UNIVERSITAS GADJAH MADA
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ABSTRACT

This legal research investigates the death penalty probation mechanism under Article 100 of Law Number 1 of 2023 on the Criminal Code, with a particular emphasis on narcotics offenses. This study assesses the degree to which Article 100 represents a progressive evolution in Indonesia's criminal justice system with respect to narcotics-related death penalty cases.

This research investigates key legislation, legal doctrines, international human rights instruments, judicial decisions, and policy developments on the death penalty through a normative juridical approach and empirical analysis. Interviews were conducted with representatives from the Ministry of Law, the Institute for Criminal Justice Reform (ICJR), and the Community Legal Aid Institute (LBHM) to acquire empirical data.

The results indicate that Article 100 is a progressive development in that it has the potential to reposition the death penalty as an *ultimum remedium*. Nevertheless, commutation process continues to be characterized by substantial discretion, the assessment framework used to evaluate prisoners during the probationary period lacks clear standardization, and the scope of narcotics offenses punishable by death remained broad.

Keywords: Death Penalty, Article 100, Criminal Code 2023, Narcotics Offenses, Progressive Justice, Sentence Commutation.

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KEADILAN PROGRESIF DALAM PENERAPAN HUKUMAN MATI PADA KASUS NARKOTIKA BERDASARKAN KITAB UNDANG-UNDANG HUKUM PIDANA TAHUN 2023

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INTISARI

Penelitian hukum ini mengkaji mekanisme masa percobaan hukuman mati berdasarkan Pasal 100 Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana, dengan penekanan khusus pada tindak pidana narkotika. Penelitian ini mengevaluasi sejauh mana Pasal 100 mencerminkan perkembangan progresif dalam sistem peradilan pidana Indonesia terkait kasus-kasus hukuman mati yang berkaitan dengan narkotika.

Penelitian ini mengkaji peraturan perundang-undangan utama, doktrin hukum, instrumen hak asasi manusia internasional, putusan pengadilan, serta perkembangan kebijakan terkait hukuman mati melalui pendekatan yuridis normatif dan analisis empiris. Wawancara dilakukan dengan perwakilan dari Kementerian Hukum, Institute for Criminal Justice Reform (ICJR), dan Lembaga Bantuan Hukum Masyarakat (LBHM) untuk memperoleh data empiris.

Hasil penelitian menunjukkan bahwa Pasal 100 merupakan perkembangan progresif karena memiliki potensi untuk memposisikan kembali hukuman mati sebagai ultimum remedium. Namun demikian, proses pengurangan hukuman masih ditandai oleh diskresi yang substansial, kerangka penilaian yang digunakan untuk mengevaluasi nasib narapidana selama masa percobaan kurang memiliki standarisasi yang jelas, dan cakupan tindak pidana narkotika yang dapat dihukum mati tetap luas.

Kata Kunci: *Hukuman Mati, Pasal 100, Kitab Undang-Undang Hukum Pidana 2023, Tindak Pidana Narkotika, Keadilan Progresif, Pengurangan Hukum.*

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