



THE DEATH PENALTY IN LAW AND IN PRACTICE

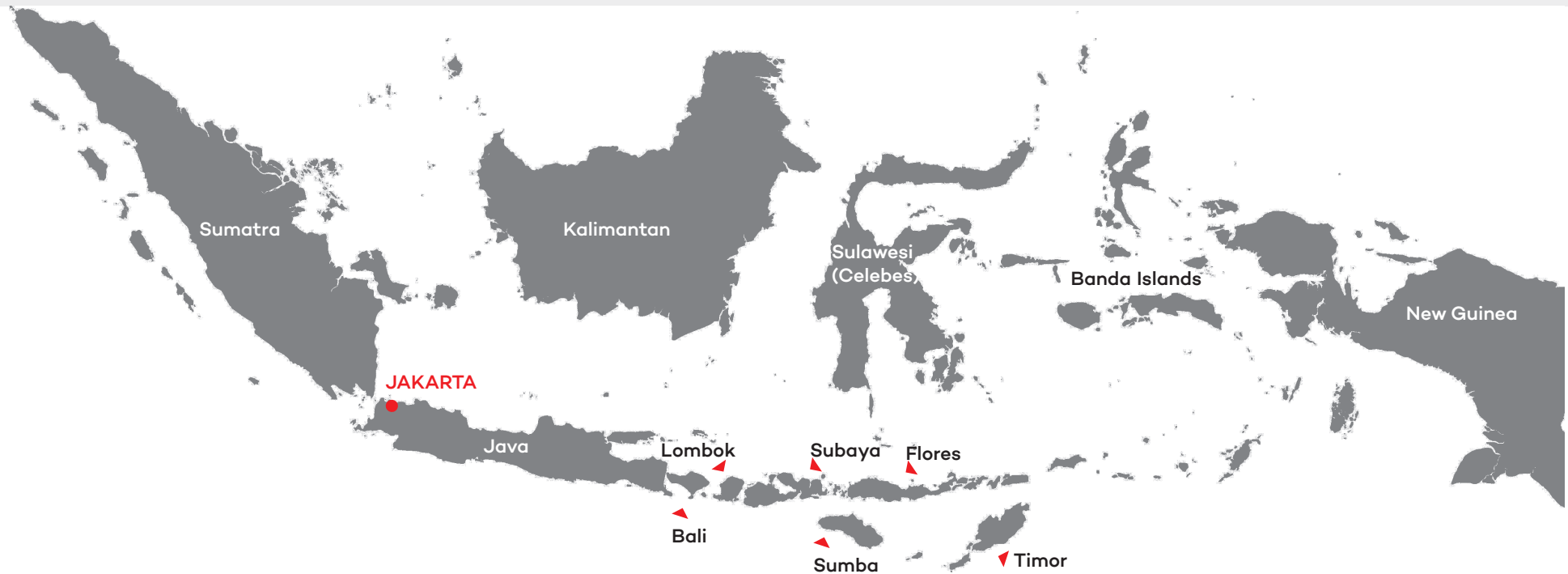


INDONESIA

**EC
PM** **TOGETHER
AGAINST
THE DEATH
PENALTY**

KontraS

Komisi untuk Orang Hilang dan Korban
Tindak Kekerasan
The Commission for the Disappearances and
Victims of Violence



INDONESIA

AREA

1,904,569 KM2

CAPITAL CITY

JAKARTA

POPULATION

283,487,931 (WORLD BANK, 2024)

OFFICIAL LANGUAGE

INDONESIAN (BAHASA INDONESIA)

HEAD OF STATE AND GOVERNMENT

MR. PRABOWO SUBIANTO IS THE PRESIDENT OF INDONESIA SINCE OCTOBER 2024. HE SUCCEEDED JOKO WIDODO, PRESIDENT OF INDONESIA FROM 2014 TO 2024.

MINISTER OF FOREIGN AFFAIRS

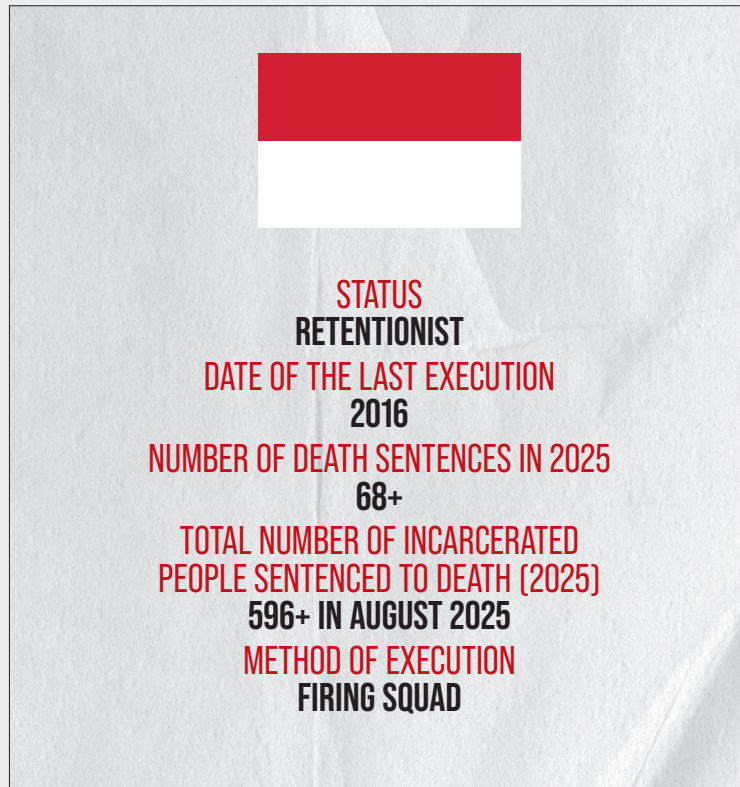
ARRMANATHAT NASIR SINCE OCTOBER 2026, HE SUCCEEDED **SUGIONO**, MINISTER FROM 2024 TO 2026.

COORDINATING MINISTER FOR LAW, HUMAN RIGHTS, IMMIGRATION AND CORRECTION

YUSRIL IHZA MAHENDRA (OCTOBER 2024)

MINISTRY IN CHARGE OF PRISON

MINISTRY OF IMMIGRATION AND REINTEGRATION/CORRECTIONAL AFFAIRS



DEATH PENALTY APPLICATION AND CONDITIONS OF DETENTION OF PEOPLE SENTENCED TO DEATH

THE CONDITIONS OF DETENTION OF PEOPLE SENTENCED TO DEATH

The number of death sentences has increased considerably over the last ten years, particularly since the beginning of Indonesia's "war on drugs". In 2022, the country reached a high of 82 death sentences handed down that year. After a decrease to 42 in 2023, the number of death sentences rose up to 71 in 2024. About 70% of charges relate to drug offences. The prisoners' rights are not ensured: the confidentiality of interviews with lawyers is not always respected and several people sentenced to death have been beaten by the police forces until they confessed their alleged crimes. According to individuals sentenced to death interviewed during the fact-finding mission conducted by ECPM and KontraS in 2019, their lawyers were not interested in their cases and some have acted against their interests.

In Indonesia, there is no specific regime for people sentenced to death. Their placement and living arrangements depend on the prison where they are held, not on the nature of their sentence. The conditions of detention are determined by the level of security classification of the prisons. As a result, people sentenced to death may be held in radically different conditions, ranging from single-occupancy cells to shared cells accommodating several dozens of prisoners.

Due to the limited budgets allocated for food, people in prison have to supplement their meals with help from their families or by purchasing items inside the prison, where prices are higher than outside. Access to water is uneven; one person interviewed during the fact-finding mission conducted in 2024–2025 stated that the water at Besi Prison was unfit for consumption. Hygiene products are not always provided, or come in insufficient quantities.

Access to healthcare is not uniform across all prisons. In some prisons, notably Narkotika Prison, there is no access to the national health insurance system.

Access to psychological and psychiatric care is extremely limited, leaving many individuals in a state of psychological vulnerability.

Many of the people sentenced to death are isolated: the prisons on Nusakambangan Island are criticized regarding their access for external actors, such as families, lawyers and independent observers. Each prison has its own regulation for the length of family visits: in Batu prison, visits are allowed once a month for a maximum duration of 30 minutes under the supervision of five prison guards.

CLEMENCY

According to article 14 of the Constitution, the President has the constitutional power to grant clemency. Nevertheless, there are different dispositions to limit the right to seek clemency. Some are legal like the amendment to Law No.22/2002 which initially

provided that only one petition for clemency may be submitted to the President, and has been revised to allow for multiple petitions under certain circumstances. Other restrictions emanate from some issues of transparency in practice. The Supreme Court has recently started to include basic information about clemency cases in its annual reports (*number of clemency petitions, types of crimes, decisions on clemency petitions, demographic information, processing time*), but other specific information such as the names of prisoners and specific case details remain limited. Moreover, Amnesty International reported prisoner's rights violation in 2015 as several people were executed while their clemency petition was still pending.

Given the Government's strict anti-drug stance, clemency petitions have been systematically rejected for drug-related crimes for several years. Indeed, from the election of President Widodo in October 2014 to February 2016, the five clemency petitions which have been accepted were concerning individuals convicted of murder. However, in April 2023, President Widodo granted clemency to Merri Utami, a woman who had spent over 20 years on death row for drug smuggling.

In 2017, the Supreme Court ruled that presidential clemency orders were confidential information. Since then, this ruling has been partially overturned. While some aspects still remain confidential, there is now greater transparency in the overall process.

FACING THE INDONESIAN CRIMINAL JUSTICE SYSTEM AND THE INDONESIAN DEATH ROW AS A FOREIGN PRISONER

According to the Indonesian authorities, there were 94 foreign nationals sentenced to death in August 2025. 12 different nationalities are represented, with Malaysia and Taiwan being the largest number, as 23 Malaysian and 21 Taiwanese nationals have been sentenced to death in Indonesia.

FOREIGN NATIONAL: A TARGET OF INDONESIAN 'WAR ON DRUGS'

In 2005, nine Australian citizens were arrested for attempting to smuggle drugs out of Indonesia. Two of them, Andrew Chan and Myuran Sukumaran, were sentenced to death and executed by firing squad on 29 April 2015.

Mary Jane Veloso (The Philippines) and Serge Atlaoui (France), both sentenced to death for drug-related offences, spent around 15 and 20 years respectively on death row in Indonesia. Following bilateral agreements, both were transferred to their home countries in December 2024 and February 2025 respectively.

Indonesia's anti-drug legislation is among the most restrictive in the world and 93 out of the 94 foreign nationals on death row are convicted of drug trafficking. After a four-year moratorium (between November 2008 and 2013), the President Susilo Bambang Yudhoyono had brought back the death penalty for drug trafficking. According to the authorities, drug is the most important new threat to the nation, which is reported to come from abroad and brought in by foreign nationals.

LIMITATIONS AND ABUSES OF FOREIGN PRISONERS' RIGHTS TO A FAIR TRIAL

The lack of appropriate interpreters has been reported in many cases even if the Indonesian Criminal Procedure Code sets out the right to be assisted by an interpreter. One foreign national reported to ECPM and KontraS that his interpreter had told the police that he had admitted to committing the crime, something he never said.

Despite the existence of a legal mechanism to challenge the constitutionality of the law, the use of constitutional review is only opened to Indonesians. Moreover, NGOs revealed that many people sentenced to death did not have information on their right to communicate with representatives of their country.

ISOLATION: AN AGGRAVATING FACTOR IN DETENTION

Prisons housing people sentenced to death are often difficult to access. The situation is particularly difficult for foreign nationals who could go for years without seeing their relatives due to the time and budget required for these visits to take place. Foreign nationals are also more vulnerable because their families cannot bring them additional food or medicines. A foreign national sentenced to death interviewed at Lapas Narkotika lost 20kg in three months and had food poisoning in prison.

FOREIGN PRISONERS: AN OVER-REPRESENTED CATEGORY AMONG EXECUTIONS

Fifteen of the eighteen executions carried out between 2015 and 2016 were of foreign nationals. When president Joko Widodo came to power, he announced at the beginning of his term in 2014 that he would reject clemency pleas from all people sentenced to death for drug-related crimes. As the vast majority of foreign nationals on death row were convicted for drug offences, they were more likely to be executed.

After president Prabowo Subianto took office in 2024, Indonesia concluded several bilateral agreements with countries¹, enabling the repatriation of a limited number of foreign people sentenced to death. While these transfers have attracted significant attention, they remain exceptional and do not alter the overall scale of foreign nationals currently held under a death sentence.

APPLICATION OF THE DEATH PENALTY BY CATEGORY OF PEOPLE

Indonesian authorities do not publish comprehensive gender disaggregated data on people sentenced to death, making it impossible to quantify precisely the number of women affected. Available documentation nonetheless shows that women facing capital punishment in Indonesia are overwhelmingly convicted for non-violent drug-related offences.

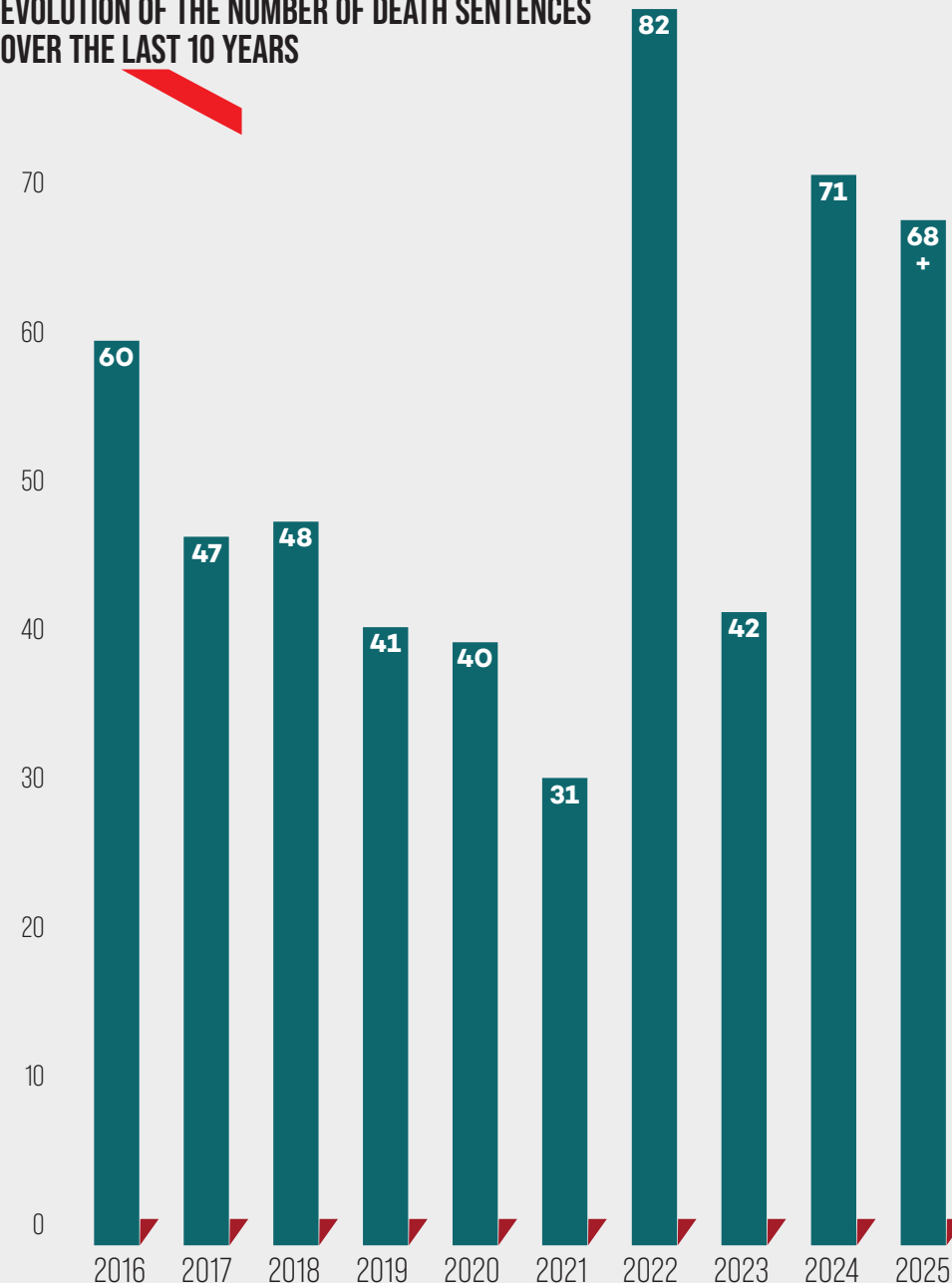
In situations involving a high risk of human trafficking, these women are prosecuted as principal offenders rather than being treated as potential victims.²

Women and children are indirectly affected by the application of the death penalty as relatives of those sentenced to death. Furthermore, some of the people sentenced to death suffer from mental, psychosocial or intellectual disabilities diagnosed before or after their sentencing.

¹ With, at least, Australia, the Philippines, France, the United Kingdom and the Netherlands

² Data collected by ECPM & KontraS during the 2026 fact finding mission in Indonesia.

EVOLUTION OF THE NUMBER OF DEATH SENTENCES OVER THE LAST 10 YEARS



NATIONAL LEGAL FRAMEWORK

THE CONSTITUTION

There is no mention of the death penalty in the Indonesian Constitution of 1945 as amended in 1999, 2000, 2001 and 2002. Article 28A states that “*Everyone has the right to live and to defend his/her life and livelihood*”. The constitutionality of the death penalty has been unsuccessfully challenged before the Constitutional Court MKRI. However, the Indonesian legal arsenal provides for the death penalty for numerous offences, some of which are not considered as “most serious crimes” as it is defined in the International Covenant on Civil and Political Rights ratified by Indonesia in 2006.

THE CRIMINAL CODE

The Indonesian Criminal Code of 1946, *Kitab Undang-undang Hukum Pidana* (KUHP), is based on colonial legislation. Its revised version adopted by President Joko Widodo in January 2023 introduces an automatic 10-year probation for people sentenced to death. During this period, they can demonstrate good behaviour for the possibility of having their sentences commuted to life imprisonment or 20 years in prison. Furthermore, the revised Criminal Code designates the death penalty as an alternative to 20 years in prison or life imprisonment, to be used as a “last resort”. This new version of the Criminal Code came into force in January 2026.

The revised KUHP still provides the death penalty for a wide range of crimes, including several that do not fall under the “most serious crimes” threshold under international human rights law.

THE LAW NO. 35/2009 ON NARCOTICS

The death penalty for drug-related crimes was introduced in 1976 as an attempt to stop the flow of narcotics in Southeast Asia. In 1997, two new laws (one about psychotropic drugs and another about narcotics) were adopted. In 2009, the authorities justified the new Law on Narcotics which contains seven criminal charges punishable by death claiming that drug-trafficking was now collectively organised.

OTHER NATIONAL LEGISLATIONS

The death penalty is applicable in several other pieces of legislation as:

- The Military Criminal Code (KUHPM)
- Emergency Law No. 12/1951 relating to firearms
- Presidential Decree No. 5/1959 on the Authority of the Attorney General in Terms of Aggravating the Threat of Punishment against Acts that Endanger the implementation of Food and Clothing Supplies

- Government Regulation in lieu of Law No. 21/1959 on increasing the Punishment for Crimes against the Economy
- Law No. 4/1976 on the Ratification and Addition of Several articles in the Criminal Code in relation to the extension of the implementation of Law on Aviation Crimes and Crimes against the Facilities /Infrastructures of Aviation
- Law No. 5/1997 on Psychotropic Drugs
- Law No. 26/2000 on Human Rights Courts
- Law No. 20/2001 on Corruption
- Law No. 23/2002 on Child Protection (as amended in 2016)
- Law No. 15/2003 on Combating Criminals Acts of Terrorism (as amended in 2018)
- Law No. 35/2009 on Narcotics

Indonesian legislation approximately includes 50 articles providing for the death penalty.

LIST OF LEGISLATIVE PROVISIONS ON THE DEATH PENALTY

CRIMINAL CODE (KUHP) – REVISED IN 2022

Article 8	(1) Criminal provisions in the Law shall be applicable to any Indonesian citizens who committed a Crime outside of the Unitary State of the Republic of Indonesia. (...) (5) Indonesian citizen outside of the Unitary State of the Republic of Indonesia who committed a Crime as referred to in paragraph (1) may not be punished with capital punishment if such Crime in accordance with the law of the country where the Crime is committed is not threatened with capital punishment.
Article 13	(4) A criminal conspiracy to commit a Crime which is sentenced with capital punishment or life imprisonment shall be sentenced with imprisonment for a maximum of 7 (seven) years.
Article 15	(4) A preparation to commit a Crime which is threatened with capital punishment or life imprisonment shall be sentenced with imprisonment for a maximum of 10 (ten) years.
Article 17	(4) An attempted Crime which is threatened with capital punishment or life imprisonment, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
Article 21	(4) Assistance in a Crime, which is threatened with capital punishment or life imprisonment, shall be sentenced with imprisonment for a maximum of 15 (fifteen) years.
Article 62	(1) Application for pardon shall not delay the implementation of criminal decisions for the convicted, except in the event of a capital punishment.
Article 64	Criminal sentence consists of: a. principal sentence; b. additional sentence; and c. special sentence for certain Crimes stipulated under the Law.
Article 67	Special sentence as referred to in Article 64 letter c is the capital punishment which is always threatened as an alternative sentence.
Article 68	In the event that there is a choice between the capital punishment and life imprisonment or there is an aggravation for a Crime sentenced with imprisonment for 15 (fifteen) years, imprisonment for a certain period may be imposed for a period of 20 (twenty) consecutive years.
Article 77	If the convict while undergoing a criminal supervision commits a Crime and is sentenced with a criminal sentence which is not a capital punishment or not an imprisonment, the criminal supervision shall still be implemented.

Article 90	(1) If the revocation of rights is imposed, the duration of the revocation must be determined if: a. being sentenced with capital punishment or life imprisonment, the revocation of rights shall be carried out forever;
Article 98	The capital punishment is threatened as an alternative as the last resort to prevent the commission of Crimes and to protect the community.
Article 99	(1) The capital punishment may be implemented after the application for pardon for the convict is rejected by the President. (2) The capital punishment as referred to in paragraph (1) shall not be implemented in public. (3) The capital punishment shall be executed by shooting the convict to death by firing squad or by any other method which is stipulated by the Law. (4) The implementation of capital punishment upon pregnant women, women who are breast-feeding their babies, or mentally ill persons is postponed until said women give birth, said women no longer breastfeeding their babies, or mentally ill persons are recovered.
Article 100	(1) Judges shall impose capital punishment with a probation of 10 (ten) years by taking into account: a. the defendant's remorse and there are hope for improvement; or b. the role of the defendant in the Crime. (2) Capital punishment with a probation as referred to in paragraph (1) shall be included in the court decision. (3) The grace period of a probation of 10 (ten) years commences 1 (one) Day after the court decision obtained permanent legal force. (4) If the convict during the probation as referred to in paragraph (1) shows a commendable attitude and actions, the capital punishment may be changed to life imprisonment with a Decree of the President after obtaining a consideration from the Supreme Court. (...) (6) If the convict during the probation as referred to in paragraph (1) does not show a commendable attitude and actions and there is no hope to be corrected, the capital punishment may be implemented on the order of the Attorney General.
Article 101	If the application for pardon of the death row convict is rejected and the capital punishment is not implemented for 10 (ten) years since the pardon is rejected not because the convict has run away, then the capital punishment may be changed into life imprisonment by a Decree of the President.
Article 102	Further provisions regarding the procedures for the implementation of the capital punishment shall be regulated by Law.
Article 121	(1) Criminal fines for Corporations shall be imposed at a minimum of category IV, unless otherwise stipulated by the Law. (2) In the event that the Crime committed is threatened with: (...) c. capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) years, the maximum criminal fine for Corporations is category VIII.

- Article 129** If the concurrent Crimes is sentenced with capital punishment or life imprisonment, the defendant may not be sentenced with any other sentence, except for additional sentence, namely:
a. revocation of certain rights;
b. confiscation of certain Goods; and/or
c. announcement of court decision
- Article 136** (1) The authority to prosecute shall be declared invalid due to expiration if: (...)
e. after exceeding a period of 20 (twenty) years for Crimes which are threatened with imprisonment for a maximum of 20 (twenty) years, life imprisonment, or capital punishment.
- Article 142** (3) The implementation of the capital punishment does not have an expiration date.
(4) If the capital punishment is changed into life imprisonment as referred to in Article 101, the authority to implement the criminal sentence shall lapse due to expiration after the elapsed time equal to the expiration date of the authority to prosecute as referred to in Article 136 paragraph (1) letter e plus 1/3 (one third) of the expiration date.
- Article 191** Any Person who commit Treason with the intention of killing or depriving the freedom of the President and/or Vice President or rendering the President and/or Vice President incapable of running the government, shall be sentenced with capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) year.
- Article 192** Any Person who commit Treason with the intention that part or all of the territory of the Unitary State of the Republic of Indonesia falls into the hands of foreign authorities or to separate themselves from the Unitary State of the Republic of Indonesia, shall be sentenced with capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) year.
- Article 212** (1) Any Person who during the Time of War provide assistance to Enemy or cause harm to the state for the interest of the Enemy shall be sentenced with imprisonment for a maximum of 12 (twelve) years. (...)
(3) Shall be sentenced with capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) years, if Any Person as referred to in paragraph (1) who:
a. betray for the interest of the Enemy, deliver to the authority of the Enemy, destroy or render unusable a place or guard point which is fortified or occupied, means of transportation, War supply, or War treasury, or a part thereof or hinder or frustrate a military effort which is planned or organized to fend off or attack; or
b. cause or facilitate riots, rebellion, or desertion among soldiers.
- Article 459** Any Person who with prior planning takes the life of another person, shall be sentenced due to premeditated murder, with a capital punishment or life imprisonment or imprisonment for a maximum of 20 (twenty) years.
- Article 479** (1) Any Person who commits theft which is preceded, accompanied by, or followed by Violence or Threat of Violence against persons, with the intention

- of preparing or facilitating theft or in the event of being caught red-handed, in order to allow himself/herself or another person to retain possession of the stolen Goods, shall be sentenced with imprisonment for a maximum of 9 (nine) years. (...)
(4) If the act as referred to in paragraph (1) results in Serious Injury or death of a person, which is carried out jointly and, in an alliance, accompanied by one of the things as referred to in paragraph (2) letter a and letter b, shall be sentenced with capital punishment or life imprisonment or imprisonment for a maximum of 20 (twenty) years.
- Article 588** (2) If the Crime as referred to in paragraph (1)³ results in the death of a person or that Aircraft to be destroyed, shall be sentenced with the capital punishment, life imprisonment, or imprisonment for a maximum of 20 (twenty) years.
- Article 598** Shall be sentenced due to genocide Any Person who with the intention of destroying or annihilating all or part of a national, racial, ethnic, religious or belief group, by means of:
a. killing group members;
b. cause severe physical or mental suffering to any members of the group;
c. creating living conditions for the group which are calculated to lead to its physical annihilation, either in its entirety or in part;
d. imposing measures aimed at preventing births within the group; or
e. forcibly transferring children from one group to another, with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years.
- Article 599** Shall be sentenced due to Crime against humanity Any Person who commits an act as part of a widespread or systematic attack that is known to that person that the attack is directed against civilian population, in the form of:
a. murder, annihilation, forcible expulsion or transfer of population, deprivation of freedom or other deprivation of physical freedom that violates the basic rules of international law, or the crime of apartheid, with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years;
- Article 600** Any Person who uses Violence or Threats of Violence which creates an atmosphere of terror or widespread fear toward people, inflicts mass Victims by seizing the independence or loss of life and property of others, or results in damage or destruction of strategic vital objects, the environment, public facilities, or international facilities, shall be sentenced with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or the capital punishment.
- Article 610** (2) In the event that the acts as referred to in paragraph (1)⁴ are conducted on:
a. plant-based Category I Narcotics weighing more than 1 (one) kilogram or more than 5 (five) trees, or non-plant Category I Narcotics weighing more than

³ Violence against persons onboard an Aircraft which jeopardizes the safety of said flight & Unlawful Placement of Destructive Materials on Aircraft

⁴ Unlawful production, importation, exportation or distribution of Categories I, II and III Narcotics

5 (five) grams shall be sentenced with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a minimum criminal fine of category V and a maximum of category VI;
b. Category II Narcotics weighing more than 5 (five) grams shall be sentenced with capital punishment, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a minimum criminal fine of category V and a maximum of category VI; and

Article 614 At the time this Law comes into force:
d. the terms civil servants, state civil apparatuses, members of the Indonesian National Police, and members of Indonesian National Armed Forces, state officials, public officials, regional officials, persons who receive salaries or wages from state or regional finance, persons who receive salaries or wages from Corporations which capital is entirely or largely owned by the state or region, or other officials regulated under the laws and regulations other than this Law and fulfilled the provisions as referred to in Article 154 shall be Officials as stipulated in this Law.

MILITARY CRIMINAL CODE (KUHPM)

The Military Criminal Code hasn't been translated into English yet.

On an indicative basis, the following regulations are relating to the death penalty
Art. 6, art. 64, art. 65, art. 67, art. 68, art. 73, art. 74, art. 76, art. 82, art. 89, art. 109, art. 114, art. 133, art. 135, art. 137, art. 138 and art. 142.

EMERGENCY LAW NO. 12/1951 RELATING TO FIREARMS

This legal disposition hasn't been translated into English yet.

On an indicative basis, the following regulation is relating to the death penalty
Art. 1.

PRESIDENTIAL DECREE NO. 5/1959 ON THE AUTHORITY OF THE ATTORNEY GENERAL IN TERMS OF AGGRAVATING THE THREAT OF PUNISHMENT AGAINST ACTS THAT ENDANGER THE IMPLEMENTATION OF FOOD AND CLOTHING SUPPLIES

This legal disposition hasn't been translated into English yet.

On an indicative basis, the following regulation is relating to the death penalty
Art. 2.

GOVERNMENT REGULATION IN LIEU OF LAW NO. 21/1959 ON INCREASING THE PUNISHMENT FOR CRIMES AGAINST THE ECONOMY

This legal disposition hasn't been translated into English yet.

On an indicative basis, the following regulation is relating to the death penalty
Art. 1.

LAW NO. 4/1976 ON THE RATIFICATION AND ADDITION OF SEVERAL ARTICLES IN THE CRIMINAL CODE IN RELATION TO THE EXTENSION OF THE IMPLEMENTATION OF LAW ON AVIATION CRIMES AND CRIMES AGAINST THE FACILITIES /INFRASTRUCTURES OF AVIATION

Article 479k (2) (1) Life imprisonment of a maximum imprisonment of twenty years, shall be imposed if the act mentioned in Article 479i and Article 479j:
a. is committed by two or more persons jointly;
b. is a continuation of a conspiracy;
c. is committed with premeditation;
d. causes serious physical injury to a person;
e. causes damage to said aircraft, such that its navigation may be endangered;
f. is committed with intent to deprive a person of his liberty or to maintain the deprivation of liberty of a person.
(2) If said act causes the death of a person or the destruction of said aircraft, the punishment shall be death punishment or life imprisonment or a maximum imprisonment of twenty years.

Article 479o (2) (1) Life imprisonment or a maximum imprisonment of twenty years, shall be imposed if the act mentioned in Article 479l, Article 479m, and Article 479 n:
a. is committed by two or more persons jointly;
b. is a continuation of a conspiracy;
c. is committed with premeditation; d. causes serious physical injury to a person.
(2) If said act causes the death of a person or the destruction of said aircraft, the punishment shall be death punishment or life imprisonment or a maximum imprisonment of twenty years.

LAW NO. 5/1997 ON PSYCHOTROPIC DRUGS

Article 59 (1) Anybody who:
a. uses psychotropic substance category I other than for the purpose specified in Article 4 section (2), or
b. produces and or uses in production process of psychotropic substance category I as referred to Article 6, or
c. traffics psychotropic category I without compliance with the provisions stipulated in Article 12 section (3),
d. imports psychotropic substance category I, other than for scientific purpose, or
e. illegally possesses, keeps, and or brings psychotropic substance category I shall be punished with an imprisonment for not less than four years and not more than 15 years and a fine of not less than IDR 150,000,000.(one hundred fifty million Rupiahs) and not more than IDR 750,000,000: (seven hundred fifty million rupiahs).
(2) If the criminal act as referred to in section (1) committed as an organized crime, shall be subject to a capital punishment or life imprisonment, or 20 year imprisonment, plus fine of IDR 750,000,000. (seven hundred fifty million rupiahs).

LAW NO. 26/2000 ON HUMAN RIGHTS COURTS

- Article 36** Any person who perpetrates actions as referred to in Article 8, letter a, b, c, d or e, shall be sentenced to death or life in prison or to a maximum of 25 (twenty-five) years in prison and no less than a minimum of 10 (ten) years in prison. Cf. article 8 about the crime of genocide.
- Article 37** Any person who perpetrates actions as referred to in Article 9 letter a, b, d, e, or j shall be sentenced to death or life in prison or to a maximum of 25 (twenty-five) years in prison and no less than a minimum of 10 (ten) years in prison. Cf. article 9 about crimes against humanity.
- Article 41** For attempting, plotting, or assisting the perpetration of a violation as referred to in Article 8 or Article 9, the sentences set forth in Article 36, Article 37, Article 38, Article 39, and Article 40 shall apply.
- Article 42** (1) A military commander or person acting as military commander shall be held responsible for any criminal action within the judicial scope of a Human Rights Court perpetrated by troops under his or her effective command and control, and for any such criminal action by troops under his or her effective command and control arising from improper control of these troops, namely:
a. a military commander or aforementioned person acknowledges, or under the prevailing circumstances ought to acknowledge that these troops are perpetrating or have recently perpetrated a gross violation of human rights; and
b. a military commander or aforementioned person fails to act in a proper manner as required by the scope of his or her authority by preventing or terminating such action or delivering the perpetrators of this action to the authorised official for inquiry, investigation, and prosecution.
(2) Both police and civil leaders are held responsible for gross violations of human rights perpetrated by subordinates under their effective command and control resulting from a failure on the part of the leader to properly and effectively control his or her subordinates, namely:
a. the aforementioned leader is aware of or deliberately ignores information that clearly indicates his or her subordinates are perpetrating, or have recently perpetrated a gross violation of human rights; and
b. the aforementioned leader fails to act in a proper manner as required by the scope of his or her authority by preventing or terminating such action or delivering the perpetrators of this action to the authorised official for inquiry, investigation, and prosecution.
(3) Actions as referred to in clause (1) and clause (2) shall be liable to the same penal provisions set forth in Article 36, Article 37, Article 38, Article 39, and Article 40.

LAW NO. 20/2001 ON CORRUPTION

This legal disposition hasn't been translated into English yet.

On an indicative basis, the following regulation is relating to the death penalty Art. 2.

LAW NO. 23/2002 ON CHILD PROTECTION (AS AMENDED IN 2016)

- Article 89** (1) Everyone who deliberately places, lets of, involves, orders to involve a child in the abuse, production, or distribution of drugs and/or psychotropic is subject to death penalty or life-imprisonment or 20 (twenty) years of imprisonment and minimum penalty of 5 (five) years of imprisonment and maximum fine of Rp. 500.000.000 (five hundred millions rupiah). [...]

LAW NO. 15/2003 ON COMBATING CRIMINALS ACTS OF TERRORISM (AS AMENDED IN 2018)

This legal disposition hasn't been translated into English yet.

On an indicative basis, the following regulations is relating to the death penalty Art. 6, art. 8, art. 9, art. 10, art. 14, art. 15 and art. 16.

LAW NO. 35/2009 ON NARCOTICS

- Article 74** (1) The abuse and illicit traffic cases of Narcotics and Narcotics Precursor including the project being prioritized than another program to be submitted to the court for immediate settlement.
(2) For examination process on the crime of Narcotics and Narcotics Precursor in appeal court, cassation level, review and death sentence execution, and clemency, its performance should be accelerated pursuant to regulations and legislations.
- Article 113** [...] (2) In case of the action to produce, import, export, or distribute Narcotics Group I as referred to in paragraph (1) thereto in form of the plant which the weight exceeding 1 (one) kilogram or exceeding 5 (five) trees or not in form of plant which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, or imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).
- Article 114** [...] (2) In case of the action to offer to be sold, sell, purchase, being intermediary within transaction, exchange, deliver or receive Narcotics Group I as referred to in paragraph (1) thereto which in form of the plant the weight exceeding 1 (one) kilogram or exceeding 5 (five) trees or not in form of plant the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, or imprisonment for life, or imprisonment minimum 6 (six) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).
- Article 116** [...] (2) In case of the use of narcotics against another person or giving Narcotics Group I to be used by another person as referred to in paragraph (1) thereto shall cause another person died or permanently handicapped, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).

- Article 118** [...] (2) In case of the action to produce, import, export, or distribute Narcotics Group II as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).
- Article 119** [...] (2) In case of the action to offer to be sold, sell, purchase, receive, being intermediary within transaction, exchange, or deliver Narcotics Group II as referred to in paragraph (1) thereto which the weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).
- Article 121** [...] (2) In case of the use of narcotics against another person or giving Narcotics Group II to be used by another person as referred to in paragraph (1) thereto shall cause another person died or permanently handicapped, the perpetrator shall be sentenced to death, imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty maximum as referred to in paragraph (1) thereto plus 1/3 (one-third).
- Article 132** (1) Any attempt for or evil conspiracy to commit criminal conduct of Narcotics and Narcotics Precursor as referred to in Articles 111,112,113,114,115,116,117,118,119,120,121,122,123, 124,125,126, and 129, the perpetrator shall be charged under the same imprisonment punishment pursuant to clauses as referred to the said articles.
(2) In case of the conduct as referred to in Articles 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, and 129 thereto committed in any organized manner, its imprisonment punishment and maximum penalty shall be added to 1/3 (one-third).
(3) Any criminal addition as referred to paragraph (2) thereto shall not be applicable for criminal conduct sentenced to death, imprisonment for life, or imprisonment for 20 (twenty) years.
- Article 133** (1) Any person which instruct, provide or promise something, give a chance, suggest, facilitate, threat with force, threat with violence, deceit, or persuade any child who is not in age of consent to commit the crime as referred to in Articles 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, and 129 shall be sentenced to death or imprisonment for life, or imprisonment minimum 5 (five) years and maximum 20 (twenty) years and penalty minimum Rp. 2,000,000,000.00 (two billion rupiah) and maximum Rp. 20,000,000,000.00 (twenty billion rupiah). [...]
- Article 144** (1) Any person in which during 3 (three) years period shall commit the repetitive crime as referred to in Articles 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127 paragraph (1), 128 paragraph (1), and 129, his/her maximum penalty shall be added to 1/3 (one-third).
(2) Charge with addition 1/3 (one-third) as referred to in paragraph (1) thereto shall not be applicable for the criminal sentenced to death, charged under imprisonment for life, or imprisonment for 20 (twenty) years.

INTERNATIONAL LEGAL FRAMEWORK

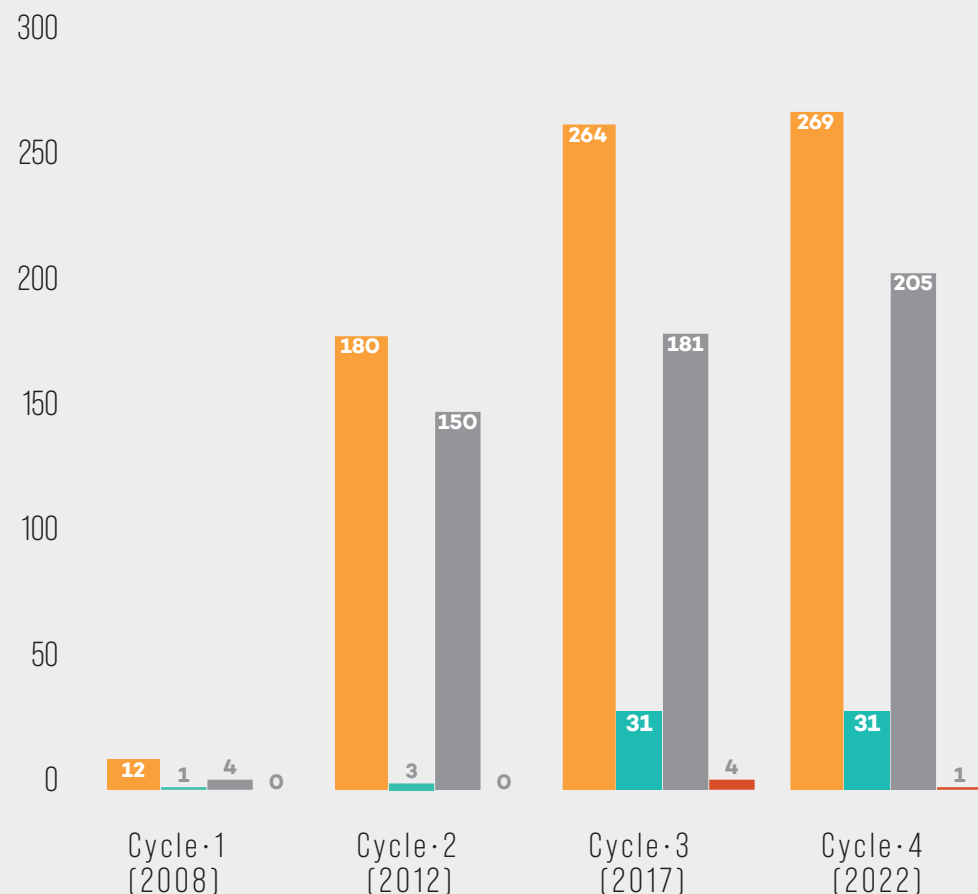
MAIN INTERNATIONAL TEXTS ON THE ABOLITION OF THE DEATH PENALTY

TEXT	DATE OF RATIFICATION OR ACCESSION
International Covenant on Civil and Political Rights, 1966	23 February 2006 (accession)
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989	X
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984	28 October 1998 (ratification)
Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 2002	X
Convention on the Rights of the Child, 1989	5 September 1990 (ratification)

VOTE ON THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY



UNIVERSAL PERIODIC REVIEWS



- Total number of recommendations
- Number of recommendations on the death penalty
- Total number of supported recommendations
- Number of supported recommendations on the death penalty

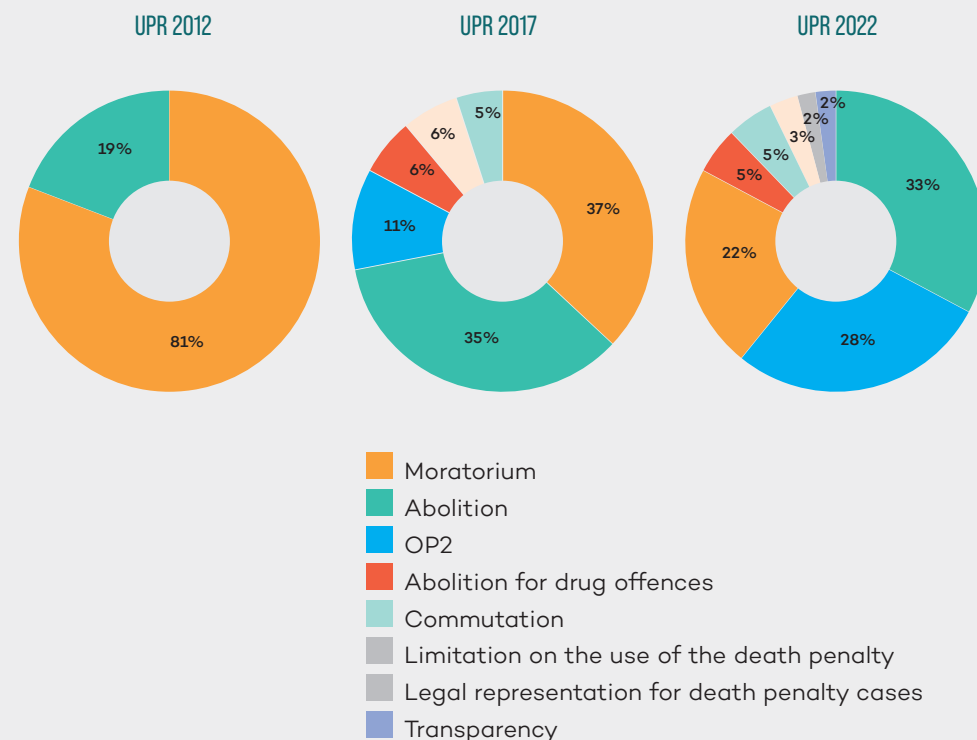
RECOMMENDATIONS ON THE DEATH PENALTY MADE TO INDONESIA IN 2022

No.	RECOMMENDATION	Number	Supported	Noted
140.1	Continue efforts towards ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Chile);	1		1 (partially supported but the second part relating to the OP2 was noted)
140.2	Incorporate in the reform of the Penal Code the establishment of a moratorium on the death penalty with a view to its abolition and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Costa Rica);	1		1
140.3	Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);	1		1
140.4	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Croatia) (Cyprus) (Estonia) (Luxembourg) (Mexico) (Sweden);	6		6
140.5	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and, as a first step, establish a moratorium on executions (Romania);	1		1
140.74	Take the opportunity of the reform of the Criminal Code to bring in provisions that allow for the use of the death penalty in line with international law, including by removing from the scope of the death penalty any offence other than intentional killing (Belgium);	1		1
140.75	Consider establishing a moratorium on executions with a view to abolishing the death penalty (Timor Leste);	1		1
140.76	Consider establishing a de jure moratorium on capital executions with a view to fully abolishing the death penalty (Italy);	1		1
140.77	Push for the establishment of a formal moratorium on executions as a first step towards abolishing the death penalty (Uruguay);	1		1
140.78	Establish a moratorium on the death penalty with a view to its eventual abolition, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Latvia); Establish a moratorium on the application of the death penalty as a first step towards its abolition (Spain); Establish an official moratorium on the death penalty with a view to its abolishment (Austria); Establish a moratorium on the application of the death penalty (Germany);	4		4

140.79	Establish a formal moratorium on the use of the death penalty, and in the interim enhance safeguards, including adequate legal representation for cases attracting the death penalty and nonapplication of the death penalty to those with mental illness (Australia);	1		1
140.80	Take concrete steps to abolish the death penalty (Liechtenstein);	1		1
140.81	Take steps to abolish the use of the death penalty in practice and in law (New Zealand);	1		1
140.82	Consider abolishing the death penalty in all instances (Malta);	1		1
140.83	Abolish the use of death penalty and, as a first step, immediately establish an official moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Finland); Abolish the death penalty in every statutory regulation and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Iceland);	2		2
140.84	Abolish the death penalty for drug use offences (Montenegro);	1		1
140.85	Abolish the death penalty for all crimes, including drug-related crimes (Panama);	1		1
140.86	Abolish capital punishment, in particular for drug use offences (Republic of Moldova);	1		1
140.87	Progress towards the abolition of the death penalty and the commutation of sentences for those already on death row (United Kingdom of Great Britain and Northern Ireland);	1		1
140.88	Commute all death penalty sentences and publish annual data as a first step to its abolition (Portugal);	1		1
140.89	Implement a sentence commutation mechanism for those sentenced to death, in addition to the clemency mechanism by the President (Spain);	1	1	
140.220	Consider formally abolishing capital and corporal punishment in its legal system (Brazil)	1		1
TOTAL		31	1	30

During its latest Universal Periodic Review (UPR) cycle in 2022, Indonesia received a total of 269 recommendations, of which 31 were related to the death penalty. Out of these, Indonesia only supported one recommendation (another was partially accepted but not the part relating to the death penalty, which was only noted). This shows a slight regression compared to its third cycle in 2017, where Indonesia received the same number of death penalty recommendations but supported 4 of them.

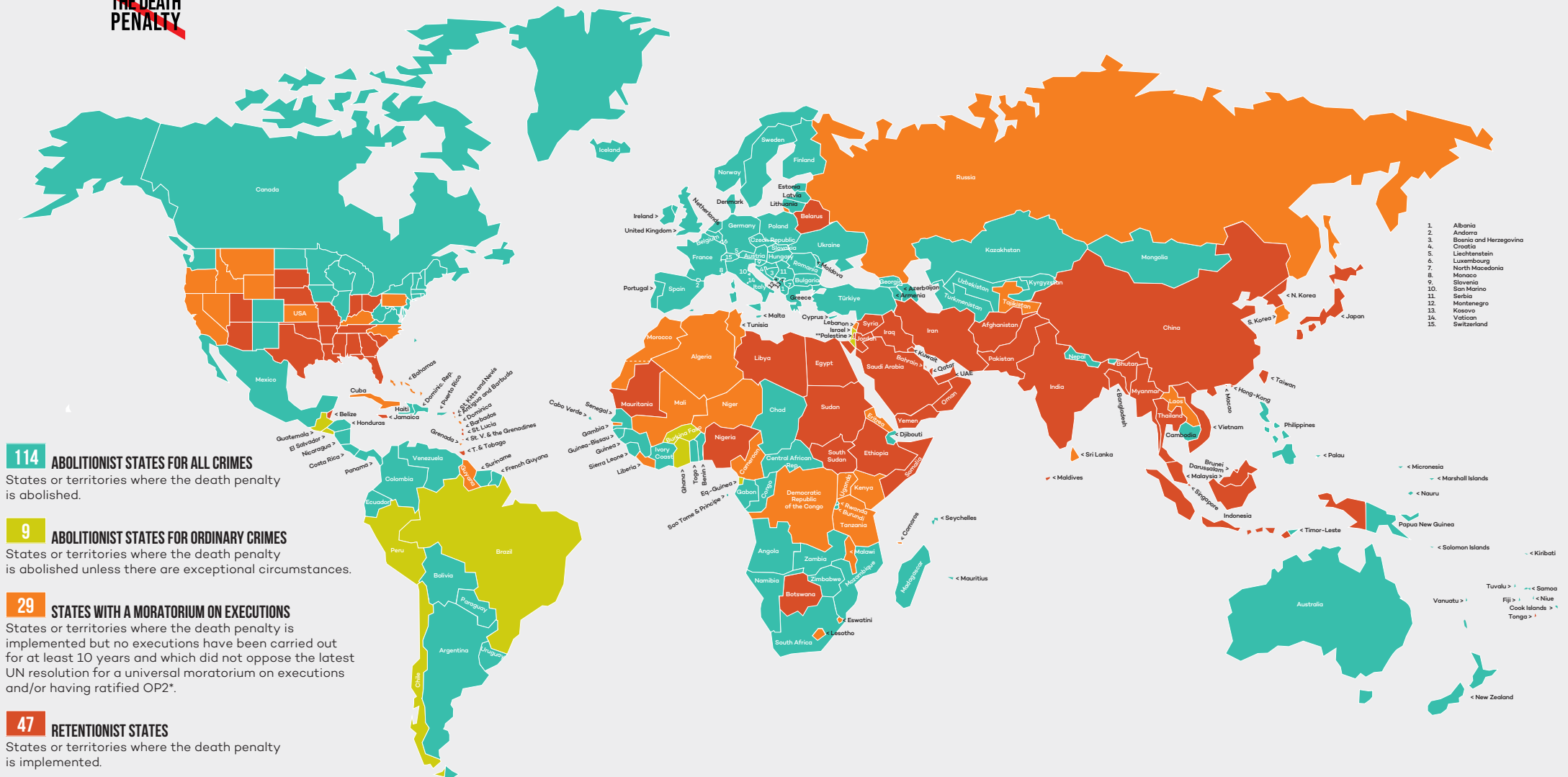
EVOLUTION OF TOPICS OF RECOMMENDATIONS RELATING TO THE DEATH PENALTY ISSUED TO INDONESIA BETWEEN 2012 AND 2017



Comparing death penalty recommendations made to Indonesia between the 2017 and 2022 UPR cycles reveals significant shifts in the topics addressed. Mentions of OP2 ratification tripled to 33%, indicating increased pressure for international commitment. The shares of the recommendations for complete abolition and a moratorium remain significant while slightly decreasing. Abolition for drug offences and commutations were addressed in roughly the same proportions. Australia once again called for limitations to the use of the death penalty with enhanced safeguards against its application in case of mental illness and inadequate legal representation. New themes were introduced in 2022: greater transparency with the publication of annual data and limitation of the scope of capital punishment to intentional killing only. Although the focus on complete abolition and OP2 remains predominant, overall, the increasing diversity of topics throughout the 3 cycles reflect a more nuanced approach to death penalty reform, addressing specific concerns and systemic issues in Indonesia's capital punishment system.

THE DEATH PENALTY WORLDWIDE

2025



1. Albania
 2. Andorra
 3. Bosnia and Herzegovina
 4. Croatia
 5. Liechtenstein
 6. Luxembourg
 7. North Macedonia
 8. Monaco
 9. Slovenia
 10. San Marino
 11. Serbia
 12. Montenegro
 13. Kosovo
 14. Vatican
 15. Switzerland
- < N. Korea
< S. Korea
< Japan
< Taiwan
< Hong-Kong
< Vietnam
< Philippines
< Palau
< Micronesia
< Marshall Islands
< Nauru
< Solomon Islands
< Kiribati
< Tuvalu
< Samoa
< Fiji
< Niue
< Cook Islands
< Tonga
< New Zealand

ABOLITION NOW

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