to a more recovery-oriented and second-chance approach, in line with the global trend moving towards

limiting or abolishing the death penalty. The urgency of the issue of conditional death penalty in Indonesia lies in the balance that must be struck between ensuring justice for victims and society, while also providing room for recovery and improvement for offenders. This issue demands in-depth discussion and critical reflection on the criminal law system, considering both the values of justice and humanitarian principles. This requires ongoing evaluation of the effectiveness of the death penalty as a deterrent to crime and investigation into alternative punishments that may be more compatible with the principles of human rights and sustainable social development.

This research is inspired by previous important works, including "The Dynamics of the Death Penalty Policy in the Indonesian Legal System" by Aulia Rahmi and Erwin Natosmal Oemar, which outlines how the changing paradigm of justice and law in Indonesia has affected the application of the death penalty. Furthermore, the article "International Influences on Indonesia's Death Penalty Policy" by Dewi Fortuna Anwar provides a critical perspective on how international pressure and criticism have played a role in Indonesia's death penalty policy reform. Basing this research on normative juridical analysis, this study aims to fill a gap in the literature by further examining the implications of the introduction of conditional death penalty in Law Number 1 Year 2023 on the Criminal Code, addressing the dilemma between old legal traditions and the need for legal modernization in the context of restorative justice and human rights.

Through the introduction of the conditional death penalty, Indonesia is taking an important step towards reforming a more balanced and humane penal system, while maintaining its commitment to the rule of law and justice. It marks a new era in the handling of serious crimes, where opportunities for rehabilitation and reintegration become an integral part of the criminal law system, reflecting a paradigm shift in the understanding of justice, punishment, and human rights.

RESEARCH METHODS

This research uses a normative juridical method, in which in this research process the author conducts a search and study of legal rules, legal principles, and legal doctrines to find answers to the legal problems being studied. The several methods of problem approach used include statute approach and conceptual approach. The data source used in this research is secondary. The data source used in this research is secondary. Data analysis is done descriptively-qualitatively. The specification of this research uses descriptive analytics, which describes data that aims to obtain a complete picture of certain legal events that occur in society in order to be analyzed based on relevant rules.

RESULT AND DISCUSSION

Reformulation of Death Penalty in Indonesian Legal Framework

Death penalty serves as a means of protection for public interest, and currently undergoes a development that is difficult to fix. Criminal formulation is carried out to protect interests, both

universally and individually. Historically, the application of death penalty in Indonesia is not popular. The death penalty is rarely used by judges in deciding criminal cases, in contrast to other penalties such as imprisonment or confinement which are more commonly applied (Warih Anjari, 2020). The imposition of the death penalty in Indonesia has existed since the royal period. In that period, the kings had the highest authority to impose this punishment, with the aim of guaranteeing security and welfare for the people in their kingdom. At that time, the implementation of the death penalty was carried out through the methods of beheading, burning, and using horse drags (Sumaryono, 2002).

The death penalty has existed since ancient times, especially in Roman, Greek and Germanic times. In those times, the implementation of the death penalty was considered very cruel, especially during the reign of the Roman Emperors. One famous period was the time of Nero, where the death penalty was cruelly applied to Christians. The method was to tie their feet to a pole and then burn them to death (Rosikah and Listianingsih, 2022). In the context of the history of punishment, the death penalty has existed since humans first appeared on earth, reflected in the cultural principle of "homo homini lupus" or humans like wolves eating their neighbors.

At that time, its implementation was based on a punishment that could not be challenged. Its specialty lies in the non-replacement of the death penalty with other forms of punishment until today (Wajdi, 2019). Although it can be predicted that replacing the death penalty with a compatible alternative will not be a problem, the problem that arises today is related to the defense of the structure of criminal sanctions in line with the nature of the chosen law. The death penalty serves as a means of protection for the public interest, and is currently experiencing developments that are difficult to correct. Criminal formulation is carried out to protect interests, both universally and individually (Zaidan, 2019).

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The spread of corruption has penetrated various sectors at various levels of government, both at the central and regional levels, involving all state institutions, including the executive, legislative and judiciary. Therefore, corruption is considered an extraordinary crime. In Indonesia, corruption cases are openly exposed through various mass media, including print and electronic. Almost every day, news about corruption is always the main focus (Waluyo, 2022). This reality is explicitly recognized in the General Elucidation of Law No. 20 of 2001, that corruption in Indonesia is systematic and widespread, not only causing financial losses to the state, but also violating the social and economic rights of society as a whole. This situation is the basis for the government to strive hard in its efforts to eradicate corruption (Danil, 2021).

The application of the death penalty policy against perpetrators of corruption in Indonesia currently follows the pattern of applying similar penalties that have been applied by several countries, including China, Iran, Pakistan, Saudi Arabia, the United States, Iraq, Somalia, Egypt, Chad, Yemen, Taiwan, South Sudan, Bangladesh, Singapore, Japan, Sudan, Jordan, Oman, Afghanistan, India, UAE, Malaysia, North Korea and Vietnam (Nurillah, 2017). The policy was taken because the crimes committed by the perpetrators of corruption qualify as the most serious crimes that harm the state. This action is a violation of the social and economic rights of the community at large, and is an extraordinary crime in accordance with the explanation contained in Article 6 of the International Convention on Civil and Political Rights (Harefa, 2022).

The application of the death penalty formulation policy is carried out as a response from the government to threats that are considered real against state security and public safety in all sectors, including political, economic, social, and defense and security. Although the controversy related to the death penalty is still quite strong, the government still chooses to implement it. The purpose of implementing the death penalty is to avoid acts of corruption and extraordinary crimes and provide a deterrent effect that is expected to effectively deter other perpetrators of corruption, so as to help prevent the occurrence of corruption crimes (Fanny et al., 2023).

In ancient times, covering a wide and varied period of history, capital punishment was an integral part of the legal system. No exact year can be determined for all of antiquity, but we can observe this practice in various cultures throughout human history. During this time, the death penalty was applied as a form of reprisal or punishment for crimes that were considered serious. The approach to capital punishment in ancient times was closely tied to the legal theories and philosophies of the local society. Some societies may have seen capital punishment as a way to fulfill the demands of divine justice or as a means of maintaining social order (Purba and Sulistyawati, 2020).

Execution methods during this period often involved torture or extreme physical punishment, such as beheading or public execution. Court proceedings did not always follow the standards recognized by modern legal norms, and death sentences were often carried out quickly after the judge's decision. Capital punishment in ancient times also reflected social structures and hierarchies of power. Some societies may have seen it as a tool to enforce government authority and provide a deterrent to citizens. Meanwhile, in some cultures, the execution of the death penalty can be a public spectacle intended to demonstrate the power and authority of the government (Danil, 2021).

In the Contemporary Era, which covers the post-World War II period to the present day, approaches to the death penalty have undergone significant changes in many parts of the world. Post-World War II, especially after the establishment of the United Nations (UN) in 1945, discussions on human rights and the abolition of the death penalty became more prominent. Several countries, particularly in Europe and Latin America, progressively abolished the death penalty as a form of punishment. Abolition of the death penalty is often articulated in the context of human rights and is considered a step towards a more just and humane society.

However, in some regions such as the United States, China and some countries in the Middle East, the death penalty is still considered a legitimate law enforcement tool. Despite international pressure to reduce or abolish the use of the death penalty, differences in approach continue to exist between countries. The Contemporary Era is also characterized by increased attention to the judicial process and the protection of the rights of the accused. Human rights organizations, both at the national and international levels, play an important role in advocating for the abolition of the death penalty and ensuring that the rights of individuals are respected in legal proceedings (Santoso, 2019).

Developments towards the abolition of the death penalty also reflect society's changing values and views towards the concept of justice. Discussions on the effectiveness of the death penalty as a crime fighter have also become an important part of the debate, with some studies suggesting that social and economic factors may have a greater impact on crime rates than the threat of the death penalty. At a global level, human rights resolutions and declarations, such as the UN Universal Declaration of Human Rights (UDHR), have been instrumental in building awareness of the importance of protecting the fundamental rights of individuals, including the right to life. Nonetheless, differences in approaches to the death penalty remain a challenge in trying to reach international consensus (Renggong et al, 2021).

Critical Analysis of Death Penalty as Deterrent and Punishment Reform

The death penalty is recognized as the most severe sanction that can be imposed on a person convicted of a crime. This sanction involves taking the life of an individual (offender) as a response to the crime that he or she has committed. Over time, the death penalty has become a problematic law, especially when faced with human rights. In Indonesia, the death penalty is still considered legal and is specifically regulated in Book 1 Article 10 of the Criminal Code as the main type of punishment. This provision applies generally, meaning that it can be applied to crimes stipulated in the Criminal Code as well as to crimes regulated by other laws, unless the law stipulates otherwise (Anjari, 2020). An example of a crime punishable by death under the Criminal Code is premeditated murder, as stipulated in Article 340 of the Criminal Code. In addition, there are other special regulations such as Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption (hereinafter referred to as the TPK Law) which also includes the death penalty in its provisions. The position of the death penalty is even strengthened by the Constitutional Court Decision Number 2-3/PUU-V/2007, which states that the death penalty does not violate the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) (Lubis, 2009).

At the international level, there is a trend towards the abolition of the death penalty. Nevertheless, according to Lubis, the application of the death penalty is still permitted for crimes that are considered the most serious crimes (Lubis, 2009). The regulation at the international level regarding the death penalty is regulated in Article 6 paragraph (1) of the International Covenant on Civil and Political Rights (hereinafter referred to as ICCPR), which emphasizes that everyone has an intrinsic right to life that must be protected by law. However, the second paragraph of the same article states that the death penalty can still be imposed in cases involving serious crimes. In addition, Article 3 of the Universal Declaration of Human

Rights (hereinafter UDHR) states that every individual has the right to life, liberty, and security of person. An example of a crime punishable by death under the Criminal Code is premeditated murder, as stipulated in Article 340 of the Criminal Code. In addition, there are other special regulations such as Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption (hereinafter referred to as the TPK Law) which also includes the death penalty in its provisions. The position of the death penalty is even strengthened by the Constitutional Court Decision Number 2-3/PUU-V/2007, which states that the death penalty does not violate the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution).

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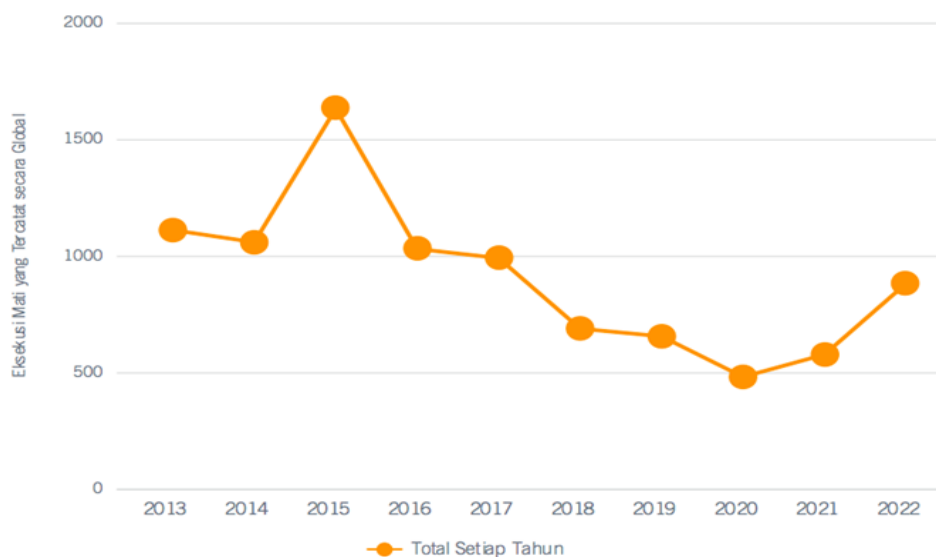


Figure 1: Recorded Executions Globally (2013-2022)

Source: Amnesty International, "Amnesty International Global Report Death Penalty and Executions 2022," Amnesty International, 2023.

In practice, death penalty executions are carried out using various execution methods. In 2022, there are methods of beheading, hanging, injection, and shooting carried out by several countries against criminals sentenced to death, as contained in the table below.

Table 1: Death Penalty Execution Methods in 2022

Method	Country
Cut off	Arab Saudi
Hanging	<ul style="list-style-type: none"> - Bangladesh - Mesir - Iran - Irak - Jepang - Myanmar - Singapura - Sudan Selatan - Suriah
Inject	<ul style="list-style-type: none"> - Cina - Amerika Serikat - Vietnam
Shoot	<ul style="list-style-type: none"> - Afganistan - Belarus - Cina - Kuwait - Korea Utara - Palestina - Somalia - Yaman

Source: Amnesty International, "Amnesty International Death Penalty and Executions Global Report 2022", Amnesty International, 2023.

Amnesty International noted a slight decrease in the number of death sentences in 2022 compared to the previous year. At least 2,016 new death sentences were handed down in 2022, slightly lower than the 2,052 sentences in 2021 (Amnesty Internasional, 2023). However, comparisons of these global totals with previous years are more complex due to variations in the type and accessibility of death sentence data from some countries.

The discussion regarding the arguments in favor of the death penalty can be outlined from several main perspectives, including justice for victims, deterrent effect, and protection of society. First, proponents of the death penalty often cite the importance of providing justice to victims and family members as one of the main reasons why this punishment should be retained in the justice system (S Steiker and M Steiker, 2020). The fundamental reason is that for extremely serious and heinous crimes, such as premeditated murder, acts of terrorism, or other crimes that directly attack humanity, the death penalty is the only way to provide proportionate punishment to the perpetrator. This principle rests on the "eye for an eye" principle, which proposes that true justice can only be achieved when criminals are punished in a manner commensurate with their actions, thus creating a sense of balance and moral healing in society (Margono, 2016).

In order to compile a comparative analysis of the implementation of death penalty as an alternative punishment in a scientific article that discusses legislative changes in Indonesia, this research takes a comparison of death penalty practices in the United States and Singapore. The

United States shows diversity in the implementation of the death penalty, where some states are still actively carrying out executions while others have stopped. This approach is reflected in the prolonged debate regarding the effectiveness of the death penalty as a deterrent to crime as well as the ethical implications and judicial errors that may occur. The various execution methods used, such as lethal injection and the electric chair, have become hot topics in human rights discussions, demonstrating the tension between law enforcement and restorative justice values.

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The use of both countries as case studies in the context of this scholarly article helps to understand how social, political and legal values shape death penalty policy in different jurisdictions. The comparison also explores the impact of international pressure and shifting global norms on death penalty policy. Through this analysis, the research aims to provide new insights into the possibility of death penalty reform in Indonesia, given the changing legislative context and pressure to better respect human rights in judicial practice. The application of this punishment is not only about punishing the perpetrator but also giving respect to the victim's right to see justice served.

In this context, execution is seen as the end of a long process of seeking justice, providing the victim's family with a sense of closure and in some cases, the death penalty also emphasizes that the existence of such severe punishment serves as a preventive measure and a stern warning for individuals to consider committing serious crimes, in the hope that the fear of death will deter them from taking actions that could harm others (N. Sitompul and A. Sitompul, 2022). In this context, the death penalty is not only seen as a means of restoring justice but also as a prevention mechanism.

Second, the concept of the death penalty as an effective deterrent in preventing serious crimes occupies a central position in the debate on sentencing policy. According to this theory, the fear of the harshest and inevitable consequences of the death penalty serves as a strong warning that can deter individuals from participating in criminal activity, especially very serious crimes such as murder, terrorism, and crimes against humanity. The presence of the death penalty in a country's justice system can significantly reduce the incidence of crime due to the awareness of potential offenders regarding the risks or the harshest laws applied (Ulmer, Kramer, and Gary Zajac. 2000).

Furthermore, this theory also suggests that the death penalty not only deters potential offenders from committing crimes but also sends a strong message to society as a whole about the seriousness of the consequences of such criminal acts. It aims to reinforce social norms against crime and instill a strong sense of justice within society, by demonstrating the state's

commitment to fighting crime and protecting its citizens. However, while theoretically offering a convincing perspective on the potential of the death penalty as a crime deterrent, there has been widespread debate and criticism from human rights groups, academics and researchers challenging the validity and ethics of this approach (Ulmer, Kramer, and Gary Zajac. 2000). Such criticism highlights the lack of consistent evidence supporting the death penalty as an effective deterrent, as well as pointing out concerns regarding the possibility of punitive error and the moral implications of taking life as a form of punishment.

Thirdly, the death penalty serves as a means of societal protection holds a prominent place in the arguments in favor of its application. The logic behind this conception is that by permanently removing serious offenders from society through execution, it can be ensured that they will not have the opportunity to re-offend (Suartha, 2020). Furthermore, this theory also suggests that the death penalty not only deters potential offenders from committing crimes but also sends a strong message to society as a whole about the seriousness of the consequences of such criminal acts. It aims to reinforce social norms against crime and instill a strong sense of justice within society, by demonstrating the state's commitment to fighting crime and protecting its citizens. However, while theoretically offering a convincing perspective on the potential of the death penalty as a crime deterrent, there has been widespread debate and criticism from human rights groups, academics and researchers challenging the validity and ethics of this approach. Such criticism highlights the lack of consistent evidence supporting the death penalty as an effective deterrent, as well as pointing out concerns regarding the possibility of punitive error and the moral implications of taking life as a form of punishment.

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Table 2: Death Penalty Data in Several Southeast Asian Countries in 2022

Countries	Executions Recorded in 2022	Death Penalties Recorded in 2022	People Known to be Threatened with the Death Penalty by the End of 2022
Brunei Darussalam	-	-	-
Indonesia	-	112	452
Laos	-	5	-
Malaysia	-	16	1.337
Myanmar	4	37	119
Singapura	11	5	50
Thailand	-	104	195
Vietnam	-	102	1.200

Source: Source: Amnesty International, "Amnesty International Death Penalty and Executions Global Report 2022", Amnesty International, 2023

The conception that the death penalty serves as a means of protecting society remains one of the main reasons used. In the table above, there is a tendency that the existence of the death penalty is still an alternative severe punishment used in Southeast Asian countries. This practice

reinforces the conception that drastic measures are necessary to deal with the most severe crimes, on the basis that the total elimination of offenders from society is the best way to ensure security and justice for all people in a country and the life of a nation.

CONCLUSION

The reformulation of the death penalty in Indonesia reflects the dilemma between long-rooted legal traditions and modernizing currents that emphasize restorative justice and human rights. Historically, the death penalty has been considered an effective means of responding to serious crimes that disrupt socio-economic stability, including systematic corruption. However, with the adoption of the new Penal Code, the death penalty is now an alternative sanction, no longer the principal punishment. There is a 10-year probation period where if the convicted person shows good behavior, then the death penalty can be commuted to life imprisonment or imprisonment for 20 years. These changes mark an important evolution in Indonesia's legal system, attempting to strike a balance between national security needs and global demands for a more human rights-focused approach, rehabilitation and reconciliation.

Suggestion

Public education is key in changing perceptions and attitudes towards death penalty reform. It is important for the government and relevant agencies to actively provide the public with a deeper understanding of the changes in the legal system. This includes an explanation of the reasons behind the death penalty reform, as well as education on the principles of justice, human rights, and the urgency of rehabilitation for prisoners. As such, these educational efforts are expected to reduce resistance to change and build wider support from the community. Meanwhile, Monitoring and Evaluation is a crucial foundation to ensure success and fairness in the implementation of death penalty reform. The need for strict supervision and periodic evaluation of the implementation of the death penalty and the process of converting it to a prison sentence, aims to prevent abuse of power or injustice in the legal system. Transparency in this process will strengthen public confidence in the fairness of the legal system.

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