

Research Article

# State Liability for the Psychic of Death Row Inmates in the Implementation of the Waiting Period for Execution

Renda Arangraeni<sup>1\*</sup>, Moh. Taufik<sup>1</sup>, Moza Fausta<sup>2</sup>, Moch Bakhrol Ilmi<sup>1</sup>

<sup>1</sup> Faculty of Law, Universitas Dr. Soetomo, Surabaya, Jawa Timur, Indonesia

<sup>2</sup> Faculty of Law, Universitas Jember, Jember, Jawa Timur, Indonesia

\*Corresponding Author: [renda@unitomo.ac.id](mailto:renda@unitomo.ac.id) | Phone: +6285231749722

## ABSTRACT

This research aims to analyze legal certainty in the implementation of standardization of the death penalty execution mechanism and examine the state's responsibility towards the psychological condition of death convicts during the waiting period for execution. The research method used is a normative juridical approach by analyzing laws and regulations, court decisions, and case studies related to implementing death penalty executions in Indonesia. The results showed that the absence of clear standardization in the mechanism of death penalty execution has the potential to cause legal uncertainty, both for law enforcement officials and for convicts. In addition, the prolonged waiting period for execution causes a significant psychological impact, which can be categorized as a form of psychological torture. The state has the responsibility to ensure the protection of the human rights of people sentenced to death, including by ensuring that the execution process is fair and does not unnecessarily prolong their psychological suffering. Therefore, firmer regulations are needed in standardizing the mechanism for carrying out death penalty executions to ensure legal certainty, as well as more humanist policies in handling the psychological conditions of death row inmates during the execution waiting period.

**Keywords:** Execution; Liability; Mental Disorder; Death Penalty; Permanent Legal Force

## 1. INTRODUCTION

The death penalty is the most severe form of punishment applied in various countries, including Indonesia. Although it is still part of the legal system, its application often raises debates, both from juridical, moral, and human rights aspects (Munasto, 2022; Rangkuti, 2023). One of the crucial issues that arise in the implementation of the death penalty is the legal uncertainty in the execution mechanism and the psychological impact experienced by death row inmates during the execution waiting period (Muhammad, 2023).

Positive law in Indonesia recognizes the existence of death penalty, as stipulated in the Criminal Code (KUHP) CHAPTER II, Article 10 regulates the types of punishment, which consist of principal punishment and additional punishment (Daipon, 2021; Munasto, 2022). Death penalty is a type of main punishment that ranks first. Death penalty has been known since the kingdoms before the Dutch colonization in Indonesia (Hendriana et al., 2022). On the other hand, the mechanism for the execution of death penalty in Indonesia does not have a standardized standard, which raises various legal issues (Muslikin, 2022). The unclear procedures, the long waiting period for execution, and the lack of transparency in the implementation of executions can cause legal uncertainty for death row inmates (Lubis & Margaini, 2022). This is contrary to the principle of due process of law which requires that every legal process, including the execution of the death penalty, be carried out fairly, clearly, and in accordance with applicable regulations (Yulianto et al., 2023).

In addition to the legal certainty aspect, the prolonged waiting period for execution also has a serious psychological impact on death row inmates (Muhammad, 2023; Sipayung et al., 2023). This phenomenon is known as the death row phenomenon, which is a condition in which death row inmates experience deep mental suffering due to the uncertainty of execution time and protracted psychological pressure. In the context of human rights, this condition can be categorized as a form of psychological torture, which demands the responsibility of the state in providing protection for the rights of death row inmates, even though they have been sentenced to death (Dewanto & Susanti, 2023).

The state as the authorized party in carrying out the execution of the death penalty, has the responsibility to ensure that the execution of the death penalty is carried out in accordance with the principles of legal certainty and without causing

excessive suffering to the convicted person (Lubis & Margaini, 2022; Manoppo, 2023). Therefore, clear standardization is needed in the death penalty execution mechanism to avoid legal uncertainty, as well as a more humanist policy in handling the psychological condition of convicts during the execution waiting period (Harefa, 2022).

Legal certainty regarding the case of death row inmate Aris Setiawan, which has emerged in the community, namely in the case of the murder of a family in 1997 which was tried at the Surabaya District Court, with the submission of clemency on February 6, 2006, which until now has not been executed (Daipon, 2021). The waiting period that has been so long since the verdict has been *inkracht* (legally binding) has certainly caused a dilemma for the psychic of death row inmates regarding the execution that will be carried out (Anugrah & Desril, 2021). The psychological condition of death row prisoners waiting so long in uncertainty (Cahyani et al., 2023).

Although there is a possibility for death row inmates to obtain commutation of sentences, the mental and physical health situation in the waiting period for the execution of the death penalty itself is considered to have an adverse impact and can be a form of torture, pressure, and inner thoughts of death row inmates (Harefa, 2022; Manoppo, 2023; Muntafa & Mahmud, 2023). The condition that occurs when the death penalty decision obtains permanent legal force (*inkracht*) during the detention period until execution, becomes a long fear of uncertainty combined with the condition of the detention center or correctional institution (Muhammad, 2023).

In the 2023 reporting period, there were two cases that were prosecuted and/or sentenced to death for the third time, namely on behalf of the defendant Ridho Yudiantara Bin Zulkahfi Manaf Alias Edo and on behalf of the defendant Satria Aji Andika Bin Ismail Efendi Alias Aji. Both committed repetition of the same criminal offense, namely narcotics crimes. The defendant Satria Aji Andika Bin Ismail Efendi Alias Aji was charged with the death penalty for the third time in 2023, previously he had been sentenced to death in 2017 and 2021. Furthermore, the defendant Ridho Yudiantara Bin Zulkahfi Manaf Alias Edo, was charged with the death penalty for the third time in 2023, previously he had been sentenced to death in 2017 and 2021. There is also a case where the judge acquitted the defendant who was previously charged with the death penalty, namely in a narcotics case on behalf of the defendant Ilham Sirait Alias Kecap with case number 177/Pid.Sus/2023/PN Kis (Mahkamah Agung, 2023).

The Panel of Judges at the Kisaran District Court stated that the public prosecutor could not prove the criminal offense charged to the defendant (Halim, 2023). This was because based on the evidence presented by the public prosecutor, there were no witness testimonies that were interconnected with one another to prove the criminal acts committed by the defendant, however the acquittal verdict was later changed by the Supreme Court to 20 years imprisonment after the public prosecutor filed an appeal (Siregar, 2022). Positive law in Indonesia recognizes the existence of death penalty, as stipulated in the Criminal Code (KUHP) CHAPTER II, Article 10 regulates the types of punishment, which consist of principal punishment and additional punishment (Daipon, 2021; Munasto, 2022). Death penalty is a type of main punishment that ranks first. Death penalty has been known since the kingdoms before the Dutch colonization in Indonesia (Hendriana et al., 2022).



**Figure 1.** Comparison of Number of People on Death Row in 2017 to 2023  
Source. (Direktorat Jenderal Pemasyarakatan, 2023)

During the period 2022 to October 2023 there were an additional 81 people (19%) who were on death row in Indonesia. This 19% addition can be said to have increased compared to the addition ratio in 2021-2022 which was only 6%. Overall per year, the highest addition fell in the 2017-2018 period by 33%, followed by the 2019-2020 period by 30%, and the 2018-2019 period by 25%. The total number of death row prisoners currently on death row in Indonesia as of October 19, 2023 is 509 people (Appleby & Lynch, 2021; Direktorat Jenderal Pemasyarakatan, 2023).

The New Criminal Code will come into force in early January 2026. Article 621 of the New Criminal Code mandates that all implementing regulations mandated by the New Criminal Code must be completed within 2 (two) years after ratification, namely a maximum of January 2025 (Yulianti *et al.*, 2022). Several new mechanisms introduced by the New Criminal Code including death penalty require several implementing regulations for its implementation. Based on the provisions of Article 100 and Article 98 of the New Criminal Code, the imposition of death penalty under the provisions of the New Criminal Code is given with a probation period of 10 years (Prasetio *et al.*, 2023; Yudhistira, 2023). Furthermore, the execution of death convicts is automatically postponed until the completion of the probation period. After the probation period ends, the death convict will undergo an assessment process that can determine the granting of commutation or changes in the sentence against him from death penalty to life imprisonment (Insani *et al.*, 2023; Novianti, 2023; Siregar, 2022).

In comparison, the provision of life imprisonment is explicitly stated in Article 69 paragraph (2) of the New Criminal Code that the procedure for its change to 20 years of imprisonment will be regulated by Government Regulation (Insani *et al.*, 2023; Jumiati & Ash-Shidiqqi, 2022). This explicit mandate is not found in the death penalty provision in the New Criminal Code. Nevertheless, there is a need to regulate the procedures for changing death penalty to life imprisonment in a more technical regulation at the level of Government Regulation as for the provision of life imprisonment (Indra *et al.*, 2023; Tushnet, 2021).

There are at least three forms of mechanisms that need to be specifically regulated related to the procedures for changing death penalty into life imprisonment. First, an automatic commutation mechanism through the issuance of a Presidential Decree for death convicts who have been rejected for clemency and not executed up to 10 years since the rejection when the New Criminal Code comes into force (Mahkamah Agung, 2023). Second, a commutation mechanism that is automatically granted after a 10-year probation period for every person sentenced to death after the enactment of the New Criminal Code who meets the provisions, namely showing commendable attitudes and actions during the probation period. Third, the commutation mechanism for people sentenced to death who are already in the execution waiting period when the New Criminal Code comes into effect, including those who have been waiting for more than 10 years or who have never applied for clemency (Reekie & Reekie, 2021). The application of the death penalty in Indonesia often generates controversy, both from the legal aspect, human rights, and the execution process (Situmorang & Koncoro, 2024). One of the main problems is the absence of clear standards in the execution mechanism. This creates legal uncertainty, both for death row inmates, their families, and law enforcement officials (Javier, 2024; Nafizah Zh, 2022).

The uncertain waiting period for execution can cause serious psychological disturbances for death row prisoners (Harefa, 2022). Prolonged anxiety and uncertainty about the time of execution are often associated with a condition called "Death Row Phenomenon", which results in depression, acute stress, and even other mental disorders (Fauzi, 2021; Iqsandri & Utama, 2021). As a state of law, the government has the responsibility to guarantee the basic rights of every individual, including those sentenced to death (Daipon, 2021). On the other hand, their right to life has been revoked based on legal decisions, the humanitarian aspect in the execution process must still be considered (Ula, 2021). If the state is indifferent to death row prisoners experiencing psychological suffering due to the uncertainty of execution, then there is a potential for state responsibility in the form of compensation or other mechanisms that ensure more humane treatment (Pradani & Tan, 2022).

The death penalty is the most severe form of punishment given by the state against certain criminals. In Indonesia, the death penalty is still applied in cases such as narcotics, terrorism, and other serious crimes (Amelia, 2024). However, in its implementation, there are various problems that arise, especially related to legal certainty and standard execution mechanisms. One of the problems that often occurs is the unclear time of execution, which has a significant impact on the psychological condition of death row inmates (Gerald *et al.*, 2024; Kusuma, 2023). This problem raises questions regarding the extent to which the state has responsibility for the psychological suffering experienced by death row inmates during the waiting period for execution (Laila, 2021; Novianti, 2023). Therefore, there is a need for standardization in the implementation of death penalty executions to guarantee legal certainty and ensure that the state does not violate the human rights of death row inmates (Usman & Agustanti, 2021).

## 2. RESEARCH METHOD

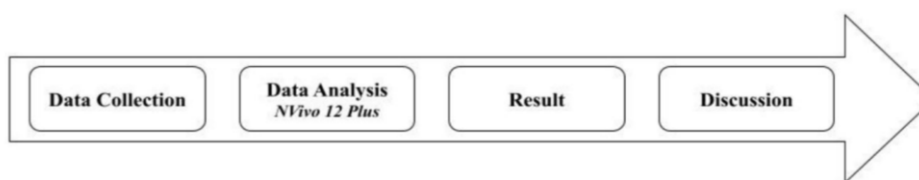
To find out the protection of human rights, especially related to the uncertain waiting period for execution that can cause serious psychological disorders for death row inmates, as a reference, analyze the legal norms governing the state's responsibility, namely the government has the responsibility to guarantee the basic rights of every individual, including death row inmates. Even though their right to life has been revoked based on a legal decision, the humanitarian aspect in the execution process must still be considered.

Furthermore, this research will try to see how the state has responsibility for the psychological suffering experienced by death row inmates during the execution waiting period. Data related to death penalty policy situation report in Indonesia. In addition, the characteristics of the research problem are the main motive for researchers to apply the network content analysis research method as a method of analyzing network content and explaining research problems in depth (Adhi et al., 2023; Sianturi, 2023).

**Table 1.** List of Supreme Court Decisions related to death penalty decisions

No	Name	No	Name
1	Supreme Court Decision Number 423/PID.SUS/2024/PT TJK	9	Supreme Court Decision Number 13/PID/2023/PT DPS
2	Supreme Court Decision Number 1326/Pid.B/2024/PN Plg	10	Supreme Court Decision Number 290/PID.SUS/2022/PT DKI
3	Supreme Court Decision Number 658/Pid.B/2024/PN Bkn	11	Supreme Court Decision Number 9/Pid.B/2022/PN Mnd
4	Supreme Court Decision Number 208/Pid.B/2024/PN Bjn	12	Supreme Court Decision Number 137/Pid.B/2022/PN Amb
5	Supreme Court Decision Number 327/Pid.B/2024/PN Gsk	13	Supreme Court Decision Number 74/Pid.B/2022/PN Wno
6	Supreme Court Decision Number 108/Pid.B/2023/PN Yyk	14	Supreme Court Decision Number 24/Pid.Sus/2023/PN Tbk
7	Supreme Court Decision Number 2899 K/Pid.Sus/2022	15	Supreme Court Decision Number 2/Pid.Sus-Anak/2019/PN Bms
8	Supreme Court Decision Number 147/Pid.B/2023/PN Tlk		

Source. (Mahkamah Agung, 2023)



**Figure 2.** Research process

The data used in this study are case decisions that have a death sentence by reviewing the website of the Directorate General of Corrections (Ditjen PAS) of the Indonesian Ministry of Law and Human Rights (Kemenkumham) <https://sdppublik.ditjenpas.go.id/>, which refers to cases related to death row decisions, with court case decisions issued by the Supreme Court of the Republic of Indonesia, which have been inkracht from 2019-2024 (Table 1). Then conduct a statutory study approach (Statute Approach) and case approach (Case Approach) which is one type of approach in normative legal research to build legal arguments, by taking secondary data on fifteen Supreme Court decisions (Zulkifli, 2022).

Furthermore, Figure 2 shows the stages of data analysis research by carrying out the following process: (1) data collection through the Supreme Court website (<https://www.mahkamahagung.go.id/> id starting from December 21, 2024 to December 28, 2024), data sources from government reports, articles, and report products on the situation of the death penalty policy in Indonesia including legal arrangements, education, and law enforcement; (2) data collected from each source; (3) data collected using NVivo 12 plus software; (4) the next stage is data visualization as study material to be studied and discussed using NVivo 12 plus software (Purnomo et al., 2024).

### 3. RESULTS AND DISCUSSION

#### 3.1 The Nature of Death Penalty Implementation in Indonesia

Since Indonesia proclaimed its independence on August 17, 1945, death penalty has only been imposed on 6 (six) cases qualified as premeditated murder (Chasanah, 2021). The history of death penalty has been known before the V.O.C era, then this punishment was continued with various changes in its form and implementation. The death penalty was first consolidated in Indonesia in 1808 under the order of Governor Daendles through a regulation on law and justice which regulates the administration of the death penalty as the authority of the Governor General with various methods (Cahyani et al., 2023; Helmi & Refriani, 2022)

The history and formation of the W.v.S. N.I. has been transformed through Law Number 1 of 1946 Jo Law Number 73 of 1958 so that it is now the W.v.S. However, it cannot be forgotten that the W.v.S. N.I. is essentially the Dutch W.v.S. based on the Concordance Principle (Abadi, 2021; Chasanah, 2021). The principle stated in Article 131 paragraph 2 sub a I.S., was applied later with some changes in Indonesia at that time, even though the death penalty in the Netherlands was abolished in 1870. Axiology in death penalty discusses the issue of justice value considering the interest of the State of Indonesia in protecting its citizens because Indonesia is a state of law as stipulated in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the fourth amendment and the law referred to is "Rechtsstaat" (Helmi & Refriani, 2022). Not

based on mere power (*machtstaat*) means that all life of the nation and state and society must be based on law, and the implementation of the law itself contains “rights, obligations and prohibitions”.

Death penalty is not something new in human history. Human rights activists often clash death penalty with human rights, this is based on literature, criminal law is a public law because the imposition of punishment is imposed to defend public interests, its implementation is fully in the hands of the government, regulating the relationship between individuals and the state (Insani et al., 2023; Siregar, 2022). Criminologically, it is difficult to maintain death penalty, and not only that, it is also doubtful about its benefits. Article 28G Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, affirms that “Every person has the right to be free from torture or degrading treatment and has the right to obtain political asylum from other countries.” With legal uncertainty, it has implications for the mental health of death row inmates, putting them under prolonged psychological pressure is a form of torture received by death row inmates (Gerald et al., 2024; Javier, 2024; Tobing, 2023).

Regarding decisions that when they are legally binding, convicted persons still could file extraordinary legal remedies. Extraordinary legal remedies consist of Cassation Examination in the interest of law and Judicial Review (PK) (Novianti, 2023). Ordinary legal remedies and extraordinary legal remedies are strictly regulated in KUHAP. Not only that, the efforts that can be made by convicts are also regulated outside the KUHAP, including the granting of clemency, amnesty, and abolition. The discussion in this sub-chapter on the implementation of the death penalty execution, the operation of legal institutions by law enforcement officials in the implementation of the death penalty is described in the **Table 1**.

**Table 1.** Legal Structure of Death Penalty Execution Implementation

Institution	Authority	Basic Law
Ministry of State Secretariat (PRESIDENT)	The government through the Ministry of State Secretariat (Kemensetneg) is tasked with organizing technical and administrative support as well as analysis of government affairs in the field of state secretariat to assist the President and Vice President in organizing state administration, including in terms of filing clemency applications.	Presidential Decree Number 104 of 1998 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the State Secretariat.
Supreme Court (COURT)	Imposing a death penalty verdict.	a. Law Number 4 of 2004 concerning Judicial Power. b. Criminal Procedure Code (KUHAP)
Ministry of Law and Human Rights (CORRECTIONAL FACILITY)	Placement and Service of Death Row Prisoners	Law Number 12 Year 1995 on the Correctional Institution
Attorney General (EXECUTOR)	Determine the time and place of death penalty execution	a. Prosecutor's Law b. KUHAP c. Presidential Decree Number 2 Year 1963
Indonesian Police	Executor of death penalty imposed based on a judge's verdict that has permanent legal force.	a. Presidential Decree Number 2 Year 1963 b. National Police Chief Regulation Number 12 Year 2010

Source. (Direktorat Jenderal Pemasyarakatan, 2023)

The conditions for the imposition of death penalty with a waiting period, during the discussion process, attracted a lot of criticism from civil society, who considered that the conditions written were not conditions for imposing death penalty with a waiting period, but were conditions for not imposing death penalty at all. Things that must be considered by the Judge, namely, the defendant's remorse and there is hope to improve himself; or the defendant's role in the crime, but at that time, the imposition was still with the word “may” which made it dependent on the judge's decision (Tobing, 2023). The right to life, which is a human right that cannot be diminished under any circumstances, is expressly regulated in the Constitution of the Republic of Indonesia through Article 28A and Article 28I paragraph 1 (Charry Dwi, 2023; Khairani, 2024). In accordance with this arrangement, the ICCPR also calls for the right to life to be inherent in every individual and a right that must be protected. However, Article 6 paragraph (2) of the Covenant on Civil and Political Rights explained that the death penalty can only be applied to the most serious crimes (Situmorang & Koncoro, 2024).

### 3.2 State Liability for Psychological Torture (Death Row Phenomenon) in the Death Penalty Waiting Period

State liability means that the state will provide compensation (reimbursement) for any loss or damage that arises and occurs, which is caused directly or indirectly, materially or mentally to citizens, because of the use of public authority. Claims for compensation for losses suffered by a person or group of people as a legal subject caused by the actions of a person or an agency/institution through the court are rights protected by law. The entry point for damage claims is generally based on “Unlawful Acts (*onrechmatige daad*)” or “Default (*wanprestatie*)” by filing a lawsuit in court.

The occurrence of legal uncertainty in carrying out the execution of the death penalty, will lead to public distrust of the law. The implementation of the functions of correctional institutions and death convicts who are under the guidance of the Correctional Institution. Based on Article 1 point 3 of Law Number 12 of 1995 concerning Corrections, it is defined that what is meant by Correctional Institution (LAPAS) is a place to carry out the guidance of prisoners (Hardianti, 2023; Insani *et al.*, 2023). Meanwhile, a convicted person is someone who is convicted based on a court decision that has obtained permanent legal force (*inkracht*). Prisoners are convicts who are serving the punishment of loss of independence in LAPAS, therefore, LAPAS essentially only functions to carry out guidance for convicts who are serving the punishment of loss of independence. Meanwhile, according to Article 10 of the Criminal Code, the types of punishment for loss of freedom include imprisonment (both life imprisonment and temporary imprisonment) and confinement. However, in reality, LAPAS is also inhabited by convicts who are sentenced to death and/or who have the status of state detention center.

On the other hand, this fact means that LAPAS has performed functions that exceed its main function, which is to provide guidance to prisoners. This issue raises problems from the aspect of regulations that are the basis for the service of death row inmates because the provisions on death penalty services have no specific regulations, while the provisions on prisoner services already have regulations, namely regulated in the Regulation of the Minister of Justice of the Republic of Indonesia Number M. 04. UM.01.06 of 1983 concerning Procedures for Placement, Treatment of Detainees and Rules of Order of the State Detention Center. The definition of coaching in general is a process of using people, equipment, money, time, methods, and systems based on certain principles to try to achieve predetermined goals with the greatest possible effectiveness and results. Another definition of “coaching” is all efforts or actions that are directly related to the planning, preparation, development or development, direction, use and control of something in an efficient and effective manner.

The issue of death row convicts is the placement and services that must be carried out by the correctional center before the death row convict is executed, because before the death row convict is executed, it means that the person concerned is a living human being who naturally still has rights that must be protected, such as the right to obtain physical and health care services until the person concerned is executed, including getting his rights (Abdilah *et al.*, 2022; Halim, 2023). If the death penalty is still implemented, the state is obliged to ensure that convicts are protected from the phenomenon of such a long waiting period. In general, it may be a natural thing if death convicts experience stress while waiting for and leading up to the execution. On the other hand, due to limited human resources and funds, as well as management capabilities, the coaching that has been carried out so far is only based on efforts to prevent death row inmates from being stressed or escaping or re-offending in the correctional facility (Cahyani *et al.*, 2023; Harefa, 2022). Therefore, the development steps are equated with mental and spiritual development for other prisoners or detainees. As a result, there are several people sentenced to death who experience mental health problems (Lubis & Margaini, 2022). The absence of guidelines is interpreted as a normal thing by the LAPAS due to the limited ability of the government to manage LAPAS, which are quite numerous and varied. In addition, it can also be interpreted that the mental health of death row prisoners is not considered important to maintain, compared to physical health (Abadi, 2021; Cahyani *et al.*, 2023).

The waiting period in the implementation of a protracted execution can make concentration divided, how not when the execution date is unclear or protracted. The waiting period in the implementation of a protracted execution is the same as slowly killing the death row inmate, like a silent killer, because as an example we know the execution on the 1st and approaching that day, the convict already has no spirit of life, but because the execution is postponed, the more the convict's mood is played (Kusuma, 2023).

The pro-con debate regarding the waiting period for death penalty executions will not violate human rights if the execution is carried out immediately since the verdict is legally binding. However, as we know, the execution of the death penalty in Indonesia is only carried out after the convict has taken legal remedies (appeals, clemency applications and judicial review) and served years of punishment, the execution is still delayed (Javier, 2024; Kusuma, 2023; Nafizah Zh, 2022). Human rights are said to be “inherent” because they are owned by everyone due to their birth nature as human beings, and not because they are granted by any power organization, while they are said to be “universal” because these rights are declared as part of humanity, regardless of skin color, gender, age, and cultural background, religion, or belief (Amelia, 2024; Fauzi, 2021; Pradani & Tan, 2022).

The problem of psychological distress experienced by people sentenced to death will not be resolved or cured. Not all people sentenced to death have the endurance or ability to overcome the problems of psychological distress they experience on their own (Cahyani *et al.*, 2023; Hendriana *et al.*, 2022). Death row inmates are generally more likely to spend their time in silence and continue to imagine the death they will face, which can result in death row inmates being depressed. Therefore, it is not mandatory for death row inmates to participate in coaching programs during the waiting period for execution in correctional facilities.

## 4. CONCLUSION

Juridically, seeing legal uncertainty in the implementation of death penalty executions not only creates problems in the criminal justice system, but also has an impact on the psychological condition of death row inmates. Therefore, a clear standardization of execution procedures is needed so that its implementation remains within the corridors of the law and human rights principles. Legal certainty is not only in the form of articles in the law, but there is consistency in the judge's decision for similar cases that have been decided. The time limit for the execution of death penalty that is not strictly regulated results in the waiting period undertaken by death convicts far from the meaning of certainty and justice in the implementation of death penalty. There are several negative impacts received by death convicts, one of which is receiving double punishment, namely imprisonment and death penalty, even though the maximum imprisonment is 20 years. The state also has the responsibility to ensure that death convicts do not experience excessive psychological suffering due to the uncertainty of execution. If the state fails to provide this protection, then there is a legal basis to hold the state accountable for the inhumane treatment of death row inmates. Human rights protection must be given to everyone without any human distinction. As a form of Indonesia's active realization in providing universal human rights protection.

## RECOMMENDATIONS

Future research should focus on standardizing execution procedures to ensure legal certainty and compliance with human rights principles. Studies on judicial consistency in death penalty sentencing are needed to address disparities in verdicts, while research on time limit regulations can help prevent excessive psychological suffering among death row inmates. Additionally, investigations into state accountability for humane treatment and the mental health impact of prolonged death row confinement are crucial. Further research on Indonesia's role in global human rights protection can also provide insights into potential legal and policy reforms regarding capital punishment.

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## AUTHOR'S CONTRIBUTIONS

All authors discussed the results and contributed to from the start to final manuscript.

## CONFLICT OF INTEREST

The authors declare that they have no competing interests.

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