

FROM RETRIBUTIVE JUSTICE TO RESTORATIVE ETHICS: A CHRISTIAN THEOLOGICAL-ETHICAL EXAMINATION OF THE REPOSITIONING OF THE DEATH PENALTY IN INDONESIA'S CRIMINAL CODE (LAW NO. 1 OF 2023)

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Abstract

The death penalty is a form of punishment that continues to spark debate in the fields of legal studies, human rights and Christian theology, as it concerns the relationship between justice, punishment and human dignity. Much of the previous research has focused primarily on legal and human rights aspects, whilst the theological implications of criminal law reform in Indonesia have been relatively under-examined. On the other hand, the Christian tradition itself reveals a diversity of views regarding the legitimacy of the death penalty, thus requiring a more contextual reading of the legal changes that have taken place. A significant development emerged through Law No. 1 of 2023, which changed the status of the death penalty from a principal punishment to a conditional alternative punishment with a ten-year probationary period. This study analyses the theological implications of this change in status from the perspectives of Christian theology and public theology. The research employs a non-empirical qualitative method through a literature review, using a thematic-contextual approach to legal regulations, church documents, and contemporary theological literature. The findings indicate that conditional alternative punishment represents a paradigm shift in sentencing from a retributive orientation to a rehabilitative-restorative one. Theologically, this change broadens the understanding of offenders as moral agents who retain the potential for transformation, without neglecting the demands of justice for victims. The main theoretical finding of this study is the concept of "corrective-restorative justice", namely a model of punishment that places punishment, rehabilitation, and human dignity in a dialogical relationship. This article contributes to the development of dialogue between Christian theology, public theology, and contemporary criminal law reform in Indonesia.

Keywords: Death Penalty; Christian Theology; Restorative Justice; Imago Dei; Criminal Code 2023

INTRODUCTION

Historically, the death penalty developed as an instrument of the state for maintaining social order and

administering justice within a retributive paradigm, according to which proportionate sanctions must answer grave violations. Within the

Judeo-Christian tradition, capital punishment appears in various provisions of the Torah as a sanction for offences regarded as threatening the holiness of the covenant community, including murder, adultery, idolatry, and blasphemy against God (Im. 20:2–27). These provisions emerged in the theocratic setting of ancient Israel, where criminal law functioned not only to preserve social order but also to safeguard the holiness of the people as a nation bound in covenant with God. Christopher J. H. Wright argues that the severe punishments found in the Torah should be understood within the covenantal relationship between God and Israel, in which certain transgressions were perceived as threats to the community's religious and moral identity (Marshall 2021). By contrast, John Goldingay emphasises that capital punishment in Mosaic law reflects the gravity of sin within the Old Testament theological outlook and underscores the importance of justice and moral responsibility in the life of God's people (Frame 2022). Accordingly, the death penalty was understood as a means of administering justice that preserved social order, communal holiness, and moral accountability before God. In this sense, capital punishment was regarded as an instrument of justice intended to protect social order, morality, and the community's religious values.

Historically, the legitimacy of the death penalty has rested on a

paradigm of retributive justice that understands punishment as a proportionate response to serious crime and as a means of maintaining social order. The development of human rights discourse and restorative justice, however, has shifted the discussion away from retaliation toward respect for human dignity, rehabilitation, and offenders' social reintegration (Ardiansyah 2024). Contemporary debate over capital punishment therefore reflects a broader transformation in penal philosophy, from retributive justice toward more humane and restorative approaches.

In Indonesia, the death penalty continues to be retained in various criminal-law provisions, including for offences such as premeditated murder, terrorism, narcotics-related crimes, and certain forms of corruption. However, Law No. 1 of 2023 concerning the Kitab *Undang-Undang Hukum Pidana* (KUHP) introduced a significant change by repositioning the death penalty from a principal punishment to a conditional alternative punishment. Under the new provisions, execution may be suspended during a ten-year probationary period. It may potentially be commuted to life imprisonment if the convicted person demonstrates behavioural change and satisfies specified requirements (Republik Indonesia, Undang-Undang Nomor 1 Tahun 2023). This development indicates a transformation in the national paradigm of punishment, from a

predominantly retributive orientation toward rehabilitative and restorative approaches. Consequently, the death penalty is no longer conceived solely as an instrument of state retribution, but as an *ultimum remedium* mechanism that still leaves room for assessment, rehabilitation, and the social reintegration of offenders. The repositioning of capital punishment in the 2023 Criminal Code thus reflects a shift in Indonesian penal policy from a retributive approach toward methods that are more rehabilitative, restorative, and attentive to restoring human dignity (Shidarta 2024).

This change in the status of the death penalty raises an important academic problem for public theology and Christian ethics. Most previous studies of capital punishment in Indonesia have concentrated on positive law, human rights, and the effectiveness of criminal sanctions. Christian theological studies, meanwhile, have generally remained within a normative framework of either accepting or rejecting the death penalty based on moral argumentation and interpretations of selected biblical passages. As a result, relatively few studies have specifically examined the theological implications of transforming the death penalty into a conditional alternative punishment under the new Criminal Code (Arief 2023). This scholarly lacuna indicates that Christian theological discourse in Indonesia remains limited in its

engagement with the conceptual transformation of modern criminal law, particularly regarding the relationship among punishment, repentance, rehabilitation, and human dignity. The literature therefore suggests that research on the death penalty in Indonesia remains largely concentrated on legal and human-rights perspectives. At the same time, the theological dimensions of its transformation into a conditional alternative punishment under the new Criminal Code require more systematic and sustained investigation.

Within Christian theological tradition itself, views on capital punishment are far from uniform. Some theologians, including Augustine and Thomas Aquinas, appeal to Romans 13:1-4 to justify the state's punitive function in preserving social order. This perspective is closely associated with theories of retributive justice, which understand punishment as a proportionate consequence of legal wrongdoing (Aquinas 2014). By contrast, several contemporary theologians, including Stanley Hauerwas and Dietrich Bonhoeffer, place respect for human life and the possibility of repentance among the primary considerations in assessing the legitimacy of the death penalty. Within this framework, state punishment is understood not only in legal-formal terms but also in anthropological and ethical terms related to the human person as *imago Dei* (Vinsen 2020). The

transformation of the death penalty into a conditional alternative punishment may therefore be interpreted as a shift in the function of punishment from an eliminative logic toward corrective and rehabilitative logics.

This study employs a descriptive qualitative method with a thematic approach, using literature review and content analysis of legal regulations, church documents, contemporary theological works, and literature concerning capital punishment and restorative justice. This approach examines how Christian theology responds to the changing penal paradigm of the new Criminal Code and how the concept of conditional alternative punishment is understood in relation to justice, rehabilitation, and human dignity. The analysis situates criminal-law reform within the development of public theology, where legal, ethical, and theological-anthropological discourses intersect in modern social life.

The principal conceptual finding of this article is that the repositioning of the death penalty as a conditional alternative punishment carries theological implications for understandings of the human person, the state, and the function of punishment. The status of conditional alternative punishment signifies an acknowledgement that offenders remain moral subjects capable of personal transformation. The state therefore exercises not merely a retributive function, but

also rehabilitative and socially restorative functions. From the perspective of Christian theology, this approach is related to the concept of *imago Dei*, which affirms that human beings retain ontological worth even after committing grave offences. Restorative approaches in criminal law may thus be understood as an expansion of the paradigm of justice beyond punishment toward mechanisms of reconciliation and social reintegration.

This article contributes by advancing an interdisciplinary dialogue between Christian theology and contemporary criminal-law reform in Indonesia. Rather than discussing the death penalty solely in normative moral terms, the article offers a conceptual analysis of the theological implications of the changing penal paradigm embodied in the new Criminal Code. It also extends public theology by treating criminal-law reform as a site for reflecting on the relationship among the state, offenders, and principles of humanity in modern society. From multiple theological perspectives, the altered status of capital punishment under the new Criminal Code can be understood as a shift toward a penal paradigm that increasingly accommodates the value of *imago Dei*, moral rehabilitation, and the restoration of human dignity within a more restorative conception of justice. The article therefore seeks to make an academic contribution to the development of theological

studies, public ethics, and criminal law in Indonesia.

RESEARCH METHODOLOGY

This study employs a non-empirical qualitative method centred on library research to analyse Christian theological responses to the altered status of the death penalty under Law No. 1 of 2023 *Kitab Undang-Undang Hukum Pidana* (KUHP). It adopts a thematic-contextual mode of analysis that emphasises the relationship between criminal-law reform in Indonesia and ethical and theological-anthropological concepts within the Christian tradition. The study does not draw on field data such as interviews, surveys, or observations; instead, it concentrates on analysing legal texts, church documents, and relevant academic literature. A library-research approach is employed because it enables a critical and systematic examination of primary and secondary sources pertinent to the research topic (Creswell and Poth 2016).

The study undertakes a dialogical-critical analysis of the death penalty within Indonesia's legal system following Law No. 1 of 2023 by integrating positive-law documents with contemporary theological literature emphasising human dignity and restorative justice. Using a grounded research methodology through the stages of open, axial, and selective coding, the study synthesises legal and Christian ethical perspectives to understand the

shift in the function of punishment from a retributive paradigm toward rehabilitation and social reintegration. The validity of the analysis is maintained through source triangulation and a comprehensive bibliographic approach, enabling the study to produce an inclusive and transformative theological-legal interpretation without becoming captive to the bias of any particular denomination.

RESULTS AND DISCUSSION

The Philosophy of Capital Punishment

Capital punishment is among the oldest forms of sanction in human history. It is grounded in the paradigm of retributive justice, namely the conviction that grave wrongdoing should be met with an equivalent punitive response. Under the principle of *lex talionis* ("an eye for an eye"), execution is regarded as an appropriate recompense for serious offences such as murder and treason. This concept is found in a range of ancient legal systems, including the Code of Hammurabi, Roman law, and Mosaic law in the Old Testament Scriptures (Kuanine 2019).

As civilisation and legal philosophy developed, attitudes toward the death penalty began to change. Thinkers such as Cesare Beccaria, in *On Crimes and Punishments* (1764), criticised capital punishment as an inhumane exercise of state power and an

ineffective means of preventing crime. Beccaria argued that crime prevention matters more than retribution and that life imprisonment is more effective because it imposes ongoing suffering without violating the right to life (Lubis and Syaputra 2023). Historical developments likewise show that many states have gradually abandoned capital punishment. Since the mid-twentieth century, international organisations such as Amnesty International and the United Nations have promoted the abolition of the death penalty as part of a global abolitionist movement. In Indonesia, the most recent revision of the Criminal Code (Law No. 1 of 2023) repositions the death penalty from a principal punishment to a conditional alternative punishment, thereby opening a possibility for the repentance of convicted persons. This change reflects a movement toward a more restorative penal paradigm centred on respect for human dignity (Sutoyo 2019).

Capital Punishment as a Principal Penalty under Law No. 1 of 1946

Capital punishment in Indonesia's criminal-law system originates in the *Wetboek van Strafrecht*, a legacy of Dutch colonial law, and was subsequently regulated through Law No. 1 of 1946. Under the former Criminal Code, the death penalty was regarded as the highest principal sanction imposed for particular offences such as premeditated murder, treason, and crimes

considered to threaten state stability. The use of capital punishment as a principal sanction shows that Indonesia's criminal-law system during that period remained strongly influenced by a paradigm of retributive justice, in which punishment functions as a proportionate response to serious violations of law and public order (Pappang 2023). In this framework, the state was positioned as an entity possessing the legitimate authority to take the life of an offender in order to preserve social order. From a Christian theological perspective, however, the problem of capital punishment concerns not only the legitimacy of the state's power to sanction, but also anthropological and ethical questions about human dignity. The concept of the human person as *imago Dei* regards every individual as a moral subject possessing ontological worth, even when that individual has committed evil acts (Sipayung, Baren, Manullang, and Siburian 2023). The application of capital punishment therefore raises theological questions concerning the limits of state power over human life and the possibility of moral transformation for offenders. In this context, discourse on the death penalty should not be approached solely as a legal-formal matter. However, it should also be understood in relation to justice, law enforcement, and human rehabilitation (Gulo 2021). Debate over the death penalty thus concerns not only the legal legitimacy of the

state but also respect for human dignity, the possibility of repentance, and the purpose of justice within contemporary Christian theology.

A fundamental transformation occurred under Law No. 1 of 2023, when the death penalty ceased to be treated as an absolute principal punishment and became a conditional alternative punishment. This change carries significant conceptual implications because the state begins to recognise the possibility of assessing offenders through a probationary period and behavioural modification (Pappang 2023). The function of punishment is therefore no longer directed exclusively toward eliminating the offender, but also toward creating opportunities for rehabilitation and social reintegration (Dachi 2022). From a Christian theological perspective, this development may be understood as a shift in the paradigm of punishment from retribution toward corrective and restorative principles. The status of conditional alternative punishment raises a significant normative question for public theology: how may the concept of repentance be integrated into a contemporary criminal-law system? In the Christian tradition, repentance is understood not merely as the admission of moral wrongdoing, but as a process of self-transformation that includes changes in interpersonal relationships and one's relation to the social order (Iramaya 2023). When the new Criminal Code

permits the commutation of a death sentence to life imprisonment based on an assessment of the convicted person's conduct, the law indirectly acknowledges moral transformation as a dimension of the penal system. In other words, the state begins to view offenders not merely as objects of punishment but as persons who remain capable of rehabilitation. The altered status of the death penalty in the 2023 Criminal Code thus reflects a shift from a retributive penal orientation toward a rehabilitative-restorative approach that acknowledges the potential for repentance, moral transformation, and social reintegration among offenders (Reformasi and Dewi 2024)

In this context, conditional alternative punishment may be interpreted as a shift in the orientation of Indonesian criminal law. Whereas a retributive approach focuses on the certainty of sanctions in response to the offender's conduct, a restorative approach places greater emphasis on restoring social relationships, rehabilitation, and moral transformation as purposes of punishment. This development accords with the penal reforms introduced by Law No. 1 of 2023, which renders the death penalty a conditional alternative and permits the evaluation of changes in the convicted person's behaviour (Ardiansyah 2024). From the perspective of Christian theology, this approach aligns with the conviction that human beings, as

imago Dei, retain the moral capacity to repent, change, and be restored even after committing grave crimes. The theological implications of the changed status of the death penalty therefore do not centre on an absolute acceptance or rejection of capital punishment, but on a transformation in the understanding of the human person, the function of sanctions, and the meaning of justice. The death-penalty provisions of the new Criminal Code consequently cannot be understood from a juridical perspective alone; they should also be interpreted as reflecting a transformed conception of the relationship among the state, offenders, and human dignity. Within public theology, the movement toward conditional alternative punishment suggests a shift from an eliminative penal paradigm toward an approach that gives greater weight to rehabilitation, reconciliation, and social restoration as dimensions of modern justice (Putri 2024). The repositioning of the death penalty as a conditional alternative sanction in the 2023 Criminal Code therefore reflects a transformation from retributive justice toward a restorative approach that foregrounds rehabilitation, moral transformation, and human dignity as significant purposes of punishment.

Changes Introduced by the New Criminal Code (Law No. 1 of 2023)

The death penalty constitutes the most severe criminal sanction in Indonesia's criminal-law system because it authorises the state to

deprive an individual of the right to life pursuant to a final and legally binding judicial decision. Imposing this sanction requires valid and convincing evidence that the criminal conduct falls within a serious or extraordinary category. Roeslan Saleh argues that the death penalty is the gravest form of sanction in criminal law because it extinguishes the right to life in a manner that cannot be reversed once the sentence has been carried out (Iramaya 2023). Accordingly, the legal reform introduced through Law No. 1 of 2023 KUHP significantly alters the position of capital punishment. Article 67 affirms that the death penalty is no longer classified as a principal punishment but as a special form of punishment that must always be prescribed alternatively. Article 98 reinforces this by stating that capital punishment is a measure of last resort (*ultimum remedium*) to protect society from exceptionally serious crimes (Kuanine 2019).

Furthermore, Article 100 paragraph (1) establishes a ten-year probationary period before the execution of a death sentence. During this period, the conduct of the convicted person is assessed in terms of the degree of remorse, prospects for rehabilitation, and the person's role in the offence committed. If the convicted person demonstrates positive behavioural change and satisfies specified criteria, the death sentence may be commuted to life imprisonment.

Conversely, if no significant change occurs or the person continues to be regarded as a danger to society, execution may still be carried out. According to Lubis and Syaputra, this mechanism reflects a shift in the penal paradigm from an emphasis on final punishment toward an approach that creates opportunities for rehabilitation and the offender's moral transformation.

Nevertheless, Article 101, which facilitates the commutation of the death penalty to life imprisonment after a specified period, continues to generate debate concerning legal certainty and the effectiveness of its implementation (Iramaya 2023). In practice, lengthy delays in execution reveal a tension between the principle of legal certainty and humanitarian considerations. Some scholars nevertheless regard the reform of capital punishment under the new law as a progressive measure seeking to balance public protection, legal certainty, and respect for human dignity as central objectives of modern punishment. The reform of the death penalty in the 2023 Criminal Code therefore reflects a movement away from absolute punishment toward a more humane approach that allows space for rehabilitation, moral assessment, and the protection of human dignity without disregarding legal certainty.

Restorative Justice and the Theological Problem of Capital Punishment

The implementation of restorative justice in the latest KUHP illustrates a shift in Indonesia's criminal-law paradigm from a retributive focus to a more rehabilitative and restorative approach. Through provisions concerning alternative sanctions, supervision, community service, and restorative mechanisms, criminal law is understood not merely as an instrument of retaliation but also as a means of repairing social relationships, rehabilitating offenders, and protecting victims (Kuanine 2019). This transformation affects the discussion of capital punishment because the state begins to create opportunities for assessing possible behavioural improvement and moral transformation among perpetrators of serious crimes.

From the perspective of Christian theology, restorative approaches are closely associated with reconciliation, repentance, and the restoration of relationships, all of which stand at the heart of Gospel ethics. Human beings are understood as *imago Dei* and therefore retain dignity and ontological worth even after committing grave moral violations. Punishment, accordingly, is not understood solely as retribution but also as an opportunity for life transformation and social restoration. Within this framework, the conditional death penalty under the new Criminal Code may be interpreted as a legal acknowledgement of the offender's potential for moral rehabilitation. A restorative approach, however,

cannot be a universal answer for every category of crime. In cases involving grave offences such as terrorism, genocide, human trafficking, or premeditated murder, individual reconciliation is often insufficient to satisfy society's claims to justice or to address the collective suffering of victims (Kuanine 2019). Restorative approaches must therefore be balanced by adequate legal accountability so that justice does not become merely a formal process of peacemaking without meaningful restoration for victims and society. Restorative justice in the new Criminal Code reflects a shift in the paradigm of sanction from retribution toward restoration and rehabilitation, which, from a Christian theological perspective, is consonant with respect for human dignity as *imago Dei*. However, in practice it continues to face limitations in cases involving collective suffering and substantial demands for public justice. (Barth 2004)

From a Christian theological perspective, the tension between forgiveness and justice is unavoidable. The Gospel certainly emphasises love and forgiveness; yet within the Christian tradition, forgiveness does not entail removing moral consequences or legal responsibility for wrongdoing. In numerous biblical narratives, repentance is consistently associated with acknowledging wrongdoing, restoring relationships, and accepting

the ethical consequences of one's actions. The use of restorative justice must therefore be critically examined whenever it diminishes the dimension of justice owed to victims or obscures the state's responsibility to protect society from serious crime. In this regard, Christian theology concerns itself not only with the rehabilitation of offenders but also with restoring victims' dignity and pursuing social justice on a wider scale (Nigel Biggar 2020).

Restorative approaches also encounter limitations when applied within contexts of social injustice and unequal power relations. Mediation between offenders and victims often does not occur on equal terms, especially when victims occupy economically, psychologically, or socially vulnerable positions. Consequently, restorative mechanisms may produce a formal reconciliation without adequately addressing the trauma or injustice experienced by victims (Cortez 2024). From the perspective of public theology, this problem indicates that restoration cannot be confined to peace between individuals but must also encompass structural dimensions related to social justice and the protection of vulnerable groups. Restorative justice in the context of capital punishment must therefore be interpreted critically and proportionately. It creates possibilities for rehabilitation, moral transformation, and the social reintegration of offenders. However,

it cannot be detached from the demands of justice for victims or from the state's responsibility to maintain social order. Christian theology contributes significantly by situating punishment within the tension among love, forgiveness, ethical responsibility, and social justice. Accordingly, dialogue between Christian theology and criminal-law reform should not result in an apologetic justification of restorative justice, but in a critical evaluation of the extent to which the restorative paradigm can enact justice that honours human dignity for both offenders and victims (Flora 2022).

Christian Theological Interpretations of Capital Punishment: *Imago Dei*, the Sanctity of Life, and the Dialectic of Justice

The concept of *Imago Dei* (the image and likeness of God) constitutes a foundational principle of Christian anthropology, affirming that every human being possesses an inherent dignity that cannot be erased by moral condition, social status, or criminal conduct. This concept is grounded in Genesis 1:26–27, which declares that humanity was created in the image and likeness of God. Within Christian theological tradition, this text is understood not only as an ontological account of human origins but also as an affirmation that human life possesses sacred value because it is grounded in God's own creative will (Frame

2022). Human life therefore cannot be treated merely as a legal object or a socio-political instrument. This understanding is reinforced by Karl Barth, who regards *Imago Dei* not primarily as a rational or moral attribute of humanity but as an existential relationship between God and the human person, such that human dignity remains inherent even when a person commits grave crimes. (David P. Gushee 2022)

For Barth, the human person is the image of God because humanity is called to live in fellowship with the Creator. Human dignity therefore remains inherent even when a person falls into sin or commits grave wrongdoing. This perspective has provided a basis for many contemporary theologians to reject capital punishment, insofar as state execution is considered to eliminate the possibility of repentance, reconciliation, and the restoration of the human relationship with God. Stanley Hauerwas develops an ethical critique of the death penalty through an ecclesial-community approach grounded in the Gospel narrative. In *The Peaceable Kingdom*, he argues that killing in the name of state justice contradicts the church's witness to love, forgiveness, and moral transformation. According to Hauerwas, the church is called to become a community that offers an alternative to cultures of violence, including legally sanctioned violence enacted by the state. The death penalty is therefore viewed not

merely as a question of criminal law but also as a failure of the church to bear witness to God's grace toward sinful humanity (Hauerwas 2023). In a similar vein, Jürgen Moltmann maintains that human life possesses a dimension of holiness (*sanctum*) because God manifests divine glory in human life (Moltmann 1985). Deliberately extinguishing human life through punishment may, in this sense, be understood as a profanation of life sanctified by God. This position has gained increasing force within modern Christian theology, which emphasises restoration and reconciliation rather than retributive retaliation. Nevertheless, the Christian tradition is not unanimous in rejecting the death penalty.

The history of theology also includes major thinkers who accorded limited legitimacy to the practice. Augustine, for example, argues in *The City of God* that the state possesses God-given authority to preserve order and punish those who commit grave crimes. He interprets Romans 13:1–4 as grounds for the government's use of the "sword" in defence of social justice. For Augustine, the death penalty is not an act of private vengeance but part of the state's responsibility to maintain *ordo*, the moral ordering of society. Thomas Aquinas develops a comparable position. (Aquinas 2014) In the *Summa Theologiae*, Aquinas compares a serious offender to a diseased bodily member that endangers the body as a whole. He therefore argues that, under certain

conditions, the state may take a person's life to protect the common good (*bonum commune*). Aquinas's argument is constructed upon natural law and a paradigm of retributive justice, in which punishment is understood as an attempt to restore the moral equilibrium disrupted by crime. The classical Reformed tradition exhibits a similar tendency. John Calvin maintains that civil government is an instrument of divine providence for administering justice, including through the death penalty for certain offences (Hall 2021).

Based on his interpretation of Genesis 9:6 and Romans 13, Calvin holds that the state possesses a divine mandate to punish murderers to preserve social order and honour the value of the victim's life. Nevertheless, these classical arguments require critical reassessment in light of contemporary developments in theology and human rights. First, the interpretation of Romans 13 cannot be detached from the wider Gospel message emphasising love, forgiveness, and reconciliation. The state's sword in Romans 13 is more appropriately understood as a symbol of legal authority rather than as unlimited authorisation to take human life. Second, Augustine's and Aquinas's approaches emerged within the socio-political context of the medieval period, when church and state were bound together in a particularly close relationship (Gulo and Bambang, 2024).

Within a modern pluralistic and democratic context, the legitimacy of state power must be constrained by respect for human dignity and the right to life. Contemporary criticism of capital punishment is also grounded in empirical realities such as the possibility of wrongful conviction, legal discrimination, and the inability of judicial systems to guarantee wholly objective justice. From a Christian theological perspective, the limitations of human judgment provide an important reason for caution toward punishments that are final and irreversible (Ahmad 2020). It is precisely here that the principle of *Imago Dei* acquires particular relevance: even when human beings fall into sin, they continue to bear the trace of God's image and therefore remain open to the possibility of repentance and transformation. The theological debate on the death penalty consequently reveals a tension within the Christian tradition itself between retributive justice and restorative love. Although the classical tradition allows limited space for capital punishment as an instrument of the state, modern theological developments increasingly regard the protection of human dignity, reconciliation, and restoration as expressions more consistent with the heart of the Gospel (Frame 2022). Contemporary Christian theological opposition to the death penalty, therefore, is not merely emotional or moralistic; it arises from sustained reflection on

Imago Dei, the sanctity of life, the limitations of human justice, and the church's vocation to make God's love present in the world.

Love: Between Gospel Ethics and the Realities of Public Policy

The concept of love (*agapē*) is a principal foundation of Christian ethics and is frequently invoked in critiques of capital punishment. Within the Gospel tradition, love is understood not merely as an emotional disposition but as a commitment to honour the dignity of every person as a creature of God. Many contemporary churches and theologians therefore argue that executing offenders may foreclose possibilities for restoration and reconciliation. Christian perspectives on the death penalty, however, are not uniform (Pappang 2023). Christian history reveals considerable variation in interpretation. Contemporary Catholic tradition, particularly through developments in Catholic social teaching during the twentieth and twenty-first centuries, has increasingly opposed capital punishment because it is no longer necessary for safeguarding society and is inconsistent with respect for human dignity. Conversely, some conservative Protestant groups continue to support the death penalty by appealing to the role of the state as the bearer of legal authority as reflected in Romans 13:1–4 (Gulo 2021).

These differences demonstrate that the value of love does not necessarily produce a uniform political conclusion. In a plural society such as Indonesia, the church also struggles to make love the sole normative basis of national legislation. The church's role is therefore more appropriately understood as bringing an ethical perspective into the public sphere through scholarly dialogue, policy advocacy, accompaniment of victims and offenders, and participation in human-rights discourse. Within this context, the changed status of the death penalty in the Criminal Code may be interpreted not merely as the victory of a particular religious agenda but as part of a global trend seeking to balance public protection, respect for the right to life, and opportunities for the rehabilitation of offenders (Kuanine 2019). The application of forgiveness within discussions of capital punishment must therefore be undertaken with care. Forgiveness should not become a rationale for disregarding victims' suffering or eliminating the offender's legal obligations. A central challenge for the church is how to foster a culture of reconciliation without neglecting substantive justice. In practice, ecclesial advocacy may include pastoral accompaniment for the families of victims and convicted persons, participation in prisoner rehabilitation programs, and support for restorative-justice mechanisms

that continue to respect victims' rights (Sutoyo 2019).

Forgiveness: The Space for Reconciliation and Its Limits

Forgiveness lies at the heart of Christian theology. Jesus' teaching on forgiveness is frequently used as a basis for evaluating legal approaches focused exclusively on retaliation. Miroslav Volf emphasises that forgiveness does not abolish justice but seeks to break cycles of vengeance that can prolong social conflict. Nevertheless, applying forgiveness within criminal law faces several difficulties. Forgiveness is fundamentally an ethical act of individuals, whereas the criminal-justice system operates in the public sphere and is intended to safeguard the interests of society as a whole. Not every victim or victim's family possesses either the capacity or a moral obligation to forgive (Sahari 2021). Moreover, in cases involving serious crimes such as terrorism, premeditated murder, or crimes against humanity, the pursuit of justice often encompasses collective interests that exceed the immediate relationship between offender and victim. The concept of forgiveness must therefore be applied cautiously in discussions of capital punishment. Forgiveness cannot be invoked as a pretext for disregarding victims' suffering or removing the offender's legal responsibility (Dyer 2023). The church's greatest challenge is to cultivate a culture of reconciliation without diminishing the importance

of substantive justice. In everyday practice, forms of ecclesial advocacy may include spiritual accompaniment for victims' families and convicted persons, participation in prisoner rehabilitation programs, and support for restorative-justice systems that continue to respect victims' rights (Gushee 2022). Forgiveness is therefore best understood as a moral contribution to society rather than as a substitute for the state's legal system. From the perspective of public theology, forgiveness enriches the practice of justice with a dimension of reconciliation without diminishing the state's responsibility to enforce the law and protect victims' dignity.

Repentance: The Possibility of Change and Challenges of Implementation

The concept of repentance (*metanoia*) is frequently employed in Christian arguments opposing the finality of capital punishment. Theologically, every person is regarded as retaining the potential for transformation regardless of the gravity of the wrongdoing committed. Permanent punishment may therefore be understood as foreclosing the possibility of such moral transformation (Kuanine 2019). Nevertheless, the relationship between repentance and penal policy is not straightforward. First, repentance is a religious category that is difficult to measure objectively within a non-religious legal system. The state lacks the

authority to determine with certainty the authenticity of an individual's spiritual transformation. Second, the rhetoric of repentance may be used strategically to obtain a reduced sentence without corresponding substantive behavioural change.

In this context, the revised Criminal Code's provision for a probationary period before execution may be understood as a legal measure intended to provide an opportunity for rehabilitation and reassessment of the convicted person. The policy does not directly embody the Christian concept of repentance; rather, it reflects a legal approach that gives greater weight to prudence, proportionality, and the possibility of social reintegration. For the church, repentance is more appropriately expressed through prison ministry, ethical formation, spiritual accompaniment, and support for restorative programs. At the same time, the church must recognise the limits of its role within a religiously diverse democratic state, so theological arguments must be translated into the language of public ethics intelligible to all citizens, regardless of religious conviction (Gorman 2020). From a Christian theological perspective, repentance is therefore understood as an opportunity for moral transformation that may contribute to offenders' rehabilitation. At the same time, its implementation within criminal law still requires objective mechanisms that can guarantee justice and legal certainty.

The Role of the Christian Community in Relation to Capital Punishment

Within the Christian tradition, human beings are understood as creatures made in the image and likeness of God (*Imago Dei*), an ontological affirmation that regards human life as sacred and irreplaceable. Capital punishment, because of its finality and its foreclosure of the possibility of repentance, is therefore regarded as being in tension with foundational principles of Christian faith. More broadly, the ethic of love (*agapē*) taught by Christ calls for forgiveness, compassion, and the restoration of relationships rather than vengeance or the elimination of offenders. This perspective strengthens the Christian community's support for a restorative rather than retributive system of justice (Kuanine 2019).

At the level of social praxis, Christian communities in various contexts have embodied a faith-based response to the criminal-justice system through pastoral accompaniment, prison ministry, and advocacy for the humane treatment of incarcerated persons. The change in the Criminal Code that permits the commutation of a death sentence to life imprisonment following a ten-year probationary period is regarded as a progressive measure consistent with Christian teaching on repentance (*metanoia*) and the hope of transformed life. In this sense, the

state, through law, indirectly creates space for a more ethical and spiritually attentive approach to persons convicted of serious crimes (Iramaya 2023). The Christian community thus functions not only as a witness to the love of God but also as a strategic partner in supporting public policies that prioritise human dignity.

These concerns are therefore highly significant for Christian Religious Education (CRE). The curriculum and pedagogical practice of CRE cannot remain limited to the transmission of doctrine; they must also equip learners with ethical awareness and the capacity for critical reflection on concrete public issues such as capital punishment. Through a contextual approach, CRE can introduce themes such as human dignity, restorative justice, love for one's enemies, and forgiveness as dimensions of active faith (active faith).

CONCLUSION AND RECOMMENDATION

The change in the status of the death penalty under Law No. 1 of 2023, from a principal punishment to a conditional alternative punishment, reflects a transformation in Indonesia's penal paradigm from a retributive focus toward approaches that are more corrective, rehabilitative, and restorative. From the perspective of Christian theology, this transformation is significant for understanding human beings as *imago Dei*, who retain

dignity, moral responsibility, and the possibility of transformation even after committing grave crimes. Christian theology, however, does not regard restorative justice as a universal solution capable of replacing every function of punishment, particularly in cases of serious crimes that produce collective victimisation, social trauma, and structural injustice. The relationship among punishment, forgiveness, repentance, and rehabilitation must therefore be situated within a balanced framework that protects offenders' dignity, promotes victims' restoration, and recognises the state's responsibility to preserve social order. The findings of this study indicate that conditional alternative punishment embodies a model of corrective-restorative justice that views the offender not merely as an object of retribution but as a moral subject who retains the possibility of rehabilitation, while continuing to take the demands of social justice and victims' rights seriously.

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