

The Transformation of the Death Penalty into Life Imprisonment at the Cassation Level: An Analysis of the Supreme Court's Ratio Decidendi in Decision No. 813 K/Pid/2023

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Abstract

The authority of the Supreme Court to modify criminal sanctions at the cassation level raises important questions concerning judicial discretion, proportionality, and the boundaries of cassation review in Indonesian criminal justice. This study examines the Supreme Court's ratio decidendi in Decision No. 813 K/Pid/2023, particularly its decision to modify the punishment imposed on Ferdy Sambo in a premeditated murder case. The research aims to identify the legal considerations underlying the transformation of the death penalty into life imprisonment and to assess whether such modification is consistent with the principles governing cassation proceedings and sentencing proportionality. Employing a normative juridical method, this study analyzes the decision through a statutory, conceptual, and case-based approach. Primary legal materials consist of the relevant court decisions and Indonesian criminal legislation, complemented by scholarly literature concerning judicial discretion, sentencing, and cassation review. The analysis demonstrates that the Supreme Court's intervention cannot be understood merely as a correction of the lower court's sentence, but rather as an exercise of judicial authority in reassessing the proportionality of punishment within the framework of cassation. The decision illustrates the tension between judicial finality and the Supreme Court's corrective function. This study argues that greater transparency in articulating sentencing considerations is necessary to strengthen consistency, predictability, and public legitimacy in high-profile criminal adjudication. The findings contribute to the broader debate on judicial discretion and proportional sentencing in Indonesia.

[Kewenangan Mahkamah Agung untuk mengubah sanksi pidana di tingkat kasasi memunculkan pertanyaan penting mengenai diskresi yudisial, proporsionalitas, dan batasan peninjauan kasasi dalam peradilan pidana Indonesia. Studi ini meneliti ratio decidendi Mahkamah Agung dalam Keputusan No. 813 K/Pid/2023, khususnya keputusannya untuk mengubah

hukuman yang dijatuhkan kepada Ferdy Sambo dalam kasus pembunuhan berencana. Penelitian ini bertujuan untuk mengidentifikasi pertimbangan hukum yang mendasari transformasi hukuman mati menjadi hukuman penjara seumur hidup dan untuk menilai apakah modifikasi tersebut konsisten dengan prinsip-prinsip yang mengatur proses kasasi dan proporsionalitas hukuman. Dengan menggunakan metode yuridis normatif, studi ini menganalisis keputusan tersebut melalui pendekatan hukum, konseptual, dan berbasis kasus. Materi hukum primer terdiri dari keputusan pengadilan yang relevan dan perundang-undangan pidana Indonesia, dilengkapi dengan literatur ilmiah mengenai diskresi yudisial, hukuman, dan peninjauan kasasi. Analisis ini menunjukkan bahwa intervensi Mahkamah Agung tidak dapat dipahami hanya sebagai koreksi terhadap putusan pengadilan tingkat rendah, melainkan sebagai pelaksanaan kewenangan yudisial dalam menilai kembali proporsionalitas hukuman dalam kerangka kasasi. Putusan tersebut menggambarkan ketegangan antara finalitas yudisial dan fungsi korektif Mahkamah Agung. Studi ini berpendapat bahwa transparansi yang lebih besar dalam mengartikulasikan pertimbangan penjatuhan hukuman diperlukan untuk memperkuat konsistensi, prediktabilitas, dan legitimasi publik dalam peradilan pidana tingkat tinggi. Temuan ini berkontribusi pada debat yang lebih luas tentang diskresi yudisial dan penjatuhan hukuman proporsional di Indonesia.]

Keywords: cassation, death penalty, life imprisonment, ratio decidendi, Supreme Court, sentencing

Introduction

The imposition of the death penalty remains one of the most contested questions in contemporary Indonesian criminal law because it places the objectives of punishment, the protection of human life, judicial discretion, and public perceptions of justice in direct tension. This tension became particularly visible in the criminal proceedings against Ferdy Sambo, a former senior Indonesian police officer convicted of participating in the premeditated murder of Nofriansyah Yosua Hutabarat. The South Jakarta District Court initially imposed the death penalty, and the DKI Jakarta High Court subsequently affirmed that judgment. At the cassation stage, however, the Supreme Court, through Decision No. 813 K/Pid/2023 dated August 8, 2023, rejected the cassation applications filed by both the public prosecutor and the defendant while simultaneously correcting the appellate judgment and replacing the death penalty with life imprisonment. The decision therefore presents an unusual and theoretically significant intersection between cassation review, sentencing discretion, proportionality, and judicial interpretation. (Supreme Court of the Republic of Indonesia 2023).

The legal significance of the decision cannot be reduced to the question of whether life imprisonment is normatively preferable to capital punishment. More fundamentally, the case raises the question of how far a supreme court acting as a *judex juris* may intervene in the punishment determined by lower courts when the lower courts have not apparently committed an identifiable error in applying the substantive criminal provision. Indonesian cassation law traditionally confines Supreme Court review to questions concerning the application of law, procedural legality, and the jurisdictional boundaries of the lower court. Article 253 of the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* or KUHP) identifies these grounds expressly, while Article 30 of the Supreme Court Law similarly authorizes cassation intervention where a lower court exceeds its authority, misapplies or violates applicable law, or fails to comply with legally prescribed requirements. The difficulty in Decision No. 813 K/Pid/2023 is therefore not merely whether the Supreme Court possessed general judicial authority to determine punishment, but whether its particular reasoning adequately connected the alteration of punishment to the legally defined function of cassation review.

The issue becomes more complex because the Supreme Court's majority relied partly on the changing philosophy of Indonesian criminal policy following the enactment of Law No. 1 of 2023 concerning the Criminal Code. The new Criminal Code repositions the death penalty as a special and alternative punishment and emphasizes a more individualized and rehabilitative conception of sentencing. Article 98 conceptualizes capital punishment as a last resort, while Article 100 provides a ten-year probationary framework associated with considerations such as remorse and the offender's prospects for improvement. Nevertheless, Law No. 1 of 2023 had not yet entered into force when Decision No. 813 K/Pid/2023 was rendered; its Article 624 established a three-year transition period, meaning that the Code would take effect on January 2, 2026. Consequently, the Supreme Court's reliance on the new Criminal Code should be understood not as straightforward retroactive application of a new criminal norm, but as a reference to an emerging national penal policy and the direction of Indonesian criminal-law reform. Karo Karo characterizes this reasoning as a form of systematic and futuristic judicial interpretation. (Karo Karo 2023, 313–16).

Previous scholarship has examined Decision No. 813 K/Pid/2023 from several perspectives. Karo Karo focuses on the relationship between judicial interpretation, judicial independence, and society's sense of justice, emphasizing that the Supreme Court employed systematic and futuristic interpretation while exercising its role as *judex juris* (Karo Karo 2023). Difari's analysis emphasizes the transformation from the death penalty to life imprisonment and identifies the defendant's long service in the police and acknowledgment of responsibility as relevant considerations. Other studies have examined the dissenting opinions and the Supreme Court's reliance on Law No. 1 of 2023, arguing that the decision reflects a movement from retributive toward restorative and rehabilitative punishment. At the broader theoretical level, research on Indonesian sentencing demonstrates that judicial

discretion plays an important role in determining punishment, while the absence of sufficiently detailed sentencing standards can generate inconsistency and uncertainty. Palmer and Missbach's study of judicial discretion in Indonesia demonstrates that judges may depart from formally expected sentencing outcomes where statutory frameworks interact with judicial assessments of individual circumstances. Mustafa, Malloch, and Hamilton Smith similarly show that Indonesian sentencing practices involve considerations extending beyond mechanical application of statutory rules. (Palmer and Missbach 2018; Mustafa, Malloch, and Hamilton Smith 2020).

Despite these contributions, an analytical gap remains concerning the relationship between the Supreme Court's *ratio decidendi* and the formal limits of cassation jurisdiction. Existing discussions tend to emphasize either the desirability of life imprisonment, the philosophical movement away from retribution, or the personal circumstances of Ferdy Sambo. Less attention has been given to the structural question of whether proportionality and evolving penal policy can independently justify the modification of a sentence at the cassation level when the Supreme Court simultaneously concludes that the lower court's judgment does not contradict applicable law. This study addresses that gap by examining Decision No. 813 K/Pid/2023 through three interconnected dimensions: first, the statutory boundaries of cassation review; second, the substantive reasoning used to transform the death penalty into life imprisonment; and third, the relationship between proportionality, sentencing objectives, judicial discretion, and the dissenting opinions within the Supreme Court panel.

This study employs a normative juridical method based primarily on doctrinal legal analysis. Three approaches are used. First, the statutory approach examines the relevant provisions of the 1945 Constitution, the Criminal Procedure Code, Law No. 14 of 1985 concerning the Supreme Court as amended by Law Nos. 5 of 2004 and 3 of 2009, Law No. 48 of 2009 concerning Judicial Power, the former Criminal Code, and Law No. 1 of 2023 concerning the new Criminal Code. Second, the case approach examines Decision No. 813 K/Pid/2023 together with the South Jakarta District Court and DKI Jakarta High Court decisions. Third, the conceptual approach employs the concepts of *ratio decidendi*, judicial discretion, proportionality, sentencing objectives, and the distinction between *judex facti* and *judex juris*. The primary legal materials are analyzed qualitatively and prescriptively, while secondary materials consist principally of peer-reviewed journal articles and scholarly legal literature.

The urgency of this study lies in the need to clarify the relationship between judicial discretion and procedural legality in Indonesian cassation practice. Sentencing is never merely a technical calculation because it determines the intensity of state coercion imposed upon an individual. Nevertheless, judicial discretion must operate within a legal framework capable of maintaining equality, predictability, and accountability. Scholarship on Indonesian proportionality has emphasized that punishment should correspond to the seriousness of the offense

and the culpability of the offender, while research on sentencing disparity demonstrates that excessive discretion without sufficiently articulated standards may undermine public confidence in the judiciary (Ali 2018; Yuliandri et al. 2018). Accordingly, this article argues that Decision No. 813 K/Pid/2023 can be understood as a legitimate expression of the Supreme Court's corrective and interpretive function only if its sentencing intervention is anchored in a sufficiently transparent legal rationale. The principal contribution of this study is therefore to distinguish the substantive legitimacy of reducing the death penalty from the procedural and doctrinal legitimacy of doing so at the cassation level.

The Legal Position of the Supreme Court at the Cassation Level

The first issue concerns the institutional position of the Supreme Court in criminal cassation proceedings. Indonesian criminal procedure distinguishes between the lower courts as *judex facti* and the Supreme Court as *judex juris*. The former primarily assesses evidence and establishes facts, whereas the latter examines whether the law has been correctly applied to the facts established by the lower courts. Article 253 paragraph (1) of KUHAP defines cassation review in terms of three questions: whether a legal rule was not applied or was incorrectly applied; whether the procedure for adjudication complied with statutory requirements; and whether the lower court exceeded its authority. Similarly, Article 30 of the Supreme Court Law establishes legal misapplication, excess of authority, and procedural violations as grounds for cassation intervention. These provisions indicate that cassation is not ordinarily designed as a third factual trial or as an unrestricted opportunity for the Supreme Court to substitute its preferred assessment for that of the lower court.

This limitation is important because sentencing ordinarily forms part of the judicial determination made after the facts and legal classification of the offense have been established. In a conventional cassation framework, the Supreme Court may alter a sentence when the lower court has imposed punishment contrary to the governing law or has exercised its sentencing authority unlawfully. The difficulty in Decision No. 813 K/Pid/2023 is that the Supreme Court expressly concluded that the *judex facti* decision was not contrary to law or legislation, yet nevertheless corrected the sentence from death to life imprisonment. The decision therefore appears to operate through a distinction between rejecting the parties' cassation arguments and exercising the Supreme Court's own authority to correct the legal qualification and punishment. The official case record confirms that both cassation applications were rejected but that the High Court judgment was nevertheless corrected as to the criminal qualification and sentence. (Supreme Court of the Republic of Indonesia 2023).

This structure should not automatically be interpreted as proof that the Supreme Court exceeded its authority. The Supreme Court Law gives the Court a broad judicial function in resolving questions of law, and Article 52 of Law No. 14

of 1985 provides that the Supreme Court is not bound exclusively by the legal reasons advanced by the cassation applicant and may employ other legal reasons. Moreover, the law permits the Supreme Court, under specified circumstances, to decide the case itself after annulling a lower-court judgment. The institutional design consequently gives the Court a corrective function rather than merely an appellate function in the narrow sense.

Nevertheless, the exercise of such authority requires a clear connection between the Court's intervention and one of the legally recognized grounds for cassation. This is particularly important when the sentence is changed in favor of a defendant in a case involving an offense as serious as premeditated murder. The majority's reasoning is stronger if the modification is characterized as a correction of the lower court's legal assessment of sentencing rather than as a free-standing exercise of mercy. The former is compatible with *judex juris* review because it involves the interpretation and application of sentencing principles; the latter would risk transforming cassation into an unstructured third level of sentencing discretion.

The case therefore illustrates that the boundary between legal interpretation and sentencing discretion is not absolute. Sentencing necessarily contains evaluative elements, but those elements can still be treated as legal questions when the governing legislation requires judges to consider particular principles, circumstances, and objectives. Article 8 paragraph (2) of Law No. 48 of 2009, for example, requires judges, when determining the severity of punishment, to consider the good and bad character of the defendant. Article 50 further requires judicial decisions to state their reasons and legal bases. Judicial discretion is consequently not equivalent to judicial arbitrariness; it is legally structured discretion that must remain capable of rational explanation. Scholarship concerning Indonesian judicial discretion similarly demonstrates that sentencing decisions involve interaction between statutory rules, judicial perceptions, social circumstances, and individualized assessments (Palmer and Missbach 2018; Mustafa, Malloch, and Hamilton Smith 2020).

The *Ratio Decidendi*: From Retributive Punishment to Proportional and Rehabilitative Sentencing

The central substantive reasoning of the majority concerns the changing objectives of Indonesian criminal punishment. The Supreme Court considered the objectives and guidelines of punishment within contemporary criminal-law scholarship and the national penal policy reflected in Law No. 1 of 2023. The Court viewed the death penalty within the new policy framework as a special and exceptional punishment rather than the ordinary core of the penal system. The reasoning therefore placed greater emphasis on prevention, rehabilitation, restoration of balance, public security, and the development of remorse than on a purely retributive conception of punishment. (Supreme Court of the Republic of Indonesia 2023).

This reasoning is consistent with the direction of Indonesian criminal-law reform. Law No. 1 of 2023 places the death penalty outside the ordinary category of principal punishments and treats it as an alternative and exceptional sanction. Article 98 describes capital punishment as a last resort, while Article 100 incorporates individualized considerations such as remorse, prospects for improvement, and the offender's role in the crime. Academic analysis of the new Criminal Code identifies this as a significant normative shift toward a more humanistic and individualized sentencing philosophy (Baiti 2024).

However, the Supreme Court's use of Law No. 1 of 2023 requires careful doctrinal qualification. The decision was rendered in August 2023, whereas the new Criminal Code would not enter into force until January 2, 2026. The Court therefore could not simply apply the new provisions as if they were already operative criminal norms without creating a serious legality problem. The more persuasive interpretation is that the Court used the new Code as evidence of a future-oriented legislative policy and as a source for understanding the direction of penal reform. Karo Karo describes this as futuristic interpretation, observing that the Supreme Court drew upon legislation that had been enacted but had not yet become effective. (Karo Karo 2023).

Such an approach is defensible only if the new legislation is treated as interpretive context rather than as a retroactively applicable source of criminal liability or punishment. The legality principle prohibits imposing a criminal sanction under a norm that was not legally applicable at the relevant time. The Supreme Court's reasoning can therefore be sustained only by distinguishing between application of law and recognition of legislative policy. Law No. 1 of 2023 could illuminate the direction of Indonesian penal policy without replacing the substantive law governing the defendant's conduct at the time of adjudication. This distinction is particularly significant because the old Article 340 of the Criminal Code itself already permitted a range of punishments—death, life imprisonment, or imprisonment for a maximum of twenty years—for premeditated murder. The Supreme Court therefore did not introduce a previously unavailable sanction; rather, it selected another punishment expressly contained within the applicable statutory range. Karo Karo records that Article 340 provided precisely this range of sentencing alternatives. (Karo Karo 2023, 312–13).

The proportionality principle strengthens this reasoning. Proportionality requires punishment to correspond to the seriousness of the offense and the culpability of the offender. Ali argues that proportionality in criminal law requires attention not only to the seriousness of the prohibited conduct but also to the offender's degree of fault and the relative hierarchy of criminal sanctions (Ali 2018). Yuliandri and colleagues likewise connect sentencing proportionality with the problem of disparity and the need to ensure that punishment does not become detached from culpability. The Supreme Court's majority explicitly invoked proportionality and the need for "legal certainty that is just" in determining that the

death penalty should be corrected to life imprisonment. (Supreme Court of the Republic of Indonesia 2023).

Nevertheless, proportionality does not necessarily dictate life imprisonment rather than death. Proportionality is a principle of justification and limitation, not an automatic sentencing formula. A highly serious offense may, under a particular legal system, be regarded as proportionate to capital punishment. The important question is therefore whether the Supreme Court adequately demonstrated why life imprisonment was proportionate in this specific case. The majority identified several factors, including the defendant's approximately thirty years of service in the Indonesian National Police, his acknowledgment of wrongdoing and willingness to accept responsibility, the emotional circumstances surrounding the offense, and the broader objectives of contemporary punishment. These factors were evaluated alongside the seriousness of the crime rather than as grounds for denying criminal responsibility.

The strongest interpretation of the *ratio decidendi* is consequently that the Supreme Court did not reject the seriousness of the offense; it rejected the proposition that the seriousness of the offense necessarily required the irreversible sanction of death. Life imprisonment remained an exceptionally severe punishment while preserving the possibility of individualized treatment within the correctional system. From this perspective, the decision represents not acquittal or exoneration, but a recalibration of punishment according to a changing philosophy of sentencing.

Individualization of Punishment, Judicial Discretion, and the Problem of Consistency

A second dimension of the decision concerns the individualization of punishment. The majority relied upon Article 8 paragraph (2) of Law No. 48 of 2009, which requires judges to consider the defendant's good and bad character when determining the severity of punishment. The Court therefore took account of the defendant's history of service in the police institution and his personal circumstances. Such reasoning reflects the individualized nature of modern sentencing: two defendants may formally commit the same offense but possess different degrees of culpability, different roles, and different prospects for rehabilitation.

The principle of individualization is particularly important in a criminal justice system where judicial discretion remains substantial. Mustafa, Malloch, and Hamilton Smith's empirical research on Indonesian judges demonstrates that sentencing decisions cannot be understood solely as mechanical applications of statutory rules. Judges also consider social circumstances, perceptions of fairness, rehabilitation, and the practical consequences of punishment (Mustafa, Malloch, and Hamilton Smith 2020). Palmer and Missbach similarly demonstrate that

Indonesian judges exercise discretion even where legislation appears to prescribe relatively rigid sentencing outcomes (Palmer and Missbach 2018).

The difficulty is that individualization must be reconciled with consistency. If a defendant's professional history, social position, or contribution to the state becomes a substantial mitigating factor, the judiciary must explain why such considerations should carry greater weight than the aggravating features of the crime. This is especially sensitive when the defendant was himself a senior law-enforcement official. The legitimacy of the decision therefore depends not simply on whether the defendant had served the state for thirty years, but on whether the Court articulated a principled relationship between that service and the purposes of punishment. Otherwise, individualization may be perceived as privilege rather than justice.

This concern reflects a broader problem identified in Indonesian sentencing scholarship: insufficiently standardized sentencing principles can contribute to disparity. Fenton's study of terrorism sentencing in Indonesia, for example, identifies judicial discretion, the absence of binding sentencing guidelines, limited access to previous decisions, and opacity in sentencing reasoning as factors contributing to inconsistency (Fenton 2024). Although terrorism sentencing differs materially from the Sambo case, the structural lesson is relevant: discretionary sentencing becomes more legitimate when courts clearly identify the criteria that justify the particular punishment imposed.

Decision No. 813 K/Pid/2023 consequently demonstrates both the value and the danger of judicial discretion. Its value lies in allowing the Supreme Court to prevent punishment from becoming excessively rigid and to account for the defendant's circumstances within a legally permissible sentencing range. Its danger lies in the possibility that a highly visible defendant may receive individualized consideration that is not consistently available to similarly situated offenders. The appropriate institutional response is not to eliminate discretion, but to increase the transparency and generalizability of the criteria used to exercise it.

In this respect, the Supreme Court's reasoning should be read as establishing a possible framework for future sentencing rather than merely as a special solution for one defendant. If the considerations of proportionality, remorse, previous service, individual culpability, and rehabilitative potential are legally relevant, the Court should articulate how these factors interact and how much weight they should receive. Such articulation would transform a potentially controversial individualized decision into a more generalizable judicial principle. This is particularly important in Indonesia because the doctrine of precedent does not operate in the same manner as in common-law jurisdictions. Judicial consistency therefore depends substantially upon the quality, accessibility, and transparency of judicial reasoning.

The Dissenting Opinions and the Limits of the Majority's Reasoning

The significance of Decision No. 813 K/Pid/2023 is further demonstrated by the fact that the five-member cassation panel did not reach a unanimous conclusion. Justices Jupriyadi and Desnayeti issued dissenting opinions, while Justices Suhadi, Suharto, and Yohanes Priyana formed the majority that supported life imprisonment. The dissent therefore provides an internal critique of the majority's reasoning and is particularly valuable for identifying the doctrinal limits of sentencing intervention at the cassation level.

Justice Jupriyadi's position essentially emphasized that the lower courts had correctly established the defendant's guilt and had not exceeded their authority in imposing the death penalty. From this perspective, the punishment imposed by the *judex facti* belonged primarily to the domain of lower-court sentencing discretion and did not constitute a legal error susceptible to correction at cassation. Justice Desnayeti similarly considered the gravity of the defendant's conduct, particularly the fact that he had been a senior police officer and had participated in the killing of a subordinate without adequate clarification of the allegations underlying the conflict. The dissent thus placed greater weight on legal certainty, institutional responsibility, the seriousness of the offense, and the authority of the lower courts. (Karo Karo 2023).

The dissenting position reveals the central doctrinal problem of the case: whether proportionality may justify a change in sentence even where the lower court's judgment is not legally erroneous in the traditional sense. If cassation is understood strictly as review for legal error, then the dissent has substantial force. The death penalty was expressly authorized under the applicable Article 340 framework, and both lower courts had reached the same conclusion. From this perspective, changing the sentence merely because the Supreme Court preferred a different balance of aggravating and mitigating considerations could blur the distinction between *judex facti* and *judex juris*.

The majority's response can be reconstructed through a broader understanding of sentencing as a legal rather than purely factual exercise. Once the applicable statute requires consideration of the offender's character, the objectives of punishment, proportionality, and the values of justice, the determination of an appropriate sentence becomes partly a question of legal interpretation. The Supreme Court may therefore review whether the sentencing framework has been correctly understood and applied. The majority's approach is strongest where it is understood not as substituting a personal preference for that of the lower court, but as correcting the legal weighting of sentencing principles within the statutory range.

The dissent nevertheless exposes a weakness in the majority decision: the reasoning should have more explicitly explained why the lower courts' exercise of sentencing discretion constituted a legal problem requiring cassation-level correction. The official decision states that the lower-court judgment did not conflict with law or legislation, while the operative part nevertheless modifies the

punishment. This creates an apparent tension between the premise and the remedy. A more analytically complete decision would have expressly identified the precise legal principle that had been inadequately applied by the lower courts and demonstrated how the correction followed from that legal error.

The existence of the dissent is therefore not merely a procedural curiosity. It performs an accountability function by making visible the competing conceptions of judicial authority. The majority emphasizes evolving penal policy, proportionality, individualized punishment, and rehabilitation; the dissent emphasizes the limits of cassation, the seriousness of the offense, the institutional role of the defendant, and the correctness of the lower courts' application of law. The disagreement demonstrates that the transformation of the sentence was not an inevitable consequence of the applicable law but the product of a genuine judicial choice concerning the weight to be assigned to competing principles.

From the perspective of judicial legitimacy, the publication of dissenting opinions is beneficial because it allows the public and the academic community to scrutinize the legal basis of the majority's conclusion. It also demonstrates that judicial independence does not require unanimity. Instead, independence is strengthened when judges can openly articulate competing interpretations within an established legal procedure. The challenge for the Supreme Court is therefore not to eliminate disagreement but to ensure that the majority's reasoning is sufficiently transparent to explain why one interpretation ultimately prevails.

Conclusion

Supreme Court Decision No. 813 K/Pid/2023 represents a significant development in Indonesian criminal adjudication because it demonstrates how cassation review may intersect with substantive sentencing discretion. The Supreme Court transformed Ferdy Sambo's death sentence into life imprisonment while formally rejecting the cassation applications of both the public prosecutor and the defendant. The majority's *ratio decidendi* was constructed around the objectives and guidelines of punishment, the emerging penal policy embodied in Law No. 1 of 2023, the principle of proportionality, the defendant's personal circumstances, and the requirement of legal certainty that is compatible with justice. The decision is therefore best understood not as a rejection of the seriousness of premeditated murder but as a judicial determination that life imprisonment constituted a more proportionate sanction within the statutory range available for the offense.

At the same time, the decision exposes a significant doctrinal tension concerning the boundaries of cassation. Article 253 of KUHAP and Article 30 of the Supreme Court Law establish cassation as a form of legal review rather than an unrestricted third examination of the case. Because the Supreme Court itself stated that the *judex facti* decision did not contradict applicable law, the modification of the sentence requires particularly careful justification. The use of Law No. 1 of 2023 is defensible only when understood as an expression of future-oriented penal policy

rather than as retroactive application of a criminal provision that had not yet entered into force. The more persuasive basis for the decision remains the existing sentencing range under Article 340 of the former Criminal Code, combined with the principles of individualized punishment and proportionality recognized in Indonesian judicial law.

The decision ultimately demonstrates that judicial discretion and legal certainty should not be treated as mutually exclusive values. Judicial discretion is indispensable when punishment must reflect culpability, individual circumstances, and the purposes of criminal law, but such discretion must be constrained by transparent reasoning and principles capable of consistent application. The dissenting opinions of Justices Jupriyadi and Desnayeti underscore the need for greater clarity concerning the circumstances in which the Supreme Court may alter a sentence at the cassation level. Future Indonesian sentencing jurisprudence would benefit from more explicit sentencing criteria, clearer articulation of the relationship between proportionality and cassation jurisdiction, and systematic publication and analysis of judicial reasoning. Such developments would allow the Supreme Court to preserve its corrective function while simultaneously strengthening predictability, equality before the law, and public confidence in criminal justice.

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