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The Problematics of Implementing Conditional Death Penalty Under Indonesia's National Criminal Code: A Case Study of the Premeditated Murder of Baladiva Nisrina Maheswari

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Abstract

The introduction of conditional death penalty under Indonesia's National Criminal Code represents a significant transformation in the national criminal sentencing system. Through Law No. 1 of 2023 concerning the Criminal Code, as amended by Law No. 1 of 2026 concerning Criminal Penalty Adjustment, capital punishment is positioned as a special sanction accompanied by a ten-year probationary period. Although this mechanism seeks to balance retributive and rehabilitative objectives, its implementation raises questions concerning legal certainty, judicial discretion, institutional authority, and the protection of victims' interests. This study examines the regulation of conditional death penalty from the perspectives of legal certainty and justice and investigates its implementation in the premeditated murder case of Baladiva Nisrina Maheswari. The research employs a qualitative socio-legal approach combining statutory analysis, case analysis, documentary research, and semi-structured interviews with relevant legal practitioners and academic experts. Particular attention is given to the application of criminal law over time, the amended provisions of Articles 99–101 of the National Criminal Code, and the judicial reasoning underlying the imposition of conditional death penalty. The study aims to identify normative and institutional challenges in implementing conditional death penalty and develop recommendations for transparent, measurable, and accountable assessment procedures. The research is expected to contribute to the development of Indonesian criminal law by establishing a more coherent relationship between legal certainty, substantive justice, rehabilitation, and victims' rights.

Keywords: *Conditional Death Penalty; National Criminal Code; Legal Certainty; Substantive Justice; Criminal Law Reform; Indonesia*

1. INTRODUCTION

The death penalty is one of the most contentious forms of punishment in modern criminal justice systems and raises profound questions about the nature of state power, individual rights, criminal responsibility and the very purpose of punishment. The proponents of the death penalty will typically point to retributive justice, proportionality and the need to protect the public from the most heinous of crimes. The opponents will focus on the irreversible nature of the punishment, the risk of miscarriage of justice and its impact on human dignity and the right to life. The fact that these are such diametrically opposed views shows that the question of whether the death penalty is legitimate cannot be settled simply by reference to the seriousness of the offence. It has to be considered in the light of the process by which it is administered and the safeguards that are in place (Badaru, 2023; Harmain et al., 2025; Bhismaning & Hariyanto, 2026).

In Indonesia the passage of Law No. 1 of 2023 on the Criminal Code is a significant step in the evolution of national criminal law. The National Criminal Code repositions the death penalty as a special punishment which is to be applied alternatively and is to be considered as a last resort. This is clearly a shift in the philosophy of punishment to one that is more balanced in its consideration of retribution, rehabilitation and humaneness. The fact that the death penalty is still retained in the new code however means that Indonesia has not fully moved to an abolitionist position. The legislature has simply introduced a mechanism which is designed to limit the application of the death penalty. (Republic of Indonesia, 2023; Timur, 2023; Hapsari et al., 2026)

One of the most significant innovations in the National Criminal Code was the conditional death penalty mechanism under Article 100. The original provision provided for a 10 year probationary period and allowed for the death sentence to be converted into a life sentence or a fixed term under certain conditions. Law No. 1 of 2026 on Criminal Penalty Adjustment then amended the relevant provisions on the death penalty (Articles 99, 100 and 101). The amended Article 100 provides that the 10 year probationary period shall commence one day after the judgment has acquired finality. If the convicted person during the probationary period has demonstrated good conduct and good attitude, the death sentence may be converted into a life sentence by a Presidential Decree following consideration by the Supreme Court. The provision also expressly prohibits the execution of the death penalty during the probationary period (Republic of Indonesia, 2023 as amended by Law No. 1 of 2026; Bhismaning & Hariyanto, 2026).

Despite this legislative development the mere existence of a statutory mechanism does not in itself ensure any degree of legal certainty as to how it will be implemented. One of the key problems is the interpretation of the phrase "commendable attitudes and conduct" as a condition for the conversion of the death penalty to life imprisonment. The lack of sufficiently detailed and measurable criteria for assessment may lead to a range of different interpretations by the various institutions which are responsible for assessing the conduct of the convicted person. The result could be that the conversion mechanism is subject to a great deal of administrative discretion and the treatment of convicted persons in comparable circumstances may be inconsistent (Lim et al., 2026; Hasibuan et al., 2026; Montolalu et al., 2026).

The issue of legal certainty is of course intimately connected with the principle of justice in sentencing. A legitimate sentencing regime must ensure that the punishment is proportionate to the gravity of the offence, the degree of culpability and the relevant circumstances of the offender. It must also recognise the rights and interests of the victims and their families, especially in the case of intentional homicide. A rehabilitation mechanism is not therefore to be read as in any way erasing the principle of accountability or as minimising the suffering of the victims and their families. The issue is rather one of establishing a sentencing mechanism which can accommodate the interests of the offender, the victims and society in a coherent way as part of a system of substantive justice (Firdaus & Harahap, 2024; Lim et al., 2026; Harmain et al., 2025).

This is particularly pertinent in the case of the premeditated murder of Baladiva Nisrina Maheswari. Muhammad Gunawan was found guilty by the Kendal District Court on 4 February 2026 and sentenced to death with a ten year probationary period. The incident in question took place in Kedungsuren Village, Kendal Regency on 29 July 2024. As per the prosecution's version of events (Radio Republik Indonesia, 2026), the offence arose out of a dispute with the victim over her refusal to continue the relationship. The defendant was found guilty of premeditated murder under Article 459 of Law No. 1 of 2023 (Pengadilan Negeri Kendal, 2026; Radio Republik Indonesia, 2026).

The Baladiva case is of significance in that the offence in question took place prior to the commencement of the National Criminal Code, the judgment however was delivered after the National Criminal Code and Law No. 1 of 2026 had come into force. That creates a very real issue as to the application of criminal law over time. Specifically, the issue of the relationship between the old Criminal Code, Article 3 of the National Criminal Code and the principle of lex favor reo must be considered in order to determine whether the application of the new code actually leads to a more favourable outcome for the defendant. That is a necessary inquiry in order to ensure that the imposition of a conditional death sentence is in accordance with the principle of legality and the relevant transitional provisions (Republic of Indonesia, 1946; Republic of Indonesia, 2023; Republic of Indonesia, 2026; Bhismaning & Hariyanto, 2026).

Prior work has looked at conditional death penalty from a number of normative, philosophical and human rights angles. Timur (2023) looks at the evolution of the death penalty provisions in the National Criminal Code. Firdaus and Harahap (2024) look at the importance of the prisoner's attitude and conduct as a condition for the modification of the death sentence. Paslima et al. (2024) look at the ethical and philosophical aspects of conditional death penalty, with a particular focus on the conflict between the need for punishment and the need for a humane approach. These are all important pieces of work in terms of understanding the legislative rationale and the philosophical underpinnings of the conditional death penalty mechanism (Timur, 2023; Firdaus & Harahap, 2024; Paslima et al., 2024).

More recent work has been concerned with the implementation issues of the ten year probationary period. Lim et al. (2026) point to normative vagueness in relation to the assessment of good conduct and suggest that the lack of objective criteria may lead to legal uncertainty and an excessive degree of administrative discretion. Montolalu et al. (2026) likewise stress the importance of institutional coordination, standardised procedures for assessment and clearly defined mechanisms for the execution of the death sentence. Bhismaning and Hariyanto (2026)

examine the interplay between the conditional death penalty, the principle of lex favor reo and the transitional legal arrangements that would follow the introduction of the National Criminal Code. The work of all three authors confirms that the implementation of the conditional death penalty remains a significant issue in current Indonesian criminal law scholarship (Lim et al., 2026; Montolalu et al., 2026; Bhismaning & Hariyanto, 2026).

There's still a research gap in respect of the relationship between the revised statutory regime and its actual application in a real premeditated murder case. The bulk of the existing literature has been concerned with the normative interpretation of the regime, the assessment of the merits of the regime in terms of good practice and the general impact on human rights and legal certainty. There is a need for further research to examine the interaction between judicial reasoning, the prosecutorial view, institutional practice and the interests of the victim in the operation of the regime. The Baladiva case offers a useful opportunity to do this, given that the offence in question predates the effective date of the National Criminal Code and the judgment is one that was delivered under the amended criminal sentencing regime (Lim et al., 2026; Bhismaning & Hariyanto, 2026; Montolalu et al., 2026).

The novelty of this study is in its integrated normative and empirical analysis of conditional death penalty via a particular case of premeditated murder. Previous studies have tended to be either focused on the construction of Article 100 or on the broader human rights implications of the death penalty. This study is in a sense the first to bring together the application of criminal law over time, the reasoning of the courts, the institutional implementation and the interests of the victims in a single framework. Its contribution is to determine whether the new legal framework provides adequate procedural safeguards and objective criteria to ensure that the application is consistent and accountable. It is therefore not just an exercise in descriptive analysis of the conditional death penalty but one which is also intended to contribute to the development of a more transparent and fair implementation model (Lim et al., 2026; Hasibuan et al., 2026; Bhismaning & Hariyanto, 2026).

On the basis of the above, the study looks at two research questions. First, how is conditional death penalty regulated under Indonesia's National Criminal Code from the perspectives of legal certainty and justice? Second, what legal and practical problems arise in the implementation of conditional death penalty in the premeditated murder case of Baladiva Nisrina Maheswari from the perspectives of legal certainty and justice? The research aims to evaluate the statutory framework, examine its implementation in the selected case, and formulate recommendations for strengthening legal certainty and substantive justice in Indonesia's criminal sentencing system.

2. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Conditional Death Penalty under Indonesia's National Criminal Code

Conditional death penalty is a mechanism whereby the imposition of the death penalty is subject to a period of probation and the satisfaction of certain statutory requirements. In Indonesia this is one of the mechanisms under the wider reform of sentencing introduced by Law No. 1 of 2023. The death penalty is a special penalty which is imposed in the alternative, a mechanism which is intended to limit its application and to recognise the importance of the humanistic dimension in sentencing (Republic of Indonesia, 2023; Timur, 2023; Paslima et al., 2024).

The amended Article 100 of the National Criminal Code provides for a 10 year probationary period which commences one day after the judgment has acquired finality. If the person so convicted behaves in a satisfactory manner during that period, the death sentence will be converted into a sentence of life imprisonment by Presidential Decree following consideration by the Supreme Court. The amended provision also prohibits the carrying out of the sentence during the probationary period. This is to be distinguished from the original Article 100 which had different provisions with respect to the conditions and consequences of the probationary mechanism (Republic of Indonesia, 2023 as amended by Law No. 1 of 2026; Bhismaning & Hariyanto, 2026).

Article 101 also provides for a separate mechanism whereby a death sentence can be converted into a life sentence under certain circumstances where the death sentence would not be carried out as a result of the rejection of clemency. This is a distinct mechanism from the conditional death penalty mechanism under Article 100 and should not be confused with it as it relates to a completely different set of circumstances and establishes a different legal pathway for the change in the status of the convicted person (Republic of Indonesia, 2023 as amended by Law No. 1 of 2026; Bhismaning & Hariyanto, 2026).

2.2. Legal Certainty

Legal certainty is a cornerstone of the rule of law and requires that the law be clear, accessible, consistent and sufficiently predictable. In the context of criminal law it is of particular importance as the state is exercising a coercive power through the imposition of criminal sanctions. The principle of legality thus requires not only a clear

statutory basis for criminal liability but also a sufficiently predictable framework in which the imposition, modification and execution of punishment may occur (Republic of Indonesia, 1945; Republic of Indonesia, 2023; Bhismaning & Hariyanto, 2026).

In the context of conditional death penalty, legal certainty would include the clarity of the statutory requirements, the length of the probationary period and when it starts, the authority of the institutions involved in the assessment process and the process for conversion of punishment. The lack of objective criteria as to what constitutes good conduct and good attitude could lead to divergent interpretations and thus a lack of consistency in the application of the law. This lack of certainty is particularly problematic given that the outcome is the potential for execution or conversion of a punishment which is in any case irreversible (Lim et al., 2026; Hasibuan et al., 2026; Montolalu et al., 2026).

2.3. Justice and the Objectives of Criminal Punishment

Justice in criminal sentencing cannot be judged simply by the harshness of the sentence. It has to take into account proportionality, the individual culpability of the offender, the circumstances of the offence, the interests of the victim and the possibility of rehabilitation. The evolution of Indonesian criminal law via the National Criminal Code is an example of an attempt to achieve a range of objectives in the sentencing process (Republic of Indonesia, 2023; Paslima et al., 2024; Harmain et al., 2025).

This research looks at justice through three interlocking lenses. There's retributive justice which is about the proportionality between the offence and the punishment. There's rehabilitative justice which is about the potential for change and the reintegration of the offender. And then there's victim justice which is about the recognition of the victim's suffering, the protection of the victim's family and the availability of appropriate redress. These three dimensions form the basis of the analysis of whether the conditional death penalty mechanism is capable of balancing the interests of all the parties concerned (Firdaus & Harahap, 2024; Lim et al., 2026; Harmain et al., 2025).

2.4. The Relationship between Legal Certainty and Substantive Justice

Legal certainty and justice should not be seen as two opposing objectives. A clear legal regime is the basis for consistent treatment and substantive justice ensures that the rules of the regime are applied in a way that is appropriate to the circumstances of the individual case. This is particularly pertinent in the context of conditional death penalty cases where the assessment of a person's conduct will inevitably involve a degree of institutional discretion with potentially very significant consequences for the person's status (Lim et al., 2026; Bhismaning & Hariyanto, 2026).

So the study makes use of legal certainty and substantive justice as two complementary analytical lenses. Legal certainty is used to assess the degree of clarity, consistency and procedural predictability of the relevant provisions. Substantive justice is used to assess the proportionality of the punishment, the extent to which the interests of the victim are taken into account and the fairness of the mechanism for converting the death sentence into a life sentence (Hasibuan et al., 2026; Montolalu et al., 2026; Lim et al., 2026).

3. RESEARCH METHOD

This is a qualitative socio-legal study which blends normative legal analysis with empirical investigation. That is the right approach for this research as it is looking at the statutory regime of conditional death penalty as well as the way in which it is interpreted and applied by the various actors in the criminal justice system. The normative element of the study is concerned with the legislation, the law and the judicial materials. The empirical element of the study is concerned with the institutional perspectives and the practicalities of implementation, which is achieved through a series of semi-structured interviews (McConville & Chui, 2022; Lim et al., 2026).

The statutory approach is applied to Law No. 1 of 2023 on the Criminal Code (as amended by Law No. 1 of 2026), with particular reference to Articles 3, 67, 98, 99, 100 and 101. The 1945 Constitution of the Republic of Indonesia and relevant legislation on criminal procedure and correctional institutions are also taken into account. The case approach is to the decision of the Kendal District Court No. 178/Pid.B/2025/PN Kdl in the case of the premeditated murder of Baladiva Nisrina Maheswari. The purpose of the two approaches is to determine the relevant provisions of the law, the judicial reasoning and the legal consequences of the sentence (Indonesia, 1945; Indonesia, 2022; Indonesia, 2023; Indonesia, 2026).

Primary data are gathered via semi-structured interviews with informants selected on the basis of their professional standing and relevance to the research questions. Potential informants include academics in criminal law, judges or former judges, prosecutors, defence lawyers, correctional officers and representatives of the various

institutions which have a role to play in relation to victims' rights. The interviews are concerned with the interpretation of the amended provisions, the assessment of good conduct, institutional responsibilities, the application of the criminal law over time and the balance to be struck between the rights of the convicted and the interests of the victim (McConville & Chui, 2022; Braun & Clarke, 2022).

Secondary data are sourced from legislation, court judgments, academic books, peer-reviewed journal articles and relevant institutional publications. The literature review focuses on the published academic work from 2021 to 2026, with a particular emphasis on research relating to conditional death penalty, legal certainty, criminal law reform and victims' rights. This allows the study to place the Baladiva case within the context of the more recent development of Indonesian criminal law scholarship and to clearly differentiate the contribution of the present study from that of previous normative studies (Lim et al., 2026; Bhismaning & Hariyanto, 2026; Hasibuan et al., 2026).

The data are analysed qualitatively via legal interpretation and thematic analysis. The normative analysis looks at the extent to which the statutory provisions are consistent with the principles of legality, legal certainty and justice. The interview data are thematised in relation to statutory interpretation, institutional authority, the assessment process, judicial discretion and the interests of the victim. The findings from the documentary analysis and the interviews are then brought together to assess areas of convergence, divergence and practical implementation issues (Braun & Clarke, 2022; McConville & Chui, 2022).

Research integrity is ensured through proper informed consent, appropriate safeguards for the interviewees and accurate reporting of the information gathered. The identities of the informants will only be made public with their consent or in accordance with the relevant ethical guidelines. There is a clear distinction made between the official findings of the courts, the statements of the interviewees and the information that has been reported by the media. The latter is not presented as a verified finding of fact in any court. (Braun & Clarke, 2022; McConville & Chui, 2022).

4. RESULTS AND DISCUSSION

4.1. The Regulation of Conditional Death Penalty under Indonesia's National Criminal Code from the Perspectives of Legal Certainty and Justice

4.1.1. The Legal Position of Conditional Death Penalty

The National Criminal Code represents a major shift in the legal status of the death penalty. Article 67 places the death penalty in the category of special punishments to be imposed in the alternative, while Article 98 gives it the status of an exceptional punishment as a last resort. This is clearly an effort to restrict the use of the death penalty and to bring a human dimension into the national sentencing regime (Republic of Indonesia, 2023; Timur, 2023; Paslima et al., 2024).

The enactment of Law No. 1 of 2026 must be taken into account when interpreting the existing law. It amends Article 100 in relation to the commencement of the probationary period, the mechanism of conversion and the prohibition on execution during the probationary period. Hence any analysis of the conditional death penalty must be able to differentiate between the original text of Law No. 1 of 2023 and the amended text which is in force at present (Republic of Indonesia, 2026; Bhismaning & Hariyanto, 2026).

4.1.2. Legal Certainty in the Assessment of Commendable Conduct

One of the key issues in the implementation of conditional death penalty is the assessment of whether the person convicted has shown good attitude and behaviour over the 10 year period of probation. There is of course a statutory basis in Article 100 for the conversion of the death penalty to life imprisonment, but the actual application of that provision will require a much more detailed examination of the assessment criteria, the responsibilities of the institution and the process by which the decision is made (Republic of Indonesia, 2026; Lim et al., 2026).

The phrase "commendable attitudes and conduct" is itself a value-laden phrase which may give rise to some degree of interpretative uncertainty in the absence of sufficiently detailed operational criteria. Hasibuan et al. (2026) point to the lack of objective criteria as a problem in relation to the principle of lex certa. Lim et al. (2026) go further in arguing that the lack of sufficiently measurable criteria can lead to a degree of administrative discretion and inconsistent outcomes. The issues raised by these authors clearly indicate that the statutory recognition of a conditional death penalty must be coupled with procedures which are capable of constraining arbitrary interpretation (Hasibuan et al., 2026; Lim et al., 2026; Montolalu et al., 2026).

Legal certainty requires that there be clarity as to who is the body responsible for assessing the conduct of the person convicted, what evidence may be taken into account, how long and how frequently the assessment may be carried out and what the process is for the making of the recommendation and the subsequent conversion. All of these are necessary in order to ensure that the decision to convert a death sentence to life imprisonment is based on a clear and accountable process rather than some ad hoc administrative assessment (Montolalu et al., 2026; Bhismaning & Hariyanto, 2026; Hasibuan et al., 2026).

4.1.3. Conditional Death Penalty and the Principle of Justice

The introduction of a probationary period is a mechanism designed to balance the state's power to impose the death penalty with the prospect of rehabilitation. It must also be considered from the victims' perspective and the perspective of their families. A system of sentencing which is predicated on rehabilitation must not in any way minimise the gravity of the offence or the impact on the victims (Firdaus & Harahap, 2024; Paslima et al., 2024; Lim et al., 2026).

Justice therefore requires a proper balance of the interests at stake. The convicted person must be treated fairly and be afforded the opportunity to benefit from the statutory conversion mechanism where the conditions for that are met. The victim and their family on the other hand must be able to access the information, protection and legal redress that the relevant legal regime provides. The lack of an adequate victim dimension may in fact undermine the substantive legitimacy of the conditional death penalty mechanism (Lim et al., 2026; Harmain et al., 2025).

Conditional death penalty should not be read as a de facto reduction of sentence or as an automatic right to release. It must be subject to the relevant statutory requirements, to a transparent process of review and to appropriate safeguards. A fair system must ensure that the consideration of rehabilitation does not become a device for arbitrary release and that the principle of retribution is not undermined by the removal of the legal rights of the convicted (Republic of Indonesia, 2023; Republic of Indonesia, 2026; Hasibuan et al., 2026).

4.2. The Implementation of Conditional Death Penalty in the Baladiva Nisrina Maheswari Murder Case

4.2.1. Chronology and Legal Characteristics of the Case

Premeditated murder case of Baladiva Nisrina Maheswari was tried by the Kendal District Court (Case No. 178/Pid.B/2025/PN Kdl) and the judgment was handed down on 4 February 2026. The accused, Muhamad Gunawan, was sentenced to death with a 10 year probationary period. The basis of the conviction appears to be Article 459 of Law No. 1 of 2023 (Pengadilan Negeri Kendal, 2026; Radio Republik Indonesia, 2026).

The case is of particular relevance in that the alleged criminal act took place on 29 July 2024, prior to the coming into force of the National Criminal Code on 2 January 2026. The judgment was handed down after the National Criminal Code and Law No. 1 of 2026 had both come into force. That gives rise to a clear issue as to which criminal provisions are to be applied and whether the more lenient provisions of the new code may be applied (Republic of Indonesia, 1946; Republic of Indonesia, 2023; Republic of Indonesia, 2026; Bhismaning & Hariyanto, 2026).

4.2.2. The Application of Criminal Law over Time

The issue of temporal application of criminal law is at the heart of the Baladiva case. The alleged offence took place in July 2024 and the National Criminal Code came into effect on 2 January 2026. Article 3 of the National Criminal Code provides the mechanism for determining which criminal provision applies where there is a change in the law after the commission of the offence. The new law will apply unless the old law is more favourable to the offender (Republic of Indonesia, 2023; Republic of Indonesia, 2026).

Hence the application of s 459 must be considered in the light of the corresponding provision on premeditated murder under the former Criminal Code (s 340), with due regard to the maximum penalty, the sentencing options available, the criteria for imposing the death penalty and the consequences of the conditional death penalty. That is the only way to determine whether the court's application of the new Criminal Code is in accordance with the principle of legality and lex favor reo (Republic of Indonesia 1946; Republic of Indonesia 2023; Bhismaning & Hariyanto 2026).

The assessment should also be able to separate out the provision which establishes the criminal liability from the provision which deals with the form of the punishment. Article 459 is the provision which establishes the offence of premeditated murder, Article 100 is the provision which deals with the conditional death penalty. The analysis of the judgment must therefore be able to identify the basis of the conviction under the relevant provision (article 459) and the basis of the ten year probationary sentence (Article 100) as separate issues. To conflate the

two would be a misapplication of the law (Republic of Indonesia, 2023 as amended by Law No. 1 of 2026; Pengadilan Negeri Kendal, 2026).

4.2.3. Judicial Reasoning and the Imposition of Conditional Death Penalty

The imposition of the conditional death sentence in the Baladiva case is something which must be looked at very closely in terms of the court's reasoning. The court's assessment of the seriousness of the offence, the degree of culpability of the defendant, the existence of any aggravating and mitigating factors and the legal basis for the imposition of the death penalty with a probationary period are all factors which need to be considered in order to determine whether the sentence is in fact proportionate and provides for legal certainty (Republic of Indonesia, 2023; Republic of Indonesia, 2026; Bhismaning & Hariyanto, 2026).

The reasoning of the Court should also be looked at in the context of the difference between the original wording of Article 100 and the wording of Article 100 as it appears in the amended form under Law No. 1 of 2026. The judgment was handed down on 4 February 2026 so the question is what version of the statute the Court actually relied on and whether it correctly set out the legal consequences of the ten year probationary period. That can't be done on the basis of media reports alone and requires a proper analysis of the full judgment (Republic of Indonesia, 2026; Pengadilan Negeri Kendal, 2026).

4.2.4. Legal Certainty and the Commencement of the Probationary Period

From the point of view of legal certainty, a significant issue is the commencement of the ten year probationary period. Under the amended Article 100 the probationary period commences one day after the judgment has acquired final legal force. The date of the first instance judgment therefore cannot be taken as the date on which the probationary period commences if that judgment is still subject to appeal or some other available legal remedy (Republic of Indonesia, 2026; Bhismaning & Hariyanto, 2026).

This issue is particularly relevant because Radio Republik Indonesia reported that the prosecutor declared a period for consideration, while the defendant and defense counsel declared an appeal following the judgment. Therefore, the final legal status of the decision must be established before determining when the probationary period begins. The procedural status of the case is essential to assessing the defendant's legal position and the legal certainty of the sentence imposed (Radio Republik Indonesia, 2026; Pengadilan Negeri Kendal, 2026).

4.2.5. Justice for the Victim, the Family, and the Convicted Person

The case of Baladiva where the death penalty was granted conditionally, it was another area of concern regarding the justice to be delivered to the affected parties. The life extinguishing of the victim is a permanent loss which cannot be entirely compensated by any kind of legal punishment. Therefore, the criminal justice system should make efforts to make the family of the victim a party in the proceedings to get the information about what is happening, have the assurance of being safe, can participate in the proceedings as required by law and be able to seek appropriate legal remedies available to the victim (Lim et al., 2026; Harmain et al., 2025).

In the meanwhile, the person found guilty and sentenced by the court is also entitled to enjoy constitutional and procedural legal rights. Hence, the conversion of death warrant to imprisonment at hard labor must be considered in the light of legal requirements only. Any change in the sentence based on the pressure from the public opinion or subjective moral judgment is not acceptable. On its part, the criminal justice system must do the justice to victims' victims while at the same time respecting the legal rights of the person being charged.

4.3. Institutional and Procedural Difficulties of Carrying Out the Conditional Death Penalty

Carrying out the death penalty conditionally is not only about the court decision to sentence a convict to death and add a period of probation, it also necessitates an operational system to be in place for the monitoring of the person condemned through probation. The system should have the capacity to check if any of the death warrant requirements that need conversion or execution have been satisfied. Absence of a uniform set of procedures that can spell out how to determine the responsibility of different institutions and legal effects to be considered if the assessment is to be done (Montolalu et al., 2026; Lim et al., 2026; Bhismaning & Hariyanto, 2026).

It is very crucial that the implementation model be clear, provide the standards to be measured, allow continuous supervision, produce the findings for the public, and also involve different parties who are responsible for the process to work together. The whole thing is about the process of being assessed also allows a convicted person to learn about the standards and get a guarantee against arbitrary ruling in the matter. Such requirements are very important especially because the reduction of a death sentence to imprisonment changes a convicted person's situation in terms of law (Hasibuan et al., 2026; Montolalu et al., 2026).

On top of that, the framework through which death sentences are conditionally executed must also protect the interests of victims and their families. The role of the victims and their families should be defined so that their access to necessary information and right to legal protection can be ensured without letting their views replace that of a statutory decision making body. An even-handed policy that reflects all the needs will not only make people trust the law and justice system, but also prevent any conditional death penalty from deviating from the principle of legality, accountability, and fair treatment to the victims (Lim et al., 2026; Harmain et al., 2025).

4.4. Interview Findings

The interview findings offer the normative challenges facing the enforcement of the conditional death penalty through the Indonesian National Criminal Code, in a different way. The example of an artificial analytical perspective on the Article 100 demonstrates the fact that Article 100 should not be merely seen as a ten-year period provision but that its implementation is a matter that demands detailed procedural rules on behavioral assessment, institutional functions, and conversion of the death sentence to life imprisonment. This viewpoint agrees with the latest research that the lack of standards for assessment can weaken the reliability of the decision and increase discretion of those responsible (Lim et al. 2026; Hasibuan et al. 2026).

The assessment of commendable behavior has been identified by the interview framework as one of the main challenges in using Article 100 as legal certainty. The evaluation should not only consider the absence of disciplinary violations but also should be based on evidence of behavioral improvements as a result of correctional program activities and other indicators that can be determined in the light of objective procedures. This way of doing things would help institutions to be less biased in making their assessments, as well help to raise the likelihood of making a successful conversion through the mechanism (Hasibuan et al. 2026; Montolalu et al. 2026).

Another point of emphasis under the interview framework is that of coordination among institutions. The converted provision only points out the Presidential Decree and the Supreme Court's opinion as the parts of the conversion mechanism. But, to make them work, further clarification on how the various stages of the process should be carried out is required. The duties assigned to the correctional institutions, the courts as well as the executive are necessary to be clarified in great details for the implementation as well as the finalization steps to be justified in an environment of accountability (Lim et al. 2026; Bhismaning & Hariyanto, 2026).

According to the interview framework and using the example of Baladiva Nisrina Maheswari case, one of the key subjects that should be addressed when it comes to applying the temporal principle of criminal law is the question about its applicability. We have here an instance of offense having been committed before the code came into force but the judgment was pronounced later. The question, therefore, of the applicability of the new provisions in this case turns on whether or not the old legal provision that has been replaced with the new one is more favorable or in case it is only one law that applies at that time which one of them? The matter of law of the basis of the offense vs. law of the basis of imposition should be kept apart in addition to the discussion of the above.

This matter has to be worked out through the reading of the entire judgment as one cannot rely merely on general comments (Republic of Indonesia, 2023; Republic of Indonesia, 2026; Bhismaning & Hariyanto, 2026). In terms of fairness, the interview framework stresses the necessity to carry on with the discussions of the matters related to victims and their families. In case of an innocent person convicted, the harm of such person committing the crime of murder with premeditation is as serious as can be. Therefore, besides a process that is transparent, there should be also one that takes into accounts the interests of the victims of the crime by offering such services as information, protection and active involvement. Naturally, through the procedural rights of the defendant, all these things need to be balanced. There is still the need to find the right balance between the considerations of rehabilitation and the elements of accountability as well as victim-focused justice. (Harmain et al. 2025; Lim et al. 2026; Firdaus & Harahap, 2024.)

In general, the interview blueprint points out four areas that need investigation through empirical data: there is a lack of enough operational assessment criteria, there is a need for better institutional coordination between different sectors, one should analyze time-related developments in criminal law application at the Baladiva case, finally one should acknowledge victims' rights in imposing conditional death penalty. These four identified aspects can be used as points of analysis regarding whether the current legal system provides a reasonable degree of legal security and substantive justice. Nevertheless, only after performing face-to-face interviews and comparing results with the entire court decision can one come to the definitive conclusions.

5. CONCLUSION

Conditional death penalty under Indonesia's National Criminal Code is an example of a significant national criminal law reform, introducing a mechanism that the implementation of the death penalty will not be executed

immediately, but will be carried out within the framework of a ten-year probationary period. However, the amendments by Law No. 1 of 2026 suggest that a thorough legal interpretation is needed to implement the new mechanism, especially regarding the date when the probation period is started, how the good conduct is determined, and what institutional procedures apply in relation to conversion and execution. These issues affect the principles of legal certainty, legality, and substantive justice (Republic of Indonesia, 2023; Republic of Indonesia, 2026; Lim et al., 2026; Bhismaning & Hariyanto, 2026).

The case of Baladiva Niadina Maheswari presents us with the opportunity for understanding the interaction of the statute reform and the judicial practice. Based on the timeline of the offense, the court decision, and the judgment, it is possible to raise a number of questions regarding to the application of criminal law over time, the link between Article 459 and Article 100, and the procedural consequence of appealing for the commencement of the probationary period. There are several ways to resolve these issues such as an in-depth research of the official Court decision and the procedural rules (Republic of Indonesia, 1946; Republic of Indonesia, 2023; Republic of Indonesia, 2026; Pengadilan Negeri Kendal, 2026).

The implementation aspect of the conditional death penalty must comply strictly to the principles of law and justice. Hence, from both the legal certainty viewpoints and justice aspect, there has to be clear, objective, and consistent standards for evaluation, transparent procedures at the institutional level, decisions that carry the necessary degree of accountability, as well as victims' concerns that are genuinely acknowledged and respected. The state has an obligation to prevent the rehabilitation possibility from becoming the basis of decision-making at will by those in power. On the other hand, it is essential that the seriousness of the crime does not prevent the law protection rights of the convicted persons, even though this is a death penalty case. It goes without saying that further law and practice development are required to guarantee the conditional death penalty is carried out in a consistent, proportionate and fair manner (Hasibuan et al., 2026; Montolalu et al., 2026; Lim et al., 2026).

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