



# SIGn Jurnal Hukum

E-ISSN: 2685 – 8606 || P-ISSN: 2685 – 8614

<https://jurnal.penerbitsign.com/index.php/sjh/article/view/v7n1-11>

---

Vol. 7 No. 1: April - September 2025

Published Online: May 14, 2025

---

## Article Title

### **The Politics of Law Regarding Capital Punishment and the Protection of the Right to Life in Indonesia: A Perspective from Law Number 1 of 2023**

## Author

**Alif Arhanda Putra**

Universitas Borneo Tarakan, Indonesia || [alifarhanda@borneo.ac.id](mailto:alifarhanda@borneo.ac.id)

---

## How to cite:

Putra, A. A. (2025). The Politics of Law Regarding Capital Punishment and the Protection of the Right to Life in Indonesia: A Perspective from Law Number 1 of 2023. *SIGn Jurnal Hukum*, 7(1), 188-202. <https://doi.org/10.37276/sjh.v7i1.429>

---



This work is licensed under a CC BY-4.0 License

## ABSTRACT

*The regulation of capital punishment within the Indonesian legal system presents a fundamental tension with the constitutional guarantee of the right to life. Law Number 1 of 2023 introduces a new formulation necessitating an in-depth analysis of its underlying policy background and inherent protection mechanisms. This research aims to analyze the legal policy underpinning the capital punishment provisions in Law Number 1 of 2023 and to identify and analyze the forms of protection for the right to life within its application mechanism. Utilizing a normative legal research method with statute and conceptual approaches, this study qualitatively and interpretively examines relevant primary and secondary legal materials. The analysis indicates that the legal policy on capital punishment in Law Number 1 of 2023 constitutes a compromise-based "middle path policy" between retentionist views and the strengthening of human rights norms, retaining the sanction as a last resort (ultimum remedium) with a mandatory 10-year probationary mechanism. The primary form of protection for the convict's right to life manifests through this conditional mechanism, which normatively provides execution postponement and opens the possibility of commutation. Nevertheless, the effectiveness of this protection is limited by potential subjectivity in the commutation evaluation criteria and discretionary elements in its implementation. It is concluded that Law Number 1 of 2023 represents a new direction providing stronger procedural guarantees for the right to life of death row inmates compared to the previous law, yet substantive protection remains conditional and non-absolute, reflecting the ongoing dilemma between law enforcement and human rights in Indonesia.*

**Keywords:** Capital Punishment; Legal Protection; Penal Code; Right to Life.

---

## INTRODUCTION

As a state that constitutionally declares itself a *rechtsstaat* (a constitutional state based on the rule of law), Indonesia positions law as paramount in the conduct of national and state life (Laia, 2024). This principle, as affirmed in the 1945 Constitution, necessitates the supremacy of law and equality before the law for all citizens. A logical consequence of this principle is the recognition, respect for, and protection of human rights, as a fundamental characteristic of a modern rule-of-law state is the guarantee of its citizens' basic rights (Heltaji, 2021). As the highest form of social contract, the Constitution manifests the acceptance of the intertwined principles of the rule of law and democracy, wherein law serves as an instrument to realize justice and protect human dignity (Riley, 2015).

Among the numerous guaranteed human rights, the right to life occupies a central and fundamental position, often regarded as the supreme right upon which the enjoyment of other rights depends. The acknowledgment of this right stems from the belief in the inherent dignity of every human being, equal regardless of any differences—a perspective rooted in both universal values and religious teachings (Akbar & Musakkir, 2022). Notably, post-constitutional amendments provide a robust constitutional guarantee for this right (Asrun, 2016), particularly through Article 28A of the 1945 Constitution, which states, "Every person shall have the right to live and the right to defend their life and existence." Furthermore, Article 28I section (1) of the 1945

Constitution explicitly classifies the right to life as one of the non-derogable rights—human rights that cannot be limited under any circumstances—equal to the right to be free from torture, the right to freedom of thought and conscience, and the right against retroactive prosecution. This affirmation reflects Indonesia's constitutional commitment to protecting every individual's existence.

Nevertheless, this noble commitment to protecting the right to life confronts the reality of a national criminal justice system that, to date, still retains capital punishment as a form of criminal sanction. The existence of capital punishment in Law Number 1 of 1946, a legacy of Dutch colonial rule (*Wetboek van Strafrecht*), and in several other specific criminal statutes (such as those concerning narcotics offenses, terrorism, and corruption under certain conditions) has long been a source of complex legal, philosophical, and social debate in Indonesia (Fitrah, 2021). Arguments for retaining capital punishment are often based on the perceived need for deterrence, protection of society from extraordinary crimes, victims' sense of justice, and retribution, sometimes even linked to Indonesia's past socio-historical conditions (Rinaldi & Tutrianto, 2023). Conversely, abolitionist groups consistently argue that capital punishment constitutes the absolute violation of the right to life, unjustifiable in a civilized rule-of-law state, contrary to the humanitarian values of Pancasila, and susceptible to the potential for irremediable judicial error (*error in iudicio*) (Muksin, 2023).

This prolonged debate and the dynamics of societal and legal needs have contributed to the comprehensive efforts to reform the national criminal law, a process ongoing for decades since independence (Ismayawati, 2021). These efforts culminated in the enactment of Law Number 1 of 2023, intended to replace the colonial-era Penal Code. The enactment of Law Number 1 of 2023 carries several crucial missions, including decolonizing criminal law, democratization, consolidation of various scattered criminal regulations, and adaptation and harmonization with national and international legal developments, including contemporary human rights standards (Alamsyah et al., 2023). Law Number 1 of 2023 is expected to be a criminal law product that better reflects the values of Pancasila, the constitution, and the living law within Indonesian society (Prawiraharjo, 2023).

In the context of capital punishment, Law Number 1 of 2023 does not adopt total abolition but introduces a new approach significantly different from Law Number 1 of 1946. Article 98 of Law Number 1 of 2023 stipulates, "*Capital punishment is imposed alternatively as a last resort to prevent the commission of Criminal Acts and protect the public.*" Furthermore, Law Number 1 of 2023 regulates that a judicially imposed capital sentence must be accompanied by a probationary period of 10 (ten) years. Suppose the convicted person demonstrates a commendable attitude and conduct during this period. In that case, the capital punishment may be commuted to life imprisonment

by Presidential Decree following consideration by the Supreme Court ([Lestari et al., 2024](#)). This new mechanism, positioning capital punishment as a special penalty rather than a principal penalty in the primary hierarchy and requiring a probationary period, inherently alters the legal landscape of capital punishment in Indonesia.

This new formulation of the capital punishment norm within Law Number 1 of 2023 raises crucial questions regarding the state's actual legal policy in balancing the demands of law enforcement against serious crimes with the constitutional obligation to protect the fundamental right to life. Formulating a "middle path policy"—retaining capital punishment but with a probationary mechanism—necessitates an in-depth analysis of the underlying legal policy considerations and the values it genuinely reflects ([Erwanto, 2022](#)). Concurrently, it is vital to examine how this new mechanism functions normatively as a form of protection for the convicted person's right to life ([Pratama, 2019](#)), and the extent to which such protection is effective and adequate according to legal and human rights standards ([Tarigan, 2017](#)). A lack of clarity in analyzing these two aspects could impede a comprehensive understanding of the new direction of capital punishment law and its future implementation when Law Number 1 of 2023 takes full effect.

Proceeding from this background, this research examines the central issue of capital punishment within Indonesia's latest legal framework. Specifically, this study aims to analyze the legal policy underpinning the formulation of capital punishment provisions in Law Number 1 of 2023, particularly concerning guaranteeing the right to life in Indonesia. Furthermore, this research seeks to identify and analyze the forms of legal protection for the right to life within the mechanism for implementing capital punishment under Law Number 1 of 2023. Through the analysis of these aspects, this study is expected to contribute insights into the development of criminal law and human rights scholarship in Indonesia and provide a more comprehensive understanding of the position and implications of capital punishment regulation in the new era of the National Penal Code.

## **METHOD**

This research is fundamentally normative legal research, focusing its analysis on written legal norms (law in the book), legal principles, as well as legal doctrines and concepts relevant to the issue of the legal policy of capital punishment and the protection of the right to life within Indonesia's national criminal law framework. To comprehensively address the research problems and achieve the objectives, a complementary multi-faceted approach is employed ([Qamar & Rezah, 2020](#)). The statute approach serves as the primary pillar for conducting an in-depth examination of the substance of laws and regulations, particularly the 1945 Constitution, Law Number 1 of 1946 as representative of the former Penal Code, and Law Number 1 of

2023 as the primary focus for the new perspective regarding human rights protection. The conceptual approach supports the analysis of these primary legal instruments, which is essential for understanding, clarifying, and analyzing the meaning and implications of key concepts such as legal policy, the right to life, legal protection, capital punishment with a probationary period, and *ultimum remedium*.

Furthermore, the historical approach is utilized proportionally to trace and understand the historical context and the evolution of policies and debates concerning capital punishment in Indonesia that underlie the formulation in Law Number 1 of 2023, thereby providing depth to the legal policy analysis. The research perspective is also enriched through a limited comparative approach, primarily by referencing relevant international human rights law standards, to situate the analysis of the forms of protection for the right to life within a broader context. The legal materials used in this study encompass primary legal materials, consisting of the aforementioned laws and regulations, as well as secondary legal materials, including textbooks, reputable scientific journals, legal articles, scholarly doctrines, and other relevant literature discussing criminal law, human rights, legal policy, and legal philosophy. All primary and secondary legal materials were systematically collected through library research and document study techniques (Sampara & Husen, 2016).

Subsequently, the collected legal materials were analyzed using a descriptive-analytical qualitative analysis technique (Irwansyah, 2020). Descriptive analysis was conducted to accurately present the content of relevant legal norms and concepts, while analytical analysis was employed to critically elaborate, connect, evaluate, and interpret these legal materials. This analytical process involved legal interpretation of the texts of laws, regulations, and other sources to uncover their inherent meaning and purpose. The entire analysis process is grounded in a deductive logical framework, drawing specific conclusions regarding the legal policy and forms of protection for the right to life in the regulation of capital punishment under Law Number 1 of 2023 from general premises comprising legal theory, legal principles, constitutional norms, and both universal and national human rights principles. Through applying this systematic research method, valid and argumentative conclusions are expected to be drawn to answer the formulated research objectives.

## **RESULTS AND DISCUSSION**

### **A. The New Direction of Legal Policy on Capital Punishment Post Law Number 1 of 2023**

The existence of capital punishment within Indonesia's legal system constitutes a complex legacy intertwined with the nation's long history of state and legal formation. Adopted from the colonial *Wetboek van Strafrecht* through

Law Number 1 of 1946, the former Penal Code retained capital punishment as one of its principal penalties, a provision that, from the outset, created inherent tension with the national philosophy and post-independence constitutional guarantees. Historical arguments during that era often referred to Indonesia's specific conditions as a newly independent nation with diverse populations and a high potential for disruptions to legal order, thus viewing capital punishment as the most potent instrument for maintaining stability (Munawar, 2025). However, concurrent with the strengthening of Indonesia's commitment as a rule-of-law state and the affirmation of human rights within the constitution—particularly the recognition of the right to life as a fundamental right in Article 28A of the 1945 Constitution and its status as a non-derogable right under any circumstances in Article 28I section (1) of the 1945 Constitution—the discourse surrounding the legitimacy and relevance of capital punishment has continually surfaced. This discourse contrasts the state's repressive needs with the respect for human dignity mandated by Pancasila (Nasrullah, 2023b).

The momentum for national criminal law reform, culminating in the enactment of Law Number 1 of 2023, became a crucial arena for redefining the state's legal policy on critical issues, including capital punishment. This reform process was inseparable from the primary missions of decolonizing the Dutch-inherited criminal law system (Mahmud, 2018), consolidating the national criminal law which had developed fragmentarily (Adinda et al., 2024), and adapting criminal law to the evolving values of Indonesian society, international human rights standards, and the principles of democratic rule-of-law state (Malau, 2023). In the context of capital punishment, this spirit of reform prompted a re-evaluation of the position and application method of this gravest sanction, seeking a formulation considered more aligned with the national legal ideals based on Pancasila and the 1945 Constitution while simultaneously responding to the dynamics of the global debate on capital punishment (Zulhilmi & Chaidar, 2025). Therefore, the legal policy in drafting Law Number 1 of 2023 aimed not only to replace the old law but also to reflect a new criminal policy direction in balancing societal protection with respect for individual human rights (Fillah, 2023).

As a result of this legal policy process, Law Number 1 of 2023 introduces a formulation of the capital punishment norm that is fundamentally different from Law Number 1 of 1946. Article 67, in conjunction with Article 98 of Law Number 1 of 2023, explicitly states that capital punishment is a special type of penalty and is only imposed alternatively. It means it must always be accompanied by another principal penalty threat (life imprisonment or a maximum of 20 years) within the specific criminal offense article, and it functions as a last resort (*ultimum remedium*) to prevent the commission of Criminal Acts and protect the public. The



most significant innovation lies in Article 100 section (1) of Law Number 1 of 2023, which mandates judges to impose capital punishment with a probationary period of 10 (ten) years. This sentence can be commuted to life imprisonment by Presidential Decree, following consideration by the Supreme Court, if the convict demonstrates a commendable attitude and conduct during the probationary period. This provision is further complemented by Article 101 of Law Number 1 of 2023 regarding the postponement of execution for specific groups.

This “middle path policy” formulation can be interpreted as a manifestation of compromise within Indonesia’s legal policy on capital punishment post-Law Number 1 of 2023. On the one hand, the state did not fully adopt an abolitionist stance by eliminating capital punishment, a move perhaps considered inconsistent with the sense of justice held by parts of society or the perceived need to handle certain extraordinary crimes, as reflected in the objective to “protect the public” in Article 98 of Law Number 1 of 2023. On the other hand, the state also moved away from the rigid model of capital punishment retention found in Law Number 1 of 1946 by introducing the probationary mechanism and the possibility of commutation. This step can be viewed as a response to strengthening human rights norms (particularly the right to life) in both the constitution and international law, as well as pressure from civil society groups and academics ([Mustapa & Purwanda, 2023](#)). The choice not to make capital punishment the sole prescribed penalty and to designate it as a last resort normatively enhances judicial discretion and indicates a shift towards a more cautious sentencing approach that considers the individual aspects of the convict.

Furthermore, the policy choice embodied in Law Number 1 of 2023 also reflects an effort to align positive law with values considered fundamental to the nation. Positioning capital punishment as a special, non-primary penalty, along with the probationary mechanism, can be read as an implementation of the subsidiarity principle in using the most severe criminal sanction, albeit in a unique context. The 10-year probationary period implicitly acknowledges the potential for change and self-improvement in convicts, a perspective closer to the correctional objectives of modern penal systems and the humanitarian values of Pancasila, compared to immediate execution, which forecloses any such possibility ([Nasution et al., 2024](#)). Additionally, this legal policy direction cannot be detached from the influence of evolving Constitutional Court jurisprudence, which has consistently affirmed the position of the right to life as a non-derogable constitutional right, thereby encouraging lawmakers to seek formulations that, at least normatively, provide greater scope for protecting this right than before ([Qalsum & Wibowo, 2023](#)).

Nevertheless, whether this new legal policy direction fully aligns with the constitutional guarantee of the right to life remains a subject of critical analysis.

Although the probationary mechanism and alternative nature introduce a different nuance, the fact that the state still retains the authority to extinguish life through capital punishment raises fundamental questions about its consistency with Article 28I section (1) of the 1945 Constitution, which declares the right to life non-derogable under any circumstances. Thus, the legal policy within Law Number 1 of 2023 represents an evolutionary stage in Indonesia's capital punishment policy, moving towards stricter limitations and requirements but not yet reaching total abolition. This new direction indicates a greater recognition of the complexity surrounding capital punishment and an attempt to balance various competing values within the framework of the Indonesian rule-of-law state. However, future implementation and interpretation will be crucial in determining how this new direction can truly realize the dual goals of protecting society while respecting human rights.

#### **B. Guarantees for the Right to Life of Death Row Inmates under Law Number 1 of 2023: An Analysis of the Forms and Limitations of Protection**

The recognition of the right to life as a fundamental human right that is non-derogable under any circumstances, as affirmed in Article 28I section (1) of the 1945 Constitution, places a constitutional obligation upon the state to provide maximum protection for this right. Nonetheless, the reality of Indonesia's positive law, which still retains capital punishment through Law Number 1 of 2023, creates a normative paradox requiring an in-depth analysis of the forms of legal protection available to death row inmates within this latest legal framework. This protection is relevant not only as an effort to mitigate potential violations of fundamental rights but also as a manifestation of the rule-of-law state's responsibility to ensure that even the application of the gravest criminal sanction remains within the bounds of respect for human dignity and fair legal process. Therefore, identifying and analyzing the normative mechanisms potentially functioning as guarantees or protections for the right to life is essential to understanding the position of death row inmates from the perspective of Law Number 1 of 2023.

Specifically, the legal framework for capital punishment in Law Number 1 of 2023 contains several normative mechanisms designed, or at least implicated, as forms of protection for the right to life, surpassing the framework of the previous Penal Code. Stemming from the norms outlined in the context of legal policy, these key elements include its positioning as a special penalty that can only be imposed alternatively, no longer as an ordinary principal penalty. The most fundamental point of protection arises through the mandatory application of a ten-year post-judgment probationary period, which directly suspends execution and is linked to the potential for commutation to life imprisonment based on behavioral evaluation. Furthermore, specific protection exists through the postponement of execution



for certain groups and the guarantee of a closed execution procedure to safeguard the dignity of the convict. These provisions collectively constitute the landscape of normative protection for death row inmates under Law Number 1 of 2023, the effectiveness and limitations of which will be further analyzed.

An analysis of the protective function of these elements indicates a paradigm shift within Law Number 1 of 2023. Positioning it as a special penalty and mandating alternative sentencing jointly reduce the automatic imposition of capital punishment and strengthen the judge's role in the individualization of sentencing, thereby opening space for considerations that prioritize humanitarian aspects in concrete cases. Normatively, this expanded judicial discretion functions as an initial layer of protection for the right to life. Subsequently, the 10-year probationary mechanism constitutes the most tangible procedural protection after a final and binding judgment. The decade-long postponement of execution not only provides an opportunity for the convict to demonstrate behavioral change and seek commutation but also allows time for potential case review or the emergence of new evidence that could prevent a fatal and irreversible miscarriage of justice. This mechanism *de jure* transforms capital punishment from an absolute verdict into a conditional one, its finality contingent upon future evaluation.

The possibility of commutation to life imprisonment or 20 years imprisonment functions as a safeguard that institutionalizes hope and the potential for pardon or sanction modification within the legal system. It directly offers convicts a concrete chance to preserve their lives, albeit through an evaluation process involving the discretion of state authorities (the President and the Supreme Court). Additional protections for vulnerable groups and the closed execution procedure, while not directly preventing the deprivation of life, still contribute to protecting the dignity and ensuring humane treatment of convicts, aligning with universal human rights principles demanding treatment respectful of human dignity even for perpetrators of the most severe crimes (Badaru, 2023). These mechanisms, viewed integratively, appear designed to provide more layered procedural guarantees for death row inmates than the previous legal framework.

Nevertheless, a critical analysis of the forms of protection in Law Number 1 of 2023 also reveals significant limitations and potential weaknesses. The effectiveness of protection through the commutation mechanism heavily depends on the clarity and objectivity in applying the criteria of "commendable attitude and conduct" and "prospect of reform." Without more concrete and transparent guidelines or parameters, assessing these criteria risks becoming highly subjective and vulnerable to disparity or even the influence of non-legal factors, potentially delegitimizing its protective function. The involvement of a Presidential Decree in the final commutation process also introduces an element of executive discretion,

which, although common in clemency systems, may raise questions regarding the independence of the evaluation process from political considerations (Mahardika, 2023). The legal certainty for convicts regarding the ultimate fate of their lives thus becomes dependent on this discretionary evaluation process (Andrianto, 2020).

Furthermore, when compared to international human rights standards, particularly Article 6 of the International Covenant on Civil and Political Rights governing the right to life, the mechanisms in Law Number 1 of 2023 indeed show restrictive efforts but do not fully align with the global trend towards abolition or at least limiting capital punishment only to the category of “most serious crimes,” interpreted very narrowly. Despite providing postponement, the 10-year probationary period does not alter the substance that the state still legitimizes the deprivation of life as a sanction. This limitation on protection indicates that Law Number 1 of 2023, although progressive in the Indonesian context, still reflects a moderate retentionist position, where protecting the right to life has not yet become an absolute priority over other penal objectives, such as protecting the public (Nasrullah, 2023a).

Overall, the guarantee of the right to life for death row inmates under Law Number 1 of 2023 undergoes a significant transformation through the introduction of a conditional capital punishment mechanism with a 10-year probationary period. This form of protection, primarily through execution postponement and the possibility of commutation, normatively provides stronger procedural safeguards compared to the old Penal Code. However, this protection is not absolute and possesses inherent limitations, particularly concerning potential subjectivity in evaluating commutation criteria and the continued retention of capital punishment as the ultimate sanction. This regulation reflects the state’s attempt to navigate the complexity between law enforcement, public protection, and respect for human rights. However, the effectiveness of the right-to-life guarantee in practice will critically depend on fair, transparent, and consistent implementation aligned with the principles of the rule of law and human rights in the future.

## **CONCLUSIONS AND SUGGESTIONS**

Based on the results and discussion, it can be concluded that the new direction of legal policy regarding capital punishment following Law Number 1 of 2023 represents a “middle path policy.” This formulation is fundamentally a compromise between the demand to retain capital punishment as an instrument for societal protection and handling extraordinary crimes and the strengthening of human rights norms, particularly the right to life, within the constitution and international law. This legal policy is reflected in the positioning of capital punishment as a special penalty imposed alternatively and as a last resort, as well as the introduction of a mandatory

probationary mechanism, signifying a shift from absolute retention towards moderate and conditional retention while also manifesting efforts towards the decolonization and adaptation of national criminal law.

Furthermore, it is concluded that the guarantee of the right to life for death row inmates under Law Number 1 of 2023 is realized through more structured forms of normative legal protection compared to the previous legal framework. The primary mechanism for this protection is the conditional nature of capital punishment via the mandatorily applied ten-year probationary period, which inherently provides for execution postponement and opens the legal possibility for commutation to life imprisonment based on evaluating the convict's conduct. Other forms of protection include its status as a special penalty, the alternative sentencing threat providing judicial discretion, and specific protections for vulnerable groups; these elements collectively provide layered procedural safeguards against the deprivation of the right to life. Nevertheless, the analysis indicates that this protection has significant limitations, particularly concerning potential subjectivity in applying commutation criteria and reliance on the discretion of executive and judicial institutions, rendering the guarantee of the right to life under Law Number 1 of 2023 relative and not absolute.

In synthesis, the regulation of capital punishment in Law Number 1 of 2023 is a product of complex legal politics, resulting in a system that normatively offers better procedural protection for the right to life of death row inmates yet still maintains the state's authority to apply this ultimate sanction within certain limitations. It reflects the ongoing dilemma within the Indonesian legal system in balancing state sovereignty in determining its criminal policy with respect for fundamental human rights. The effectiveness of this new regulation in practice will critically depend on the consistency of its implementation and interpretation in the future.

Therefore, based on the conclusions above, several suggestions are proposed. Practically, given the potential subjectivity in the criteria for capital punishment commutation, it is recommended that the Government and the Supreme Court develop more detailed and objective technical guidelines or implementing regulations regarding the assessment of "commendable attitude and conduct" and "prospect of reform" for death row inmates during the probationary period, in order to enhance legal certainty and transparency in the commutation process. Additionally, it is necessary to ensure adequate oversight mechanisms are in place for the implementation of the probationary period, the process of consideration by the Supreme Court, and the President's final decision.

Academically, this research opens avenues for further study. It is suggested that empirical research be conducted after Law Number 1 of 2023 takes full effect to examine how implementing the probationary mechanism and capital punishment

commutation functions in judicial practice and correctional institutions, including identifying potential challenges and disparities that may arise. More in-depth comparative research with other countries applying similar conditional capital punishment models could also provide additional perspectives on the effectiveness and problematics of this regulation. Furthermore, a deeper legal policy analysis utilizing primary sources, such as the legislative records of the Penal Code Bill deliberations, could reveal in greater detail the dynamics and considerations behind the formulation of this policy.

## REFERENCES

- The 1945 Constitution of the Republic of Indonesia. <https://www.dpr.go.id/dokumen/jdih/undang-undang-dasar>
- Adinda, D., Salam, A., Ramadhan, A., Narendra, A., Anasti, M., & Yanto, J. (2024). Politik Hukum dalam Pembaharuan Hukum Pidana di Indonesia. *Wathan: Jurnal Ilmu Sosial dan Humaniora*, 1(1), 12-25. <https://doi.org/10.71153/wathan.v1i1.16>
- Akbar, A. A., & Musakkir, M. (2022). Legal and Economic Analysis: A Case Study of Convict Self-Development. *SIGn Jurnal Hukum*, 4(2), 173-190. <https://doi.org/10.37276/sjh.v4i2.205>
- Alamsyah, M. S., Shobari, A., Gusma, A., Rahmanda, M. R., Antoni, H., & Dewi, E. K. (2023). Perbandingan Tindak Pidana Tertentu dalam Undang-Undang Nomor 1 Tahun 1946 dengan Undang-Undang Nomor 1 Tahun 2023 Ditinjau dengan Teori Tujuan Hukum Menurut Gustav Radbruch. *Jurnal De Jure Muhammadiyah Cirebon*, 7(1), 24-37. <https://doi.org/10.32534/djmc.v7i1.4209>
- Andrianto, F. (2020). Kepastian Hukum dalam Politik Hukum di Indonesia. *Administrative Law & Governance Journal*, 3(1), 114-123. <https://doi.org/10.14710/alj.v3i1.114-123>
- Asrun, A. M. (2016). Hak Asasi Manusia dalam Kerangka Negara Hukum: Catatan Perjuangan di Mahkamah Konstitusi. *Jurnal Cita Hukum*, 4(1), 133-154. <https://doi.org/10.15408/jch.v4i1.3200>
- Badaru, B. (2023). Tinjauan Yuridis Terhadap Problematik Penerapan Pidana Mati dari Perspektif Hak Asasi Manusia. *Unes Journal of Swara Justisia*, 7(3), 881-888. <https://doi.org/10.31933/ujsj.v7i3.402>
- Erwanto, P. Y. (2022). Teori Politik Hukum dalam Pemerintahan Indonesia. *Court Review: Jurnal Penelitian Hukum*, 2(6), 15-19. <https://doi.org/10.69957/cr.v2i06.673>
- Fillah, M. A. (2023). Politik Hukum dalam Pembaruan Kitab Undang-Undang Hukum Pidana (KUHP) di Indonesia. *Al-Ahwal Al-Syakhsyiyah: Jurnal Hukum Keluarga dan Peradilan Islam*, 5(1), 52-64. <https://doi.org/10.15575/vh.v5i1.23230>

- Fitrah, F. A. (2021). Perbandingan Hukum terkait Pembentukan Pasal Penghinaan terhadap Peradilan, Perzinahan, dan Santet dalam RKUHP Indonesia. *SIGn Jurnal Hukum*, 2(2), 122-137. <https://doi.org/10.37276/sjh.v2i2.93>
- Heltaji, H. (2021). Dilema Hak Asasi Manusia dan Hukum Mati dalam Konstitusi Indonesia. *Pamulang Law Review*, 4(2), 157-168. <https://doi.org/10.32493/palrev.v4i2.17747>
- Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Mirra Buana Media.
- Ismayawati, A. (2021). Pendekatan dan Politik Hukum dalam Pembangunan Hukum Pidana di Indonesia. *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam*, 12(1), 109-126. <https://doi.org/10.21043/yudisia.v12i1.11011>
- Laia, F. F. D. (2024). The Urgency of Enacting Government Regulation on Community Service Sentence in Indonesian under the New Penal Code. *SIGn Jurnal Hukum*, 6(1), 1-16. <https://doi.org/10.37276/sjh.v6i1.350>
- Law of the Republic of Indonesia Number 1 of 1946 on the Penal Code Regulations. <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/814>
- Law of the Republic of Indonesia Number 1 of 1960 on Amendment of the Penal Code (State Gazette of the Republic of Indonesia of 1960 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 1921). <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1357>
- Law of the Republic of Indonesia Number 1 of 2023 on the Penal Code (State Gazette of the Republic of Indonesia of 2023 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 6842). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/1818>
- Lestari, I., Kusuma, P. R. A., Hartono, M. S., & Sanjaya, D. B. (2024). Analisis Pasal 100 Undang-Undang Nomor 1 Tahun 2023 tentang Hukuman Mati Bersyarat Berdasarkan Asas Keadilan dan Asas Kepastian Hukum. *Wijayakusuma Law Review*, 4(3), 1-12. <https://doi.org/10.23887/jih.v4i3.5030>
- Mahardika, A. G. (2023). Politik Hukum di dalam Hak Kebebasan Berpendapat pada Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana. *Constitution Journal*, 2(1), 31-58. <https://doi.org/10.35719/constitution.v2i1.45>
- Mahmud, A. (2018). Transformasi Nilai-Nilai Pancasila dalam Pembaharuan Hukum Pidana Nasional. *Jurnal Hukum Mimbar Justitia*, 4(1), 1-21. <https://doi.org/10.35194/jhmj.v4i1.352>
- Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *Al-Manhaj: Jurnal Hukum dan Pranata Sosial Islam*, 5(1), 837-844. <https://doi.org/10.37680/almanhaj.v5i1.2815>



- Muksin, M. R. S. (2023). Tujuan Pemidanaan dalam Pembaharuan Hukum Pidana Indonesia. *Sapientia Et Virtus*, 8(1), 225-247. <https://doi.org/10.37477/sev.v8i1.465>
- Munawar, S. (2025). Ratio Legis Konsep Pemidanaan Hukuman Mati terhadap Koruptor dalam Sistem Hukum Pidana di Indonesia. *Law, Development and Justice Review*, 8(1), 1-19. <https://doi.org/10.14710/ldjr.8.2025.1-19>
- Mustapa, D. I., & Purwanda, S. (2023). Pemenuhan Hak Khusus bagi Narapidana Perempuan Hamil yang Menjalani Masa Tunggu Hukuman Mati ditinjau dari Undang-Undang Nomor 1 Tahun 2023. *Dinamika Hukum*, 24(2), 258-265. <https://doi.org/10.35315/dh.v24i2.9552>
- Nasrullah, N. (2023a). The Escalation of Child Trafficking in Makassar: A Criminological Analysis. *SIGn Jurnal Hukum*, 5(1), 182-194. <https://doi.org/10.37276/sjh.v5i1.284>
- Nasrullah, N. (2023b). Implementing Chemical Castration Punishment: A Perspective on Criminal Law and Human Rights. *SIGn Jurnal Hukum*, 4(2), 402-413. <https://doi.org/10.37276/sjh.v4i2.282>
- Nasution, R. P., Siregar, R. A. M., Ritonga, R. F., Ritonga, A. Z., & Siregar, R. A. (2024). Penghapusan Hukuman Mati pada Sistem Peradilan Pidana di Indonesia atas Lahirnya UU No 1 Tahun 2023 tentang KUHP. *Jurnal Hukum, Politik dan Ilmu Sosial*, 3(1), 225-232. <https://doi.org/10.55606/jhpis.v3i1.3249>
- Pratama, W. A. (2019). Penegakan Hukuman Mati terhadap Pembunuhan Berencana. *SIGn Jurnal Hukum*, 1(1), 29-41. <https://doi.org/10.37276/sjh.v1i1.34>
- Prawiraharjo, B. S. U. (2023). Implementasi Ide Keseimbangan Monodualistik dalam Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana. *Jurnal Hukum Progresif*, 11(2), 159-171. <https://doi.org/10.14710/jhp.11.2.159-171>
- Qalsum, U., & Wibowo, A. (2023). Peran Mahkamah Konstitusi Indonesia untuk Ajudikasi Hak-Hak Ekonomi, Sosial dan Budaya yang Efektif. *Jurnal Penelitian Multidisiplin*, 2(1), 87-95. <https://doi.org/10.58705/jpm.v2i1.107>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn).
- Riley, S. (2015). Human Dignity and the Rule of Law. *Utrecht Law Review*, 11(2), 91-105. <https://doi.org/10.18352/ulr.320>
- Rinaldi, K., & Tutrianto, R. (2023). Polemik Pengendalian Sosial, Kejahatan dan Hukuman Mati (Studi pada Diskursus Pemberlakuan Penghukuman Mati terhadap Pengedar Narkotika di Indonesia). *Jurnal Pembangunan Hukum Indonesia*, 5(3), 523-536. Retrieved from <https://ejournal2.undip.ac.id/index.php/jphi/article/view/19558>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.



- Tarigan, J. P. (2017). Akomodasi Politik Hukum di Indonesia terhadap Hak Asasi Manusia Berdasarkan Generasi Pemikirannya. *Jurnal Konstitusi*, 14(1), 168-187. <https://doi.org/10.31078/jk1418>
- United Nations General Assembly. (1966, 16 December). *Resolutions Adopted on the Reports of the Third Committee: 2200(XXI). International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights* (A/RES/2200(XXI)[A]). [https://digitallibrary.un.org/record/660187/files/A\\_RES\\_2200%28XXI%29%5EA%5E-EN.pdf?ln=en](https://digitallibrary.un.org/record/660187/files/A_RES_2200%28XXI%29%5EA%5E-EN.pdf?ln=en)
- Zulhilmi, D., & Chaidar, M. (2025). Analisis Yuridis Kebijakan Hukuman Mati di Indnesia. *Legal Standing: Jurnal Ilmu Hukum*, 9(1), 55-63. <https://doi.org/10.24269/ls.v9i1.10922>