



The enforcement of capital punishment in corruption crimes within Indonesia's legal system from human rights perspective

Ahmad Wasli Fadillah

Master of Law Programme, Faculty of Law, Universitas Gadjah Mada, Indonesia

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ABSTRACT

This study examines the enforcement of capital punishment in corruption crimes within Indonesia's legal system through the lens of human rights theory and constitutional law. Using a normative juridical approach, the research explores the philosophical, legal, and moral foundations of the death penalty as prescribed in Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, juxtaposed against Indonesia's human rights obligations under the 1945 Constitution and international covenants. The discussion integrates natural rights theory, utilitarian human rights theory, and progressive human rights theory to analyze the ethical legitimacy and legal coherence of capital punishment for corruption. Findings reveal a fundamental contradiction between Indonesia's retention of the death penalty and its constitutional guarantee of the right to life. While corruption constitutes an extraordinary crime that threatens national stability, capital punishment fails to meet international standards of necessity and proportionality. The paper argues that true deterrence and justice lie in systemic legal reform, transparency, and moral governance rather than retributive punishment. Ultimately, this study advocates for the gradual abolition of capital punishment in favor of a human rights-based penal policy consistent with Indonesia's democratic and humanitarian values.

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Corresponding Author:

Ahmad Wasli Fadillah,
Master of Law Programme, Faculty of Law,
Universitas Gadjah Mada (Jakarta Campus),
Tower B Lantai 3 No. 305 Jalan Doktor Saharjo No.83 Jakarta Selatan, Jakarta, 12850, Indonesia
Email: ahmadwaslifadillah.a@mail.ugm.ac.id

1. INTRODUCTION

Indonesia is a constitutional state founded upon the rule of law and democracy. As articulated in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is a state based on law. The concept of a "state of law" (negara hukum) refers to a nation that upholds the supremacy of law to ensure truth and justice, where no authority is exempt from accountability (Goel & Mazhar, 2019). In this context, Indonesia has developed a structured and well-organized system of law enforcement institutions, each with its own defined duties and authorities. Within the era of reformation, the realization of good governance must be supported by effective law enforcement, particularly against corruption. This aligns with the objectives enshrined in Law No. 28 of 1999 concerning the Administration of a Clean and Corruption-Free Government. Consequently, several legislative instruments were established to combat corruption, including Law No. 31 of 1999 on the Eradication of Corruption Crimes, as amended by Law No. 20 of 2001, Law No. 30 of 2002 concerning the Corruption Eradication Commission (KPK), and Law No. 46 of 2009 on the Corruption Court.

Despite the abundance of scholarship on corruption and criminal law reform in Indonesia, there remains a significant conceptual gap regarding the legitimacy of the death penalty for non-violent offenses such as corruption. Most Indonesian legal literature tends to focus on procedural effectiveness, institutional reform, and deterrence, yet offers limited exploration of the moral and jurisprudential foundations that justify taking life in response to an economic crime. The theoretical discourse often conflates corruption's destructive societal impact with crimes involving physical violence, thereby obscuring the distinct human rights dimensions inherent in punishing non-violent offenders with death. This absence of critical engagement has led to a fragmented understanding of proportionality, justice, and legality within Indonesia's penal system. Addressing this gap requires situating the discussion within broader philosophical debates about state power, human dignity, and the moral limits of punishment.

Corruption is an increasingly complex form of crime that continues to evolve alongside societal developments and technological advancements. Its multifaceted nature requires a high degree of intellectual and ethical capability among law enforcement officers. Judicial decisions in corruption cases often impose penalties significantly below the statutory maximum. Judges, in practice, have tended to apply sentences far more lenient than those stipulated under the Anti-Corruption Law. However, landmark rulings have also emerged, including cases in which judges imposed life imprisonment for corruption—an act marking a historical and responsive precedent in Indonesia's corruption court. According to Priya Djatmika, Hong Kong and Singapore serve as exemplary cases in effectively curbing corruption through the implementation of stringent and uncompromising sanctions. Hong Kong's Independent Commission Against Corruption (ICAC), in particular, has achieved global recognition as a model for anti-corruption enforcement. Nevertheless, while corruption in these countries has significantly declined, it has not been entirely eradicated (Wahid, 2022).

This judicial development carries both theoretical and practical implications. Theoretically, as Satjipto Rahardjo argues, conventional legal methods alone are insufficient in addressing corruption, necessitating extraordinary approaches such as those advanced through the framework of progressive law. Thus, sentencing practices hold crucial importance not only for judges and judicial processes but also for the broader integrity of the legal system. Trust and respect for law are foundational to the effective administration of justice. From a human rights perspective, however, the imposition of severe penalties, particularly capital punishment, raises profound ethical and humanitarian concerns. While proponents justify the death penalty as a deterrent and as a means to protect society from harmful actors, human rights principles emphasize the sanctity of life and the imperative of rehabilitation over retribution (Hamongan, 2021).

The law delineates permissible and prohibited conduct, targeting not only those who have already violated legal norms but also those who may potentially do so. It provides state apparatuses with lawful mechanisms to act. For law to maintain justice and social welfare, it must remain dynamic and responsive to societal changes. Legal norms from earlier times often lose relevance in modern contexts, just as current laws may one day become obsolete. General criminal law applies universally, while special criminal law is specifically crafted for particular categories of offenders. Crimes consist of acts or omissions involving culpability and violating statutory prohibitions, with punishment serving to preserve legal order and safeguard the public interest (Obi, n.d.).

Historically, capital punishment in Indonesia was executed under Article 11 of the Criminal Code (KUHP), which prescribed execution by hanging. This provision was later revised under Law No. 2/PNPS/1964, stipulating execution by firing squad for civilians. Within Article 10 of the KUHP, capital punishment is classified as a principal form of penalty. Crimes punishable by death include treason against the Head of State (Article 104 KUHP), incitement of foreign aggression (Article 111(2) KUHP), assisting the enemy during wartime (Article 124(3) KUHP), assassination of a foreign head of state (Article 140(4) KUHP), premeditated murder (Article 340 KUHP), and aggravated robbery resulting in death (Article 365(4) KUHP). Additionally, certain provisions within Law No. 35 of 2009 on Narcotics prescribe capital punishment for major drug offenses. In the realm of corruption, Article 2(2) of Law No. 31 of 1999 provides that in cases of corruption committed under particular circumstances, the death penalty may be imposed (Harefa, 2020).

The principle of legal certainty (*lex certa*), as enshrined in Article 1(1) of the KUHP, remains essential to criminal law, reflecting the core doctrine of legality. Penal reform (*pembaruan hukum pidana*) forms part of a broader criminal policy aimed at harmonizing justice, social welfare, and human rights (Soeseno et al., 2024). The rationale for such reform arises from sociopolitical, philosophical, and cultural imperatives that demand an evolution of the criminal justice system. In this reformative vision, punishment should not merely serve to inflict suffering but should function as an instrument to achieve rehabilitative and preventive objectives. Hence, penal objectives must encompass both societal protection and the rehabilitation of offenders, reflecting a more humanistic and rights-oriented understanding of justice.

Nevertheless, this paradigm shift in penal purpose has sparked public debate regarding justice and proportionality, particularly in cases of corruption that continue to proliferate. The current anti-corruption laws, which stipulate the death penalty in only one provision, have arguably failed to instill sufficient deterrence. From a human rights perspective, the question arises as to whether extending the application of the death penalty in corruption cases truly aligns with Indonesia's international human rights commitments, particularly under the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a party. While corruption undeniably constitutes an extraordinary crime with far-reaching socio-economic consequences, the state must balance its duty to ensure justice and protect citizens' rights with its obligation to uphold fundamental human rights principles, including the right to life (Aragbuwa, 2024).

The academic urgency of examining the death penalty for corruption, rather than merely assessing the proportionality of life imprisonment, lies in the unique moral and legal paradox it represents within Indonesia's justice system. While life imprisonment maintains the offender's existence and allows the possibility of rehabilitation, the death penalty eliminates this potential entirely, raising deeper philosophical and constitutional questions about the value of life under a state that professes adherence to human rights. Moreover, unlike violent crimes where death penalties are often justified under retributive logic, corruption's harm is structural and societal, not physical. This distinction intensifies the need for scholarly inquiry into whether the ultimate punishment can be ethically and legally defended for non-violent economic offenses. Examining this issue also contributes to ongoing debates on proportionality, state legitimacy, and the evolution of Indonesia's human rights-oriented criminal policy.

Law No. 31 of 1999, as amended by Law No. 20 of 2001, underscores that corruption inflicts grave harm upon the nation's finances and economy, obstructs national development, and undermines social and economic rights of citizens. As such, corruption is categorized as a crime that warrants extraordinary measures of prevention and eradication. Nevertheless, within a human rights framework, punitive responses must be balanced with the principles of justice, dignity, and humanity that underpin the legal order of the Indonesian state. Thus, the challenge lies in reconciling the imperatives of deterrence and retribution with those of rehabilitation and human rights protection, ensuring that Indonesia's commitment to the rule of law evolves in harmony with both national integrity and universal moral values.

2. RESEARCH METHOD

This research employs a normative juridical method, focusing on the analysis of legal norms, statutory regulations, and doctrines related to the implementation of capital punishment in corruption crimes within Indonesia's legal framework, examined through a human rights perspective. The study emphasizes secondary data sources, including primary legal materials such as the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes, and relevant international human rights instruments, notably the International Covenant on Civil and Political Rights (ICCPR). Secondary materials are derived from academic literature, scholarly journals, expert opinions, and jurisprudence, while tertiary sources include legal dictionaries and encyclopedias (Marune, 2022). The approach is analytical-descriptive, aiming to systematically describe, interpret, and evaluate the compatibility between Indonesia's legal provisions on capital punishment and the principles of justice, humanity, and human rights (Marune, 2023). Through qualitative analysis, this study seeks to construct a comprehensive understanding of how penal

policy reforms can balance deterrence and punishment with human rights obligations in the pursuit of a fair and accountable legal system.

3. RESULTS AND DISCUSSIONS

Regulation of Sentence Remission for Corruption Offenders from a Legal Perspective

Capital punishment, as one of the most severe forms of criminal sanctions alongside imprisonment, confinement, and fines, is principally designed as both a repressive and preventive measure to protect the public interest from violations of legal norms (Munasto, 2022). Its application, however, must be exercised with utmost selectivity and reserved exclusively for crimes categorized as *extraordinary crimes* or *serious offenses* (Maswandi et al., 2025). This restriction is justified by the notion that offenders subject to capital punishment possess absolute characteristics of culpability, having committed crimes that are profoundly harmful to society and demonstrating an irredeemable moral disposition. In the historical evolution of Indonesia's 1945 Constitution, the inclusion of human rights provisions marked a significant constitutional reform. The Second Amendment to the 1945 Constitution in 2000 explicitly incorporated human rights provisions under Chapter XA, spanning Articles 28A through 28J (Chen, 2016). Capital punishment is recognized as the most severe form of penalty since it deprives an individual of the most fundamental right—the right to life. Although the death penalty may serve as a deterrent through its severity, it simultaneously conflicts with the *right to life* enshrined in the Universal Declaration of Human Rights (UDHR).

In contemporary Indonesia, all constitutional provisions acknowledge the paramount importance of human rights. To reinforce this commitment, the National Commission on Human Rights (*Komnas HAM*) was established under the mandate of the People's Consultative Assembly Decree No. XVII of 1998, ratified on September 23, 1999. This institutional development underscores Indonesia's constitutional dedication to democracy under the rule of law. Nevertheless, as Todung Mulya Lubis argues, Indonesia has yet to fully realize the ideals of human rights protection, despite their inclusion in numerous statutes, including the Environmental Law, the Human Rights Law, the Human Rights Court Law, and the Press Law (Hood, 2001). Historically, the policy of capital punishment developed from the *absolute theory* closely linked to deterrence. However, with the progressive evolution of criminal law, penal philosophy has shifted toward *rehabilitation theory*, emphasizing the reintegration of offenders into society through a therapeutic approach.

Indonesia continues to recognize the legality of capital punishment under the Criminal Code (KUHP) and in special statutes such as the Narcotics Law, the Anti-Corruption Law, and the Anti-Terrorism Law. These laws justify capital punishment as an exceptional and limited response to *extraordinary crimes* that endanger national stability. At the same time, the Constitution guarantees the right to life as an inherent human right (Tamza, 2022). Fundamentally, capital punishment does not contravene the right to life guaranteed under the 1945 Constitution, since Indonesia does not adopt an absolute human rights doctrine. Articles 28A through 28I of Chapter XA outline human rights guarantees, but Article 28J explicitly limits these rights by emphasizing respect for the rights of others, public order, and social justice. Consequently, the imposition of the death penalty, when executed under strict evidentiary standards and due process, may not necessarily contradict the principle of humanity and justice. The failure to enforce capital punishment in cases where guilt is conclusively established could itself undermine the realization of justice and the protection of human rights (Khoifung & Asmariah, 2023).

Human rights, by nature, are inherent, universal, and non-derogable; they cannot be revoked under any circumstances. Every individual must be treated in accordance with these rights, and it is the responsibility of both the government and law enforcement to ensure protection against arbitrary acts and authoritarianism. Therefore, the death penalty, when properly regulated, is not inherently inconsistent with national or international human rights law. The Supreme Court, in several rulings, has reaffirmed that the death penalty does not contravene human rights norms, countering judicial interpretations that reject capital punishment on such grounds. This interpretation is further supported by the Human Rights Court Law (Law No. 26 of 2000), particularly Articles 36 and 37, which reaffirm that capital punishment does not violate human rights

provisions. The central philosophical issue, however, lies in determining who holds the ultimate authority over the life of a convicted individual—the state within the legal system, or God as the moral sovereign (Rafsanjani, 2022).

The retention of the death penalty in Indonesia is also justified as a means to channel public outrage and prevent acts of extrajudicial retaliation or *extra-legal executions*. In this view, the inclusion of capital punishment within statutory law provides a legitimate outlet for societal demands for justice. Without such a provision, the absence of legal execution might not necessarily preclude the occurrence of unlawful killings. The theoretical foundation for this rationale, as Arief (1996) and Durkheim & Davy (2014) suggest, is that one function of punishment is “to create a possibility for the release of emotions that are aroused by the crime” and “to provide a channel for the expression of retaliatory motives” (Asphianto, 2023).

Under Indonesian law, capital punishment is codified in various statutes, including Law No. 31 of 1999 on the Eradication of Corruption Crimes, as amended by Law No. 20 of 2001; Law No. 26 of 2000 on Human Rights Courts; Law No. 23 of 2002 on Child Protection, as amended by Law No. 35 of 2014; and Law No. 35 of 2009 on Narcotics, which prescribes the death penalty for severe drug-related offenses under Articles 118 and 121(2). The escalation of corruption cases in Indonesia poses grave consequences for the national economy, eroding public trust in state officials and the justice system. To mitigate this, the inclusion of the death penalty for corruption under Article 2(2) of Law No. 31 of 1999, in conjunction with Law No. 20 of 2001, seeks to strengthen deterrence. The law stipulates that “in cases of corruption committed under certain circumstances, the death penalty may be imposed” (Arief, 1996). Advocates of this policy argue that capital punishment serves as a just form of retribution, proportionate to the harm caused, and as an effective deterrent in the face of pervasive corruption. The statute defines corruption broadly, encompassing both formal and material illegality, meaning that even acts not explicitly regulated by law but deemed socially reprehensible and contrary to justice may constitute criminal offenses.

The persistence of lenient sentencing and frequent acquittals in corruption cases demonstrates the challenges of eradicating corruption in Indonesia. Such judicial trends undermine public confidence in the justice system and the legitimacy of legal institutions. Corruption, as a complex national problem, demands not only moral condemnation but also systemic reform in legal enforcement. The failure to impose appropriate penalties has detrimental effects on the economy and erodes citizens’ faith in governance and the rule of law. Therefore, capital punishment, as provided under Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, represents an optimal mechanism to reinforce deterrence and uphold justice in cases of extraordinary crimes. The imposition of the death penalty on corrupt officials is thus viewed not merely as retribution but as a necessary legal measure to restore integrity, deter future offenses, and reaffirm the supremacy of law in the fight against corruption.

Sentence Remission for Corruption Offenders from a Human Rights Perspective

The enforcement of capital punishment in corruption cases in Indonesia must first be examined through the lens of human rights theories that form the philosophical foundation of modern constitutionalism. One of the most influential frameworks is Natural Rights Theory, rooted in the works of John Locke and Thomas Hobbes, which asserts that the right to life is an inherent, inalienable, and non-derogable right that cannot be taken away by the state. According to this view, every human being is born with certain fundamental rights, including life, liberty, and security, which exist prior to and independent of state authority. Therefore, any act of the state to terminate life through capital punishment is considered a violation of the natural moral order. This theory underpins many international human rights instruments, including the *Universal Declaration of Human Rights (UDHR)*, which Indonesia has endorsed. In the context of corruption, Natural Rights Theory implies that, regardless of the gravity of the offense, the state has no legitimate moral authority to take a person’s life. Instead, it must focus on restorative justice that upholds dignity and promotes social balance. Consequently, this theory serves as a moral and philosophical challenge to Indonesia’s continued use of the death penalty in corruption-related cases (Camila et al., 2022).

Another essential theoretical perspective is Utilitarian Human Rights Theory, pioneered by Jeremy Bentham and later developed by John Stuart Mill, which evaluates the legitimacy of state actions based on their contribution to the greatest happiness of the greatest number. Within this

utilitarian framework, punishment, including the death penalty, is justified only if it maximizes social welfare and prevents greater harm to society. From a utilitarian lens, if the execution of corrupt officials significantly deters future corruption and restores public trust, it could be morally defensible. However, empirical data in Indonesia indicate that corruption persists despite the presence of capital punishment provisions, suggesting limited deterrent effect. Thus, utilitarian reasoning challenges the practical utility of the death penalty when its benefits to society are unproven. Moreover, utilitarian human rights thinkers argue that long-term social happiness cannot be achieved through fear-based punishment, but rather through transparent governance and equitable justice. In essence, utilitarianism demands that state punishment must serve public welfare without inflicting unnecessary suffering or violating intrinsic human dignity. Hence, when the death penalty fails to reduce corruption or enhance justice, it contradicts its utilitarian justification (Zulfan et al., 2024).

A third theoretical approach relevant to this discussion is Progressive Human Rights Theory, which reflects a modern, contextual understanding of law and humanity. This theory, inspired by thinkers such as Satjipto Rahardjo and Amartya Sen, views human rights as living, evolving principles that must adapt to social change and moral progress. It rejects rigid positivism and emphasizes that law must serve the purpose of humanization and justice, not merely retribution. In this framework, capital punishment is seen as an outdated instrument incompatible with the contemporary pursuit of human dignity and social rehabilitation. Progressive human rights theory posits that justice should be rehabilitative rather than destructive, focusing on transforming offenders into socially responsible individuals. Applying this perspective to corruption, the emphasis should be on systemic reform, transparency, and accountability rather than the execution of perpetrators. The theory thus challenges Indonesia's retention of the death penalty as inconsistent with global trends toward human rights protection and restorative justice. Ultimately, progressive human rights theory urges the Indonesian legal system to evolve beyond punitive paradigms and adopt a more humane, reform-oriented penal philosophy (Úbeda & Duéñez-Guzmán, 2011).

The legal regulation of capital punishment in Indonesia is clearly stipulated across several statutory instruments, which collectively legitimize its continued application. The primary legal foundation lies in Article 10 of the Indonesian Criminal Code (KUHP), which recognizes the death penalty as one of the principal forms of punishment (Danil & Kurniawan, 2017). In corruption cases, Article 2 paragraph (2) of Law No. 31 of 1999 on the Eradication of Corruption Crimes, amended by Law No. 20 of 2001, explicitly provides that in "certain circumstances," offenders may be sentenced to death. These "certain circumstances" are understood to include conditions of national crisis or acts causing severe damage to the national economy. Moreover, capital punishment is also prescribed in Law No. 35 of 2009 on Narcotics and Law No. 5 of 2018 on the Eradication of Terrorism, demonstrating its broader acceptance within Indonesian penal policy. The existence of these statutes confirms that Indonesia maintains the death penalty as a lawful option for extraordinary crimes. However, despite this legal framework, judicial practice reveals reluctance to impose capital punishment in corruption cases, raising questions about its normative and ethical justification. The statutory recognition of the death penalty thus stands in tension with the evolving moral and constitutional commitment to human rights (Priyanto et al., 2023).

Indonesia's human rights framework, on the other hand, provides constitutional protection for life and human dignity, as articulated in the Second Amendment to the 1945 Constitution (UUD 1945). Specifically, Article 28A declares that "every person shall have the right to live and to defend his or her life and existence," while Article 28I paragraph (1) asserts that the right to life is a non-derogable right under any condition. Furthermore, Law No. 39 of 1999 on Human Rights reinforces this protection through Article 4, which identifies the right to life as one of several rights that cannot be limited. Indonesia also ratified the International Covenant on Civil and Political Rights (ICCPR) through Law No. 12 of 2005, whose Article 6 restricts the use of the death penalty to the "most serious crimes." While the ICCPR does not explicitly prohibit capital punishment, it requires strict procedural safeguards and humane implementation. These human rights instruments collectively demonstrate Indonesia's formal commitment to upholding life and dignity. Nevertheless, the coexistence of death penalty provisions within national law and the protection of life in human rights law reveals a normative contradiction within Indonesia's legal order (Hildebrandt, 2008).

This contradiction is partially resolved through the interpretive provision of Article 28J of the 1945 Constitution, which stipulates that the exercise of human rights must respect the rights of others and may be subject to limitations by law to ensure public order, morality, and social justice. This clause provides constitutional flexibility, allowing the state to justify the death penalty for crimes considered exceptionally harmful to society. However, such justification must meet the test of necessity, proportionality, and legality, as mandated by international human rights principles. The Constitutional Court of Indonesia, in several rulings—such as *Decision No. 2-3/PUU-V/2007* regarding the Narcotics Law—has affirmed that the death penalty does not inherently violate the Constitution if applied under strict judicial scrutiny and as a last resort. Yet, from a human rights perspective, this interpretation remains contentious, as it dilutes the absolutist nature of the right to life. The constitutional framework thus situates Indonesia in a “conditional abolitionist” stance, recognizing the death penalty in law but limiting its practical application. This reflects a delicate balance between national sovereignty, public order, and global human rights commitments (Putra, 2022). From a human rights perspective, the death penalty for corruption presents a paradox between moral retribution and human dignity (Indrawati et al., 2015). Corruption, while devastating in its socio-economic impact, does not directly involve the loss of life, thereby falling short of the “most serious crimes” standard under the ICCPR. Executing offenders for corruption, therefore, risks contravening Indonesia’s international obligations and undermining the universal principle of the sanctity of life. Moreover, the irreversible nature of capital punishment raises grave concerns about miscarriages of justice in a system still prone to procedural flaws and corruption within law enforcement. Human rights advocates argue that the state’s role should focus on eradicating systemic causes of corruption rather than resorting to punitive excess. The death penalty, in this light, is seen as a symbolic rather than substantive tool of justice. A human rights-based approach to corruption should prioritize transparency, good governance, and institutional reform to prevent recurrence. Consequently, while capital punishment may reflect societal anger, it fails to embody the transformative justice envisioned by human rights law (Wolf, 2018).

From a human rights standpoint, capital punishment in corruption cases is neither morally justifiable nor legally necessary in a democratic and constitutional state. The irrevocable deprivation of life contradicts the state’s constitutional obligation to protect every citizen’s inherent dignity. Instead of relying on punitive extremity, the focus should shift toward strengthening the effectiveness of law enforcement, judicial integrity, and anti-corruption education. The enforcement of the death penalty risks transforming the state into a violator of the very rights it is mandated to uphold. Justice, in the author’s view, should not be equated with vengeance but with the restoration of moral and legal order through fair, transparent, and proportionate means. The existence of capital punishment also potentially obstructs Indonesia’s progress toward full compliance with global human rights standards. Therefore, it is imperative for Indonesia to reexamine its penal policy in light of evolving moral and legal consciousness. Human rights should remain the compass that guides national criminal justice reform (Wang et al., 2023).

The enforcement of capital punishment for corruption crimes in Indonesia reflects an enduring tension between punitive legalism and the moral imperatives of human rights. While existing statutes legitimize its application, the philosophical, constitutional, and humanitarian critiques reveal its incompatibility with the modern concept of justice. Theories of natural rights, utilitarianism, and progressive human rights converge on the principle that the sanctity of life must not be subordinated to state retribution. The Indonesian Constitution and international human rights law provide sufficient foundations for the gradual abolition of capital punishment. The author emphasizes that eradicating corruption requires systemic transformation, not symbolic executions. The true test of Indonesia’s commitment to human rights lies not in punishing offenders to death but in building a just, transparent, and accountable governance system. Ultimately, the protection of life must stand as the highest moral and constitutional value in Indonesia’s legal evolution toward a more humane and rights-based order.

4. CONCLUSION

The enforcement of capital punishment for corruption crimes within Indonesia’s legal framework embodies a profound tension between the pursuit of justice and the protection of fundamental

human rights. Theoretically, this article contributes to the development of Indonesian criminal law and human rights law by offering a normative synthesis between punitive doctrines and rights-based approaches. It advances the understanding that the legitimacy of punishment must be grounded not only in deterrence and retribution but also in respect for human dignity and proportionality. By integrating human rights theory with criminal policy reform, this study underscores the need for Indonesia's legal system to evolve from a retributive model toward a rehabilitative and preventive orientation. Such a synthesis enriches ongoing discourse on aligning penal objectives with constitutional guarantees of justice and humanity, thereby contributing to the theoretical consolidation of a human rights-based penal framework. Although Indonesian law, particularly Article 2 paragraph (2) of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, provides a legal basis for imposing the death penalty under exceptional circumstances, its application remains rare and controversial. The principles embedded in the 1945 Constitution, Law No. 39 of 1999 on Human Rights, and international instruments such as the ICCPR affirm the sanctity of life as a non-derogable right. From a human rights perspective, capital punishment for corruption is inconsistent with the principles of proportionality, dignity, and restorative justice. The moral legitimacy of the death penalty is further challenged by theories of natural rights, utilitarian human rights, and progressive human rights, all of which emphasize rehabilitation, humanity, and systemic reform over retribution. Therefore, the author concludes that the state must transition toward a human rights-based legal paradigm that prioritizes deterrence through institutional integrity and moral accountability, not through the deprivation of life. Future research should focus on developing alternative penal frameworks that emphasize prevention, restorative justice, and systemic reform rather than punitive excess. This includes examining the effectiveness of non-custodial sanctions, asset recovery mechanisms, and integrity-based institutional reforms as deterrents to corruption. Comparative studies with jurisdictions that have abolished the death penalty while successfully reducing corruption could offer valuable insights for Indonesia. Furthermore, interdisciplinary research bridging criminal law, human rights, and governance studies can identify innovative models of accountability that preserve human dignity while strengthening state integrity. Abolishing capital punishment in corruption cases will strengthen Indonesia's democratic commitment to justice, humanity, and the rule of law.

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