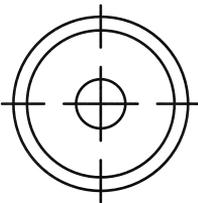


ACCUMULATED SUFFERING UNDER RELATIONAL PUNISHMENT:

A PORTRAIT OF THE LIVES OF SIX WOMEN
ON DEATH ROW AND THEIR FAMILIES





Accumulated Suffering Under Relational Punishment:

A Potrait of The Lives of Six Women on Death Row and Their Families

Author

Aisya Humaida

Risty Nabila

Reviewer

Albert Wirya

Layouter

Alvin Liasta Tarigan

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TABLE OF CONTENTS

FOREWORD	
I INTRODUCTION	1
II DATA COLLECTION AND WRITING METHODOLOGY	3
III TWO ARENAS OF JUDGMENT FACED BY SIX WOMEN SENTENCED TO DEATH: OBSCURING FACTS AND PERPETUATING STIGMA	5
1. MERRI UTAMI	5
2. DITA DESMALA SARI	8
3. MEIRIKA FRANOLLA	10
4. ROSITA SAID	12
5. AULIA KESUMA	14
6. JAT LIE CHANDRA	16
IV SIX WOMEN SENTENCED TO DEATH AND THE FACTORS INFLUENCING THEIR INVOLVEMENT IN CRIMINAL ACTS	19
A. EXPERIENCE OF VIOLENCE	19
B. INFLUENCE OF INTIMATE PARTNERS	21
C. INADEQUATE FINANCIAL CONDITIONS	22
V DEATH ROW INMATES AND THEIR UNACKNOWLEDGED SUFFERINGS	24
A. LIMITED OPPORTUNITIES FOR SENTENCE COMMUTATION FOR DEATH ROW INMATES	24
B. LIMITED ACCESS TO MEANINGFUL REHABILITATION	26
C. UNADDRESSED PSYCHOLOGICAL BURDEN	29
VI RELATIONSHIP WITH FAMILY: UNCOUNTED VICTIMS OF THE SYSTEM	32
A. EMOTIONAL AND PSYCHOLOGICAL TRAUMA OF CHILDREN OF WOMEN ON DEATH ROW	32
B. THE IMPACT OF THE 2023 CRIMINAL CODE COMMUTATION SYSTEM ON THE FAMILIES OF DEATH ROW INMATES	34
VII CONCLUSION AND RECOMMENDATIONS	38

FOREWORD

Years of repeatedly examining court judgments have equipped us with reliable strategies for transforming rigid legal writing into research reports. We recruit enumerators who are experienced in reading legal documents. We determine keywords that intersect with the characteristics of each case. We ensure that every column is completed, and where information is unavailable, we assign a specific code so that readers do not mistake missing information for carelessness.

This method ensures that data collection proceeds in a systematic, measurable, and efficient manner. Demographic details are converted into numerical codes. Lengthy testimonies are broken down according to relevance. Verdicts are recorded in abbreviations. What unfolds across hundreds of hearings is condensed into a single worksheet, later manipulated by the writer into bar charts, line graphs, pie charts, donut charts, and other forms resembling dessert displays.

Yet what often fails to appear in the collected data is the suffering experienced by the individuals behind those numbers—particularly those sentenced to death. Even when a defendant’s statements are recorded and their defense formally considered, what they experience upon hearing the single sentence that determines their life, quite literally, can never be fully captured in datasets.

This is why, however rigorous our research reports, and those of many other institutions analyzing capital punishment in terms of numbers, proportions, correlations, and trends—they can never fully uncover how the death penalty is truly felt. They cannot perfectly portray what it means for a defendant to hear that verdict pronounced, nor the overwhelming surge of emotion that accompanies the realization that their life may end at any moment. The horror of the death penalty becomes even more difficult to depict when the person sentenced is a woman who has already borne stigma since the very beginning of the criminalization process.

This report can reduce the judicial declaration: “To sentence the Defendant YYYY to death” into the variable entry “DEATH_SENTENCE.”

It is within this gap of knowledge about suffering that feminist writing becomes essential. Feminist research and writing methods enable us to present both the cognitive dimension of how the legal system positions women and the experiential dimension of women enduring the most barbaric punishment still practiced in Indonesia. Following



this approach, this report is written by women, centers women's stories within the legal system, and employs feminist approaches and theories to analyze the issues that arise.

We hope this report offers a new cover, both literally and figuratively, amid the many research publications on the death penalty in Indonesia. Through a narrative that is flexible yet incisive, we aim to amplify the voices of women sentenced to death and their families. After all, these are their stories.

Albert Wirya

Executive Director of LBHM

Bab I

INTRODUCTION

The Indonesian government often presents the issue of the death penalty to the public in an overly simplistic manner, framed within two main narratives. First, the death penalty is positioned as a catch-all solution to a range of social problems, such as drug trafficking,¹ murder,² and corruption.³ Second, the government frequently portrays death row prisoners themselves as the primary obstacle to the execution of death sentences, citing reasons such as unexercised legal avenues⁴ and the complexity of diplomatic matters,⁵ while failing to acknowledge that law enforcement processes in these cases are often deeply flawed.

These justifications further entrench stigma against death row prisoners. Such stigma encourages public calls for executions, which in turn intensifies the negative impact on those living on death row. While awaiting execution, death row prisoners endure prolonged imprisonment, restrictions on their rights, and other conditions that collectively constitute an additional burden of suffering. This situation is commonly referred to as the death row phenomenon. Upon closer examination, its manifestations—often described as death row syndrome—are frequently experienced even before their convictions become final and legally binding.

Data from the Directorate General of Corrections shows that as of November 2025, there were 605 death row prisoners, nine of whom were women.⁶ The number of women on death row is considerably lower than that of men. However, their

1 Human BNN, Hukuman Mati bagi Bandar Narkoba Melindungi dan Menyelamatkan Bangsa Indonesia dari Bahaya Penyalahgunaan Narkoba, BNN RI, 26 March 2013, accessed via: <https://bnn.go.id/hukuman-mati-bagi-bandar-narkoba-melindungi-dan-menyelamatkan-bangsa-indonesia-dari-bahaya-penyalahgunaan-narkoba/>

2 Berita Merdeka, Nasir Djamil Desak Hukuman Mati bagi Oknum TNI AL Pelaku Pembunuhan di Aceh Utara, Berita Merdeka, 18 March 2024, accessed via: <https://beritamerdeka.net/news/nasir-djamil-desak-hukuman-mati-bagi-oknum-tni-al-pelaku-pembunuhan-di-aceh-utara/index.html>

3 A statement by Immanuel Ebenezer Gerungan, Deputy Minister Manpower (2024–2025), to the Attorney General on 14 December 2024, asserting that the death penalty could be one solution to eradicate corruption, further detailed at: <https://www.ajnn.net/news/sebelum-ditangkap-ebenezer-sebut-hukuman-mati-layak-untuk-koruptor/index.html>.

4 Friski Riana, Alasan Hukuman Mati Terpidana Narkoba Belum Dilaksanakan, Tempo, 29 March 2018, accessed via: <https://www.tempo.co/hukum/alasan-hukuman-mati-terpidana-narkoba-belum-dilaksanakan-950489>

5 CNN Indonesia, Jaksa Agung: Masih Ada 300 Terpidana Mati yang Belum Dieksekusi, CNN Indonesia, 6 February 2025, accessed via: <https://www.cnnindonesia.com/nasional/20250206152307-12-1195383/jaksa-agung-masih-ada-300-terpidana-mati-yang-belum-dieksekusi>

6 Data on death row prisoners can be accessed periodically through: <https://sdppublik.ditjenpas.go.id/dwh>

situation is often more vulnerable due to the layered burdens they carry: in addition to the stigma of their own sentence, women on death row are judged against social expectations, such as the notion that women should be obedient. This is further compounded when their status is that of a mother, who is expected to serve as a role model for her family and care directly for her children.

These burdens not only add a layer of “punishment” to women’s roles and identities, but also overlook the structural vulnerabilities that female death row prisoners have experienced long before they became involved in criminal acts. These include poverty, limited education affecting access to decent-paying employment, and gender-based violence. Their circumstances are further exacerbated by a criminal justice system that rarely explores or takes into account the context of their involvement in crimes, such as power relations, mental health, or coercion into criminal acts.

Against this reality, it becomes crucial to present a report on the conditions of women sentenced to death, alongside the structural vulnerabilities they continue to face from the very start of legal proceedings through the period of awaiting execution. This report differs from previous publications⁷ by also highlighting the impact of the death penalty on the prisoners’ families, such as the financial burdens borne by families during incarceration and the stigma faced by relatives of those sentenced to death.

The report aims to provide a more comprehensive perspective on the death penalty, focusing not only on punishment and execution but also on the humanitarian and gendered dimensions—experiences that are particularly characteristic of female death row prisoners but are often overlooked. Furthermore, it aims to broaden the public's understanding of the death penalty in Indonesia, thereby encouraging wider support for its abolition, while underscoring the importance of the principle of caution in imposing capital punishment as stipulated in Law Number 1 of 2023 on the Criminal Code (KUHP 2023/2023 Criminal Code).

7 Several previous publications have reported on the conditions of women sentenced to death, including:

(1) a 2024 report by the Komisi Nasional Anti Kekerasan terhadap Perempuan titled “Jiwa-jiwa yang Disiksa: Laporan Pemantauan Situasi Perempuan Terpidana Mati di Lembaga Pemasyarakatan” which examines the conditions of women on death row based on the standards set out in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(2) a 2021 report by the Institute for Criminal Justice Reform titled “Yang Luput Dibahas: Perempuan dalam Pusaran Pidana Mati” which focuses on the judicial processes faced by women sentenced to death.

Bab II

DATA COLLECTION AND WRITING METHODOLOGY

This report draws on both primary and secondary data. The primary data were obtained through direct interviews with six women sentenced to death and three family members of death row prisoners, conducted between May and July 2025. Five interviews were carried out in person at the correctional facilities where the informants were detained, while one interview was conducted by telephone because the informant had already been released. As for the family members, two interviews were conducted face-to-face, and one was conducted through an online meeting.

Secondary data were collected from court judgments at all levels of adjudication, from the first to the final stage, case review, concerning the six women sentenced to death. Additional sources included media articles profiling their cases, as well as assessment notes prepared by legal counsel during the course of legal representation.

The six women selected for this report are death row prisoners who were clients of Lembaga Bantuan Hukum Masyarakat (LBHM) and the Institute for Criminal Justice Reform (ICJR). Their selection was based on the familiarity and trust that had been established during the legal assistance process, enabling in-depth interviews to explore their life histories.

The details of the six women sentenced to death are as follows:

1. Name : Rosita Said
Place, date of birth : Sikabu, 29 January 1982
Sentence Status : Death Penalty
Period Detention : Since 22 August 2015 to the present

2. Name : Jat Lie Chandra
Place, date of birth : Jakarta, 21 December 1967
Sentence Status : Death Penalty
Period Detention : Since 26 November 2007 to the present

3. Name : Meirika Franolla
Place, date of birth : Jakarta, 23 November 1970
Sentence Status :Death Penalty (commuted to life imprisonment through clemency)
Period Detention : Since 12 January 2000

4. Name : Aulia Kesuma
Place, date of birth : Lampung, 24 October 1974
Sentence Status : Death Penalty
Period Detention : Since 30 August 2019 to the present

5. Name : Merri Utami
Place, date of birth : Sukoharjo, 30 January 1974
Sentence Status :Life Imprisonment (commuted from death penalty through clemency)
Period Detention :1 November 2001 – 27 February 2023

6. Name : Dita Desmala Sari
Place, date of birth : Lintau, 8 December 1995
Sentence Status : Released
Period Detention : 6 August 2001 – 27 February 2024

These six women differ in age, type of offense, length of detention, and regional background, offering a broader understanding that the experience of living under a death sentence is not singular. The decision to identify the interviewees by name in this report was made with their consent, as part of an effort to provide space for women on death row to share their life experiences directly with the public. This approach seeks to present a more balanced and humanized narrative, while also offering an alternative perspective to the dominant discourse surrounding capital punishment.

This report is written using a feminist approach that centers women’s lived experiences as the primary source of knowledge. It adopts a standpoint that recognizes their social and economic positions, power relations, and the broader life contexts that shape their experiences. The writing process is therefore not only analytical and interpretive, but also affective—reflecting an effort to understand women’s realities in a more holistic and justice-oriented manner.

Bab III

TWO ARENAS OF JUDGMENT FACED BY SIX WOMEN SENTENCED TO DEATH: OBSCURING FACTS AND PERPETUATING STIGMA

The act of judging does not take place solely within the courtroom. The media frequently shapes public opinion in ways that position suspects or defendants as if they were already guilty before trial even begins. Even after a judicial verdict is delivered, the “trial by press” can exert a more powerful impact, imposing a form of social punishment that exceeds the sentence handed down by the court.

The media undoubtedly plays an important role in safeguarding democracy and ensuring judicial transparency. However, reporting—particularly in cases involving women accused of crimes—is often sensationalized and laden with stigmatizing labels. This dynamic produces significant consequences: judges may develop bias before proceedings begin; accused individuals may endure long-term stigma; and public trust in the legal system may be undermined.

This phenomenon is also evident in the cases of the six women sentenced to death discussed in this report. They have faced not only the damaging effects of media narratives, but also a criminal justice system that failed to uphold the presumption of innocence, the right to a fair trial, and the guarantee of equality of arms. In this context, the two arenas of judgment—media and court—intersect and reinforce one another, perpetuating stigma against women on death row. The following sections outline the series of circumstances they endured.

1. Merri Utami

The media portrayed Merri Utami as a figure who exercised significant control over narcotics trafficking, labeling her the “Queen of Heroin.”⁸

⁸ Arbi Anugrah, Ratu Heroin Merri Utami Ditempatkan di Ruang Isolasi Nusakambangan, 24 July 2016, Detiknews, accessed via: <https://news.detik.com/berita/d-3259832/ratu-heroin-merri-utami-ditempatkan-di-ruang-isolasi-nusakambangan>

This title was not only exaggerated but also unfounded. It obscured the facts that placed Merri in the circumstances leading to her death sentence, while simultaneously creating the impression that the judicial process was free from error in imposing that verdict.

In reality, the courts never adequately examined, acknowledged, or considered Merri's vulnerability. The judiciary even concluded that Merri had demonstrated criminal intent because she had changed her name from Cahyawati to Merri Utami. In fact, she changed her name so that she could return to work as a migrant worker. In the mid-1990s, migrant workers were required to return home before being redeployed abroad, a process that carried the risk of losing employment they had already secured and considered stable. Merri did this in order to resume work quickly and earn money for the medical treatment of her eldest child, who suffered from a heart condition.

The criminal justice system, particularly in narcotics cases, often appears more driven by a desire to punish than by a commitment to uncover the substantive truth. This tendency was evident in the reasoning of the panel of judges who examined Merri's case. The judges interpreted Merri's suspicion about the weight of the bag she was carrying as proof that she was aware it contained heroin.

Moreover, the court reasoned that Merri had sufficient time to cancel or refuse to carry the bag, given the interval between receiving it and her return to Jakarta. Because she was acquainted with her boyfriend's friend who was involved in drug trafficking, the judges concluded that she should have realized the bag contained heroin. The court further determined that Merri had collaborated with her boyfriend in the illicit distribution of narcotics in Indonesia.

However, when traced from the beginning, the facts presented at trial clearly indicated that Merri was a victim of a narcotics syndicate. The first-instance judgment detailed how Merri initially became acquainted with the man who later became her boyfriend. Someone in Taiwan had given her the contact number of a man living in Jakarta. Merri contacted him when she was in Jakarta.

All of Merri's meetings with this man took place in hotels; she never knew where he lived. She was later invited to travel to Nepal, but they departed on different days—Merri left one day after him. After several days in Nepal, her boyfriend returned to Indonesia earlier than planned, citing business matters, while Merri remained there alone.

Nearly two weeks later, the sample bag was handed to Merri by two men who were friends of her boyfriend. When she questioned why the bag was heavy, they responded briefly, saying that its quality was good, which was why it was heavy.

Having spent a considerable time alone in Nepal and eager to return to Indonesia, Merri did not press further.

Upon arriving at Soekarno-Hatta International Airport in Tangerang, Merri did not know that the bag she was carrying contained 1.1 kilograms of heroin. She passed through several layers of inspection without difficulty, until she remembered that there was a suitcase she had not yet collected. When she went to the lost and found section, officers began re-examining all of her belongings and discovered the reason “why the bag was heavy.”

Merri was immediately arrested and taken to a hotel in Central Jakarta. Police officers instructed her to call her boyfriend, but instead of assistance, she received threats from him that if she revealed his identity, she would receive no help with her legal process. During this period, Merri was subjected to verbal abuse and sexual harassment by the officers interrogating her.

She was slapped, kicked in the face, had a gun pointed at her head, and was sexually objectified. She was also prevented from using the restroom. Her body was covered in bruises, yet her statement that the heroin did not belong to her was not believed. Merri was never given meaningful space to defend herself. Her attempts to maintain her innocence were consistently characterized as evasive, from the police investigation stage through the trial.

At the first trial, Merri was represented by a lawyer who was most likely financed by her boyfriend. This lawyer failed to ensure that her rights as a suspect and defendant were fulfilled and was even absent when the verdict was delivered. Merri was sentenced to death without a single mitigating witness presented on her behalf. The judges declared that there were no mitigating circumstances.

The legal process focused almost exclusively on prosecution and punishment. The death sentence was upheld through case review. On 23 July 2016, Merri was placed on the execution list without proper notification from the state. The process was rushed. On 26 July 2016, Merri submitted a clemency petition—although death row prisoners are supposed to be given the opportunity to exercise this right before being scheduled for execution.

Her execution, originally scheduled for the early hours of 29 July 2016, was later postponed along with that of other death row prisoners. This postponement became a turning point, revealing facts that had never been properly considered during trial. It brought to public attention that Merri was a victim of a narcotics syndicate and that she should not have been sentenced to death, but rather released from all criminal charges.

Gradually, the media began reporting on Merri differently. Coverage shifted to highlight her vulnerability as a migrant worker, her experiences of violence, and the difficulty she faced in refusing to carry the sample bag due to her dependency on her boyfriend. These were facts that the judges could and should have connected from the outset in order to understand the full context of the case.

Seven years later, on 27 February 2023, the state began to correct its mistake by granting Merri's clemency petition and commuting her sentence from death to life imprisonment. Yet this does not fully compensate for the suffering she has endured. A life sentence spares her from execution, but it does not provide certainty as to when she may return home to live with her children and grandchildren.

2. Dita Desmala Sari

If life is seen as a series of efforts to avoid traps, Dita Desmala Sari went through at least two events that were later seen as serious mistakes. However, these mistakes cannot be blamed on her alone, as they stemmed from bad luck made worse by a system that failed to protect her.

After finishing junior high school, in December 2012, Dita married a man one year older than her. They then lived separately from their parents, renting their own house. At first, Dita thought he was a good husband. But just three days after their wedding, his behavior changed drastically: he became easily angered, harsh, and even started hitting Dita.

Unable to cope with his behavior, Dita ran away and returned to her parents' home in February 2013. Her husband came to bring her back, and out of fear, she obeyed. His abusive behavior got worse. They often argued over trivial matters. Dita was not allowed to work, while her husband, who had claimed to work at a bottled water depot, did odd jobs instead.

Dita only received money from her husband. However, it was not enough to cover their needs. Her parents frequently sent food or gave her money. This became the first misfortune Dita had to bear: marrying young to someone she believed to be good, only to face abuse and a husband unable to meet their basic needs.

Her husband's cruelty did not stop there. Around August 2013, he tricked Dita into accompanying him on an outing without telling her the destination. She was taken into a forest, where she encountered a young boy who was lying weak and helpless. Without knowing his identity, her husband forced Dita to remove the boy's pants, but she refused. In the end, her husband removed them himself.

Dita was then forced to tie the boy's neck using the pants, while her husband engaged in sexual abuse. Dita did not immediately comply; it took several commands before she reluctantly obeyed. The abuse escalated further: with a knife pointed at her and threats to kill, her husband ordered her to harm the child.

This pattern repeated three times with three different boys. During the second incident, Dita refused to comply with her husband's order. He then slapped her, causing her to fall. Time and again, it was extremely difficult for Dita to resist his commands. Her husband repeatedly warned her not to tell anyone about these events.

Her husband's cruelty did not end there. Around August 2013, he tricked Dita into accompanying him on an outing without telling her the destination. She was taken into a forest, where she found a young boy lying weak and helpless. Without knowing his identity, her husband forced Dita to remove the boy's pants, but she refused. In the end, it was her husband who removed them himself.

In September 2013, Dita's husband returned her to her parents, stating that he no longer wished to live with her. From that point on, Dita never communicated with him again. However, on 7 August 2014, while Dita was working at a laundry service near her home, she was arrested by the police on charges of murdering three young boys, crimes that had occurred approximately one year earlier.

Dita underwent the legal process from the investigation stage without sufficient understanding of what she was facing; in fact, it can be said that she did not understand at all. The legal counsel appointed to assist her merely appeared at proceedings without ever actively defending her. Worse still, the lawyer agreed with the prosecutor's charges, stating that all counts were consistent with Dita's actions. The court subsequently sentenced Dita to death.

Dita was not only given a punishment heavier than the prosecutor's demand. The total of seven victims killed by her husband was also treated as an aggravating factor by the judges in imposing the death penalty on her. The first-instance court reasoned that Dita should have reported her husband to the authorities and thereby prevented the four additional victims he later killed. The judges further stated that Dita should not have been afraid of her husband's threats, as those threats were merely verbal.

The two major events in Dita's life—marrying a man of violent character and being coerced into committing crimes—did not merely result in a death sentence. Life continued to impose further bitterness. As if the courtroom judgment that failed to understand her vulnerability and the threats embedded in her marriage were not enough, *Detik News* labeled Dita a “female butcher”.⁹ This was despite the fact that its own reporting clearly identified who the principal perpetrator was and that Dita had been charged more lightly than her former husband.

However, after serving ten years in prison, Dita's sentence was reduced to ten years' imprisonment through a case review decision dated 24 October 2024. Through the Supreme Court, the judiciary acknowledged and corrected its error, recognizing that at the time of the offense (14 August 2013), Dita was still 17 years and 8 months old. As a minor at the time of the *tempus delicti*, she should not have been subjected to a sentence of life imprisonment or the death penalty.

3. Meirika Franolla

Franolla has now spent twenty-five years of her life in prison. Her memory remains vivid of how the media covered her case. “I said, I am ready to be punished if I am guilty,” Franolla recalled what she told journalists when they interviewed her. However, that statement later became a boomerang for her, as it influenced the judges who examined her case. “The judge said, ‘How arrogant,’” Franolla recounted.

Franolla should have been investigated and tried together with her husband, but he was killed in a shootout with the police. Her involvement in drug trafficking was not as simple as portrayed in media reports, including the stigma that she was part of an international syndicate merely because she had traveled to many countries carrying narcotics. Franolla was not a “Drug Queen,” as the media labeled her.

Franolla was arrested at Soekarno–Hatta Airport as she was about to depart for London. The police then took her to a hotel in North Jakarta for interrogation, before proceeding to her home to arrest her husband. During the arrest operation, Franolla remained inside the police car and did not know exactly what was happening. However, through the police radio, she heard gunshots, and from that moment she knew that her husband had been shot by the police.

⁹ Detik News, Majelis Tinggi Kuatkan Vonis Mati untuk Jagal Perempuan dari Riau, Detik News, 10 April 2015, accessed via: Detik News, Majelis Tinggi Kuatkan Vonis Mati untuk Jagal Perempuan dari Riau, Detik News, 10 April 2015, diakses melalui: <https://news.detik.com/berita/d-2883760/majelis-tinggi-kuatkan-vonis-mati-untuk-jagal-perempuan-dari-riau..>

Franolla's life in Jakarta, after moving from Cianjur, began with her work as a disc jockey. After her first marriage failed, she became accustomed to working hard to support herself. She met her second husband when he visited the girlfriend of a friend, where Franolla was also staying. That brief encounter led to persistent courtship; she was pursued and showered with gifts until she eventually gave in.

Franolla's marriage initially appeared stable and unproblematic. Her parents in Cianjur readily gave their blessing, as she and her husband shared the same faith. She believed she would be adequately provided for; her husband was involved in an export clothing business. By all appearances, the marriage was happy. Franolla had no suspicions about her husband, even though they had first met in the Kampung Bali area of Tanah Abang, Central Jakarta, an area known for illicit business activities.

Everything changed after the birth of their child. Only then did Franolla learn that her husband was involved in narcotics trafficking. She was forced to participate and was subjected to abuse if she refused. On several occasions, she attempted to leave in order to avoid complying with his demands, but escaping the relationship proved difficult. The violence she experienced was not only triggered by her refusal to cooperate but also by her husband's jealousy, including over trivial matters such as unintentionally glancing at someone else.

Facing the criminal process alone placed the entire burden of wrongdoing upon her. Franolla provided investigators with all the information she had, hoping it would mitigate her sentence. The court, however, did not meaningfully examine the extent of her involvement in the narcotics operation. She repeatedly stated that she was not part of a syndicate, yet her claims were dismissed.

There were many aspects of her husband's activities that Franolla did not know, including where the narcotics were packaged and where they were to be delivered or collected. Nonetheless, the judges did not reconsider imposing the death penalty. No witnesses testified directly in court, and her defense was inadequate. Despite these deficiencies, Franolla was sentenced to death.

After the verdict, the scrutiny did not end. Media coverage of Franolla's life in prison continued intensely. She never knew who provided information to journalists but believed that individuals inside the prison were selling information about her. She never truly felt safe in a prison in the capital, located so close to major media offices.

In 2011, through Presidential Clemency Decision No. 35/G/Tahun 2011, Franolla's death sentence was commuted to life imprisonment by President Susilo Bambang Yudhoyono. The clemency was granted in exchange for her cooperation with

the United States Drug Enforcement Administration in exposing a transnational narcotics syndicate.

However, in 2014, Franolla became entangled in another narcotics case. The case began when a fellow prisoner, X, gave Franolla's phone number to others without her knowledge or consent. X was about to be transferred to Nusakambangan and anticipated difficulties in maintaining communication. As a result, many people began contacting Franolla to inquire about X.

In attempting to locate X, Franolla was later characterized as acting as an intermediary in narcotics transactions, since those seeking X intended to conduct drug dealings. For this, X provided Franolla with money, which she used to support herself and her young children. The scheme was uncovered after another prisoner volunteered as a justice collaborator in a case involving X.

Franolla was initially questioned as a witness, but the National Narcotics Agency later named her a suspect, despite the absence of physical narcotics evidence. The legal proceedings were marked by weak defense representation. X refused to testify in her favor, even though the narcotics operation was controlled by him. The court disregarded Franolla's vulnerability as a single mother of young children and failed to carefully assess the extent of her role. Although prosecutors sought the death penalty, the trial and appellate courts initially issued a null verdict. On cassation, however, the Supreme Court reversed the outcome and imposed the death penalty, contrary to Article 67 of the Criminal Code, which prohibits imposing additional punishment on someone already sentenced to death or life imprisonment.

4. Rosita Said

Rosita Said's life can, at the very least, be described through three interrelated factors: marriage, fertility, and poverty. Each of these shaped the decisions she made, ultimately bringing her into conflict with the criminal justice system. This complex reality was never fully understood by the courts, which consistently imposed the death penalty on her, including at the stage of case review.

Rosita's life was effectively divided into three chapters of marriage. She first married at the age of twenty. The marriage lasted only six years, ending after she was labeled infertile and unable to bear children. During that marriage, she frequently endured abusive treatment. Whenever her husband encountered personal problems, Rosita often became the target of his anger.

The experience left her traumatized and unwilling to enter into another marriage. Yet living as a divorced woman stigmatized for infertility was not easy. Social pressures pushed her toward proving herself. In 2011, she remarried. From this second marriage, she gave birth to a son.

This marriage, however, also did not last. A year later, Rosita filed for divorce. Her decision was driven by her husband's gambling habit, his inability to provide financially, and his neglect of household responsibilities. As a result, Rosita not only became divorced again but also a single parent to her only son.

At the end of 2012, partly motivated by the need to support her child and improve her circumstances, Rosita moved alone to Jakarta. She worked as a sales assistant in a clothing shop at Tanah Abang Market. She proved adept at identifying fashion trends, approaching potential customers, and negotiating prices. Gradually, her life began to improve. She was able to send money to her child and family in her hometown.

Through this work, Rosita met a foreign national who later became her third husband. Given her past experiences, she was cautious about entering another marriage, particularly as she now had a child. However, the man convinced her through gestures of care toward her son, traveling together to Vietnam, and even converting to her religion.

They officially married in 2015. Yet the marriage was not without conflict. Before receiving her family's blessing, there had been significant opposition. In the early months, the marriage appeared harmonious, as Rosita had hoped. Over time, however, she began to suspect that her husband was being unfaithful, as he frequently made secretive phone calls in a language she did not understand. Whenever she questioned him about the caller's identity, he responded with anger.

Eventually, her husband admitted that he was discussing business with a Nigerian man, D, whom they had met in Vietnam. D had initially been Rosita's acquaintance, whom she later introduced to her husband because they were from the same country. At first, Rosita felt pleased, believing the introduction would lead to legitimate business opportunities. However, she was shocked to learn that the "business" in question involved narcotics.

Upon hearing this confession, Rosita faced a difficult choice: leave the marriage or remain. She was conscious that this was her third marriage, already marked by family opposition. She worried about what people would say about her. At the same time, her husband began showing signs of returning to his former religious faith, such as wearing a necklace bearing the symbol of his previous religion.

Rosita ultimately chose to stay and not interfere in her husband's affairs. At one point, her husband spoke to a woman who regularly helped clean their home, asking her to find someone who could assist in distributing narcotics. Rosita knew the conversation had taken place but did not know its contents, nor did she know when the woman later brought another person into the arrangement.

On one occasion, Rosita was asked to give money to this woman. She did not see anything suspicious about the request. In fact, the money was used to rent a house that would function as a storage site. Her husband also promised financial rewards to the woman if the narcotics distribution proved successful. All aspects of the distribution and control of the operation were managed by Rosita's husband.

Nevertheless, the judicial process failed to distinguish between Rosita's role and that of her husband. Items seized from the house they occupied—such as mobile phones, plastic packaging, and weighing scales—were treated as belonging to and being under Rosita's control, even though they were in fact owned by her husband. This resulted in Rosita being regarded as having played an equal role. The assessment was further aggravated by the court's disregard for Rosita's vulnerability, both as a single parent and as a woman positioned outside the social norms imposed upon her.

5. Aulia Kesuma

Motive is often debated in criminal law, particularly regarding whether the reasons behind a person's criminal act should be taken into account. In the general framework of proof, what matters most in establishing a criminal offense is the presence of *actus reus* (the unlawful act) and *mens rea* (the guilty mind). Motive is not considered an essential element, although it is sometimes used to assess *mens rea*.

However, feminist legal theory critiques this classical model of proof for neglecting the social context, power relations, and gendered experiences that underlie a person's reasons for committing a crime.¹⁰ The theory emphasizes the importance of understanding motive and background—particularly for women—because *mens rea* does not arise from a neutral exercise of free will, but is often shaped by relational pressures and structural vulnerabilities.¹¹

¹⁰ Bernard L. Tanya, dkk., *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, (Jakarta: Genta Publishing), 2013, p. 161-167.

¹¹ *Ibid.*

A cursory reading of media coverage of Aulia Kesuma's case makes it easy for readers to accept the dominant narrative portraying her as a cold-blooded murderer who took the lives of her husband and stepson. Some reports mentioned her relationship with the victims, but without explaining any causal connection between motive and action.

Aulia met her husband when both had already divorced their respective spouses. At the time, Aulia had recently suffered a bone fracture and had lost her job. Their relationship grew from her husband's consistent support while accompanying her to medical treatment. They eventually married, each bringing children from previous marriages.

After the marriage, Aulia realized that her husband was unemployed and had been living off his parents' wealth. Faced with this reality, Aulia sought ways to build a livelihood and established an oriental cuisine restaurant in the Lebak Bulus area. The restaurant was relatively successful, generating monthly revenue of up to IDR 100 million. However, the income had to be rotated to repay bank loans that had financed the business.

The loans were not only for the restaurant but also for daily living expenses. All loans were registered under Aulia's name. Over time, she felt increasingly overwhelmed—especially since her husband prohibited her from working after their marriage, making the restaurant her sole source of income. Several times, Aulia asked her husband to help repay the debts, but he refused, arguing that since the loans were in her name, she was responsible for repayment. In fact, the loans were registered under Aulia's name because her husband had been blacklisted by banks.

In addition to financial strain, Aulia frequently argued with her husband over their children. She felt unable to cope with her stepson and what she perceived as his problematic teenage behavior. Her stepson also accused her of having drastically changed his life after she entered their household. Aulia further heard that she had been threatened with death by her husband's former in-laws.

At the same time, Aulia's two children did not get along with their stepfather. Tensions peaked when Aulia's husband called her daughter a "prostitute." This remark deeply wounded not only Aulia but also her son, who later became a co-defendant in the same case. The insult fueled ongoing disputes, compounded by mounting debt—which, in Aulia's view, could have been resolved by selling one of her husband's assets.

These circumstances ultimately drove Aulia to commit acts that led to her being sentenced to death. Aulia maintained that her initial intention was not to kill, but to reprimand her stepson and force her husband to take her side. In seeking a solution, she confided in several individuals, one of whom provided information about a shaman who could cast black magic. She was instructed to purchase a horse worth IDR 45 million as a ritual offering, but the plan yielded no result.

The informant then suggested staging an accident, which also did not materialize. Subsequently, he proposed using a weapon capable of instantly destroying the victims' bodies. When such a weapon was unavailable, he suggested a murder staged to resemble a robbery—an idea to which Aulia agreed. The informant not only provided the plan but also assisted in its execution.

Aulia claimed to have spent significant sums of money on the informant's various schemes. Gradually, she came to feel that he was deliberately exploiting her financially. At one point, she was even told that she would need to become his unregistered wife if she wished for the black magic to succeed. The informant also failed to assist when Aulia panicked over how to dispose of the bodies. She found herself at the limits of her endurance—overwhelmed by conflict with her husband and stepson, and by anger that was manipulated by others for economic gain.

Aulia's legal proceedings were marked by hearings that afforded her little opportunity to defend herself; she was not permitted to present exculpatory witnesses. Even during the investigation stage, some questioning carried a strong sexual undertone. Moreover, prior to the legal process, Aulia had already been struggling with insomnia and depression, conditions that further deteriorated during her incarceration.

6. Jat Lie Chandra

Research conducted by LBHM found significant male involvement—such as husbands and boyfriends—in cases where women were implicated in narcotics offenses. However, disparities were observed in how the law was enforced against them. The findings indicate that 53.7% of the men involved were subjected to legal proceedings, while 27.4% were not prosecuted for various reasons, such as evading arrest or not being pursued by investigators.¹²

¹² This study involved 306 incarcerated women, as cited in Arinta Dea et al., *Yang Terabaikan: Potret Situasi Perempuan yang Dipenjara Akibat Tindak Pidana Narkotika* (The Overlooked: A Portrait of the Situation of Women Imprisoned for Drug-Related Offences), LBH Masyarakat, Jakarta, 2019, p. 39.

Such disparities in law enforcement were evident in the case of Jet Lie Chandra. Lie had been detained since 26 November 2007 and was subsequently sentenced to death by the district court. In contrast, her husband received only a one-year prison sentence. This discrepancy arose because 449,104 ecstasy pills were attributed to Lie, whereas her husband was charged with possession of only 1.5 grams of methamphetamine.

This case was not merely “irregular”; it was conducted with superficial evidentiary proceedings. A week before Lie’s arrest, on 21 November 2007, the police had already apprehended two foreign nationals who were acquaintances of Lie’s husband. Lie had met these two individuals once at a shopping mall, having been introduced to them by her husband. Beyond that brief encounter, she had no further contact or communication with them.

The next day, Lie’s husband was arrested. Upon hearing this, Lie took her two children and her domestic worker to a friend’s house. She wanted to keep them safe and avoid becoming involved in legal trouble. Four days later, however, Lie was arrested. Police claimed that a handwritten note reading “M. Thai,” found among evidence seized from the two foreign nationals, referred to her. The note was interpreted—without further verification—as referring to Lie.

A search of Lie’s home uncovered a used cosmetic container containing methamphetamine and Erimin-5. Lie admitted that she used narcotics at her husband’s insistence and always under his supervision. Based on the physical evidence found in her house, these items should have formed the basis of the case against her. Instead, the prosecution relied on a different narrative.

The 449,104 ecstasy pills seized from the residence of the two foreign nationals were attributed to Lie. She had no knowledge of their activities and no involvement in their dealings with her husband. Nevertheless, she was treated as part of a drug syndicate. Her husband, by contrast, was charged only under provisions relating to personal drug use.

During the investigation, Lie was asked to sign interrogation reports that she was not allowed to read. Although she is an Indonesian citizen, she is not fluent in Bahasa Indonesia, having spent much of her youth in Taiwan, Singapore, and the United States. Her repeated requests for an interpreter were ignored.

Lie has now spent more than fifteen years in prison. She still questions why the ambiguous note “M. Thai” was used to justify linking her to a large-scale drug operation, while her husband—whose name was clearly written in the same notebook—was never charged with a capital offense. Instead, he received a far lighter sentence. The unequal treatment has cost Lie not only her freedom, but also access to proper medical care as her health continues to decline with age.

The accounts of these six women sentenced to death demonstrate that the severity of punishment does not automatically guarantee fair proceedings, compliance with due process of law, sensitivity to vulnerability, or gender justice. The cases reveal investigative practices that were degrading and sexually charged; restrictions on the right to present a defense due to the gravity of the charges; and law enforcement officials whose decisions were shaped by moral judgment, anger, and a purely punitive orientation.

The imposition of the death penalty should serve as a moment of reflection on the very purpose of punishment. In *On Crimes and Punishments*, Cesare Beccaria argued that punishment is not a tool to torment the offender or to undo a crime that has already occurred.¹³ Yet legal systems often punish out of passion, even though passion cannot restore the suffering of victims nor deliver true justice.¹⁴ Excessive punishment, in fact, risks perpetuating injustice and reinforcing cycles of violence rather than preventing them.¹⁵

13 Cesare Beccaria dalam Audegean, P. (2017). Cesare Beccaria's *On Crimes and Punishments*: the meaning and genesis of a jurispolitical pamphlet. *History of European Ideas*, 43(8), 884–897. <https://doi.org/10.1080/01916599.2016.1256591>

14 Ibid.

15 Ibid.

Bab IV

SIX WOMEN SENTENCED TO DEATH AND THE FACTORS INFLUENCING THEIR INVOLVEMENT IN CRIMINAL ACTS

Analysis of the six women sentenced to death reveals similar patterns regarding the onset of their involvement in criminal acts. First, the experience of violence. All subjects experienced violence from their partners. At the time the criminal acts occurred, they were involved in various forms of romantic relationships: some had been married, some were currently married, and some were attempting to establish new relationships after previous marriages had failed. Several had also experienced violence in prior marriages and faced abusive treatment again in subsequent households. Second, the influence of intimate partners. Their involvement in criminal acts was influenced, directly or indirectly, by their intimate partners. Third, financial issues. They faced financial difficulties, either as the main breadwinners or as individuals dependent on their partners. These factors are interrelated and shaped their decisions and involvement in criminal acts. The following section provides further details on the factors influencing their criminal involvement.

A. Experience of Violence

Background investigations of defendants are not a standard procedure conducted by law enforcement. There are no special mechanisms that differentiate the examination of death penalty cases from non-death-penalty cases. This lack of differentiation means that the connection between experiences of violence and a woman's presence in the defendant's chair is rarely considered, even in cases where the defendant faces the death penalty.

The six women sentenced to death in this report shared similar experiences of violence. Some even suffered abuse in previous marriages and faced mistreatment again in subsequent households. This was the case for Rosita. In her first marriage,

Rosita was divorced by her husband because he considered her infertile. She later remarried and gave birth to a son. While the issue of having a child was resolved, domestic conflicts recurred.

Rosita frequently argued with her husband over household expenses, money for her child's milk, and his habits of drinking and gambling. She bore the family's financial responsibilities alone, which should have been shared with her husband. These circumstances ultimately led to the breakdown of her second marriage. Rosita then undertook various jobs, including working as a clothing store assistant, to support her child alone, without any help from her ex-husband.

Economic problems often serve as a primary trigger for domestic violence. Like Rosita, Merri experienced a similar situation. Household needs, compounded by the urgent medical expenses for her eldest child, forced Merri to become a migrant worker under the direction of her former husband. Prior to this, she endured a series of abuses accumulating from her husband's alcohol consumption and gambling habits.

Violence not only places women as victims but also forces them to compromise and yield continuously. Sometimes, they have no option but to obey their husbands' orders, regardless of the risks involved. Dita faced such a situation. Before she even turned 18, she agreed to her husband's proposal.

A household built without preparation made Dita highly dependent on her husband. Economic struggles, her husband's lies about having a job to provide for them, and repeated abusive treatment trapped Dita in a cycle of layered violence and manipulation—gradually eroding her ability to resist her husband's will. Ultimately, Dita was coerced by her husband into participating in the murder of three boys over different periods.

Financial dependence also influenced Franolla's involvement in crime. Throughout her marriage, Franolla was under her husband's complete control. When she disobeyed his orders, she often received repeated beatings and verbal assaults that severely affected her psychological condition. This abusive environment forced Franolla to participate in her husband's drug trafficking activities.

Moreover, violence is not limited to abusive partners; it can also stem from a partner's failure to provide protection, as experienced by Lie. After marriage, Lie migrated to live with her husband's family in the United States. During this time, her husband frequently left to manage his family business elsewhere, which marked the beginning of her bitter experiences. "I asked to go with him wherever he went, but he said, 'Why bother, just stay at home,'" recalled Lie.

Lie felt uncomfortable living in her husband's family home without his presence. She endured verbal sexual abuse from his family several times but was too afraid to confide in her husband, fearing he would not trust her. These experiences became a major factor in Lie's divorce and her return to Indonesia, while her child remained in the U.S., as Lie was considered financially incapable of taking care of her child.

For women, a sense of safety is not merely a need but a foundation for daily life. Similarly, Aulia experienced insecurity in her second marriage, feeling that her husband could not establish clear boundaries between their relationship and his ex-wife. This situation led to repeated conflicts, with children from previous marriages caught in the crossfire of adult disputes.

Insecurity extended beyond relational aspects. Verbal and physical violence also occurred. These cumulative experiences gradually formed a cycle of abuse that was difficult to break, placing Aulia under tremendous pressure and pushing her to make a fatal decision: to commit murder against her husband and stepson. This case illustrates that the absence of a sense of safety can drive women to take extreme actions.

B. Influence of Intimate Partners

Global reports have repeatedly shown that women involved in criminal acts are often influenced by their partners.¹⁶ This pattern is also evident in the context of criminal acts in Indonesia, as experienced by the women sentenced to death in this report. The influence of intimate partners rarely stands alone as a single factor; it usually occurs alongside another equally powerful condition: power dynamics.

Power dynamics are complex. In romantic relationships, dominance does not arise solely from masculinity but also from various circumstances that constrain and place one party in a vulnerable position. This includes prior experiences of violence, which further disempower individuals from resisting control, making independent decisions, or leaving harmful situations.

Dita's story illustrates how power dynamics and violence can push someone to commit actions beyond their personal limits. Without her husband's influence, Dita would not have had the "courage" to kill three boys. This so-called courage was not optimism but fear born from the threat of violence. Once Dita tried to resist, her husband slapped her until she fell.

¹⁶ These include: 1) Barlow, Charlotte and Weare, Siobhan (2019) Women as co-offenders: Pathways into crime and offending motivations. *The Howard Journal Of Criminal Justice*, 58 (1). Pp. 86-103. ISSN 0265-5527; 2) Mishra VL, Malviya KM, Causes Leading to Criminal Behavior among Women: An Overview. *Int J Contemp Res Multidiscip.* 2025;4(2):281-285.

A similar pattern occurred with Franolla. On the surface, she appeared to be at the top of the drug trafficking chain, seemingly in control. She frequently traveled between countries. However, within her household, Franolla was a wife with no choice but to obey her husband's commands. It was not that she never tried to resist—she did, several times—but each attempt resulted in her body being covered with bruises and wounds.

The influence to commit criminal acts does not always take the form of violence; seductive approaches are also commonly used by drug syndicates to target women as couriers. Rosita and Merri are examples of women trapped in drug syndicates through such approaches. Both were victims of domestic violence, which made them easy targets for the syndicate.

For some, receiving a bouquet of flowers may seem ordinary, but for Merri, it was a language of love she had never experienced before. Traveling to Kathmandu, Nepal was something she had never imagined. Vacationing abroad with a partner seemed impossible after years of living in a marriage that could not provide a home for her. Yet she could never have anticipated that this journey would ultimately lead to her becoming a death row inmate.

Believing that the love offered to her would provide protection was also experienced by Rosita. After several rejections of a man's courtship, she eventually relented. Rosita saw the sincerity of a man unlike her ex-husband, willing to buy milk for her only child. This convinced Rosita to marry him. Moreover, he was willing to follow the same religious beliefs as Rosita.

However, as if replaying an old record, their marital journey was not as smooth as Rosita had hoped. She and her husband faced financial problems. In this difficult situation, her husband contacted a friend he knew in Vietnam. Their communication was frequent enough that Rosita suspected her husband of infidelity. Much of their conversation was in a language Rosita did not understand. In reality, Rosita was mistaken—her husband was not cheating but engaging in drug transactions.

C. Inadequate Financial Conditions

There is a strong correlation between education and the opportunity to obtain adequately paid employment. Four of the women in this report did not pursue higher education, and some had only completed elementary school. This limited their access to formal employment, confining them to informal sectors such as domestic migrant work or retail positions. Jobs in the informal sector do not provide the benefits associated with formal employment, such as insurance or retirement plans. Clearly, working in the informal sector not only results in low wages but also in jobs that lack protection and security.

However, understanding access to financial resources should not be based on a single factor, especially for married women. Married women's access to income through employment is often restricted by their husbands. Aulia and Dita, for example, were prohibited from working by their husbands, even though their household needs made it impossible not to earn an income. This forced Dita to become dependent on her husband and comply with his demands, including her involvement in murder. For Aulia, the situation eroded her patience as she had to bear the household responsibilities alone, without support from her husband.

Financial constraints can also occur for women whose partners are relatively affluent. Lie and Franolla were perceived to have better lives compared to the other women sentenced to death. However, they had limited access to information about their husbands' wealth. Even when they eventually discovered that their husbands' wealth stemmed from illegal activities, it was not easy for them to leave the marriage. This was not merely a matter of comfort or lifestyle, but a reflection of power dynamics built on unequal access to and control over economic resources. Greater financial power and control made Lie and Franolla realize that opposing their husbands would be extremely difficult.

Moreover, poverty positions women—especially vulnerable women—as easy targets for drug syndicates. Merri and Rosita exemplify this. Approaches that offered comfort and the promise of a romanticized life were the easiest way to manipulate women who were “almost” desperate from the hardships they faced—ranging from domestic violence to economic struggles. Such approaches made it difficult for women to distinguish between genuine help and entrapment. In conditions of minimal social support, enticements framed as new opportunities for life appeared highly convincing, drawing women into criminal networks without their awareness of the risks involved.

Bab V

DEATH ROW INMATES AND THEIR UNACKNOWLEDGED SUFFERINGS

The implementation of the correctional system, as regulated under Law Number 22 of 2022 on Corrections (UU Pemasyarakatan), is based on several principles, including protection, non-discrimination, humanity, and the understanding that the loss of freedom constitutes the sole form of punishment. These principles affirm the state's obligation to ensure that imprisonment is not accompanied by other punitive forms of suffering.

However, for death row inmates, these principles are far from being realized. Beyond the loss of freedom, they are subjected to additional structural hardships, such as uncertainty regarding the outcome of their sentences, limited access to meaningful rehabilitation programs, and continuous psychological pressure. These conditions reveal that they endure multiple other forms of suffering—sufferings that have long been overlooked despite their real and significant impact. Further details regarding these issues are outlined in the following section.

A. Limited Opportunities for Sentence Commutation for Death Row Inmates

The first form of structural suffering is the unequal treatment regarding the right to sentence commutation for death row inmates. Article 10 of the Corrections Law (UU Pemasyarakatan) regulates the rights of inmates, including those related to sentence reduction, such as remission, assimilation, and parole, as well as rights to social integration, such as family visitation leave. However, these rights are explicitly excluded for death row inmates, and no specific rights are established for them.

This discriminatory treatment limits death row inmates' access to sentence commutation, leaving the only non-judicial mechanism available as the submission of a clemency petition, which can be submitted only once. However, obtaining commutation through clemency cannot be equated with legal certainty, as clemency provides no guarantee of outcome, and in practice, the decision-making process often exceeds the time limits set by law.

Merri Utami exemplifies the structural suffering caused by uncertainty regarding the outcome of her sentence. As explained in the previous chapter, Merri submitted a clemency petition on 26 July 2016, but she only received a response from President Jokowi nearly seven years later, on 27 February 2023. According to the law, the president should have issued a decision within three months after receiving the Supreme Court's recommendation.¹⁷

Moreover, even though Merri's death sentence was commuted to life imprisonment, she still lacks certainty about when she may eventually be released. In December 2023, Merri applied for sentence remission for life-sentenced prisoners, as regulated in the Minister of Justice and Human Rights Decree Number: M-03.PS.01.04 of 2000 concerning Procedures for Submitting Remission Requests for Inmates Serving Life Imprisonment to Temporary Imprisonment (Kepmen 04/2000). Unfortunately, no response was issued for this request. The following year, Merri submitted another remission request. Although no official result was provided, based on the previous year's pattern, it can be assumed that the request was again rejected. There was no written explanation for the rejection; however, the Directorate General of Corrections, through verbal communication, cited Article 2 of Kepmen 4/2000 as the basis for the denial:

“Applications can only be submitted if the inmate has served at least five (5) years and has always exhibited good behavior, counted from the date of incarceration.”

The wording of Article 2 of Kepmen 4/2000 requires two conditions for life-sentenced inmates applying for remission: they must have served at least five (5) years and consistently demonstrated good behavior from the date of imprisonment. Merri's application was denied verbally because she did not meet the minimum requirement of serving five years.

This situation brings to the forefront the question of how the period of “loss of freedom” experienced by Merri from 1 November 2001 to 27 February 2023 should be classified. Should this period not be counted as part of her sentence? To answer this, one can refer to the definition of an inmate in Article 1, point 6 of the Corrections Law (UU Pemasyarakatan):

“An inmate is a convicted person serving a determinate or life sentence, or a death row inmate awaiting execution of a court decision, who is undergoing rehabilitation in a correctional facility.”

¹⁷ Article 11 of Law No. 5 of 2010 amending Law No. 22 of 2002 on Clemency.

According to this definition, serving a prison sentence refers to those convicted with a determinate or life sentence. Meanwhile, death row inmates, during their time in prison, are only described as “awaiting execution of a court decision, undergoing rehabilitation in a correctional facility.” Consequently, Merri, who spent 22 years in prison, is technically not considered as serving a sentence.

This regulation implies that death row inmates are structurally designed to suffer, because their “loss of freedom” is not recognized as actual imprisonment. They are merely categorized as awaiting execution. Yet during this period of “loss of freedom,” their experience is similar to that of inmates serving determinate or life sentences—and, in fact, the suffering of death row inmates is double: imprisonment and execution.

A second contradiction in Article 2 of Kepmen 4/2000 concerns the requirement of good behavior from the date of incarceration. In addition to serving five years, inmates must demonstrate good conduct from the very start of their detention. This requirement is unfair for life-sentenced inmates who were previously on death row, because their prison term is only counted after the sentence is commuted, while they are still required to maintain good behavior from the beginning of incarceration.

If Kepmen 4/2000 was intended for inmates sentenced to life imprisonment from the outset, its provisions become even more unjust for death row inmates. It effectively means that death row inmates have no real opportunity to hope for reintegration into society. They are denied access to legal mechanisms for sentence commutation, which would otherwise provide a chance for them to eventually return home.

B. Limited Access to Meaningful Rehabilitation

Referring to the definition in Article 1, point 6 of the Corrections Law (UU Pemasyarakatan), death row inmates are classified as inmates “awaiting execution of a court decision, undergoing rehabilitation in a correctional facility.” Rehabilitation is generally implemented with the aim that, after completing their sentence, inmates no longer commit offenses and can participate in societal development.¹⁸

From these two definitions, it is evident that the position of death row inmates is not only restricted in terms of access to sentence reduction but also suffers from a gap in treatment that should be specifically designed for them. Their placement in prison is

¹⁸ Adapted from the Guidance Module for Rehabilitation, accessed via: <https://sdp.ditjenpas.go.id/panduan/PanduanModulPembinaan.html#:~:text=Berdasarkan%20Peraturan%20Pemerintah%20Nomor%2031,dapat%20ikut%20berpartisipasi%20dalam%20pembangunan.>

interpreted as “undergoing rehabilitation,” whereas the purpose of rehabilitation is to enable eventual social reintegration. This raises a critical question: to what extent do death row inmates have opportunities for reintegration?

The death row inmates interviewed for this report indicated that many activities are provided in prison, such as sewing, knitting, and culinary programs, but these activities mainly serve to occupy their time. Mamik Suparmi, a criminology expert from the University of Indonesia, criticized these programs, particularly for death row inmates:¹⁹

“Rehabilitation programs resemble time-filling activities more than highly personalized programs tailored to inmates’ talents, interests, and specific needs. Women’s special needs remain largely unmet. Even if inmates participate in various trainings and social activities, it is primarily a diversion.”

This observation aligns with the experiences of death row inmates in this report. Merri, for example, tried to remain resilient by participating in all available prison activities and even succeeded in establishing a church within one of the prisons she was held in. However, not all death row inmates possessed the same resilience. Rosita, at times, felt lost when participating in prison programs that would not affect her sentence reduction.

The issue of rehabilitation activities extends beyond mere availability; it concerns the relevance to inmates’ individual talents and interests. Aulia felt that there were no programs suitable for her skills. In a previous prison, she was allowed to provide massages to other inmates. Meanwhile, Lie felt that limited health conditions restricted her participation, though recently she became involved in laundry activities.

Furthermore, rehabilitation in correctional facilities is intended to foster piety towards God.²⁰ However, spiritual development is not a straightforward process. Factors such as despair can often lead to a sense of immobility.²¹ Lie admitted that she had not visited the temple for three months, questioning whether her sins made her unworthy of seeking divine assistance regarding her punishment.

Franolla, on the other hand, interpreted her situation differently. After being transferred from a prison near the capital, she saw it as a divine intervention to save her life. “This is God’s way of correcting people to follow a better path.

19 Presented in the hearing of Case Number 256/G/TF/2023/PTUN.JKT in Jakarta Administrative Court

20 Article 1 point 2 of Government Regulation Number 31 of 1999 on the Guidance and Development of Correctional Inmates defines the scope and objectives of inmate rehabilitation

21 An article from Hello Sehat highlights the importance of recognizing signs of despair and ways to cope, accessed via: <https://hellosehat.com/mental/mental-lainnya/putus-asa/>

People become stressed because they only see worldly matters without reflecting on themselves. I now spend more time in self-reflection,” Franolla described how she made meaning of her spiritual journey.

Rosita emphasized that religious activities should embrace inmates as equals. She wanted spiritual experiences to go beyond a one-way interaction between a religious leader and the audience, instead fostering direct, equal engagement. For Rosita, this egalitarian approach is crucial as it allows inmates to be recognized as whole subjects, not merely objects of rehabilitation, and enables a more meaningful and personal process of inner recovery.

These narratives show that both activities and spiritual experiences are highly personal—each inmate’s needs differ from one another. This underscores the importance of rehabilitation programs specifically designed for death row inmates, which should also provide pathways to convert participation into sentence reduction, making rehabilitation both meaningful and legally significant.

The indefinite nature of the death sentence should allow inmates the freedom to engage in productive activities, as stipulated in Article 38 of the Corrections Law.²² However, findings from this report indicate that not all death row inmates have access to activities that provide wages or incentives. For those who do work, the compensation is insufficient to cover monthly needs.

Access to paid activities is not solely about money; prison work can also protect inmates’ mental health.²³ Research from Italy confirms that inmates with access to employment and social activities within prison are less likely to experience depression.²⁴ Therefore, rehabilitation should be understood holistically, including as a measure to prevent worsening mental suffering among death row inmates.

22 Article 38 of the Correctional Law states that based on the Litmas (Correctional Intelligence Report), inmate guidance consists of: Personality development and Independence development

23 Constantino, P., Assis, S. G., & Pinto, L. W. (2016). The impact of prisons on the mental health of prisoners in the state of Rio de Janeiro, Brazil. *O impacto da prisão na saúde mental dos presos do estado do Rio de Janeiro, Brasil. Ciencia & saude coletiva*, 21(7), 2089–2100. <https://doi.org/10.1590/1413-81232015217.01222016>

24 Esposito, M. (2015). Women in Prison: Unhealthy Lives and Denied Well-Being between Loneliness and Seclusion. *Crime, Law and Social Change*, 63, 137-158.

C. Unaddressed Psychological Burden

Sentencing individuals to death subjects them to relentless anxiety, both fear of execution and anxiety stemming from uncertainty regarding their sentence. However, accelerating executions is not automatically a solution. The irreversible nature of the death penalty demands caution and strict adherence to legal procedures. At the same time, placing death row inmates in prolonged incarceration without certainty—or executing them after a long period of detention—cannot be justified, as both scenarios constitute cruel, inhumane, and degrading treatment.

In this context, neglecting the psychological condition of death row inmates also constitutes a violation of a fundamental right that the legal system should accommodate: the right to hope. This right is based on two principles: ²⁵

1. The punishment served by an inmate should allow for the redemption of the offense committed.
2. Inmates should not lose hope; there should be a temporal boundary indicating that the sentence served is sufficient for atonement.

In other words, inmates as subjects deserve the space to reflect on their offenses and the punishment they serve, while the state should assess whether they have sufficiently atoned, including providing opportunities for sentence reduction through remission or parole. ²⁶ Denying the right to hope fundamentally undermines human dignity. ²⁷

There is concrete evidence that death row inmates experience severe psychological suffering due to the punitive conditions they endure while awaiting execution. In 2022, Merri underwent a psychological evaluation, which revealed: ²⁸

- a. Uncertainty regarding her fate, resulting in passivity, helplessness, and loss of hope;
- b. Becoming withdrawn, distrusting others, and exhibiting general suspicion;
- c. Attempting to rely solely on reason while suppressing emotions, sometimes appearing blank or experiencing momentary memory lapses during communication.

²⁵ Sarah Trotter, *Hope's Relations: A Theory of the 'Right to Hope' in European Human Rights Law*, *Human Rights Law Review*, Volume 22, Issue 2, June 2022, ngac007, <https://doi.org/10.1093/hrlr/ngac007>

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Psychological assessments were conducted by Dra. Probowatie Tjondronegoro, M.Si., Psychologist

Although other death row inmates have not had the opportunity for similar evaluations, signs such as hopelessness and distrust were observed across nearly all subjects in this study. Witnessing other inmates eventually return to society while such opportunities are denied to them causes frustration and anger, especially when recidivists repeatedly commit crimes but are given chances for reassessment. In contrast, death row inmates are never afforded similar consideration.

This situation is exacerbated by a prison system that lacks specialized psychological evaluation standards for high-risk inmates, such as those sentenced to death or life imprisonment.²⁹ The system also does not provide adequate procedures for inmates with preexisting mental health conditions. Aulia, for example, regularly took antidepressants before her incarceration. Under conditions of prolonged uncertainty, she expressed a desire to die rather than continue living in prison, as she felt she had lost hope for her future.

Some women's prisons currently provide access to psychologists, including the facility where Franolla is held. She consults regularly to manage stress, but noted that inmate complaints should not be confined to counseling sessions alone. Franolla has been incarcerated for over 15 years and was entrusted with the role of head of her cell. While she appreciates the responsibility, the prison often assigns inmates with special needs to her cell, assuming she can manage them, which adds to her psychological burden: "Seeing a psychologist helps temporarily, but returning to the cell brings back the stress". This experience highlights that simply having psychologists available is insufficient without complementary policies, facilities, and correctional practices that are sensitive to inmates' psychological conditions.

Additional stress arises from financial needs. Death row inmates often rely heavily on family support, particularly those without access to prison labor. Even when work is available, income is often inadequate, necessitating continued family support. They face a dilemma: indefinite sentences prolong dependence, while families outside the prison live under constraints, generating guilt for being a burden. This guilt is compounded by the inability to participate in child-rearing and by the stigma associated with being on death row, which can tarnish the family's reputation.

The psychological burden also differs between inmates with sons versus daughters. Inmates with sons tend to adopt a more resigned attitude, believing their sons will find a better path despite their parents' status. In contrast, inmates with daughters experience heightened anxiety, fearing that their daughters may associate with the wrong environment, encounter abusive partners, or even face similar criminalization.

²⁹ The correctional system currently has an Inmate Rehabilitation Assessment System. However, this system does not adequately address the specific psychological needs of death row inmates

This reflects unequal concerns and control between sons and daughters, shaped by the inmates' own life experiences, and produces distinct emotional burdens for their children.

Another overlooked burden is the need for connection with the outside world. Prisons located far from inmates' families limit visits and restrict communication. For death row inmates, interactions with people outside the correctional system provide emotional relief and psychological support necessary to endure an indeterminate sentence.

Overall, these experiences show that the suffering of death row inmates is not solely related to their sentence or length of incarceration. It manifests as complex relational, emotional, and social burdens. Without correctional policies sensitive to gender, family relations, and the need for external connection, the prison system risks prolonging suffering that could otherwise be mitigated.

Bab VI

RELATIONSHIP WITH FAMILY: UNCOUNTED VICTIMS OF THE SYSTEM

The death penalty does not punish women in isolation, as they have never lived alone. They have children, parents, and siblings who also bear the consequences of the sentence. These family members often become victims, unrecognized by the legal system and state policies. The psychological, economic, and social burdens they endure are rarely documented within formal state mechanisms.

Women face greater stigma than men, and this stigma creates significant barriers to employment, which in turn leads to economic marginalization.³⁰ The secondary effects are most acutely experienced by their children. Children who grow up while their mothers remain on death row not only live without maternal presence, but also endure stigma, discrimination, and, in some cases, violence.

A. Emotional and Psychological Trauma of Children of Women on Death Row

The emotional and psychological impact experienced by children of women sentenced to death differs according to gender. Boys are more frequently directed to assume economic responsibilities at an early age, replacing the father figure or supporting the family. They are encouraged to be strong and, implicitly, pressured to suppress their emotions. In contrast, girls are more often burdened with domestic responsibilities, subjected to greater restrictions on their mobility, and face heightened vulnerability to stigma and gender-based violence.

During development, the presence of a mother holds particular significance for daughters—an absence that may leave a lasting imprint into adulthood. “My mother

³⁰ Daniel Cullen and Carolyn Hoyle, *The Role of Socio-Economic Factors in Indonesia’s Punitive Drug Policy Regime* (Death Penalty Research Unit, Oxford, March 2025).

was not there during my formative years. How could I go through my biological changes without her by my side?” said C, Merri’s daughter, recalling her experience of puberty without maternal support.

C experienced a profound lack of psychological support from her mother. The geographical distance between the prison and her home, combined with limited communication systems within the correctional facility, created not only physical separation but also emotional distance. The need for psychological support was not only inherent in the mother–child relationship but also arose from her position as a family member of a death row inmate.

She recalled being the only family member standing at the forefront when Merri faced imminent execution. At that time, public stigma remained intense, and many believed the media portrayal of Merri as the “Heroin Queen.” Although C continually tried to remain strong, she eventually reached a point of exhaustion, as the prolonged uncertainty of the sentence eroded her psychological well-being and strained her relationship with her mother.

C felt that the emotional and psychological support she provided to her mother was not reciprocal. The imposition of the death sentence meant that Merri could not be physically present to accompany or defend C—particularly when C experienced violence in her marriage. This testimony illustrates the heavy emotional burden borne by children of death row inmates: positioned as the primary support system for a condemned parent, while lacking adequate protection from the state.

J, Franolla’s son, experienced this differently. Patriarchal social norms tend to deny men space to express vulnerability and emotional pain. “I used to cry alone in my room; there was no place to talk,” J explained. The social expectation that men conceal their emotional struggles creates different forms of emotional demand for sons compared to daughters.

Like C, J acknowledged the importance of a mother’s presence in his life. However, he felt that being raised by his grandparents provided sufficient care, even in his mother’s absence. This contrasts with C’s experience: despite living with her father while her mother was detained, she felt that no one could replace her mother’s role. With differing emotional needs, their ways of responding to parental absence in adulthood also diverged.

J chose to seek employment near the prison where his mother was detained. “I’m preparing myself to be financially stable, so that when my mother is released, I can spend more time with her,” he said. This reflects how boys are often encouraged to process emotional absence through rationalization and economic responsibility. Financial preparedness becomes an expression of love, even though they themselves require space to express vulnerability.

Meanwhile, C, who used to bring her children to the prison since they were young—telling them it was the place where their grandmother worked—eventually could no longer sustain that narrative. After divorcing her husband, she had to work harder to support herself, her children, and her mother’s needs in prison. This left her with limited time to visit her mother. Unlike J, she did not have the flexibility to seek employment near the prison.

These testimonies further demonstrate that a punitive system does not impose suffering on the convicted individual alone. Yet, to date, there is no explicit policy obligating the state to minimize the long-term impact of incarceration or the death penalty on children. Article 26 of Law No. 35 of 2014 on Child Protection affirms parents’ obligations and responsibilities toward their children and allows caregiving to be transferred to extended family if parents are absent. However, what happens when a parent is effectively “taken” by the state? This reality underscores that children of death row inmates remain among the most neglected groups within the legal system and public policy framework.

B. The Impact of the 2023 Criminal Code Commutation System on the Families of Death Row Inmates

For families of death row inmates, the introduction of a commutation mechanism and the prohibition of executions during the ten-year probationary period under 2023 Criminal Code represents a glimmer of hope. This hope is not necessarily understood as immediate release, but rather as the possibility of ending prolonged legal uncertainty and reducing anxiety over imminent execution. However, this hope confronts a system that has yet to provide clarity, particularly for those who were sentenced to death before the enactment of the 2023 Criminal Code.

At least two fundamental questions arise from the prolonged imprisonment experienced by the death row inmates in this report. For those who have not yet reached ten years—the probationary period stipulated under Article 100(1) of the 2023 Criminal Code—can the years already served be counted as part of the probationary period, allowing them to seek sentence conversion once the ten-year threshold is reached?

Furthermore, for inmates who have already served 15 to over 20 years in prison, such as Franolla and Lie, will there be a specific mechanism enabling automatic sentence conversion—rather than merely reducing their sentence to life imprisonment? If commutation results only in conversion to life imprisonment, they would remain in a state of prolonged uncertainty similar to what Merri experienced.

Beyond this, ambiguity remains regarding the calculation of the probationary period for those sentenced under the 2023 Criminal Code. Article 100(3), as reinforced by Law No. 1 of 2026 on Sentencing Adjustments, stipulates that the probationary period begins from the date the judgment becomes final and binding. This approach raises several concerns that intensify structural suffering.

First, calculating from the date of final judgment excludes time spent in pre-trial detention following arrest. In contrast, Article 61 of the 2023 Criminal Code allows for the deduction of time spent in arrest and/or detention prior to a final judgment for inmates serving determinate prison terms. Similarly, Ministerial Decree No. 04 of 2000 permits life-sentenced inmates to calculate imprisonment from the date of detention.

These regulatory differences reveal unequal treatment. Rather than fostering legal certainty, the system risks creating new forms of structural discrimination against death row inmates by disregarding time already spent in custody. This reflects a troubling tendency within the criminal justice system to treat death row inmates as if guilt were conclusively established from the outset, undermining the presumption of innocence.

Second, each death row inmate reaches a final and binding judgment at different times. These differences may stem from delays in trial proceedings, such as the absence of defendants, witnesses, or prosecutors; the role of defense counsel in asserting procedural rights, including objections and mitigating evidence; and the quality of legal defense submissions.

Moreover, linking the commencement of the probationary period to the final judgment may discourage inmates from pursuing available legal remedies merely to ensure that the ten-year probationary period begins sooner. This creates a dilemma: while the criminal justice system formally recognizes the right to appeal and seek cassation, lengthy appellate processes may delay the start of the probationary period. In the long term, this may create a de facto disincentive to challenge the imposition of the death sentence itself.

The uncertainty surrounding commutation and calculation mechanisms also affects families who bear the weight of punishment. Rosita's sister, for instance, has cared for Rosita's child since the age of two. For her, certainty regarding the eventual end of Rosita's sentence would offer hope that mother and child could reunite and rebuild their relationship.

This demonstrates how the imposition of the death penalty transfers caregiving burdens to extended family members. A clear and fair system is therefore essential to provide certainty for death row inmates and enable them, eventually, to rebuild direct emotional bonds with their children.

Most importantly, the existence of commutation regulations must be understood not solely as an opportunity for the convicted individual, but also for their families and support systems. Article 100(4), which requires that a death row inmate demonstrate “commendable conduct,” should ideally involve assessment beyond correctional officers alone, incorporating perspectives from family members and those who have provided sustained emotional support throughout imprisonment.

Thus, evaluation of commendable conduct should be approached from at least two perspectives. First, from correctional authorities, who must account for the lived experiences and vulnerabilities of death row inmates. Then, from family members and others who endure the relational consequences of capital punishment—children, relatives, and individuals burdened socially, psychologically, and economically.

Recognizing these dimensions underscores that the death penalty does not punish an individual alone; it produces relational harm and collective, intergenerational suffering. Without clarity of timelines, transparent assessment indicators, and recognition of gender-based vulnerabilities, the commutation mechanism risks perpetuating family suffering and imposing additional punishment on death row inmates under the guise of legal procedure.

Bab VII

CONCLUSION & RECOMMENDATIONS

The findings presented in this report demonstrate that the experiences of women sentenced to death in Indonesia cannot be separated from the structural vulnerabilities that shape their criminalization and sentencing processes. Gender-based violence, unequal power relations within intimate and family relationships, and economic dependency repeatedly emerge as underlying factors in the documented cases.

These conditions underscore the importance of ensuring that law enforcement institutions—from the investigation stage to the courts—adopt vulnerability-sensitive standards when examining suspects and defendants facing capital charges. Such standards are essential to prevent wrongful convictions and to ensure that legal interventions are proportionate and grounded in justice.

Furthermore, correctional institutions must provide clear and accessible mechanisms for sentence reduction, allowing death row inmates to maintain hope that the rehabilitation efforts undertaken during imprisonment may be meaningfully recognized and converted. This is crucial to ensure that the only suffering inherent in punishment is the deprivation of liberty—and nothing beyond that.

This study also highlights the importance of incorporating family perspectives within commutation mechanisms, recognizing that the suffering caused by the death penalty is relational in nature. Family input could be considered as an alternative requirement, acknowledging that families often serve as the primary support system for death row inmates. At the same time, it is necessary to recognize that prolonged incarceration may weaken or even sever family ties, limiting such participation.

Finally, the correctional system must be designed to accommodate the specific needs of death row inmates, both in terms of daily activities and supporting facilities. Such adjustments are vital given the profound psychological burden they face, in order to safeguard their mental and physical well-being. It is equally important to assess whether increasingly restrictive correctional policies align with rehabilitative principles, or whether they merely generate additional stress and suffering for those subjected to them.





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