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## Objectification of Conditional Death Penalty Criteria Under Article 100 of The Criminal Code Perspective Legality And Legal Certainty

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### Abstract

*This study examines the regulation of conditional death penalty under Article 100 of Law Number 1 of 2023 concerning the Criminal Code from the perspectives of legality and legal certainty while formulating objective and accountable assessment criteria for sentence commutation. Employing a normative legal research method, the study utilizes statutory and conceptual approaches supported by primary, secondary, and tertiary legal materials. The analysis demonstrates that the introduction of a ten year probation period reflects a significant transformation in Indonesian sentencing policy toward a corrective and rehabilitative orientation. However, the legal concepts of remorse and commendable conduct remain insufficiently defined, creating risks of subjective interpretation and inconsistent application. To address this problem, the study develops objective indicators based on responsibility acceptance, rehabilitation participation, behavioural consistency, institutional compliance, positive correctional engagement, and social adaptation. The study further proposes a multidisciplinary assessment framework involving correctional officers, psychologists, criminologists, legal experts, and an integrated assessment board supported by documentation, verification, periodic review, and written justification mechanisms. These findings indicate that the objectification of evaluative criteria and the institutionalization of accountable assessment procedures strengthen legality, enhance legal certainty, and improve the legitimacy of conditional death penalty implementation within a rule of law based criminal justice system.*

**Keywords :** Conditional Death Penalty, Legality Principle, Legal Certainty, Criminal Law Reform, Sentencing Humanization.



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## INTRODUCTION

The regulation of capital punishment continues to occupy a central position in contemporary criminal law scholarship as jurisdictions across the world attempt to reconcile competing demands between human rights protection, public security, proportional punishment, and the rule of law. Recent developments in comparative legal systems demonstrate a growing tendency to move away from purely retributive penal philosophies toward models that incorporate rehabilitation, restorative justice, and individualized sentencing mechanisms. This transformation reflects a broader global concern that severe criminal sanctions must remain compatible with constitutional guarantees, procedural fairness, and legal predictability. Discussions surrounding legality and legal certainty have consequently become increasingly significant in evaluating criminal justice reforms, particularly when legal norms rely upon evaluative concepts whose implementation depends on discretionary judgment. The challenge of balancing humanitarian objectives with legal certainty has emerged not only in criminal law but also in broader regulatory contexts involving legalization policies, human rights adjudication, reparative justice, labor protection, and administrative governance, where legal systems continuously struggle to formulate standards that are both flexible and sufficiently determinate to ensure equal treatment before the law (Song & Bloemraad, 2022; Sottiaux, 2022; Theurer, 2023; Taufiqurrohmah et al., 2024; Zainuddin, 2022). Within this evolving international landscape, Indonesia introduced a significant criminal law reform through Law Number 1 of 2023 concerning the Criminal Code, which repositions capital punishment as a special and conditional sanction and introduces a probationary mechanism

intended to accommodate rehabilitative objectives while preserving the state's authority to impose the ultimate penalty (Republic of Indonesia, 2023).

Existing scholarship has generally welcomed the emergence of conditional capital punishment as evidence of a progressive shift from rigid retributive punishment toward a more humane sentencing framework that recognizes the possibility of personal transformation and reintegration. Research examining the new Indonesian Criminal Code emphasizes that the ten year probationary period represents a normative innovation that seeks to harmonize criminal punishment with constitutional values and contemporary human rights discourse by creating opportunities for sentence commutation based upon the conduct of the convicted person during incarceration (Susanto et al., 2025). At the theoretical level, this development resonates with broader legal thought that conceptualizes law as a dynamic instrument capable of balancing certainty and justice through judicial and institutional interpretation rather than through mechanical rule application alone (Mertokusumo, 1993). Nevertheless, a closer synthesis of the literature reveals that the perceived progressiveness of conditional death sentencing rests upon a critical assumption that evaluative concepts such as remorse and commendable conduct can be assessed fairly, consistently, and objectively. While scholars frequently celebrate the humanitarian orientation of such provisions, considerably less attention has been devoted to the institutional and doctrinal conditions required to ensure that discretionary assessments remain compatible with legality requirements and equal application of the law.

A more critical examination of the literature exposes substantial conceptual and normative deficiencies that remain unresolved. Current discussions predominantly focus on the legitimacy of capital punishment itself, the relationship between punishment and human rights, or the broader policy implications of criminal law reform, while the operationalization of the evaluative standards embedded in Article 100 remains largely underdeveloped. The concepts of remorse and commendable attitudes and actions function as decisive legal determinants that may ultimately separate execution from sentence commutation, yet neither the statutory text nor prevailing academic analyses provide sufficiently precise criteria capable of guiding institutional assessment. This deficiency creates a significant tension between rehabilitative aspirations and the principle of legality because vague evaluative norms risk generating multiple interpretations and inconsistent applications across similar cases. Comparative legal experience demonstrates that ambiguity in normative standards frequently produces divergent outcomes, particularly when decision makers are granted broad discretion without clear legal benchmarks, thereby undermining predictability and weakening confidence in the rule of law (Song & Bloemraad, 2022; Sottiaux, 2022; Theurer, 2023; Zainuddin, 2022). The absence of a comprehensive analytical framework for objectifying these criteria therefore represents a notable gap within both Indonesian criminal law scholarship and broader discussions concerning the relationship between sentencing discretion and legal certainty.

The unresolved nature of this issue generates significant scientific and practical implications because Article 100 operates within the context of the most severe sanction available under Indonesian law. The principle of legality requires not merely the existence of written legal norms but also sufficient precision to enable individuals and institutions to understand the conditions under which legal consequences may arise. This requirement derives from constitutional commitments to the rule of law and legal protection embodied within the constitutional structure of Indonesia (Republic of Indonesia, 1945). Simultaneously, the correctional framework established under contemporary Indonesian penal policy emphasizes rehabilitation, behavioral transformation, and reintegration as essential objectives of criminal punishment (Republic of Indonesia, 2022). When the criteria governing the potential commutation of a death sentence remain undefined, the implementation of rehabilitative objectives becomes vulnerable to subjective interpretation, institutional inconsistency, and potential abuse of authority. Such uncertainty may ultimately compromise both the legitimacy of the conditional death penalty regime and the credibility of the broader criminal justice reform project because the realization of humanitarian sentencing objectives depends upon transparent and verifiable assessment standards rather than discretionary evaluations lacking objective parameters.

Against this backdrop, the present study positions itself at the intersection of criminal law reform, legality theory, and legal certainty scholarship by addressing a dimension that has received insufficient analytical attention in previous studies. Rather than revisiting the conventional debate concerning the retention or abolition of capital punishment, this research focuses specifically on the normative architecture of Article 100 and investigates whether the legal criteria governing conditional death

sentencing satisfy the requirements of *lex certa* within a modern rule of law framework. By examining the legal meaning and practical implications of remorse and commendable attitudes and actions as decisive evaluative standards, this study seeks to bridge the disconnect between rehabilitative sentencing theory and the doctrinal demands of legal certainty. In doing so, it contributes to ongoing scholarly discussions concerning the formulation of legal norms that simultaneously preserve judicial flexibility and prevent arbitrary decision making, an issue that increasingly occupies contemporary comparative legal scholarship in diverse regulatory contexts.

This study aims to analyze the regulation of conditional death penalty criteria under Article 100 of the Indonesian Criminal Code from the perspectives of legality and legal certainty while formulating objective normative parameters capable of transforming abstract evaluative concepts into legally verifiable standards. The research advances the argument that the effectiveness and legitimacy of conditional capital punishment depend not solely upon its humanitarian orientation but also upon the existence of measurable criteria that can guide institutional assessment and ensure consistent legal application. Through a normative legal analysis combining statutory and conceptual approaches, this study contributes theoretically to the development of legality doctrine in the context of modern sentencing reform and contributes methodologically by proposing an objectification framework for evaluating remorse and commendable conduct within conditional death penalty mechanisms. Such a framework is expected to strengthen legal certainty, reduce interpretive subjectivity, and enhance the coherence of rehabilitative sentencing policies within contemporary criminal justice systems.

## **RESEARCH METHODS**

This study employed a non empirical normative legal research design aimed at examining the regulation of conditional capital punishment under Article 100 of Law Number 1 of 2023 concerning the Criminal Code from the perspectives of legality and legal certainty, while formulating objective criteria for assessing remorse and commendable attitudes and actions within the conditional death penalty framework. The research adopted both statutory and conceptual approaches to investigate the normative structure, doctrinal foundations, and interpretative implications of the relevant legal provisions. The primary sources consisted of constitutional and statutory instruments governing criminal punishment, including the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, and Law Number 22 of 2022 concerning Corrections. Secondary sources comprised peer reviewed journal articles, scholarly books, legal doctrines, and previous studies addressing capital punishment, legality, legal certainty, sentencing theory, correctional policy, and criminal law reform. Tertiary materials such as legal dictionaries, encyclopedias, and authoritative reference works were utilized to support conceptual clarification. Sources were selected based on their relevance to the research objectives, their doctrinal significance within criminal law scholarship, and their contribution to contemporary debates regarding evaluative norms and sentencing discretion. The analytical framework was grounded in the principles of legality, particularly the doctrine of *lex certa*, legal certainty theory, and modern rehabilitative sentencing theory to assess the compatibility of Article 100 with the requirements of a rule of law based criminal justice system.

The analysis was conducted through a qualitative legal reasoning process that integrated descriptive analytical and prescriptive methods. The descriptive analytical stage examined the normative formulation of Article 100 and identified the legal consequences arising from the use of evaluative concepts such as remorse and commendable conduct. The conceptual analysis then explored the relationship between these provisions and the principles of legality and legal certainty by comparing statutory formulations with established legal doctrines and theoretical standards. Finally, the prescriptive stage was employed to formulate objective and verifiable normative parameters capable of reducing interpretative subjectivity in the implementation of conditional death penalty provisions. To ensure analytical rigor and methodological trustworthiness, the study applied systematic source triangulation across legislative materials, academic literature, and doctrinal authorities, while maintaining consistency between legal interpretation, theoretical reasoning, and normative conclusions. The credibility of the findings was strengthened through critical evaluation of competing legal perspectives and through the use of coherent doctrinal argumentation designed to ensure transparency, logical consistency, and replicability in normative legal analysis.

## RESULTS AND DISCUSSION

### Legality Assessment of Conditional Death Penalty Regulation Under Article 100 of the Criminal Code

The normative analysis indicates that Article 100 of Law Number 1 of 2023 introduces a significant transformation in Indonesian sentencing policy through the incorporation of conditional capital punishment. The provision repositions the death penalty from an absolute sanction toward a conditional sanction linked to rehabilitation and behavioral improvement. Such a transformation reflects the broader criminal law reform agenda that seeks to balance public protection and human dignity within contemporary penal policy (Butt, 2023). The legislative shift also demonstrates the growing influence of rehabilitative sentencing theory within Indonesian criminal law development (Mahendra & Emovwodo, 2023).

A statutory examination of Article 100 reveals that the conditional death penalty mechanism is founded upon evaluative legal concepts rather than strictly measurable legal standards. The provision requires consideration of remorse, rehabilitation prospects, and commendable conduct during a probationary period. These concepts function as legal determinants that directly affect the possibility of sentence commutation from death penalty to life imprisonment. The reliance on evaluative terminology creates interpretative challenges when assessed against the legality principle embedded within modern criminal justice systems (Republic of Indonesia, 2023).

The principle of legality extends beyond the prohibition of punishment without prior law and encompasses the requirement of normative clarity. Modern legal doctrine recognizes *lex certa* as a central component of legality because criminal norms must be sufficiently precise to guide legal interpretation and application (Mertokusumo, 1993). Ambiguous criminal provisions create uncertainty concerning legal consequences and weaken the predictability expected in a rule of law system. This doctrinal requirement becomes particularly significant when legal norms concern the most severe criminal sanction available within a legal system (Łasak, 2023).

The findings demonstrate that the phrases remorse and commendable conduct constitute open textured legal concepts. Such concepts may facilitate judicial flexibility but simultaneously increase interpretative discretion. Excessive discretion can undermine consistency in legal application when objective normative indicators are absent. Similar concerns regarding legal ambiguity have been identified in contemporary regulatory scholarship addressing uncertain legal terminology across various legal sectors (Hartmann et al., 2023).

The doctrinal implications identified through statutory and conceptual analysis are summarized in Table 1. The table demonstrates the relationship between the legal formulation of Article 100 and the requirements of legality doctrine. These findings reveal specific normative tensions between rehabilitative objectives and *lex certa* requirements. The table serves as a synthesized representation of the legal reasoning process applied in this study.

**Table 1. Legality Assessment of Article 100 Conditional Death Penalty Provisions**

Normative Element	Legal Formulation in Article 100	Legality Assessment
Remorse	Used as a criterion for conditional sentencing	Lacks objective legal indicators
Rehabilitation prospects	Considered during sentencing stage	Broad interpretative discretion
Commendable conduct	Basis for sentence commutation	Undefined normative standard
Ten year probation period	Clearly regulated procedurally	Meets formal legality requirement
Sentence commutation mechanism	Requires institutional consideration	Substantively dependent on vague criteria

Source: Authors' normative synthesis based on Law Number 1 of 2023 concerning the Criminal Code and legality doctrine analysis (Republic of Indonesia, 2023, Mertokusumo, 1993).

The table indicates that procedural elements within Article 100 generally satisfy formal legality requirements. The duration of probation and institutional mechanisms for sentence review are explicitly regulated by statute. Difficulties emerge primarily at the substantive level because the core evaluative criteria remain undefined. Such conditions create a distinction between procedural certainty and substantive uncertainty within the same legal provision.

The existence of undefined evaluative concepts potentially generates divergent legal interpretations among institutions responsible for sentence evaluation. Courts, correctional authorities, and executive decision makers may apply different standards when assessing behavioral transformation. Differences in interpretative approaches can affect legal outcomes despite similar factual circumstances. Comparable concerns regarding inconsistent application of indeterminate legal standards have been observed in broader comparative legal scholarship (Bania, 2023).

From a constitutional perspective, the legality principle functions as a safeguard against arbitrary state power. Criminal sanctions require clear legal foundations because they directly affect fundamental rights protected under constitutional frameworks (Republic of Indonesia, 1945). When statutory provisions employ vague evaluative terminology, the protection offered by legality principles becomes less effective. The risk of arbitrary interpretation increases as normative precision decreases.

The findings further suggest that rehabilitative sentencing objectives do not inherently conflict with legality doctrine. Contemporary criminal law increasingly accommodates individualized sentencing approaches while maintaining adherence to legal certainty requirements (Rivanie & Ashar, 2025). The challenge lies in ensuring that individualized assessments operate within clearly defined normative parameters. Rehabilitative flexibility must therefore be accompanied by legally verifiable standards capable of limiting excessive discretion.

The analysis confirms that Article 100 reflects progressive criminal law reform but remains normatively incomplete from the perspective of legality. The provision successfully incorporates rehabilitative considerations into death penalty regulation. Questions arise because the substantive criteria governing sentence commutation remain insufficiently objectified. The absence of explicit indicators weakens conformity with *lex certa* requirements and creates uncertainty regarding the consistent implementation of conditional death penalty provisions (Putri et al., 2024).

### **Developing Objective Legal Indicators for Remorse and Commendable Conduct Under Article 100 of the Criminal Code**

The normative analysis demonstrates that the concepts of remorse and commendable conduct cannot be treated as purely subjective assessments within a conditional death penalty framework. Both concepts perform a legal function because they determine whether a convicted person remains subject to capital punishment or becomes eligible for sentence commutation. Such a consequence requires assessment standards that are capable of producing consistent legal outcomes rather than relying exclusively on personal impressions of evaluators (Putri et al., n.d.). Contemporary criminal law scholarship increasingly recognizes that rehabilitative sentencing mechanisms require verifiable indicators to preserve procedural fairness and institutional legitimacy (Susanto et al., 2025).

Remorse is frequently associated with an internal psychological condition that reflects moral awareness of wrongdoing. Psychological states, however, are inherently difficult to verify through legal processes because they originate within an individual's subjective consciousness. Normative legal assessment therefore requires external manifestations capable of demonstrating the existence of genuine acknowledgment and behavioral transformation (Jamilah, 2025). This requirement becomes particularly significant when the assessment result directly affects the continuation or termination of a death sentence.

A similar challenge arises in relation to the concept of commendable conduct. Moral evaluations often depend upon cultural expectations, institutional values, and individual perceptions of appropriate behavior. Criminal justice institutions cannot rely solely on abstract moral judgments because sentencing decisions must be supported by transparent and demonstrable standards (Mahendra & Emovwodo, 2023). The transformation of moral concepts into legal indicators therefore becomes necessary to ensure that commendable conduct acquires measurable legal meaning.

The findings indicate that objective legal indicators should be constructed through observable actions rather than subjective declarations. A convicted person who merely expresses regret does not automatically demonstrate meaningful rehabilitation. Legal evaluation requires evidence that remorse

has translated into sustained behavioral commitments during the correctional period. Such an approach corresponds with correctional objectives emphasizing accountability, responsibility, and personal reform under Law Number 22 of 2022 concerning Corrections (Republic of Indonesia, 2022).

The first normative indicator concerns acknowledgment of wrongdoing and acceptance of responsibility. This indicator requires explicit recognition of criminal conduct and recognition of the harm generated by the offense. Acceptance of responsibility demonstrates that the convicted person no longer attempts to justify or deny unlawful behavior. Such acknowledgment serves as a foundational element of rehabilitative transformation because it reflects awareness of legal and social consequences (Muhyidin et al., 2022).

**Table 2. Proposed Objective Indicators for Assessing Remorse and Commendable Conduct Under Article 100**

Assessment Dimension	Objective Indicator	Verification Method	Normative Function
Remorse	Acceptance of responsibility	Written declaration and evaluation report	Demonstrates accountability
Remorse	Participation in rehabilitation	Program attendance records	Demonstrates commitment to reform
Remorse	Behavioural consistency	Periodic monitoring reports	Demonstrates stability of change
Commendable Conduct	Institutional compliance	Correctional records	Demonstrates self control
Commendable Conduct	Positive participation	Program evaluation reports	Demonstrates constructive engagement
Commendable Conduct	Cooperative behaviour	Multidisciplinary assessment	Demonstrates social adaptation

Source: Developed by the Author based on Republic of Indonesia (2023), Republic of Indonesia (2022), and Mertokusumo (1993).

The indicators presented in Table 2 reveal that remorse and commendable conduct can be translated into concrete evaluative parameters. The proposed model emphasizes observable conduct, documentary evidence, and institutional verification rather than speculative assumptions regarding personal character. Such a framework aligns with legal reasoning that prioritizes objective proof when determining rights and obligations within criminal justice processes (Mertokusumo, 1993). It also strengthens consistency between correctional assessment practices and sentencing objectives.

Participation in rehabilitation programs constitutes the second major indicator of remorse. Active engagement in educational activities, counseling programs, vocational training, and correctional guidance demonstrates willingness to undertake personal reform. Rehabilitation participation provides measurable evidence that the convicted person seeks behavioral improvement rather than merely expressing symbolic regret (Narwastuty & Tjoneng, 2025). Program records and attendance documentation can therefore function as reliable verification instruments.

The third indicator concerns behavioral consistency throughout the probationary period. Genuine transformation cannot be inferred from isolated incidents because temporary compliance may not accurately reflect long term change. Consistent adherence to institutional rules and positive behavioral patterns over an extended period provide stronger evidence of rehabilitation readiness (Gea, 2024). Longitudinal assessment also enables evaluators to distinguish authentic reform from strategic conduct motivated solely by sentence reduction opportunities.

Commendable conduct should likewise be evaluated through objective manifestations of institutional compliance, constructive participation, and cooperative behavior. Positive interaction with correctional personnel and fellow inmates demonstrates social adaptation and reduced criminogenic tendencies. The absence of disciplinary violations provides additional evidence that behavioral control has improved during the correctional process (Republic of Indonesia, 2022). These indicators collectively establish a structured basis for determining whether commendable conduct has been achieved.

The formulation of objective indicators strengthens the normative coherence of conditional death penalty assessment because rehabilitation theory requires demonstrable evidence of personal transformation before legal consequences are altered. Objective standards create a clearer relationship between correctional performance and sentence commutation decisions while reducing dependence upon discretionary impressions. Such a framework reflects contemporary developments in Indonesian criminal law that increasingly integrate accountability, rehabilitation, and humane sentencing objectives within criminal justice reform (Rivanie & Ashar, 2025). The resulting assessment model provides a more reliable foundation for implementing Article 100 while preserving consistency between legal evaluation and rehabilitative sentencing goals.

### **A Multidisciplinary Assessment Model for Conditional Death Penalty Commutation Under Article 100 of the Criminal Code**

The objectification of remorse and commendable conduct criteria requires not only substantive indicators but also a reliable institutional mechanism capable of evaluating those indicators in a consistent manner. Normative standards cannot operate effectively without an assessment structure that determines who performs the evaluation, how the evaluation is conducted, and how accountability is maintained throughout the decision making process. Article 100 of Law Number 1 of 2023 provides the legal basis for conditional death penalty review, while Law Number 22 of 2022 concerning Corrections establishes a broader framework for offender guidance and rehabilitation within correctional institutions (Republic of Indonesia, 2023; Republic of Indonesia, 2022). The findings of this normative analysis indicate that objective indicators formulated in the previous section require complementary procedural safeguards to ensure predictable and accountable implementation.

A rule of law based assessment system requires the distribution of evaluative authority among multiple professional actors rather than concentrating decision making power within a single institution. Contemporary governance scholarship emphasizes that complex evaluative decisions achieve greater legitimacy when they incorporate multidisciplinary expertise and structured verification mechanisms (Lane, 2022; Hartmann et al., 2023). Similar approaches have been developed in risk regulation frameworks where accountability is strengthened through layered review procedures and independent professional participation (Schuett, 2024). The conditional death penalty framework therefore necessitates an institutional arrangement capable of integrating correctional, psychological, criminological, and legal perspectives within a unified assessment process.

The first institutional actor should be correctional officers who possess direct knowledge of inmate conduct throughout the probationary period. Their role is primarily observational because they monitor institutional compliance, participation in rehabilitation activities, disciplinary records, and daily behavioural patterns as required under correctional governance principles (Republic of Indonesia, 2022). Correctional observations provide important empirical information regarding behavioural consistency and adaptation to institutional norms. Such information constitutes a foundational element of any subsequent evaluation concerning eligibility for sentence commutation.

Psychological assessment constitutes a second essential component of the evaluation process because remorse involves dimensions of cognition, emotional development, and personal transformation that cannot be fully measured through behavioural observation alone. Psychological evaluations conducted by independent professionals provide structured methods for examining accountability acceptance, emotional maturity, and long term behavioural change (Gea, 2024). The involvement of psychologists also reduces the risk that evaluative conclusions will rely exclusively on administrative observations. This approach is consistent with contemporary rehabilitative sentencing theory that recognizes personal transformation as a relevant consideration within correctional assessment mechanisms (Susanto et al., 2025).

Criminologists should perform risk oriented assessments concerning the likelihood of future offending and the sustainability of behavioural reform. Criminological analysis allows evaluators to distinguish temporary compliance from meaningful behavioural change by examining risk factors, social adaptation patterns, and reintegration readiness (Narwastuty & Tjoneng, 2025). Such assessments are particularly important because conditional death penalty commutation involves long term public interest considerations. Risk evaluation contributes to evidence based decision making while maintaining compatibility with rehabilitative objectives recognized within criminal law reform discourse (Rivanie & Ashar, 2025).

**Table 3. Proposed Multidisciplinary Assessment Framework for Conditional Death Penalty Evaluation**

Assessment Actor	Primary Function	Assessment Object	Output
Correctional Officers	Behaviour monitoring	Institutional compliance	Behaviour report
Psychologists	Psychological assessment	Remorse and personality development	Psychological report
Criminologists	Risk assessment	Recidivism potential	Risk evaluation
Legal Experts	Legal conformity review	Compliance with Article 100	Legal opinion
Assessment Board	Integrated evaluation	Overall eligibility	Recommendation for commutation

Source: Developed by the Author based on Republic of Indonesia (2022), Republic of Indonesia (2023), Gea (2024), and Susanto et al. (2025).

The framework presented in Table 3 illustrates the institutional separation of functions necessary to prevent concentration of evaluative authority. Each actor evaluates a distinct dimension of eligibility while contributing to a collective assessment outcome. Functional differentiation strengthens procedural reliability because conclusions are derived from multiple forms of expertise rather than a single evaluative perspective. The model also supports verification through documentary evidence that can be reviewed and audited at later stages of decision making.

Legal experts should occupy a specific role within the assessment process to ensure conformity with statutory requirements under Article 100. Their function is not to reassess behavioural evidence but to evaluate whether procedural and substantive requirements have been satisfied according to applicable legal standards (Putri et al., 2024). Comparable governance frameworks emphasize that legal oversight is necessary to maintain consistency between administrative decision making and statutory mandates (Bania, 2023; Das, 2025). Legal review therefore acts as a safeguard against arbitrary interpretation and procedural irregularity.

Accountability requires that every assessment outcome be accompanied by written justification supported by documented evidence. Transparency mechanisms have become a central feature of modern regulatory systems because decisions affecting fundamental rights demand traceable reasoning and reviewable conclusions (Sottiaux, 2022; Theurer, 2023). Written reports create an institutional record capable of demonstrating how evaluative findings were reached and how competing considerations were balanced. Such documentation also reduces opportunities for abuse of authority by subjecting decisions to scrutiny and verification.

An integrated assessment board should function as the final evaluative body responsible for synthesizing professional findings into a unified recommendation. Collective decision making mechanisms are widely recognized as instruments for enhancing procedural fairness and reducing individual bias in complex legal evaluations (Song & Bloemraad, 2022). The board should review behavioural reports, psychological assessments, criminological evaluations, and legal opinions before determining whether statutory requirements have been fulfilled. This process promotes consistency and predictability while preserving institutional accountability.

The proposed model reflects a prescriptive framework designed to operationalize Article 100 within a rule of law based criminal justice system. Accountability is strengthened through documentation, multidisciplinary participation, periodic review, and structured verification procedures that limit discretionary excesses in sentence commutation decisions (Rukmono et al., 2024; Rohman et al., 2024). Similar principles of procedural control and evidentiary accountability have been emphasized in regulatory and law enforcement contexts where administrative discretion affects significant legal interests (Ramadhan et al., 2022; Zainuddin, 2022; Taufiqurrohman et al., 2024). The resulting framework supports legal predictability while ensuring that rehabilitative objectives remain compatible

with legality, institutional integrity, and constitutional commitments to the rule of law under the 1945 Constitution of the Republic of Indonesia.

## CONCLUSION

Article 100 of Law Number 1 of 2023 represents a significant development in Indonesian criminal law by positioning the death penalty within a corrective and rehabilitative framework through a conditional review mechanism. Nevertheless, the use of the evaluative concepts of remorse and commendable conduct without clear normative parameters creates difficulties in satisfying the requirements of legality, particularly the principle of *lex certa*, and weakens legal certainty in implementation. This study finds that the objectification of these concepts requires verifiable indicators encompassing acceptance of responsibility, participation in rehabilitation, behavioural consistency, institutional compliance, constructive correctional participation, cooperative conduct, and readiness for social reintegration. The study also demonstrates that objective indicators alone are insufficient without an accountable institutional structure capable of ensuring consistency and preventing discretionary abuse. A multidisciplinary assessment model involving correctional officers, psychologists, criminologists, legal experts, and an integrated assessment board supported by periodic review, documentary verification, written justification, transparency safeguards, and review mechanisms provides a more predictable legal framework. The integration of objective criteria and accountable evaluation procedures strengthens the legitimacy of conditional death penalty commutation, promotes rehabilitation oriented sentencing, and aligns the implementation of Article 100 with the principles of legality, legal certainty, and the rule of law.

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