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## Article Title

### Implementation of Capital Punishment in Indonesia Based on Humanity, Ethics, and Morality Aspects: A Utilitarian Justice Perspective

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## **ABSTRACT**

*The implementation of capital punishment stipulated in Law Number 2/PNPS/1964 is clearly contrary to the second principle of Pancasila, the noble values enshrined in the 1945 Constitution, and the mandates of international conventions, thereby causing a legal antinomy or conflict of norms. This study employs normative legal research methods to identify legal rules, principles, and doctrines that address the legal issues encountered while utilising a legislative, conceptual, and comparative approach. Research results show the implementation of capital punishment policy should not be solely for the purpose of retribution but should also be based on humanitarian considerations, as stated in the second principle of Pancasila. For example, lethal injection is often considered more humane than other methods of execution. From a utilitarian perspective, this method is acceptable if it provides maximum benefit to society by reducing the suffering of the perpetrator (convicted person). Capital punishment by lethal injection, which has been used in several countries, including China, Thailand, and Vietnam, is considered more humane and upholds ethical and moral values, so lethal injection can be considered as an option for the method of capital punishment in Indonesia to replace the method of execution by firing squad.*

**Keywords:** *Capital Punishment; Human Rights; Lethal Injection; Penal Code; Utilitarian Justice.*

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## **INTRODUCTION**

Amnesty International says that the number of executions worldwide in 2024 reached its highest level since 2015. Amnesty International's latest report, *Death Sentences and Executions 2024*, recorded 1,518 executions in 2024, an increase of 32 percent from 1,153 in 2023 ([Amnesty International Indonesia, 2025](#)). Regarding the number of death sentences, in 2024 at least 2,087 death sentences were handed down by courts in 46 countries, lower than the 2023 figure of at least 2,428 sentences in 52 countries ([Subarkah & Sumantri, 2025](#)).

Amnesty International Indonesia noted that in 2024, at least 85 people were sentenced to death in 75 cases ([Azzahra, 2025](#)), with the majority involving drug-related offenses (57 cases involving 64 defendants) and the remainder being murder cases (18 cases involving 21 defendants) ([Octavia & Setuningsih, 2025](#)). Meanwhile, from January to March 2025, the court sentenced 21 defendants to death in 21 separate cases ([Achmad, 2025](#)).

The year 2022 marked a legal update on capital punishment in Indonesia with the enactment of Law Number 1 of 2023 on January 2, 2023, and its ratification on December 6, 2022. Law Number 1 of 2023 provisions on capital punishment continue to be a topic of debate, with the firing squad still being the method of execution. This is stated in Article 99 section (3) of Law Number 1 of 2023, which reads, "*Capital punishment shall be carried out by shooting the convicted person until dead by a firing squad or by other means as determined by law.*"

Based on the wording of Article 99 section (3) of Law Number 1 of 2023, many parties, including the public, activists, and other countries, claim that the implementation of the capital punishment by shooting the condemned person is a cruel, inhumane, and brutal act. Shooting the condemned person in the heart until dead is an inhumane method of carrying out capital punishment. In special circumstances, when the bullet misses or a single shot to the heart fails to kill the condemned person, the condemned individual may still show signs of life and suffer pain and agony before death. In carrying out capital punishment, it must be done in a humane manner, i.e., with minimal risk of causing pain to the condemned person.

Using a firing squad is one of the ways to carry out executions for those sentenced to death, according to Presidential Determination Number 2 of 1964, which became law through Law Number 5 of 1969, known as Law Number 2/PNPS/1964. The Constitutional Court Decision Number 21/PUU-VI/2008, which rejected a request to review Law Number 2/PNPS/1964 regarding how capital punishment is carried out, confirms that shooting is the only method used to execute death row inmates. The Constitutional Court Decision Number 21/PUU-VI/2008, which rejected the request to review Law Number 2/PNPS/1964 about how capital punishment is carried out, confirms that the only way to execute death row inmates is by shooting them until they are dead.

In the implementation of capital punishment, Article 1 of Law Number 2/PNPS/1964 stipulates that capital punishment by firing squad shall be carried out by shooting the condemned person until dead. This sentence suggests that the executioner must repeatedly execute the condemned person until they die. As a result, the condemned person experiences severe suffering before finally dying. Furthermore, Article 14 section (4) of Law Number 2/PNPS/1964 clarifies that a single shot may not result in death, necessitating a final one. The law states, "*If, after the shooting, the convicted person still shows signs of being alive, the Squad Commander shall immediately order the Squad Member responsible for the shooting to fire the final shot.*" This clause means that the final shot is given when the condemned person is still alive, even after being shot and bleeding, which causes them to suffer greatly before they finally die from that last shot. This provision implies that the final shot under the law acknowledges that the condemned person is still alive, although they are already shot and undoubtedly covered in blood, thus in a state of extreme suffering, before finally dying from the final shot.

According to Law Number 2/PNPS/1964, the firing squad is required to aim at the convict's heart, as stated in Article 14 section (3), but Article 14 section (4) this law specifies that the final shot must be aimed by pressing the muzzle of the firearm against the convict's head, directly above the ear. Thus, this procedure does

not guarantee the “absence of torture” in the condemned person’s death (Asshiddiqie, 2009). If, according to the drafters of the law, a shot above the condemned person’s ear can cause immediate death, why is there a procedure requiring aiming at the “heart”? This implies that the drafters of the law did not believe that a shot to the heart would cause immediate death.

The implementation of capital punishment is also subject to the provisions of Article 52 of Law Number 1 of 2023, which states that “*punishment is not intended to degrade human dignity.*” This means that even if the convicted person has committed an act that has a significant and serious impact on society, the rights of the condemned person must still be considered from the perspectives of humanity, ethics, and morality in the method of execution. The implementation of capital punishment stipulated in Law Number 2/PNPS/1964 is clearly contrary to the second principle of Pancasila, the noble values enshrined in the 1945 Constitution, and the mandates of international conventions, thereby causing a legal antinomy or conflict of norms.

## **METHOD**

This study aims to identify and analyse the implementation of capital punishment policy as a form of utilitarian justice and to identify and analyse the implementation model of capital punishment in Indonesia based on humanity, ethics, and morality aspects. This study employs normative legal research methods to identify legal rules, principles, and doctrines that address the legal issues (Suratman & Dillah, 2014) encountered while utilising a legislative, conceptual, and comparative approach (Muhaimin, 2020). The legal sources used to examine this research are primary legal, secondary legal, and tertiary legal materials (Marzuki, 2014). Primary legal sources consist of legislation, official reports, court decisions, and official state documents. Secondary legal sources consist of textbooks, research results in journals and magazines, or opinions of experts in the field of law. Tertiary legal sources consist of legal dictionaries, language dictionaries, and legal encyclopaedias. The technique of collecting legal materials in this research was conducted through a literature study of legal materials, including primary legal, secondary legal, tertiary legal, and non-legal materials (Qamar & Rezah, 2020). This study conducted a systematic and teleological analysis of the legal materials (Rochim et al., 2014). The systematic stage was carried out by selecting legal materials, then classifying them according to the classification of legal materials and compiling the legal materials so that the results of the study were systematic and logical, i.e., there were connections between one legal material and another to obtain a general picture of the results of the research. The teleological stage involves figuring out the meaning of laws based on social goals, meaning that laws that are still in effect but no longer fit today’s needs or interests need to be updated to match new social conditions or situations.

## RESULTS AND DISCUSSION

### A. The Implementation of Capital Punishment Policy: A Utilitarian Justice Perspective

Capital punishment in Indonesia is still relevant (Husni, 2015), and some countries around the world will continue to uphold it (Prakoso & Nirwanto, 1984). The purpose of capital punishment is to deter criminals. From a humanitarian perspective, capital punishment is necessary to protect society from evil people (Kusumo, 2015). Society considers crime to be immoral or unethical (Shafira et al., 2022).

In Indonesia, several popular motives for using capital punishment include the belief that it is more effective than other forms of punishment. In addition to having a deterrent effect, capital punishment is also more economical (Eddyono et al., 2015). The purpose of capital punishment is based on the idea of avoiding demands or reactions from the community that vent their emotions arbitrarily or uncontrollably (Widnyana, 1993).

Muladi (2002), divides theories of the purpose of punishment into three groups, namely retributive theory, teleological/utilitarian theory, and retributive-teleological theory. The first two theories have the same meaning as explained above. Meanwhile, the retributive-teleological theory sees the purpose of punishment as having multiple aspects because it combines both teleological and retributive ideas into one, which is why it's called integrative theory. This view advocates the possibility of articulating a theory of punishment that integrates several functions as well as utilitarian retribution (Achmad, 2013).

Based on his review of these three theories of the purpose of punishment, Muladi (2002) ultimately proposed a concept of punishment that he called integrative (humanitarianism within the Pancasila system) (Achmad, 2013). This theory of integrative punishment is based on the fundamental assumption that criminal acts are disturbances to the balance, harmony, and order of society that cause harm to individuals and society.

Abolitionists have demanded that the Indonesian government abolish capital punishment, even though General Comment 6, Article 6, Paragraph 6 of the ICCPR states that "*States Parties shall not have the obligation to abolish capital punishment, but all States Parties shall have the obligation to restrict its use*" (Komnas HAM, 2009). Based on the provisions above, there is no reason to argue that capital punishment is a violation of human rights. However, what needs to be carefully considered is the method of execution or the procedure for carrying out

capital punishment, which has been deemed a violation of human rights. Currently, Indonesia still uses firing squads as a method of execution, which is considered cruel and inhumane.

The author argues that abolishing the capital punishment would go against societal expectations. Society believes that capital punishment serves the purpose of maintaining social harmony and upholding public trust in the judicial system. Indonesian society strongly supports the retention of capital punishment, as they believe that it would lose its balance if it were not imposed for serious crimes.

Given these conditions, capital punishment is the government's most effective weapon (Abidin & Eddyono, 2017). According to Johnson and Zimring (2009), regardless of the system of government, the most likely direct cause of substantive changes in capital punishment policy is political elite leadership. The political leadership of the government in several countries also provides the main impetus for maintaining high execution rates. In Singapore, China, North Korea, and Vietnam, the main determinants of high execution rates are strong government preferences with broad authority over executive and judicial actions. Indonesia has experienced a prolonged period without any significant changes in its policy concerning the method of carrying out capital punishment (Johnson & Zimring, 2009).

The political survival of the country's elite, particularly the President and the House of Representatives, plays an important role in initiating changes to the capital punishment policy in Indonesia (Putra, 2025). This comparative study presents several intriguing points, including the argument by various Asian government leaders that cultural relativism is not a fundamental basis for adopting the capital punishment policy. It should be noted that the interests of the country's elite, combined with the geopolitical situation, are important variables that explain the formation and patterns of the capital punishment policy in Asian countries. With the implementation of human rights policies in the area of policy change, the cases studied in this research help to generalize the theoretical proposition that policy change is shaped by the political environment and power interests. Geopolitical environmental factors contribute to changes in the policy of capital punishment by influencing the interests of the state elite (Kim, 2015).

The expectations from such policy changes are strongly linked to the integrative objectives of punishment (Laia, 2024), meaning that the implementation of capital punishment should not merely aim for retribution but must also be based on humanitarian considerations, as enshrined in the second principle of Pancasila. For example, lethal injection is often considered more humane than other methods of execution. From a utilitarian perspective, this method is



acceptable if it provides maximum benefit to society by reducing the suffering of the perpetrator (the convicted person) and ensuring that the execution is carried out efficiently (Frasher, 1993). Utilitarianism supports methods of execution that are considered most consistent with humanitarian standards and the balance between social benefits and moral harm.

According to utilitarian theory, one of the advantages of capital punishment is that it has a significant deterrent effect. The main purpose of the criminal justice system is to prevent offenders from committing crimes for the welfare of the majority of society. This aim is achieved by linking punishment to criminal activity so that potential offenders can see the disadvantages of committing crimes as outweighed by the negative consequences. An ideal society punishes offenders because the threat of punishment deters everyone from committing crimes. Capital punishment offers the most severe form of punishment, and its application has a high probability of deterring offenders who may not be afraid of long periods of imprisonment (Udoudom et al., 2019). This results in a negative relationship between the capital punishment and the incidence of murder, implying that the punishment has a strong preventive role. Based on the utilitarian approach, the preventive function is ethical because it ensures the protection of society as a whole. Furthermore, utilitarian justice also requires that the execution of capital punishment be beneficial to the convicted person, meaning that they should not experience extreme pain. Therefore, it is necessary to implement policies that ensure the execution is carried out in a humane manner and does not leave scars on the body of the convicted person.

From a utilitarian perspective, executing perpetrators has the benefit of fully protecting society from future violations (Mudrack & Mason, 2019). Capital punishment has the advantage of giving judges the capacity to provide sufficient retribution for each crime. To uphold justice, there must be a punishment that is commensurate with the crime committed. When punishment is lenient, it feels unjust to the victim and most of society (Pratama, 2019). Crimes such as serial killings and repeat offenses, as well as violent crimes such as murder, cannot be adequately punished without the capital punishment (Walsh & Hatch, 2018). In such cases, life imprisonment can contribute to a rise in a sense of injustice that tarnishes the reputation of the justice system and even provokes members of the community to commit extrajudicial killings. The utilitarian ethical approach requires that the capital punishment produce a sense of justice that is beneficial in addition to using a retributive approach as punishment, thereby enhancing the credibility of the criminal justice system and continuing to respect the rights of convicted persons so that executions are carried out in a humane manner (Udoudom et al., 2019).

As seen in Law Number 2/PNPS/1964, the implementation of punishment does not consider that it produces justice that is beneficial to the convicted person but rather solely to satisfy the desire for revenge. As punishment evolves, should its purpose be solely revenge, or should it also provide benefits for the perpetrator and society? Therefore, it is hoped that current execution policies will be reformed by combining the retributive concept with the utilitarian concept as the purpose of punishment that produces justice that is beneficial to the convicted person (Marbun, 2020).

## **B. The Implementation Model of Capital Punishment in Indonesia: Aspects of Humanity, Ethics, and Morality**

Only certain crimes deemed extremely evil or serious are eligible for the capital punishment (Arief, 2017). Crimes deserving capital punishment are those that violate citizens' rights to life, which is a fundamental human right (Heriyono, 2020). In general, crimes punishable by death are those that have a high destructive potential for society or are extraordinary. Therefore, the existence of capital punishment in normative law has a strong legal basis.

People often portray capital punishment as cruel, inhumane, and sadistic. For example, Law Number 2/PNPS/1964 on the Procedures for the Implementation of the Capital Punishment was not drafted or formulated with the deep consideration that execution by firing squad is the most appropriate, effective, and humane method of execution. The consideration for choosing execution by firing squad was based on the provisions of the *Gunsei Keizirei*, particularly Article 5, issued on January 1, 1944, by the Japanese Colonial Government, and *Staatsblad* 1945 No. 123, issued by the Dutch Colonial Government, which stipulated that execution should be carried out by shooting until death. In 1964, the Indonesian government considered that the capital punishment by firing squad was more practical and had a lesser psychological effect on the executioners because the shooting was carried out jointly by a firing squad. In other words, the capital punishment by firing squad was more focused on the interests of the executioners than those of the condemned.

Article 33 section (1) of Law Number 39 of 1999 states that *"every person is entitled to be free from torture, cruel, inhuman, degrading, and humiliating treatment or punishment."* The author argues that in this article, cruel, inhuman, degrading, and humiliating punishment or treatment, when linked to the issue of capital punishment in Indonesia, may be carried out provided that it is not carried out in a cruel manner or in a way that degrades the dignity of the individual.

Regarding the issue of capital punishment, the author believes that the execution must be carried out in the best interest of the convicted person, without



causing suffering or hastening death. This belief is based on the advancement of human knowledge and technology, which allows for the consideration of the best possible method to ensure that death is not painful and can be carried out more quickly. This is a requirement of the law to ensure that the possibility of changes regarding the manner of carrying out executions is always open. Criminal law expert and Supreme Court Justice Salman Luthan believes that Law Number 2/PNPS/1964, which outlines how capital punishment is carried out, could be considered unconstitutional, especially Article 28I section (1) of the 1945 Constitution, if a kinder way to execute capital punishment is discovered that is better than shooting.

In the implementation of capital punishment in Indonesia, the Constitutional Court has ruled that the criteria that must also be adhered to in the implementation of capital punishment are to avoid causing prolonged suffering to the convicted person and torture. While advancements in science and technology should be utilized in the enforcement of the law, particularly in the procedures for carrying out capital punishment, the Court emphasizes that such advancements should be employed to seek more humane, swift, and painless methods of execution. It is the responsibility of the legislature to conduct a review of the possibility of amending Law Number 2/PNPS/1964 to better align it with advancements in science and technology.

As a norm regulated by law in today's modern era, capital punishment should not only be a form of retribution but also be based on utility and humanity. The author argues that Law Number 2/PNPS/1964 fails to uphold the values and principles of human dignity. From a human rights perspective, this formal law is considered cruel and inhumane because the method of execution is by shooting. This has become a polemic issue, necessitating a comparison of the application of capital punishment and legal reform to achieve a concept of capital punishment that is considered ideal in Indonesia.

Ideally, the lethal injection method is considered by developed countries as a more humane form of execution, as it mimics medical anesthesia, aligns with global trends, and reflects efforts to standardize execution practices (Mayer, 2016). Several East Asian and Southeast Asian countries have also implemented the lethal injection method. For example, there is evidence that China, which has executed hundreds of prisoners by lethal means, is using the same three drugs that were originally adopted in Oklahoma, the United States.

In philosophical studies, the purpose of capital punishment varies greatly depending on the perspective from which it is viewed, and it also relates to the development of paradigms of thought. Kant (1887) argued that the purpose of

punishment is as a form of retribution for an act (retributive theory). In addition to the retributive theory, [Mill \(1863\)](#) argued that the purpose of punishment is to bring benefits (utilitarian theory) to society and the state, especially to convicts, so that they continue to enjoy their rights to be treated humanely.

Indonesia is one of the Southeast Asian countries that still maintains capital punishment in its positive legal system, even including it in various laws and regulations. However, as a country that upholds human rights, Indonesia applies the capital punishment in a special, careful, and selective manner ([Lubis & Lay, 2009](#)). The constitution continues to interpret the enforcement of capital punishment in Indonesia, particularly regarding the execution process for those sentenced to death ([Nurhadiyanto, 2018](#)). In Indonesia, shooting is one of the methods chosen to execute those sentenced to death based on Law Number 2/PNPS/1964. The Constitutional Court Decision Number 21/PUU-VI/2008 to reject the review of Law Number 2/PNPS/1964 confirms that the only way to carry out capital punishment is by firing squad ([Christianto, 2009](#)).

In 2016, Indonesia executed death row inmates involved in a drug trafficking gang case, but the inmates did not die immediately. It took them seven to fifteen minutes before death finally came. They were Freddy Budiman (an Indonesian death row inmate), Michael Titus Igweh, Hamprey Ejike, and Seck Osman (a Nigerian death row inmate), who took seven to fifteen minutes to die after being shot by an Indonesian execution squad carrying out the execution on Nusakambangan Island early on Friday, July 29, 2026. The story was revealed by Father Charles Patrick Edward Burrows, known as Father Carolus, who was present at Nusakambangan Prison while the Indonesian execution squad carried out the execution of the four death row inmates convicted of drug-related crimes ([Assegaf, 2016](#)).

Based on these events, the Indonesian government should reform its formal criminal law regulations on the procedures for carrying out such a cruel form of capital punishment and replace it with a more modern, humane, and anti-torture method of execution. Based on various research findings and opinions from legal and medical experts, the method of carrying out capital punishment by lethal injection is the most effective and humane way to take a life, as the condemned prisoner does not experience extreme pain.

With the current capital punishment regulations in Indonesia, formal criminal law governing the procedures for carrying out capital punishment is considered inappropriate on humanitarian and legal moral grounds. Overall, legal moral theory tends to support more humane methods of execution, such as lethal injection. The meaning of morality is related to the execution process, particularly how the dignity of the condemned is perceived, treated, and respected. Therefore,

there is a need for full guarantees of the right to a fair legal process and the validity of a “humane” execution as a means of respecting the dignity of the condemned. According to Patricia, dignity must be defined as an intrinsic human value that can serve as both a means and an end of human rights (Waagstein, 2023). Thus, protecting the human rights of prisoners sentenced to death means fully respecting the integrity of their human dignity and that of their families.

Among several countries in East Asia and Southeast Asia, the author found only three countries that use lethal injection methods, such as China, Thailand, and Vietnam. Therefore, to support legal development and transformation in Indonesia, the government can adopt or transplant legal products from China, Thailand, and Vietnam, whose constitutions use lethal injection as a method of capital punishment. Such adoption is done with the aim of complying with Article 7 of the ICCPR, as stated in the International Covenant on Human Rights Committee’s General Comment 20, Article 7, Paragraph 6, which states that “*capital punishment must be carried out in a manner that causes the least possible physical and mental suffering*” (Komnas HAM, 2009). Therefore, the formal criminal justice process that leads to the imposition of capital punishment must also comply with international legal standards.

To date, the implementation of capital punishment in Indonesia remains reluctant to comply with Article 7 of the ICCPR. When humans were at a level of thinking and technology that was not as advanced as it is today, the method was truly cruel and inhumane when viewed from a modern perspective. In line with the development of human knowledge, technology has also developed rapidly. However, there has been no reform of formal criminal law in Indonesia regarding the manner in which capital punishment prioritises humanity, ethics, and morality.

Defendants who have been sentenced to death by a court still have certain rights protected by law, including humane treatment and respect for personal dignity (Nurjamal, 2023). Therefore, the author agrees with Dimiyati et al. (2017) that civilized law is law that respects general human morality. Capital punishment is acceptable under utilitarian ethics if it effectively produces happiness and benefits for society at large, including the convicted person (Rhiti, 2011). Natural rights are not recognized in utilitarianism, but coercion and violation of the rights of others are not morally justified (Panani, 2015). The right to violate others here refers to the condemned’s right to a humane, ethical, and moral execution. The most important ethical question to ask before carrying out capital punishment is not what is universally “right” or generally “good,” but what is contextually most appropriate and most justifiable in human and moral terms (Mangesti & Tanya, 2014).

In assessing legal norms, the correct norm is the one that can bring the greatest happiness through its benefits because, fundamentally and instinctively, humans seek pleasure and avoid pain (Fariduddin & Tetono, 2022). Therefore, the true and fundamental purpose of law, according to Bentham's (1876) utilitarianism, is the usefulness of the law itself. In line with Rodliyah's (2014) opinion, when linked to the theory of purpose or utilitarian theory, capital punishment is not merely to retaliate or repay a person who has committed a crime but must have specific beneficial objectives. The development of humanism, which prioritizes the intrinsic value of human dignity through self-expression as individual entities, greatly influences this kind of thinking. Execution based on something humane will better reflect human values (Manti et al., 2024).

It is true that capital punishment has received negative responses due to its implementation, which is considered inhumane (Ardiansyah et al., 2024). Additionally, many people believe that capital punishment remains necessary in Indonesia for those who commit serious crimes. However, it is the technical implementation of capital punishment that needs to be revised to reduce the pain of the condemned (Ali, 2008), for example, by using a painless injection model.

According to Denno (2025), a legal scholar and professor of criminology at Fordham University School of Law in the United States, lethal injection is the most widely used method of execution in the United States because it is considered cheaper and more humane. In the process, a convict is strapped to a stretcher, a padded platform usually used to transport patients. Next, a lethal injection is carried out using three types of drugs administered via hypodermic needles into the prisoner's entire body, specifically the blood vessels, in the following order: (1) Sodium thiopental is a type of anesthetic that makes a person deeply unconscious in about 20 seconds; (2) pancuronium bromide is a strong muscle relaxant that paralyzes all voluntary muscles, leading to breathing stopping; and (3) potassium chloride is used to permanently stop the heart (Denno, 2025).

The author argues that if lethal injection is chosen or established as the method for carrying out capital punishment, it will be one of the most humane ways to treat the condemned, which is essentially a highly moral policy choice. In establishing a criminal law policy and then formulating it into a law, it is expected that from the perspective of criminal law policy and the formulation of capital punishment, it can be applied at the implementation stage (Hikmah & Sopoyono, 2019).

Therefore, to implement the lethal injection model as the most humane method, the law we uphold must embody human values or principles and be grounded in a worldview, awareness, and legal ideals (Pane & Pudjiastuti, 2021).

Quoting [Hariyono et al. \(2013\)](#) the law that is upheld is anthropocentric law, which places humans as the central subject and always considers human values as the central point.

There is one view of [Sidharta \(2005\)](#) on capital punishment, namely that the purpose of law itself is the maintenance and development of human morality and noble moral ideals based on the belief in the One Supreme God ([Tangkau, 2011](#)). Therefore, the method of carrying out the capital punishment is mandatory and must be based on human morality as a moral ideal, as stated in the first principle of Pancasila. If we look at capital punishment by lethal injection from a moral or ethical perspective, this study can use a transcendental/supernatural moral model to decide what is right and wrong based on God's laws or universal and lasting humanitarian reasons ([Fuady, 2013](#)). Such a transcendental moral theory aligns with the doctrines of classical natural law ([Morris, 2023](#)).

The implementation of capital punishment, when linked to humanitarian reasons, also includes aspects of truth and justice that have become points of legal discussion. Thus, the inclusion of ethical and moral reasons is automatic. Discussing truth, justice, and humanity cannot be separated from discussing ethics and morality ([Wijaya, 2024](#)). Therefore, progressive legal theory explicitly rejects the view that law must be separated from humanity and morality. This is where the liberation and enlightenment of the progressive legal paradigm lie: in reforming criminal law policy on the execution of capital punishment from shooting to lethal injection, which is considered a more humane and moral method.

Progressive law also reminds us that the dynamics of law never cease because legislation is constantly in a state of self-construction. Thus, social change, supported by planned social engineering by law, will realise the goals of progressive law, namely human welfare and happiness. In addition, progressive law has strong moral content, so that progressivism seeks to make legislation a moral institution.

[Kant \(1965\)](#) teaches us that we must respect humanity, even the worst criminals. This means that we must not torture, abuse, or disrespect criminals when we try to punish them. On the contrary, even the most severe punishments must be imposed in a manner consistent with our respect for the dignity of humanity that we all share. Kant's philosophy posits that we should determine the truth of a legal rule solely based on common sense ([Tucker, 1966](#)).

Capital punishment by lethal injection, which has been used in several countries, including China, Thailand, and Vietnam, is considered more humane and upholds ethical and moral values, so lethal injection can be considered as an

option for the method of capital punishment in Indonesia to replace the method of execution by firing squad. IDI argues that capital punishment by lethal injection does not cause relatively painful suffering for the condemned, as lethal injection is deemed more humane, resulting in the condemned experiencing only minimal pain (Endryan & Hadjar, 2024). In Vietnam, Tran and Vu (2019) also emphasised in their research that changing the method of execution from shooting to lethal injection can reduce pain for the perpetrator and the negative psychological impact on the executioner. Not only in Vietnam; Asian countries such as Thailand and China also use lethal injection for prisoners sentenced to death (Anh, 2023). This method is considered more humane because it reduces the physical suffering experienced by prisoners sentenced to death. This approach reflects the values/principles of humanism in criminal law, which emphasises the importance of minimising suffering in the execution process.

Certain detention centres equipped with facilities for lethal injection can carry out the formulation of capital punishment by lethal injection in Indonesia. These places will be designed to ensure that executions are carried out in a controlled environment with appropriate medical standards, in line with the principle of the rule of law, which requires that the law be enforced through orderly procedures and in accordance with applicable regulations. Lethal injection is also considered more humane, in accordance with the theory of human dignity, which emphasises the humane treatment of prisoners (Iustitia & Kirana, 2025).

## **CONCLUSIONS AND SUGGESTIONS**

Utilitarianism supports methods of execution that are considered most consistent with humanitarian standards and the balance between social benefits and moral harm. Utilitarian justice also requires that the execution of capital punishment be beneficial to the convicted person, meaning that they should not experience extreme pain. Therefore, it is necessary to implement policies that ensure the execution is carried out in a humane manner and does not leave scars on the body of the convicted person. As seen in Law Number 2/PNPS/1964, the implementation of punishment does not consider that it produces justice that is beneficial to the convicted person but rather solely to satisfy the desire for revenge. Geopolitical environmental factors contribute to changes in the policy of capital punishment by influencing the interests of the state elite. The expectations from such policy changes are strongly linked to the integrative objectives of punishment, meaning that the implementation of capital punishment should not merely aim for retribution but must also be based on humanitarian considerations, as enshrined in the second principle of Pancasila. Law Number 2/PNPS/1964 fails to uphold the values and principles of human dignity. From a human rights perspective, this formal law is considered cruel and inhumane



because the method of execution is by shooting. This has become a polemic issue, necessitating a comparison of the application of capital punishment and legal reform to achieve a concept of capital punishment that is considered ideal in Indonesia. Ideally, the lethal injection method is considered by developed countries as a more humane form of execution, as it mimics medical anesthesia, aligns with global trends, and reflects efforts to standardize execution practices. Based on various research findings and opinions from legal and medical experts, the method of carrying out capital punishment by lethal injection is the most effective and humane way to take a life, as the condemned prisoner does not experience extreme pain.

In this study, the author recommends: 1) Forming a panel of medical experts and criminal law experts to study the issue and submit recommendations that the police firing squad method should be replaced with a new and more humane method of execution, namely lethal injection carried out by a public prosecutor; 2) In addition to supervising the performance of law enforcement agencies such as the police and the Attorney General's Office, the House of Representatives' Commission III, as the maker of laws, should pay more attention to humanitarian, ethical, and moral aspects in ensuring the rule of law and justice in Indonesia, particularly regarding the humane and anti-torturous implementation of capital punishment; and 3) Article 52 of Law Number 1 of 2023 has emphasized that punishment is not intended to degrade human dignity, so when linked to Law Number 2/PNPS/1964, which stipulates that executions are carried out by shooting until death, then it is only right that the Indonesian Government creates legal harmonization by reforming and formulating criminal law policies related to the humane and anti-torture procedures for the enforcement of capital punishment based on the principles of humanity, ethics, and morality, in accordance with the values of Pancasila and the 1945 Constitution.

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