



ISSN 2809-672X (Online)
IUS POSITUM: Journal of Law Theory and Law Enforcement

<https://journal.jfpublisher.com/index.php/jlte>

Vol. 4 Issue 3, July 2025

doi.org/10.56943/jlte.v4i3.842

Conditional Death Penalty Sentencing in The New Indonesian Criminal Code: A Non-Derogable Rights Perspective

Susanto^{1*}, Dr. Jonaedi Efendi², Dr. Imam Suroso³

¹adisusantokeren114@gmail.com, ²jefendi99@gmail.com, ³imam@ubhara.ac.id

¹Sidoarjo Regency Office, National Land Agency (BPN), ¹²³Universitas Bhayangkara Surabaya

*Corresponding Author: Susanto

Email: adisusantokeren114@gmail.com

ABSTRACT

The conditional death penalty under Indonesia's Law No. 1 of 2023 on the Criminal Code (KUHP) represents a critical reform in balancing human rights protection and state authority in criminal justice. This study examines the legal and philosophical foundations of the conditional death sentence through the perspective of non-derogable rights—particularly the right to life as an inviolable human right. Using a normative juridical methodology combining statutory and conceptual approaches, this research analyzes the new KUHP's regulatory framework, especially Article 100, which introduces a ten-year probationary period allowing sentence conversion to life imprisonment. The findings demonstrate that conditional death sentencing serves as a middle ground between abolitionist and retentionist camps in Indonesian legal discourse. It reflects a progressive penal policy aligning with constitutional guarantees in Article 28I(1) of the 1945 Constitution and international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR). The study concludes that conditional death sentencing embodies a transitional penal paradigm—anchored in restorative and humanistic values—reaffirming the state's dual obligation to uphold the right to life while ensuring collective security and justice.

Keywords: Conditional Death Penalty, Criminal Code, Human Rights, Non-Derogable Rights, Sentencing Policy

INTRODUCTION

The death penalty remains one of the most enduring controversies in contemporary criminal law and human rights discourse. In Indonesia, this issue has re-emerged following the enactment of Law No. 1 of 2023 on the Criminal Code (hereafter referred to as the “New Criminal Code”), which introduces a conditional or probationary model of capital punishment under Article 100.¹ This innovation reflects a significant shift in Indonesia’s penal policy from an absolutist retributive framework toward a more conditional, restorative, and humanistic paradigm. At the same time, the reform raises profound legal and ethical questions regarding the state’s authority to take life and the constitutional guarantee of the right to life as a non-derogable right under Article 28I paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

The controversy surrounding the death penalty has long polarized legal scholars, policymakers, and civil society into two opposing camps: retentionists, who justify capital punishment as a legitimate instrument of deterrence and retributive justice, and abolitionists, who regard it as a cruel, inhuman, and degrading practice incompatible with modern human rights norms.² In Indonesia, this debate has intensified due to the constitutional tension between Articles 28A and 28J of the 1945 Constitution, which respectively guarantee the right to life and allow the limitation of rights to respect public order, morality, and national security. The New Criminal Code’s conditional death sentence thus attempts to reconcile these opposing constitutional values—preserving the ultimate sanction of death while introducing a ten-year probationary period to allow judicial reconsideration and potential sentence commutation to life imprisonment.³⁴

This conditional framework represents a hybrid penal model unprecedented in Indonesian law. While capital punishment previously existed as a principal penalty under the 1946 Criminal Code, the New Criminal Code reclassifies it as a special and alternative penalty to be imposed only when other sanctions fail to achieve justice or deterrence. Such reorientation aligns with international trends

¹ Republik Indonesia, “Law No. 1 of 2023 ” (2003).

² Utami Yustihana Untoro, Chrisbiantoro Chrisbiantoro, and Hudi Yusuf, “Understanding Death Punishment: Historical Perspective, Justification, and Critical Analysis,” *Journal of Social Research* 2, no. 11 (October 2023): 3997–4005, <https://doi.org/10.55324/josr.v2i11.1533>.

³ Adnan Hamid and Adilla Meytiara Intan, “THE EXISTENCE OF IDENTITY VALUE AND IMAGE PROTECTION ON LEGAL FRAMEWORKS OF UNITED STATES OF AMERICA (US) AND UNITED KINGDOM (UK),” *Journal of Law Theory and Law Enforcement*, April 6, 2022, 28–39, <https://doi.org/10.56943/jlte.v1i2.62>.

⁴ Mohamad Amin, “THE INFLUENCE OF GOVERNMENT APPARATUS COMPETENCE AND E-GOVERNMENT POLICY IMPLEMENTATION ON IMPROVING PUBLIC SERVICES AT DEPARTMENT OF POPULATION AND CIVIL REGISTRATION AMBON,” *Journal of Law Theory and Law Enforcement*, April 6, 2022, 1–15, <https://doi.org/10.56943/jlte.v1i2.54>.

toward the restriction or gradual abolition of capital punishment.⁵ According to the United Nations Human Rights Committee, states that have not yet abolished the death penalty are encouraged to limit its application strictly to the “most serious crimes,” following Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR).⁶ Indonesia, as a State Party to the ICCPR since 2006, bears a dual obligation: to uphold the right to life as a non-derogable right and to ensure justice and public security in its criminal justice system.⁷

From a jurisprudential standpoint, the concept of non-derogable rights refers to human rights that cannot be suspended or restricted under any circumstances, even in times of public emergency. These rights form the “hard core” of human rights protection and include the right to life, the prohibition of torture, slavery, and retroactive criminal punishment.⁸ The conditional death penalty, therefore, exists at the intersection between the sanctity of life and the state’s penal authority. It symbolizes a legal compromise acknowledging that the right to life is inviolable yet recognizing the state’s sovereign responsibility to protect collective security and maintain justice. The introduction of a probationary mechanism offers an avenue for moral reflection, rehabilitation, and judicial prudence, preventing premature or wrongful execution—concerns that have been widely documented in comparative studies across jurisdictions.⁹

Indonesia’s adoption of a conditional death penalty must also be viewed within its socio-political and cultural context. The country’s plural legal system rooted in Pancasila ideology, customary values, and diverse religious norms creates a complex normative landscape where moral legitimacy and legal validity often overlap. Within this framework, the death penalty is not merely a juridical instrument but also a moral statement reflecting collective sentiments toward justice, crime, and retribution. However, the increasing global emphasis on human

⁵ Scheinin Martin, “Death Penalty,” *Max Planck Encyclopedia of Public International Law*, August 2021, <https://doi.org/10.1093/LAW:EPIL/9780199231690/E772>.

⁶ United Nations, “International Covenant on Civil and Political Rights,” *Human Rights Committee*, 2019, <https://doi.org/10.1017/S0022050700094341>.

⁷ Trisadini Prasastinah Usanti and Anindya Prastiwi Setiawati, “THE COOPERATION BETWEEN CONVENTIONAL COMMERCIAL BANKS AND RURAL BANKS FOR FINANCIAL INCLUSIVENESS IMPROVEMENT OF SMALL, MEDIUM AND MICRO ENTERPRISES,” *Journal of Law Theory and Law Enforcement*, April 6, 2022, 16–27, <https://doi.org/10.56943/jlte.v1i2.67>.

⁸ Alfred de Zayas, “W.A. Schabas, Nowak’s CCPR Commentary: U.N. Covenant on Civil and Political Rights,” *Netherlands International Law Review* 67, no. 3 (December 2020): 553–65, <https://doi.org/10.1007/s40802-020-00179-y>.

⁹ Lawrence W. Sherman, “Influence of Criminology on Criminal Law: Evaluating Arrests for Misdemeanor Domestic Violence,” *Journal of Criminal Law and Criminology* 83, no. 1 (January 1992): 1.

rights and restorative justice compels Indonesia to adapt its legal doctrines in a way that honors both constitutional obligations and international commitments. This tension situates the conditional death penalty as an “intermediate policy”—a pragmatic balance between human rights ideals and penal pragmatism.¹⁰

Moreover, the legal formulation of Article 100 of the New Criminal Code is consistent with the recommendations of the Constitutional Court Decision No. 2–3/PUU-V/2007, which upheld the constitutionality of the death penalty but advised that its imposition must be exceptional and subject to rigorous judicial oversight. The introduction of a ten-year probationary period operationalizes this constitutional principle by embedding proportionality and procedural safeguards into the execution process. This represents a progressive evolution of Indonesia’s penal policy, echoing the philosophy of *ultimum remedium*, which regards criminal punishment as the last resort after all other preventive and restorative measures have failed.¹¹

From a theoretical perspective, this reform also resonates with the theory of progressive law (*hukum progresif*) introduced by Satjipto Rahardjo, which conceives law as a dynamic social institution aimed at human welfare rather than rigid rule enforcement. In this sense, the conditional death penalty demonstrates an adaptive form of legal pragmatism that integrates moral, philosophical, and sociological dimensions into Indonesia’s criminal justice framework. It embodies what Muladi earlier termed a middle-ground policy a reconciliatory effort between the retentionist view defending deterrence and retributive justice and the abolitionist view advocating the sanctity of life.¹²

Despite its progressive spirit, the conditional death penalty still faces numerous challenges. Critics argue that it risks perpetuating the state’s power to impose irreversible punishment, potentially conflicting with Indonesia’s obligations under international human rights law. Others emphasize the lack of clear procedural guidelines for reviewing or converting sentences after the probationary period, raising concerns about transparency and judicial discretion.¹³ These unresolved issues underscore the need for continuous doctrinal refinement and empirical evaluation of the new system’s implementation.

¹⁰ William Schabas, *War Crimes and Human Rights: Essays on the Death Penalty, Justice, and Accountability* (Cameron May, 2008).

¹¹ Sheila Maulida Fitri, “Eksistensi Penerapan *Ultimum Remedium* Dalam Sistem Hukum Pidana Indonesia,” *De Jure Jurnal Ilmiah Ilmu Hukum* 2, no. 1 (December 2020): 16, <https://doi.org/10.33387/dejure.v2i1.2688>.

¹² Laely Wulandari and Lalu Saipudin, “Marital Rape in a Comparative Perspective of Indonesian Criminal Law and Islamic Criminal Law,” *Unram Law Review* 5, no. 1 (April 2021), <https://doi.org/10.29303/ulrev.v5i1.139>.

¹³ United Nations, “International Covenant on Civil and Political Rights.”

In light of these complexities, this study aims to analyze the conditional death penalty in Indonesia's New Criminal Code from the perspective of non-derogable rights. The research seeks to answer three central questions: (1) how the conditional death penalty is legally structured under the New Criminal Code; (2) how its implementation aligns with the principle of non-derogable rights, particularly the right to life; and (3) what implications this model holds for the evolution of Indonesian criminal law and its conformity with international human rights standards. Through a normative juridical approach that integrates statutory interpretation and conceptual analysis, this study contributes to the ongoing discourse on human rights-based penal reform in Indonesia. By situating Indonesia's conditional death penalty within the global trend of penal humanization, the paper argues that this innovation marks a cautious yet meaningful step toward reconciling human dignity, justice, and state authority in the nation's criminal law system.

RESEARCH METHODOLOGY

This study employs a normative juridical approach, a method commonly used in legal research to analyze written law as a system of norms and principles governing human behavior. Normative legal research focuses not on empirical data but on the internal logic, coherence, and moral justification of legal rules. In the context of this study, the normative juridical approach is essential to examine how Indonesia's Law No. 1 of 2023 on the Criminal Code (KUHP) conceptualizes the conditional death penalty and how this aligns with constitutional and international principles concerning non-derogable rights, particularly the right to life.¹⁴

The research integrates two specific analytical frameworks: the statutory approach and the conceptual approach. The statutory approach (statute approach) entails an in-depth examination of relevant legal provisions contained within the 1945 Constitution of the Republic of Indonesia, Law No. 39 of 1999 on Human Rights, Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights (ICCPR), and the New Criminal Code itself.¹⁵ This approach enables the researcher to identify the normative structure and hierarchy of human rights protections, especially the classification of the right to life as a non-derogable right under Article 28I(1) of the Constitution. It also facilitates a detailed interpretation of Article 100 of the New Criminal Code, which introduces a ten-year probationary period for death sentences subject to potential commutation into life imprisonment.

¹⁴ Republik Indonesia, Law No. 1 of 2023 .

¹⁵ Republik Indonesia, "Law No. 12 of 2005 " (2005).

The conceptual approach, on the other hand, seeks to interpret the meaning of legal principles and doctrines that underlie the statutory texts. It involves tracing philosophical, theoretical, and comparative frameworks that inform the legal construction of conditional death sentencing. This approach is particularly relevant in evaluating the conceptual consistency between Indonesia's penal policy and the evolving global human rights discourse. The research draws upon the jurisprudence of the Constitutional Court Decision No. 2–3/PUU-V/2007, scholarly interpretations by Indonesian jurists such as Muladi (2005) and Rahardjo (2010), and comparative perspectives from international human rights scholarship.¹⁶ The data used in this study consist of primary and secondary legal materials:

1. Primary legal materials include statutory instruments, constitutional provisions, international treaties ratified by Indonesia, and judicial decisions relevant to the death penalty and human rights protection.
2. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, and expert commentaries addressing the relationship between criminal law, penal reform, and non-derogable rights.
3. Tertiary sources, such as legal dictionaries and encyclopedias, were consulted to clarify terminology and interpretative context.

The analysis follows a qualitative descriptive method, emphasizing interpretative reasoning rather than statistical generalization. Each legal provision is examined through hermeneutic interpretation—interpreting the text within its moral, historical, and philosophical context. The researcher systematically compares Indonesia's legal framework with international norms and the practices of other jurisdictions that have adopted conditional or commuted death penalties. This comparative perspective enriches the understanding of Indonesia's penal reform as part of a broader global movement toward human rights-based criminal justice.

The final stage of the research involves prescriptive analysis, in which findings are synthesized to propose legal improvements and policy recommendations. This process ensures that the study not only describes existing law (*das sein*) but also formulates normative propositions regarding what the law ought to be (*das sollen*), consistent with Indonesia's constitutional commitments and international obligations. Through this methodology, the study aims to contribute to both theoretical development and practical refinement of Indonesia's death penalty policy in the era of penal humanization

¹⁶ Schabas, *War Crimes and Human Rights: Essays on the Death Penalty, Justice, and Accountability*.

RESULT AND DISCUSSION

The Legal Structure of Conditional Death Penalty in Indonesia's New Criminal Code

Indonesia's Law No. 1 of 2023 on the Criminal Code (KUHP) marks a doctrinal transformation in the nation's penal policy by shifting the death penalty from a principal and absolute punishment to a conditional and exceptional measure.¹⁷ Article 98 paragraph (1) classifies it as a special and alternative sanction, while Article 100 introduces a ten-year probationary period during which the offender's conduct determines whether the sentence is executed or converted to life imprisonment.

This innovation aligns with the Constitutional Court Decision No. 2–3/PUU-V/2007, which declared capital punishment constitutional but emphasized its restrictive application under moral and procedural safeguards. The New Criminal Code thus embeds judicial and executive checks to ensure that death sentencing remains exceptional, not routine.

Table 1. Evolution of the Death Penalty in Indonesian Criminal Law

Legal Framework	Classification of Death Penalty	Legal Basis	Key Features	Human Rights Orientation
Old Criminal Code (KUHP 1946)	Principal punishment (mandatory in certain offenses)	Art. 10	Immediate execution; no probation or conversion	Retributive; limited human rights consideration
Constitutional Court Decision No. 2–3/PUU-V/2007	Constitutional but must be exceptional	Constitutional jurisprudence	Encourages conditional or suspended execution	Transitional—acknowledges human rights debates
New Criminal Code (KUHP 2023)	Conditional and alternative punishment	Art. 98, 100	Ten-year probation; behavioral evaluation; possible commutation to life imprisonment	Humanization and rehabilitation-based penal reform

Source: Compiled from Law No. 1/1946, Law No. 1/2023, and MK Decision 2–3/PUU-V/2007

This table illustrates Indonesia's gradual doctrinal shift from retributive to humanized penal rationality. The probationary clause operationalizes proportionality and due process, ensuring state punishment remains morally defensible and reversible within legal bounds.

However, procedural ambiguity persists. The statute does not clearly specify how “commendable behavior” is to be measured, who evaluates it, or

¹⁷ Republik Indonesia, Law No. 1 of 2023 .

which institution holds final authority over commutation.¹⁸ Addressing these issues requires further implementing regulations to prevent arbitrary interpretation and strengthen legal certainty (*rechtszekerheid*).

The Principle of Non-Derogable Rights and Its Application to Death Sentencing

The principle of non-derogable rights, enshrined in Article 28I(1) of the 1945 Constitution, recognizes the right to life as absolute and inalienable. This mirrors Article 4 of the International Covenant on Civil and Political Rights (ICCPR), which lists the right to life as a *jus cogens* peremptory norm from which no derogation is permitted, even during public emergencies (Nowak, 2020).

The conditional death penalty embodies a constitutional compromise. It allows the state to retain capital punishment in extreme cases while creating space for moral reform and procedural review. In philosophical terms, this policy aligns with the *proportionality principle* and the *progressive law theory* (*hukum progresif*) proposed by Satjipto Rahardjo (2010), which views law as a dynamic instrument to advance human welfare.

The following table summarizes how the non-derogable rights principle interacts with the conditional death penalty framework:

Table 2. Relationship Between Non-Derogable Rights and Conditional Death Sentencing

Aspect	Non-Derogable Rights Principle	Conditional Death Penalty Implementation	Assessment
Constitutional Basis	Article 28I(1) of the 1945 Constitution guarantees the right to life as absolute.	Article 100 of KUHP allows death penalty with a ten-year probation.	Partially compatible; retains state power but introduces safeguards.
Philosophical Foundation	Human dignity is inherent and cannot be suspended.	Emphasizes redemption and rehabilitation before execution.	Aligns with humanist interpretation of criminal law.
Legal Effect	Prohibits any act that unjustifiably takes life.	Introduces state mechanism to delay and possibly revoke execution.	Reflects harmonization between penal justice and human rights.
International Compatibility	ICCPR Article 6(2) and UNHRC General Comment No. 36 limit death penalty to “most serious crimes.”	KUHP narrows its scope and incorporates conditionality.	Consistent with global move toward abolition.

Source: Adapted from ICCPR (1966), Law No. 1/2023, and UNHRC (2019).

¹⁸ Schabas, *War Crimes and Human Rights: Essays on the Death Penalty, Justice, and Accountability*.

Through this framework, Indonesia endeavors to bridge constitutional morality and penal practicality. It sustains sovereignty in enforcing criminal justice while gradually internalizing global human rights standards (Frey & Kelly, 2020). Nonetheless, critics argue that retaining any form of execution contradicts the absolute nature of non-derogable rights (Aeni & Bawono, 2020). Thus, the policy remains transitional marking progress toward abolition, not its endpoint.

Comparative and Philosophical Analysis: Toward Human Rights–Based Penal Reform

Comparative analysis reveals that Indonesia’s conditional death penalty aligns with a broader Asian transitional model of penal humanization. Several countries have reformed their death penalty systems by introducing suspended or commuted executions as intermediate legal instruments.

For example, China’s “two-year suspension system” allows judicial commutation after two years of good behavior, effectively converting the sentence to life imprisonment.¹⁹ Malaysia’s 2023 Penal Reform Act abolished mandatory death sentences, granting courts full discretion to impose alternatives such as 30–40 years’ imprisonment.²⁰ These developments echo the European abolitionist framework, which integrates the death penalty prohibition into constitutional law through Protocol No. 13 of the European Convention on Human Rights.

In philosophical terms, Indonesia’s reform reflects an intermediate morality of punishment: balancing retributive justice with restorative rationality. The probationary clause represents a temporal moral pause, enabling reconsideration and rehabilitation before the irreversible act of execution. This approach embodies the integrative justice concept merging deterrence, rehabilitation, and reconciliation within one normative structure.²¹

Furthermore, Indonesia’s model resonates with the Pancasila philosophy, particularly the second and fifth principles “Just and Civilized Humanity” and “Social Justice for All People of Indonesia.” Within this framework, the law’s legitimacy depends not merely on authority (*macht*), but on moral fairness (*gerechtigheid*). Hence, penal humanization becomes an expression of Indonesia’s constitutional identity as a *rechtsstaat* grounded in justice and human dignity.

However, challenges remain in ensuring institutional consistency. The persistence of absolute death penalty clauses in special laws such as the Narcotics Law (Law No. 35/2009) and Terrorism Law (Law No. 5/2018) creates normative

¹⁹ Liu Fan et al., “Mobile Payment: The Next Frontier of Payment Systems? - An Empirical Study Based on Push-Pull-Mooring Framework,” *Journal of Theoretical and Applied Electronic Commerce Research* 16, no. 2 (2021): 179–93, <https://doi.org/10.4067/S0718-18762021000200112>.

²⁰ Amnesty Malaysia, “Abolish Death Penalty,” 2023.

²¹ George P. Fletcher, “Basic Concepts of Criminal Law,” *Faculty Books*, January 1998, <https://doi.org/https://doi.org/10.1093/oso/9780195121704.001.0001>.

disharmony within Indonesia's legal system.²² The judiciary, legislature, and executive must collaborate to harmonize these inconsistencies and strengthen human rights oversight.

CONCLUSION

The implementation of the conditional death penalty under Indonesia's Law No. 1 of 2023 on the Criminal Code marks a significant transitional phase in the evolution of the nation's penal policy. This reform redefines capital punishment from an absolute and immediate sanction into a conditional and evaluative mechanism through the introduction of a ten-year probationary period. Within this framework, offenders are given the opportunity to demonstrate moral reform and good behavior, allowing for the possible conversion of their sentence to life imprisonment. Such a transformation illustrates Indonesia's departure from a purely retributive model of punishment toward a more restorative and human-centered penal philosophy, which acknowledges both the necessity of justice and the sanctity of human life.

The conditional death penalty demonstrates a deliberate effort by the Indonesian legal system to reconcile the tension between state sovereignty and the constitutional protection of human rights. It operationalizes the constitutional principle enshrined in Article 28I(1) of the 1945 Constitution, which recognizes the right to life as a non-derogable and inviolable right. By embedding a probationary mechanism, the state introduces a moral and judicial safeguard that prevents the irreversible miscarriage of justice while reflecting prudence in the exercise of punitive authority. This model thus embodies a constitutional compromise that preserves the legitimacy of punishment but subjects it to moral reflection, judicial oversight, and opportunities for rehabilitation.

Furthermore, the conditional death penalty aligns with Indonesia's international human rights obligations, particularly Article 6 of the International Covenant on Civil and Political Rights (ICCPR). The ICCPR requires that, where the death penalty is retained, it must be applied only to the most serious crimes and accompanied by procedural safeguards. The conditional framework introduced by Indonesia satisfies this requirement by narrowing the scope of capital punishment and integrating conditions that enable commutation. This alignment signifies Indonesia's gradual harmonization with international legal norms and represents an important step in the country's broader movement toward human rights-based penal reform.

Philosophically, this reform resonates with the theory of progressive law (*hukum progresif*) as proposed by Satjipto Rahardjo, which conceptualizes law as a dynamic instrument intended to serve human welfare rather than rigid legal

²² Untoro, Chrisbiantoro, and Yusuf, "Understanding Death Punishment: Historical Perspective, Justification, and Critical Analysis."

formalism. The probationary period reflects a moral pause in which justice and humanity intersect, granting room for moral redemption and judicial reconsideration before the final and irreversible act of execution. In this sense, Indonesia's conditional death penalty contributes to the humanization of criminal law by embedding compassion, proportionality, and rehabilitative values within the structure of legal punishment. It reflects a paradigm shift that views offenders not solely as subjects of retribution but as moral agents capable of transformation.

Nevertheless, the successful implementation of the conditional death penalty depends on the establishment of clear procedural mechanisms, transparent behavioral assessment criteria, and effective coordination among the judiciary, legislature, and executive. Without these safeguards, the system risks inconsistency and arbitrariness in sentence review and commutation decisions. Despite these challenges, the reform symbolizes Indonesia's commitment to uphold human dignity while maintaining social order and public security. As such, the conditional death penalty represents a measured yet meaningful step toward a human rights-oriented criminal justice system—one that harmonizes state authority with the sanctity of life and reflects the nation's evolving constitutional and moral conscience.

REFERENCES

- Amin, Mohamad. "THE INFLUENCE OF GOVERNMENT APPARATUS COMPETENCE AND E-GOVERNMENT POLICY IMPLEMENTATION ON IMPROVING PUBLIC SERVICES AT DEPARTMENT OF POPULATION AND CIVIL REGISTRATION AMBON." *Journal of Law Theory and Law Enforcement*, April 6, 2022, 1–15. <https://doi.org/10.56943/jlte.v1i2.54>.
- Amnesty Malaysia. "Abolish Death Penalty," 2023.
- Fan, Liu, Xiaoping Zhang, Laxmisha Rai, and Yuanwei Du. "Mobile Payment: The Next Frontier of Payment Systems? - An Empirical Study Based on Push-Pull-Mooring Framework." *Journal of Theoretical and Applied Electronic Commerce Research* 16, no. 2 (2021): 179–93. <https://doi.org/10.4067/S0718-18762021000200112>.
- Fitri, Sheila Maulida. "Eksistensi Penerapan Ultimum Remedium Dalam Sistem Hukum Pidana Indonesia." *De Jure Jurnal Ilmiah Ilmu Hukum* 2, no. 1 (December 2020): 16. <https://doi.org/10.33387/dejure.v2i1.2688>.
- Fletcher, George P. "Basic Concepts of Criminal Law." *Faculty Books*, January 1998. <https://doi.org/https://doi.org/10.1093/oso/9780195121704.001.0001>.
- Hamid, Adnan, and Adilla Meytiara Intan. "THE EXISTENCE OF IDENTITY VALUE AND IMAGE PROTECTION ON LEGAL FRAMEWORKS OF UNITED STATES OF AMERICA (US) AND UNITED KINGDOM (UK)." *Journal of Law Theory and Law Enforcement*, April 6, 2022, 28–39. <https://doi.org/10.56943/jlte.v1i2.62>.
- Martin, Scheinin. "Death Penalty." *Max Planck Encyclopedia of Public International Law*, August 2021. <https://doi.org/10.1093/LAW:EPIL/9780199231690/E772>.

- Republik Indonesia. Law No. 1 of 2023 (2003).
 ———. Law No. 12 of 2005 (2005).
 Schabas, William. *War Crimes and Human Rights: Essays on the Death Penalty, Justice, and Accountability*. Cameron May, 2008.
 Sherman, Lawrence W. “Influence of Criminology on Criminal Law: Evaluating Arrests for Misdemeanor Domestic Violence.” *Journal of Criminal Law and Criminology* 83, no. 1 (January 1992): 1.
 United Nations. “International Covenant on Civil and Political Rights.” *Human Rights Committee*, 2019. <https://doi.org/10.1017/S0022050700094341>.
 Untoro, Utami Yustihastana, Chrisbiantoro Chrisbiantoro, and Hudi Yusuf. “Understanding Death Punishment: Historical Perspective, Justification, and Critical Analysis.” *Journal of Social Research* 2, no. 11 (October 2023): 3997–4005. <https://doi.org/10.55324/josr.v2i11.1533>.
 Usanti, Trisadini Prasastinah, and Anindya Prastiwi Setiawati. “THE COOPERATION BETWEEN CONVENTIONAL COMMERCIAL BANKS AND RURAL BANKS FOR FINANCIAL INCLUSIVENESS IMPROVEMENT OF SMALL, MEDIUM AND MICRO ENTERPRISES.” *Journal of Law Theory and Law Enforcement*, April 6, 2022, 16–27. <https://doi.org/10.56943/jlte.v1i2.67>.
 Wulandari, Laely, and Lalu Saipudin. “Marital Rape in a Comparative Perspective of Indonesian Criminal Law and Islamic Criminal Law.” *Unram Law Review* 5, no. 1 (April 2021). <https://doi.org/10.29303/ulrev.v5i1.139>.
 Zayas, Alfred de. “W.A. Schabas, Nowak’s CCPR Commentary: U.N. Covenant on Civil and Political Rights.” *Netherlands International Law Review* 67, no. 3 (December 2020): 553–65. <https://doi.org/10.1007/s40802-020-00179-y>.