Investigating Attitudes to the Death Penalty in Indonesia

Part II

Public Opinion: No Barrier to Abolition

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with the assistance of Diana Batchelor

THE DEATH PENALTY PROJECT

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Author's acknowledgements

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Foreword

While there has been a clear trend towards the abolition of the death penalty around the world over the past 40 years, for countries such as Indonesia, perceived public support for retention is often cited as one of the most important reasons why abolition has not happened. There remains a belief that if the majority of citizens support capital punishment, abolition carries the risk, among other consequences, of undermining public confidence in the rule of law. It is often said that abolition cannot be achieved until it is supported by public consensus.

The media frequently suggests that around 75% of Indonesians support capital punishment, but it is not clear when these figures were obtained or how the polls were conducted. Such polls provide no further detail or analysis as to the rationale behind such views and one cannot confidently rely on these figures to be representative of the position of Indonesians today. Nonetheless, they continue to be cited by policymakers and others as a true reflection of current public sentiment. Debate about capital punishment involves the most fundamental of rights, the right to life, but for any debate to be truly useful, it can only take place using contemporary and accurate data that has been rigorously analysed to show how Indonesians really feel about the death penalty at this present time.

I am very pleased that The Death Penalty Project, UK, in partnership with the respected Indonesian NGO, LBH Masyarakat, and the University of Indonesia, Center for Human Rights (Sentra HAM UI), commissioned Professor Carolyn Hoyle, a leading death penalty scholar and criminologist at the University of Oxford, to conduct a deep and wide-ranging public opinion survey – truly the first of its kind – in Indonesia. This report seeks to identify the main reasons why some wish to retain the death penalty while others seek to end the practice. It provides an analysis of how the death penalty is seen to be administered, its utility as a criminal justice sanction and what alternatives can be imposed to ensure fairness and due process.

The report reveals that while more than two-thirds (69%) of respondents supported the death penalty in abstract, this figure decreased dramatically when given more information about the administration of the death penalty and alternative punishments. The report also identifies both a deficit in knowledge and low priority among the public when it comes to the use of capital punishment and executions. Only 2% of the respondents considered themselves 'very well' informed about the death penalty. The majority of those in support of the death penalty justified their stance by claiming its deterrent effect, however, when asked which measures were more likely to reduce crime, respondents claimed to prefer enhanced policing, improved moral education and improved life conditions as more effective.

As a religious scholar, I was particularly interested to learn that retentionists would support abolition if religious leaders from across Indonesia were to express themselves in favour of it. As a Muslim myself, I am strongly convinced that the death penalty is against the very essence of Islam, that is *rahmatan lil alamin* (a mercy to all creation/a blessing for the whole world). The purpose of Islam is, therefore, to bring mercy and blessing to all creatures in the universe. I would argue that the death penalty does not have its justification in Islam and I believe that all religions and beliefs came into our planet to celebrate life, and not to glorify death.

It is my hope that the findings from this report and the companion study *Investigating Attitudes to the Death Penalty in Indonesia – Opinion Formers: An Appetite for Change*, will help to inform and engage both leaders and the public around the continued use of the death penalty in Indonesia. The report's findings underscore the belief that the more a population knows about the death penalty, the less it supports it, and that public opinion is not an obstacle to abolition. We should not forget *Pancasila* – Indonesia's founding ideology – is the embodiment of profound ideals culminating from various religions and beliefs, including respect for justice and humanity. This means that Indonesia can and should be a leading nation in the fight against the death penalty because the death penalty is in contradiction with the principles of justice and human dignity. By abolishing capital punishment, Indonesia can respect and protect human rights from all forms of abuse, discrimination and inhumane acts.

I wish all the best for our unending endeavours to abolish the death penalty, they shall be blessed by the Almighty God.

Professor Musdah Mulia
May 2021

Key findings

This report examines Indonesian citizens' attitudes towards the death penalty in the context of their wider knowledge and understanding about criminal justice and punishment. It interrogates their support for capital punishment by considering the types of offences and offenders they believe deserve the ultimate punishment, and by exploring the malleability of their views. It is a companion report to our study *Opinion Formers' Views on the Death Penalty in Indonesia*, and is best read alongside that report. Together, these reports indicate that the opinions of Indonesian citizens on the death penalty do not present a barrier to abolition.

Here, we draw on analysis of data produced by a survey of a stratified random probability sample of 1,515 respondents across Indonesia. The methods adopted for gathering data allow us to make inferences about the total population. We provide here the highlights of the report, with detailed analysis and discussion of these and further findings presented in Section 2.

More than **two thirds (69%)** of respondents expressed **support for retention of the death penalty**.

35% of respondents were 'strongly' in favour of the death penalty, but this **dropped to 25%** when respondents were given the option of an **alternative punishment** of life without parole.

This support was based on a **lack of understanding of the administration of the death penalty** in Indonesia. **Only 2%** of respondents were **very well informed** and **only 4%** were **very concerned** about the matter. On a series of questions about the death penalty, only a few chose the correct answer from a range of options.

More than half (54%) of those who supported the death penalty did so because they **believed it deterred murder and drug offences**, with just over a quarter (26%) believing that it should be retained because the public want it for serious crimes. However, when asked which measures were most likely to **reduce violent crime and drug offences,** the vast majority chose more **effective policing, better moral education of the young, therapeutic interventions for drug offenders, and social measures to reduce poverty**. Only a few mentioned more death sentences and executions.

Abolitionists offered a range of justifications, but the largest proportion (31%) believed the death penalty was an **abuse of human rights**.

The high levels of support for capital punishment declined dramatically for certain crimes, with **more than a third (38%)** of respondents believing it **should never be used for robbery not resulting in death**, or for certain **'vulnerable' people** (e.g., 41% thought it should never be used for women).

Support for the death penalty in specific (and realistic) scenario cases was lower than support in the abstract, **dropping** further with certain **mitigating factors** to just **9% for robbery resulting in death, 8% for murder, and 14% for drug trafficking**.

Some of those who supported the death penalty would instead **support abolition** if it was proven that it is **applied unfairly (47%)**; that **innocent people were sometimes executed (46%)**; that **it is no better at deterring crime than long-term imprisonment (38%)**; and **if all of Indonesia's religious leaders supported abolition (37%)**. Furthermore, just more than a quarter (27%) shifted to an abolitionist position once they discovered that more than half of the world's countries have abolished the death penalty.

As with other similar surveys we have conducted elsewhere, it seems that high levels of support for the death penalty in the abstract are not sustained with sensitive and detailed questioning. Clearly, in Indonesia, support for the death penalty is neither well thought out nor sufficiently robust to act as a barrier to abolition. Views are rather malleable, and there are many factors present in the administration of the death penalty in Indonesia, as elsewhere, that militate against support. If the public were much better aware of these factors, the overall rate of support would decline quite dramatically. Put another way, opposition to abolition is fragile.

PART ONE
The purpose of the study

1.1 The context

Over the past few decades, the movement towards abolition and progressive restriction of the death penalty has sought to persuade countries around the world that, while they may enjoy the sovereign right to administer punishments of their choosing, the death penalty violates universally accepted human rights, especially for those offences not widely considered to be the most serious.[1] However, in many Asian countries, international human rights discourse and treaties aimed at abolition may have limited efficacy, and be stigmatised as a form of cultural imperialism. Governments in this region assert that criminal justice and penal policies must be determined by their unique political, social and cultural circumstances. While in some regions of the world, not least the Middle East and South Asia, the threat of terrorism has justified retention of capital punishment, in South East Asia, retentionists find rationalisation in the harms caused by drug trafficking. During 2019, there were at least 118 executions and 184 new death sentences for drug-related offences in Asia and the Middle East.[2]

The International Covenant on Civil and Political Rights (ICCPR) Article 6(2) allows for 'limited retention' of the death penalty for only the 'most serious' crimes. While the UN Economic and Social Council has defined the scope of 'most serious crimes' to nothing 'beyond intentional crimes with lethal or other extremely grave consequences', in Asia, this concept has been interpreted differently according to national ethos, customs and political imperatives.[3] In South East Asia, drug trafficking is considered to be one of the most serious offences. A decision by Indonesia's Constitutional Court in 2007 acknowledges that the ICCPR, which Indonesia ratified in 2005, allows states to retain the death penalty only for the 'most serious' crimes, but found that particularly serious drugs crimes were able to satisfy this test.[4]

The public and government alike are aware that Indonesia has what many consider to be a 'drug problem'. There are active drug markets across this region. A 2020 United Nations report provides evidence that the synthetic opioid market in East and South East Asia continues to expand and diversify, and seizures of methamphetamine have increased year on year over the past decade, a trend not found in other regions of the world.[5] In Indonesia, the amounts of crystalline methamphetamine seized annually have increased significantly in recent years and arrests have been rising steadily – and yet the market price has nearly halved over the past four years. These indices suggest that the availability of this and other drugs remains high. Indeed, Indonesia continues to account for the largest quantity of 'ecstasy' seized in South East Asia. While it is mostly produced overseas in the lower Mekong region – thereafter breaching Indonesia's borders – Indonesian authorities have closed down clandestine 'ecstasy' laboratories in the past few years.

Unsubstantiated assertions are made by government and media alike about the high number of drug-related deaths to justify the punitive criminal justice responses to the use, sale and trafficking of drugs, and the 'war on drugs' discourse continues unabated. Indeed, the government justified the executions between 2015 and 2016 in terms of a state of emergency caused by drugs.[6] While, in recent years, Indonesia has introduced therapeutic health care responses to low-level drug use (where the police believe there

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1 Hood R. and Hoyle C., *The Death Penalty: A Worldwide Perspective* (Oxford University Press, 2015) pp.10-47.
2 There were many more in China and Vietnam, but as the death penalty is a state secret in those countries, reliable data are unavailable; see *Death Sentences and Executions 2019*, Amnesty International 2020.
3 *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty*, United Nations Economic and Social Council 1984.
4 Putusan Mahkamah Konstitusi Republik Indonesia (Indonesian Constitutional Court Decision) No. 2–3/puu-v/2007, discussed in McRae D., Indonesian Capital Punishment in Comparative Perspective, *Bijdragen tot de Taal-, Land- en Volkenkunde* 173(1) 2017, pp.1-22: 7-8.
5 *Synthetic Drugs in East and Southeast Asia: Latest Developments and Challenges*, United Nations Office on Drugs and Crime 2020.
6 *Indonesia: Indonesian Death Row and Problems of Unfair Trial*, Asian Human Rights Commission 2018.

has been no attempt to sell drugs), for most who are caught with illicit drugs, prosecution is inevitable. Indeed, for those arrested in possession of large quantities of drugs, and where there is other evidence of trafficking, death sentences are handed down by the courts, as they are for murder, terrorism-related offences, and even for robbery not resulting in death.

The Indonesian government often cites public support as a key reason for retaining the death penalty for what it deems to be serious offences. Opinion polls, though infrequent, indicate around 75% support for the death penalty, and a poll by Indo Barometer in 2015 found 84% supported the death penalty for drug distributors.[7] However, polls were not conducted using rigorous methodologies and the results cannot be relied upon.[8] Until now, there were no robust, detailed studies on support for the death penalty among the public in Indonesia. This report seeks to fill that lacuna.

1.2 The rationale for public opinion research

Where abolition of the death penalty has come about, it has not been as a result of the majority of the public demanding it. Indeed, in most cases, it has been driven by political elites in spite of overwhelming support by the public. Yet, when faced with critics of capital punishment, retentionist governments typically fall back on the argument that the public are not ready for abolition, and that political leaders should represent 'the will of the people'.[9] However, measuring the will of the people is far from straightforward.

Superficial surveys may give us an idea of shifting opinions over time, and they can demonstrate socio-demographic differences in support, which can then be tested by more sophisticated empirical techniques. Yet, they are not so helpful in measuring strength of opinion, knowledge about the topic, or how the public might feel about whether particular types of offences or offenders should be subject to capital punishment. Such polls cannot elicit nuanced responses to particular features of cases involving, for example, strong aggravating or mitigating features, or aspects of the law, such as death for particular types of offences or offenders. Moreover, those motivated to produce particular responses will find it easy to manipulate the data by the phrasing or ordering of questions, or by limiting the provision of possible responses.[10]

Roger Hood's comparative analysis of public opinion research from eight countries demonstrates that reliable data on public opinion can only be produced by rigorous, methodologically sophisticated surveys of the kind commissioned by The Death Penalty Project in Malaysia,[11] Trinidad, and Zimbabwe,[12][13] for example. The survey reported here followed the design of these sophisticated surveys, avoiding the pitfalls of more superficial projects in order to encourage and facilitate nuanced and informed discourse on the retention, and use, of capital punishment in Indonesia, not least in light of the ongoing efforts to reform the Criminal Code.

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[7] *Kepuasan publik jelang setengah tahun pemerintahan Jokowi– jk.* (Report of national survey fielded 15-25 March), Indo Barometer (2015) cited in McRae D., Indonesian Capital Punishment in Comparative Perspective, *Bijdragen tot de Taal-, Land- en Volkenkunde* 173(1) 2017, pp.1-22.

[8] Several poll results from 2006 and 2010 are discussed in McRae D., *A Key Domino? Indonesia's Death Penalty Politics*, Lowy Institute for International Politics 2012.

[9] Hood R. and Hoyle C., Towards the Global Elimination of the Death Penalty: a Cruel, Inhuman and Degrading Punishment, in P. Carlin and L. Franca (eds.) *Alternative Criminologies* (Routledge 2018) ch.24.

[10] Mai Sato's work in Japan provides robust evidence of this. See Sato M., *The Death Penalty in Japan: Will the Public Tolerate Abolition?* (Springer VS 2014).

[11] Hood R., Is Public Opinion a Justifiable Reason Not to Abolish the Death Penalty? A Comparative Analysis of Surveys in Eight Countries, *Berkeley Journal of Criminal Law* 2018 23, pp.218-242; Hood R., *The Death Penalty in Malaysia: Public Opinion on the Mandatory Death Penalty for Drug Trafficking, Murder and Firearms Offences*, The Death Penalty Project 2013.

[12] Hood R. and Seemungal F., *Public Opinion on the Mandatory Death Penalty in Trinidad*, The Death Penalty Project 2012.

[13] Sato M., *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, The Death Penalty Project 2018

1.3 Research design and methods

It is important when carrying out research in foreign countries to spend time learning about the laws, customs and practices in that jurisdiction, and to commit to engagement with local stakeholders at each and every stage of the project – from inception to dissemination of findings. Such a commitment creates the conditions for maximising impact on administration and policy. The Death Penalty Project has been working in South East Asia for more than 15 years, representing people facing execution, partnering with local lawyers in bringing strategic litigation to restrict the scope and application of the death penalty, and providing expert training and assistance for those involved in the criminal justice system. In addition, it has engaged with governments, parliamentarians and civil society in discussions on death penalty reform.

Its work in Indonesia started in 2015 with a series of meetings with various ministries, in particular, the Ministry of Law and Human Rights, and a seminar on 'Indonesian Criminal Sanctions from Human Rights Perspectives'. Working in partnership with the Ministry of Law and Human Rights, it became apparent that more formal, independent research was needed on the death penalty. Ideas developed considerably in early 2019, with a visit to Jakarta to assess the need for, and the feasibility of, research on the death penalty. A scoping study, which involved a series of interviews with criminal justice and human rights experts in January 2019, identified three key assumptions behind the government's commitment to capital punishment:

1. That the public is strongly in support of the death penalty, particularly for drug offences
2. That the death penalty is an effective deterrent against such crimes
3. That those under sentence of death are the 'worst of the worst' offenders – the drug 'kingpins' and not the foot soldiers.

Though these emerged as common rationales for retention, our interviews and meetings suggested insufficient knowledge, and some misunderstanding, about the use and administration of the death penalty, with current debate characterised by a populist agenda and misinformation, particularly on the 'drugs emergency'. We could identify no rigorous empirical data to support – or, indeed, to refute – any of these widely held assumptions.

Following this scoping study, we carried out two feasibility studies – one on opinion research, the other on much-needed deterrence research, which we plan to conduct in due course – which included interviews with criminal justice personnel, academics and civil society representatives.[14] Drawing on the findings of the feasibility study on opinion research, and a roundtable meeting with our partners and key stakeholders in government and the criminal justice system, we concluded that further in-depth research on public opinions – alongside more qualitative research on the views of 'opinion leaders' – could have a significant impact on policy and practice in Indonesia, and conducted both studies during 2019-2020. Our many meetings in Indonesia have instigated dialogue on the use of the death penalty in Indonesia, and it is hoped that the data presented in this report and in our companion report on Indonesian 'opinion formers' can help to bring informed discourse to a much wider audience.

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[14] Hoyle C., *The Feasibility of Conducting Research on Attitudes Towards the Death Penalty in Indonesia: Elite and Public Opinions*, The Death Penalty Project 2019; Fagan J., *The Feasibility of Systematic Research on the Deterrent Effects of the Death Penalty in Indonesia*, The Death Penalty Project 2019.

In developing this public opinion survey, we sought to build on the findings of earlier studies, reviewed and, in some cases, designed by Roger Hood,[15] to create a survey instrument that would produce the most reliable data. We aimed to look beyond the binary question of whether the public supports the death penalty, to consider the salience of the issue, to examine the public's level of knowledge about the death penalty in Indonesia – to show whether support is based on facts or misconceived ideas – and to consider why people support retention or abolition. Surveys that fail to test the knowledge and philosophies upon which opinions are based provide misleading assessment of the level of support that can be expected from a well-informed public. If research demonstrates that support for capital punishment declines if the public is better informed about its administration, governments wishing to abolish can prepare the ground by rigorous public information campaigns.

Questions about the types of people, or the types of offences, that could be exempt from the death penalty provide a more nuanced view of support. As well as specific questions on who, and for what offences, death is deserved, we adopted a method successfully employed in past surveys conducted by The Death Penalty Project: presentation of, and questions about, offence scenarios. Each scenario described briefly the facts of the offence and information about the offender, to test the effects of aggravating or mitigating circumstances on support for capital punishment. We used six case scenarios to allow us to systematically vary three factors and analyse their effect on people's decisions about the appropriateness of the death penalty for certain offenders. The three factors were: previous convictions, motivation for the crime, and status within the hierarchy of the drugs trade. This allowed us to know whether people favour capital punishment in real cases for real people, rather than simply as an abstract concept.

Other questions sought to measure knowledge and concern about wrongful convictions or unfair criminal justice processes, to better understand if support for the death penalty is contingent on a belief in both the fairness and infallibility of the criminal process. We also probed understandings of the rationale for capital punishment and whether other, lesser, penalties could realise sentencing goals without the risks inherent in an irrevocable punishment. We asked participants to rate how effective they believe the death penalty to be at achieving criminal justice goals when compared with long-term imprisonment. We sought views on whether other social and economic measures were better able to reduce incidence of those crimes that attracted death sentences.

We presented a series of nine statements to assess views on Indonesia's retention of capital punishment for drug offences in light of punishments in neighbouring countries. These were aimed at testing the theory of 'jurisdictional competition'. The premise is that a state that adopts policies that are harsher than its neighbours' justice responses could encourage displacement of criminal activity to neighbouring states, as criminals may seek to lower their punishment risks (arrest) and costs (prison or death). Hence, we aimed to assess whether the public believes that the death penalty is needed in Indonesia to protect its citizens from an influx of criminals looking for a lower-risk market to traffic their drugs. The final section explored participants' attitudes to abolition of the death penalty; in particular, how they would react, and how they thought others would react, to abolition.

Most of the questions we asked of the public were also asked of the 40 opinion formers that we interviewed. Hence, we understand support for abolition, or for retention, across the public and 'elites', as well as their

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[15] Hood R., Is Public Opinion a Justifiable Reason Not to Abolish the Death Penalty? A Comparative Analysis of Surveys in Eight Countries, *Berkeley Journal of Criminal Law* 23 2018, pp.218-242.

rationales for these views. We have robust data on their understanding of the safety or efficacy of the criminal justice system in Indonesia – in particular, the administration of the death penalty, and whether support for the death penalty is sustained when people are given information about its use in relation to particular offenders or offences, or its failure to prevent serious offending. We also sought information in both studies on what factors beyond the borders of Indonesia might influence views on penal policy. As such, these two studies, when read in conjunction, have the potential not only to inform discourse, but also policy and practice.

A survey of public opinion on the death penalty is not easy. This is a sensitive issue in countries that retain the death penalty, and opinions can be strong and well defended. It was important, therefore, to employ the services of a reputable market research company to administer the survey instrument with care, to ensure the quality of the data produced. The survey was managed by Ipsos, which translated the instrument, piloted the survey, engaged in further training of researchers following the pilot study, and then worked closely with the research team to produce reliable data from which inferences about the total population can be drawn.

The Ipsos team conducted interviews across Indonesia to obtain a nationally representative sample. Respondents were selected randomly within areas by a door-to-door approach, and interviews were conducted in person using tablets for Computer Aided Personal Interviews (CAPI). They secured a stratified random probability sample of 1,515 respondents. This number, given that it is both random and stratified, is sufficiently large to make inferences from our data about the views of the total Indonesian population of 267 million people (the findings based on our sample capture the attitudes of the public with a margin of error of ±3% at the 95% confidence level). The sample was stratified by region according to results of the 2010 population census,[16] and then respondents were selected at random within each region until a representative proportion from each gender, age group, socioeconomic status grouping, and religion had been recruited. Thus, in the final sample, 50% of respondents were female, the mean age of the group was 35.3 years (SD = 11.9), and 84% were Muslim.[17] The final sample proportions in each region are shown in Table 1.[18]

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[16] Data Sensus Penduduk, Badan Pusat Statistik Republik Indonesia 2010.
[17] In the 2010 census, 87% of the population were Muslim.
[18] 71% of the final sample lived in an urban area, 29% lived in a rural area.

Table 1: Sample demographics

		Region							
		Greater Jakarta	Bandung greater	Yogyakarta (+ Bantul)	Medan (+ Deli Serdang)	Makassar (+Maros)	Banda Aceh (+Aceh Besar)	Bali (Denpasr + Buleleng)	Total
Gender	Male	50%	50%	49%	50%	51%	50%	49%	50%
	Female	50%	50%	51%	50%	49%	50%	51%	50%
Age Group	18-24	27%	21%	20%	23%	27%	28%	18%	24%
	25-34	29%	29%	25%	29%	28%	29%	28%	29%
	35-44	22%	24%	24%	23%	22%	21%	27%	23%
	45-54	14%	16%	21%	16%	15%	14%	16%	15%
	55-65	8%	9%	12%	9%	10%	9%	12%	9%
Socio-economic status	Upper 1	17%	4%	2%	3%	4%	2%	3%	9%
	Upper 2	19%	9%	6%	14%	13%	15%	10%	14%
	Middle 1	33%	22%	14%	34%	34%	33%	22%	29%
	Middle 2	24%	30%	28%	28%	22%	28%	25%	26%
	Lower 1	7%	35%	51%	22%	28%	23%	41%	21%
Religion	Muslim	88%	95%	91%	73%	88%	99%	20%	84%
	Christian	9%	4%	9%	21%	9%	1%	6%	9%
	Other	3%	1%	0%	6%	3%	0%	75%	7%

PART TWO
The findings

Though there were methodological reasons for determining the order of the questions in the survey, the findings are presented in a narrative form, to enable the reader to understand respondents' views and the factors influencing those views. At each section, the number of the relevant survey question is presented in brackets, to allow the reader to see the original question in situ in the survey instrument, which is reproduced at Appendix 1.

2.1 Support for the death penalty

Of the 1,515 respondents interviewed for this study, 69% 'slightly' or 'strongly' favoured retention of the death penalty, 18% 'slightly' or 'strongly' favoured abolition,[19] and 14% said they had no preference or didn't know [Q24] (see Figure 1).

Figure 1: Support for retention or abolition of the death penalty
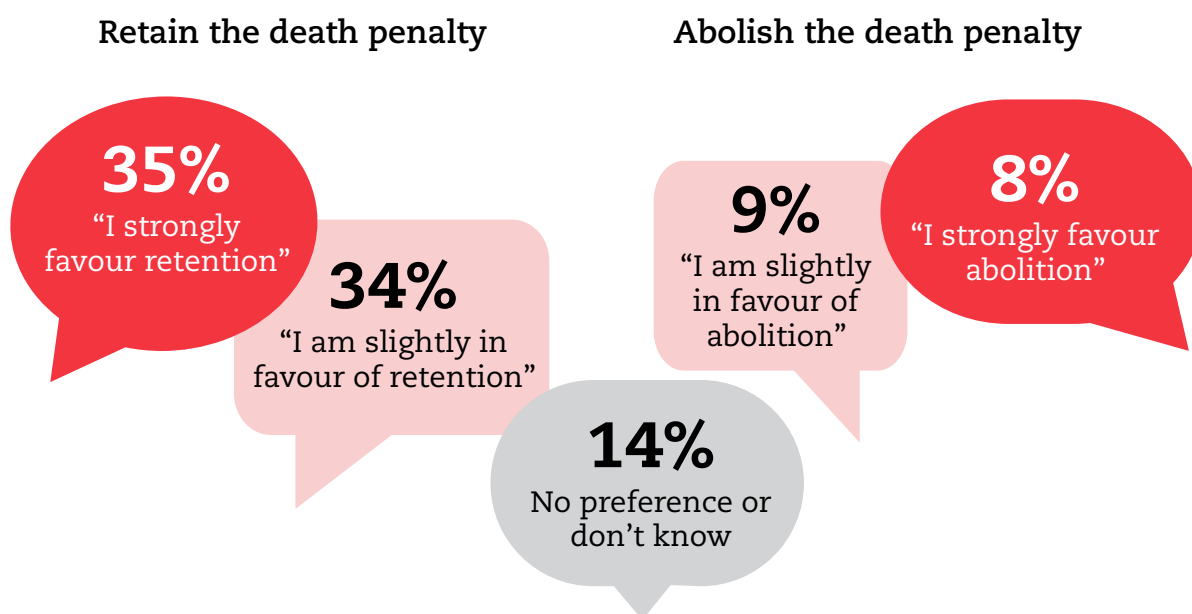
On the surface, more than two thirds of the population in favour of retention would seem to impede the abolitionist cause in Indonesia. However, only just more than a third of Indonesians strongly favour retention, with almost the same proportion only 'tending' to favour retention, a more tentative position.

Furthermore, as we shall demonstrate throughout this report, support for the death penalty diminished when respondents were given further information, or when they were prompted to consider information they already had. For example, support for abolition increased when respondents were given details of the type of sentence that could replace the death penalty. As seen in Figure 2, the percentage of respondents who favoured abolition rose from 18% to 26% when asked about abolition of the death penalty if it were to be replaced by 'life imprisonment with the possibility of parole after 25 years' [Q25], and rose further

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[19] Because of 'rounding' of percentages, figures may not, at first, appear consistent. In this instance, 9.4% tended to support abolition and 8.4% strongly supported abolition. So, the total support was 17.8%. Rounded to the nearest whole number, this is 18%. Due to rounding up or down of percentages, some rows or columns may add up to 101% or 99%, rather than 100%.

to 29% if it were to be replaced by 'life imprisonment without parole' [Q26]. As studies in the United States have found, when supporters of the death penalty are presented with an alternative penalty that guarantees the convicted person is incapacitated through imprisonment, either permanently or for a very long time, their support declines, because they are looking for safety, for protection from violent criminals, not simply for vengeance.

Figure 2: Alternative sentences and declining support for retention of the death penalty

Should the death penalty be abolished, if it would be replaced by life imprisonment with the possibility of parole after 25 years?

Overall, do you think the death penalty should be retained or abolished in Indonesia?

Should the death penalty be abolished, if it would be replaced by life imprisonment without parole?

Percentage of respondents %

Strongly in favour of abolition · Slightly in favour of abolition · No preference or don't know · Slightly in favour of retention · Strongly in favour of retention

We sought to identify whether particular factors predicted respondents' support for abolition by conducting a binary logistic regression analysis (see Appendix 2 for a description of the methods and a full table of results).

The selection of variables for analysis in this model were based on previous research showing that some demographic variables are associated with support for the death penalty. In particular, in the United States, men consistently have higher levels of support for the death penalty than women,[20] though gender is not correlated with death penalty support in Bangladesh, China or Nigeria.[21] In other studies, level of knowledge about the death penalty and attitudes towards the justice system have been found to be related

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[20] For example, Cochran J.K. and Sanders B.A., The Gender Gap in Death Penalty Support: An Exploratory Study, *Journal of Criminal Justice* 37(6) 2009, pp.525-533.

[21] Lambert E.G., Jiang S., Elechi O., Khondaker M., Baker D.N. and Wang J., A Preliminary Study of Gender Differences in Death Penalty Views of College Students from Bangladesh, China, Nigeria, and the United States, *Journal of Ethnicity in Criminal Justice* 12 2014, pp.44-68.

to respondents' opinions on the death penalty, though the data are far from conclusive, with research producing contradictory findings.[22]

In Indonesia, we found minor differences on only some measures. For example, in line with research in the United States, we found that women were more sympathetic to the abolitionist cause, with 19% of Indonesian women in our sample supporting abolition compared with 16% of men. Those from higher socioeconomic groups were marginally more likely to support abolition than those from lower-status groups, but there was almost no difference across urban and rural areas, with 18% of those in urban areas supporting abolition compared with 17% of those in rural areas. However, the analysis, as presented in Appendix 2, shows that the differences are too small to enable us to draw clear inferences about these trends in the population as a whole. The only exception is that the respondent's region was a significant predictor of support for abolition.

Respondents from most of the regions expressed similar levels of support for abolition (between 17% and 22%), but respondents from Yogyakarta and Bali were significantly less likely to support abolition. Only 7% of those in Yogyakarta (and Bantul) and 8% of those in Bali (Denpasar and Buleleng) either slightly or strongly supported abolition. It is not easy to make sense of these findings. While there is some evidence that Yogyakarta (and Bantul) is becoming more socially conservative – with increasing levels of intolerance towards religious and sexual minorities, for example – the government there is not particularly conservative. Bali is even harder to interpret. However, while Balinese people can be more spiritual and perhaps, therefore, less likely to support capital punishment, the region is something of an international gateway for travel, particularly from Australia,[23] so residents may feel more exposed to drug trafficking than in other areas. This could entrench a narrative about the harms to the fabric of society caused by drugs, thus reducing support for abolition.

It is worth noting that, at 22%, support for abolition in the semi-autonomous region of Aceh is at the higher end of the average. On the northern tip of Sumatra, Aceh is one of Indonesia's most religiously conservative areas and the only part of the country to impose penalties under Islamic law. It has attracted criticism for its human rights abuses, including public floggings for behaviours that in other jurisdictions would not breach any criminal laws, yet it has more support for abolition than many other regions in Indonesia.

2.2 Knowledge about the death penalty

Capital punishment is inevitably an emotive topic. In all jurisdictions that retain the death penalty, it is the most severe punishment and, therefore, discourse will invoke negative associations with the most serious crimes, the kinds of acts that we are shocked and appalled by. This engagement creates the normative conditions for 'penalty escalation': democratic will being expressed as calls for harsh sentences.[24] Knowledge about the administration of the death penalty and interest in how, and for whom, it is applied could, in principle, militate against punitive urges. This was the premise of the American 'Marshall

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[22] Bohm R.M., Clark L.J. and Aveni A.F., The Influence of Knowledge on Reasons for Death Penalty Opinions: An Experimental Test, *Justice Quarterly*, Vol.7(1) 2006, pp.175-188.

[23] For example, in 2005, nine Australians – the 'Bali Nine' – were convicted for drug trafficking. Andrew Chan's and Myuran Sukumaran's executions in 2015 were widely reported across Indonesia. See, Maguire A. and Houghton S., The Bali Nine, Capital Punishment and Australia's Obligation to Seek Abolition, *Current Issues in Criminal Justice* 28(1) 2018 pp 67-91.

[24] Bagaric M., Proportionality in Sentencing: The Need to Factor in Community Experience, Not Public Opinion, in Ryberb J. and Roberts J.V., *Popular Punishment: On the Normative Significance of Public Opinion* (Oxford University Press 2014).

hypothesis'.[25] Yet, so often, the public are not well informed. Roger Hood's comparative analysis of rigorous public opinion research from eight countries indicates that support for capital punishment is largely dependent on assumptions and misconceptions about the administration of the death penalty.[26] Most respondents to the surveys he reviewed admitted that they knew little about the administration of the death penalty and had little interest in it; only a few were well informed. Similarly, the majority of Indonesian respondents were neither informed nor particularly concerned about the death penalty.

When asked how well informed they were, only 2% said they were 'very well' informed. More than half of the respondents (52%) said they were only a 'little' informed, and 22% said they were 'quite well' informed [Q14]. Most respondents also said they were not particularly concerned about the issue, with only 4% saying they were 'very' concerned and 28% saying they were 'quite' concerned [Q15].

These findings are consistent with our own assessments of their level of knowledge about the death penalty in Indonesia, derived from a series of targeted questions. Although most of the participants (85%) were aware that the current method of execution in Indonesia is death by firing squad [Q19], their knowledge of more specific issues was sparse.

When asked about the number of executions in Indonesia in the past 10 years, only 5% of the respondents correctly said that there had been between 21 and 30 executions [Q16]. Almost half (45%) thought that only 1-10 people had been executed, 5% assumed more than 30, and almost a third (31%) said they didn't know.[27] Given how high profile the three 'batches' of executions between 2015 and 2016 were, it was surprising that 2% thought no one had been executed in the past decade.

Similarly, almost half the respondents (45%) thought that fewer than 75 people are currently on death row in Indonesia, and more than a third (37%) said that they didn't know. Only 1% of respondents correctly said that there are between 226 and 350 people currently on death row [Q17].

Very few of the respondents (7%) were aware that two thirds of the people on death row were sentenced for drug-related offences [Q18]. Most thought that the proportion of people on death row sentenced for drug-related offences was half (18%), less than half (37%), or said that they didn't know (34%). Most respondents did correctly identify that the following offences are punishable by death in Indonesia: murder (75%); terrorism-related offences (94%); robbery resulting in death (75%); and drug trafficking (89%). However, fewer respondents knew that drug possession also carries the death penalty (56%), and very few respondents knew that robbery that does not result in death is also punishable by the death penalty in Indonesia (15%) [Q20A-F].

In line with the Marshall hypothesis referred to above, we explored whether respondents' self-reported level of knowledge and their level of concern about the death penalty predicted their support for abolition, but found it did not (see Appendix 2). Neither were respondents who correctly answered the questions about the number of executions, the number of people on death row, or the method of execution any more likely to support abolition than those who answered incorrectly.

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[25] Mitchell A.D., The Effect of the Marshall Hypothesis on Attitudes Towards the Death Penalty, Race, *Gender and Class* 13 2006 pp.221-239.

[26] China, Trinidad, Malaysia, Singapore, Taiwan, Ghana, Japan and Belarus. See Hood, Is Public Opinion a Justifiable Reason Not to Abolish the Death Penalty?

[27] 'Don't know' was not read out by the interviewer as an answer option; rather, respondents were encouraged to make a guess. However, if respondents insisted that they could not make a guess then 'don't know' was recorded by the interviewer.

However, knowledge about which of the six crimes were punishable by death did significantly predict support for abolition; in particular, respondents' knowledge that the death penalty could be imposed for terrorism, drug trafficking and drug possession [Q20] (see Appendix 3 for a full list of all the crimes that can be punished by death and the relevant legislation). Respondents who did not know these offences were punishable by death were more likely to support abolition. In other words, abolitionists were likely to underestimate the scope of the use of the death penalty.

It is not easy to understand this relationship. We might have anticipated that knowledge about the fairly wide scope of the death penalty might lead to an increased propensity for abolition, as some will find the use of the death penalty for drug-related offences to be disproportionate. However, in a country that has, for a long time, developed and promulgated a narrative about the considerable and serious harms caused by drugs, it could be that a belief in the deterrent effects of the death penalty for drugs generates an appetite for the death penalty, and that what the data show is that those who know that drug offenders can be sentenced to death are more likely to support retention. We turn now to this important issue of why people in Indonesia support the death penalty.

2.3 Reasons for supporting abolition or retention

In accord with the hypothesis presented in the previous paragraph, when retentionists were asked about their support for the death penalty, most said their main reason for wanting to retain it was to deter further crime [Q27]. Around a third (36%) said the death penalty should be retained to deter murder, and a fifth (18%) said it should be retained to deter drug trafficking. Just more than a quarter (26%) said the death penalty should be retained because 'the public want the death penalty for serious crimes', and a further 17% answered that 'there will always be some criminals who deserve to be executed'. Very few people said they wanted to retain the death penalty for the benefit of the relatives of victims, or in accordance with their religious beliefs (3% in total). These results are shown in full in Figure 3.

Figure 3: Reasons for supporting retention of the death penalty

Legend:
- It's necessary to deter people from murder
- Because I believe the public want the death penalty for serious crimes
- It's necessary to deter people from drug trafficking
- There will always be some criminals who deserve to be executed
- Relatives of victims need to be satisfied
- My religious beliefs support the death penalty
- Don't know
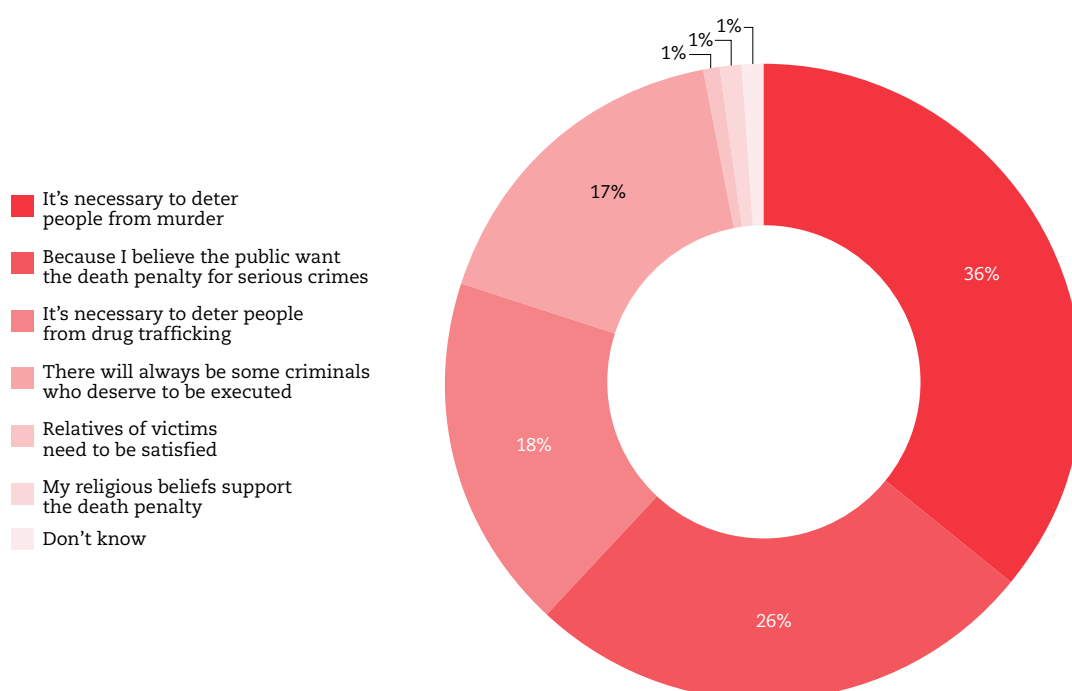
When abolitionists were asked about their reasons for supporting abolition, the greatest proportion (31%) said it was because the death penalty is an abuse of human rights [Q28]. The most frequently cited other reasons were that people may be wrongfully convicted and executed (19%), it has no additional deterrent effect compared with imprisonment (9%), and that their religious beliefs forbid its use (9%). These results, and other less popular responses, are shown in full in Figure 4.

Figure 4: Reasons for supporting abolition of the death penalty

- It's an abuse of human rights
- People may be wrongfully convicted and executed
- It has no special extra deterrent effect than a long term of imprisonment
- My religious beliefs forbid the use of the death penalty
- Every criminal deserves an opportunity to be rehabilitated
- Indigent defendants have such limited access to justice that a fair trial cannot be guaranteed
- It cannot be carried out in a non-arbitrary/fair way
- It is pointless to impose a punishment that will not be carried out for a long time, and maybe never
- Other

Having established that the majority of people in Indonesia support the death penalty, and why they support it, it is important to consider the salience of this issue, as well as the malleability of their opinions. In other words, just as we know that the views presented above are not well informed, we cannot assume that they are fixed and based on a rational understanding of criminal behaviour, of the criminal justice system, or of the impact of different punishments. Furthermore, we cannot assume that more than two thirds of Indonesians would agree that the death penalty was an appropriate response to all crimes that fall within the statutory provisions on capital punishment, or to all those who commit such crimes. Indeed, as we show below, our data suggest otherwise. 2.4 Scope of support for the death penalty

2.4 Scope of support for the death penalty

2.4.1 Disproportionate punishment and vulnerable criminals

2.4.1.a Views on serious crimes

The list of crimes that are punishable by death in Indonesia is extensive (see Appendix 3). As mentioned above, many of the respondents did not know that it can be applied in cases of drug possession, or robbery that does not result in death. When asked specifically about whether the death penalty should be applied for these types of crimes, respondents provided some perplexing answers [Q29].

On the one hand, it was clear that some of those who supported the death penalty in general believed it should not be used for robbery that does not result in a death, as 38% of all respondents said those kinds of robberies should 'never' be punishable by the death penalty, a significantly higher proportion than the 18% of respondents who had favoured abolition of the death penalty. This shows that not all 'retentionists' fully supported the death penalty as it is currently administered in Indonesia.

On the other hand, only 2% of the total sample thought that terrorism-related offences should never be punishable by death and only 3% thought that drug trafficking should never be subject to the death penalty. These data suggest that many of those who said they supported abolition considered that the death penalty should sometimes be used for these serious offences. Other public opinion surveys on the death penalty have produced similar results. As Roger Hood has noted, in his review of other surveys, responses to 'in general' questions produce a lower proportion in favour of the death penalty than questions specifically about what are, in that jurisdiction, considered to be the most serious offences.[28] The only way to understand this is to consider that the mention of certain crimes triggers in respondents an image of the most grave example of that type of offence, rather than, perhaps, a range of offences or the less egregious.

However, the data could also suggest that abolitionists took this question to mean 'in a country where some people will be sentenced to death, which death-eligible crimes do you think most deserve a death sentence'. In other words, the data are best read as relative to one another, as a measure of what all respondents felt to be the most egregious crimes. In that case, the significance of the data is found in the ranking demonstrated by Figure 5, with crime type ordered by the extent of support for the death penalty, from most to least.

At the extremes, the ranking would likely be universal; most people in most countries asked to impose an ordinal ranking on these offences would put terrorism at the top and robbery not resulting in death at the bottom. But in Indonesia, and most likely across South East Asia, drug offences create regional anomalies. It is remarkable that 40% of respondents felt that drug possession should always be punishable by death. This is more than three times as many who felt that would be an appropriate penalty for robbery, which is, after all, a violent offence. Furthermore, more than two thirds believed that drug trafficking should always result in a death penalty, many more than for murder. These data demonstrate clearly the seriousness with which Indonesians view drug offences.

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[28] Hood, Is Public Opinion a Justifiable Reason Not to Abolish the Death Penalty?

Figure 5: Support for the death penalty according to type of crime
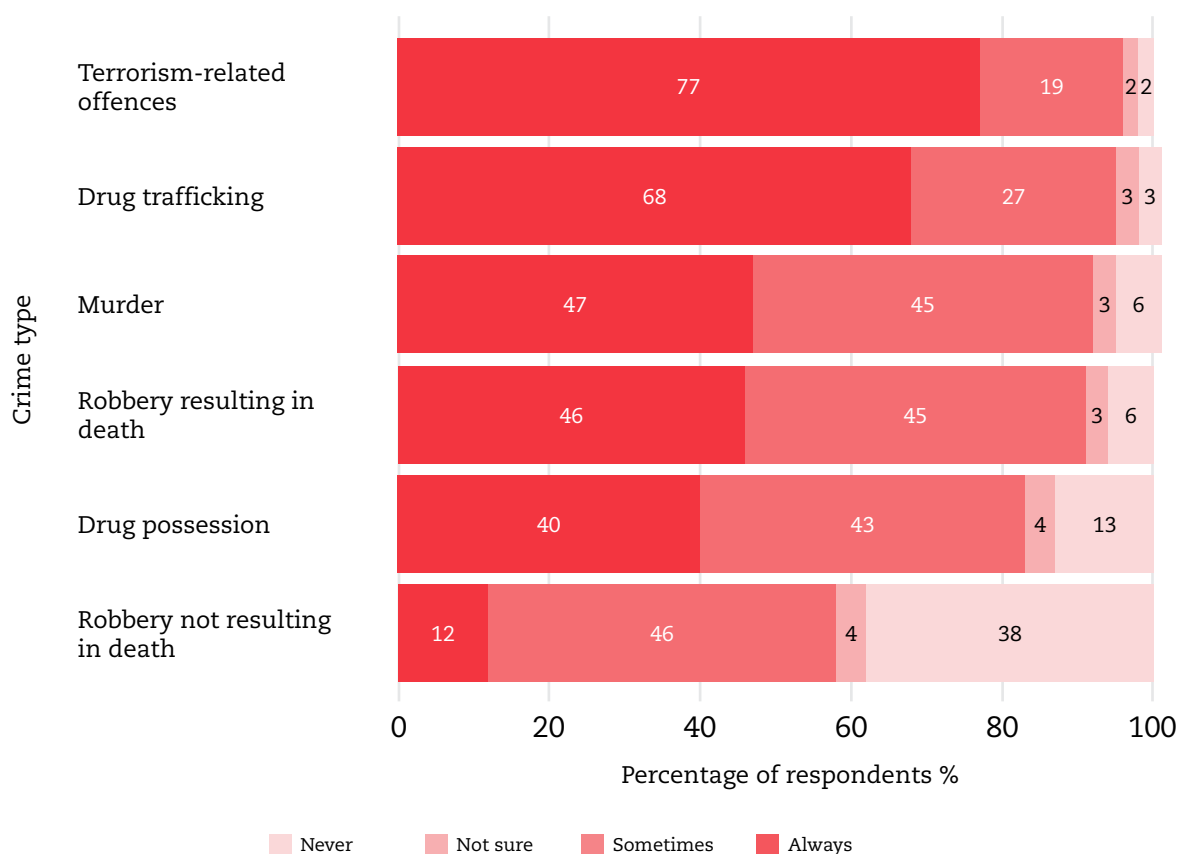
As mentioned above, the UN Economic and Social Council (ECOSOC) has defined the scope of 'most serious crimes' to nothing 'beyond intentional crimes with lethal or other extremely grave consequences'.[29] Some would consider it a stretch to include drug trafficking under that definition, and most of those with an understanding of international human rights law would be adamant that drug possession and robbery were firmly out with this definition.

2.4.1.b Views on vulnerable offenders

The ECOSOC Safeguards (Safeguards) also helped to bring about progressive restriction of the death penalty by excluding certain 'vulnerable' people: those under the age of 18 at the time of the crime, pregnant women or new mothers, persons who have become insane, and – since the Safeguards were revised in 1989 – older people and those suffering from limited mental competence. Few retentionist countries ignore these particular restrictions and the responses to this survey suggest that the majority of Indonesian people do not think the death penalty is appropriate for certain vulnerable people [Q30].

Most respondents thought that pregnant women should not be subject to the death penalty (83%), and neither should people with serious mental disorders (81%), people with serious physical disabilities

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[29] *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty*, United Nations Economic and Social Council 1984.

(76%), people who were under 18 years old at the time of the crime (64%), and those who were older than 70 (61%). The responses in full are illustrated in Figure 6, with type of vulnerable person ordered by the extent of support for the death penalty, from most to least.

Figure 6: Support for the death penalty according to offender group
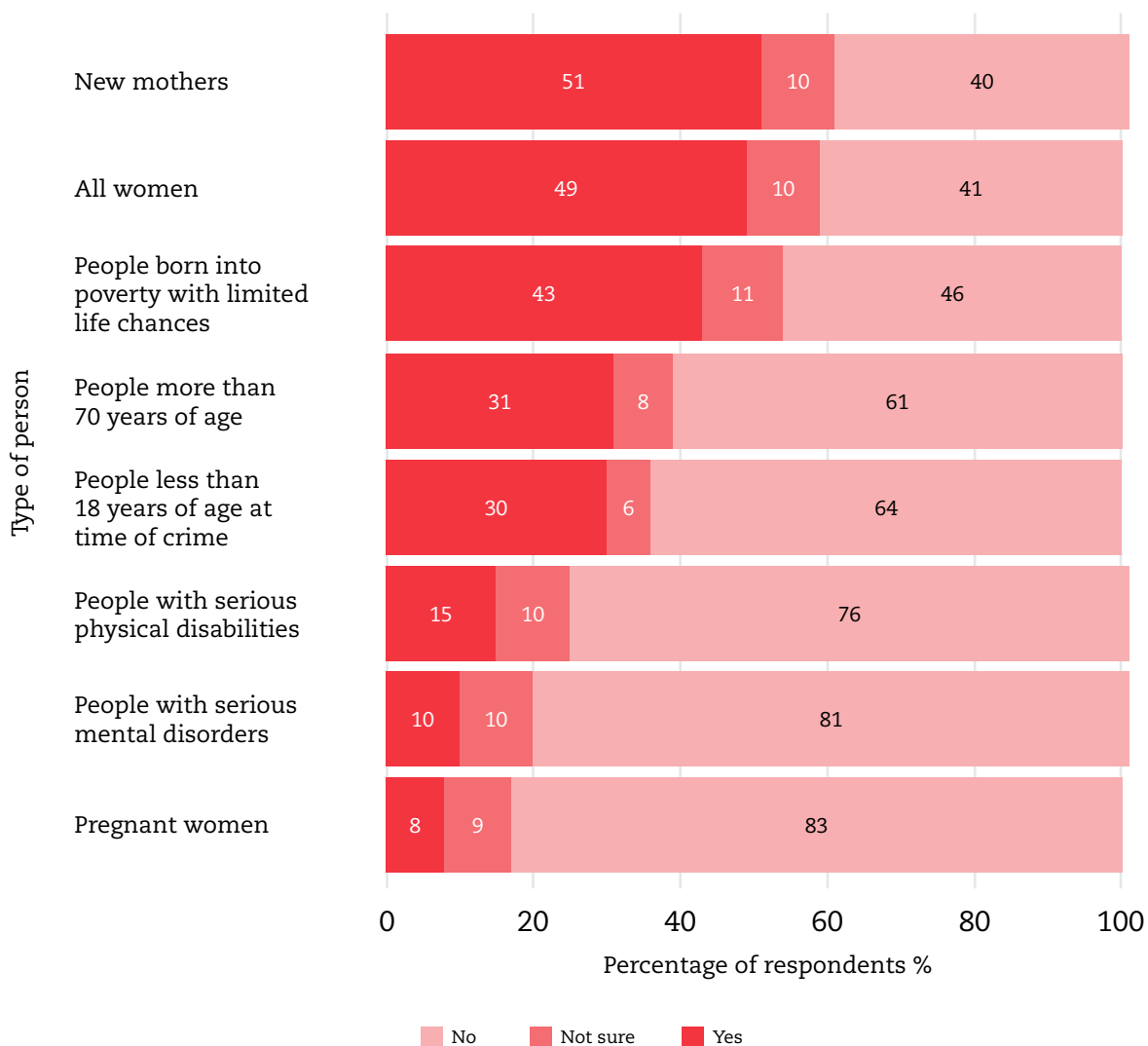
Should these people be subject to the death penalty?

Of particular interest is the response to the category of people who are not protected by international law: those born into poverty with limited life chances. While those responsible for sentencing in countries that have a discretionary death penalty, such as Indonesia, could take this into consideration as a mitigating factor, such people do not constitute a protected category. Yet, almost half (46%) of Indonesians think they should not be subject to the death penalty. We might keep this in mind when we discuss views on the fairness of the criminal process and sentencing rationales (see section 2.5.1a, below).

2.4.1.c Views on Indonesians exposed to capital punishment abroad

There was one type of offender we didn't include in Q30 when assessing views on vulnerable people: foreign nationals. Instead, the following two questions probed respondents' views on how the Indonesian government should regard nationals sentenced to death abroad. Foreign nationals enjoy some protection under international law by a range of procedural safeguards that should be activated as soon as someone is arrested and/or detained in a foreign country, including if they are arrested for an offence that could lead to a death sentence.[30]

While only 9% of the respondents said they were 'very concerned' about foreign nationals facing the death penalty in other countries, the majority from our sample were a 'little' or 'quite' concerned (63%) [Q31]. Furthermore, the salience of this issue was even more apparent from answers to the following question about whether the Indonesian government should help its citizens to avoid the death penalty in other countries [Q32]. As illustrated in Figure 7, almost three quarters thought that the government should provide 'quite a lot of' or 'very much' help to Indonesian citizens facing the death penalty overseas (71%).

Figure 7: Support for intervention to prevent death penalty being applied to Indonesian citizens abroad

How much do you think the Indonesian government should provide help to Indonesian citizens to avoid the death penalty in other countries, if at all?

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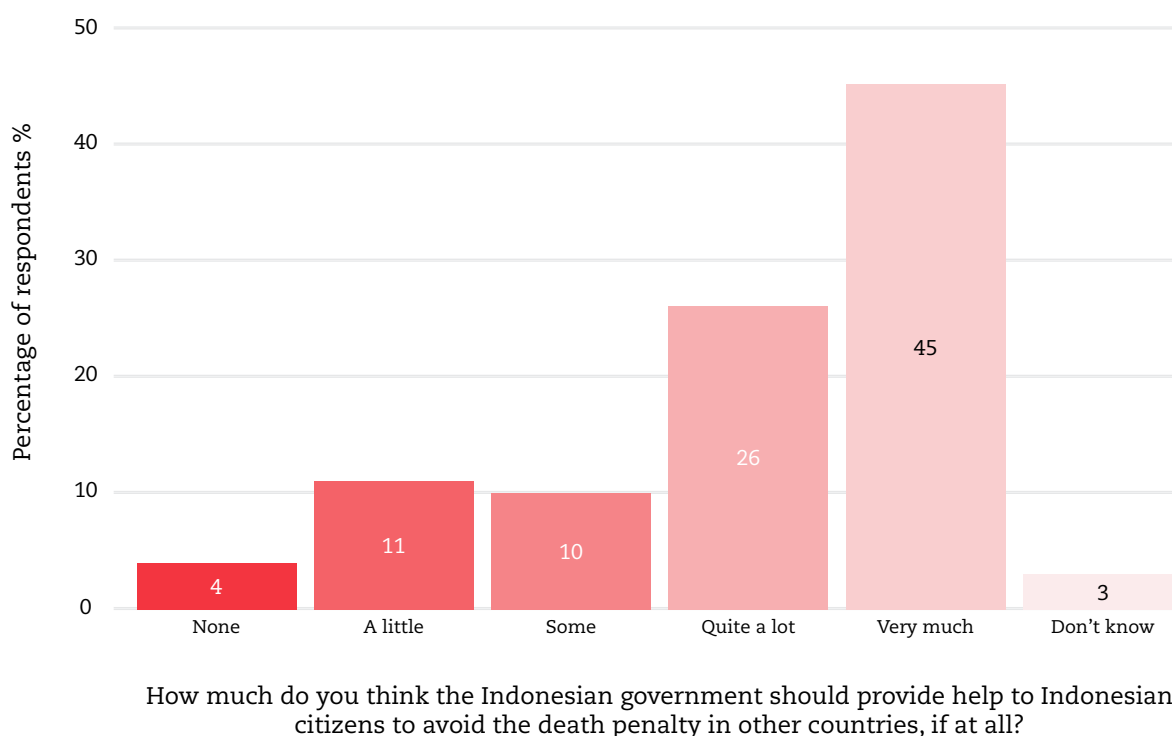
[30] Foreign nationals should receive protections, including the right to consular assistance, through the Vienna Convention on Consular Relations 1963 (Article 36), ratified by 180 nations. However, in some countries, assistance is limited (see Hoyle C., Capital Punishment at the Intersections of Discrimination And Disadvantage: The Plight of Foreign Nationals, in Steiker C. and Steiker J. (eds.), *Comparative Capital Punishment* (Edward Elgar Publishing 2019).

These findings are interesting to those considering how to generate further support for abolition within Indonesia, as many human rights organisations are. Among the public, Indonesia's efforts to protect its own citizens at risk of capital punishment abroad became an important issue in 2011, when a female Indonesian domestic worker was executed in Saudi Arabia and the Indonesian government was perceived to have done too little to assist her. In response to public disquiet, the government established a taskforce to advocate for Indonesians facing capital punishment elsewhere and flexed its political muscle in other countries to stop many executions, including by paying 'blood money' (diya) to release several Indonesians from death sentences in Saudi Arabia.

Clearly, these efforts put Indonesia's foreign policy at odds with domestic penal policy, and abolitionists took advantage of this to argue that Indonesia could not claim the high moral ground within its own borders.[31] Given that a majority of Indonesians believe in the importance of protecting Indonesians abroad, despite their support for the death penalty within Indonesia, it is possible that pragmatic arguments about being consistent across domestic and foreign policy on the death penalty may have more force than human rights arguments, or evidence of the inefficacy of the death penalty to reduce crime and victimisation by deterring offending.[32] As is argued elsewhere, the imperative to protect Indonesians abroad may significantly help the abolitionist cause on the basis of consistency.[33]

2.4.2 Support in abstract or in practice?

To further explore the scope of respondents' support for the death penalty, we followed a methodology developed by Roger Hood in his surveys of Malaysia and Trinidad,[34] and adopted by Mai Sato in her survey of Zimbabwe.[35] We presented respondents with six scenarios, then asked them to assign an appropriate sentence [Q5-10]. They could choose from a death sentence, a prison sentence for a period of their choosing, a prison sentence with the possibility of parole if the offender was 'no longer a danger', or a prison sentence without the possibility of release. It is well known that the order of questions in a survey can affect people's responses.[36] If, for example, respondents had just spent half an hour answering questions about the death penalty, they are likely to be thinking about and focusing on the death penalty.[37] If they were then presented with questions in which the death penalty was just one of multiple options (as in the current scenario questions), their answers could be influenced by the fact that they had been focusing on that punishment. To avoid this effect, these scenario questions were presented early in the survey, before questions about the death penalty.

Three scenarios were each presented twice (generating six in total), and the background information was varied to explore the effect of aggravating or mitigating features: whether the offender had prior convictions for robbery; the reason for committing a murder; and the offender's level of power and control in the drugs trade. The scenarios with manipulated variables were presented sequentially, which is not usually recommended, as respondents are likely to guess that this means the interviewer expects them to change their answer. However, as we are interested here in the types of information that make

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[31] McRae, Indonesian Capital Punishment in Comparative Perspective, pp.11-12; Hoyle, Capital Punishment at the Intersections of Discrimination and Disadvantage.

[32] McRae, Indonesian Capital Punishment in Comparative Perspective, pp.13-14.

[33] ibid p.21.

[34] Hood, The Death Penalty in Malaysia; Hood and Seemungal, Public Opinion on the Mandatory Death Penalty in Trinidad.

[35] Sato, 12 Years Without an Execution.

[36] Podsakoff P. M., MacKenzie S. B. and Podsakoff N. P., Sources of Method Bias in Social Science Research and Recommendations on How to Control it, *Annual Review of Psychology* 63 2012, pp.539-569.

[37] This could be occurring either consciously or subconsciously, and is an effect known as 'priming' in psychology.

people susceptible to change their views, rather than in their 'absolute' views per se, this approach offers an important insight.

Figure 8 demonstrates that, although only 18% of the respondents supported abolition in abstract [in response to Q24, as discussed above], many more did not wish the death penalty to be imposed in the specific cases we presented – though, in all of these cases, the death penalty could be applied in Indonesia. Hence, even in the absence of mitigating circumstances, only 40%, 25% and 50% supported imposition of the death penalty for robbery resulting in death, murder, and drug trafficking respectively. As we discuss above, when asked about support for the death penalty for these offences in general, the proportion of respondents who said such offences should always be punished by death was significantly higher (46%, 47% and 68% respectively; see Figure 5, section 2.4.1a, above).

When mitigating circumstances were introduced, support for the death penalty dropped still further, as it has in other surveys reviewed by Roger Hood.[38] Given mitigating factors, respondents were much less likely to want the death penalty to be imposed:[39] if the offender had no prior convictions, only 9% thought a death sentence should be imposed; if a murder had been committed in response to domestic abuse, only 8% chose the death penalty; or, if the offender was a poor drugs mule who had been exploited in the drugs trade, only 14% thought death to be the right sentence. These numbers provide strong evidence that Indonesians' appetite for the death penalty when considering realistic depictions of murder, robbery and drug trafficking cases is much lower than superficial, abstract questions would suggest.

Figure 8: Respondents' views on offences and mitigation: proportion of respondents who selected the death penalty

[38] Hood, Is Public Opinion a Justifiable Reason Not to Abolish the Death Penalty?

[39] McNemar's test of within-subject differences in choice selection confirmed that the reduction in the number of people selecting the death penalty was of statistical significance for all three scenarios (p= .001, two-sided).

2.5 Malleability of opinions

The discussion above has shown that support for the death penalty wanes when respondents are presented with information about the offences committed and offenders' vulnerabilities or circumstances. We also established that respondents were not well informed about the death penalty. This suggests that better information about the types of offenders and offences that attract the death penalty, or indeed how the death penalty is administered, could shift opinion.

To further understand possible influences on people's support for the death penalty – and, indeed, how malleable respondents' views are – a series of questions was asked of those who identified as retentionists about whether information on the effectiveness and fairness of the death penalty as administered in Indonesia, and the opinions of others, would change their stance [Q33-37]. As Table 2 shows, the proportion of those who remained 'retentionist' dropped dramatically, with many being persuaded to support abolition by a range of factors.

Of course, as with the scenario questions presented above, respondents may have changed their responses because they believed they were expected to, rather than because the argument really changed their minds. This presents problems with regards to how generalisable these findings are; for example, just because someone said they supported abolition as a result of being asked question 34 doesn't mean that they would change their views if they were presented with the same information in another context, though we have no reason to believe they would not. Notwithstanding some caution in interpreting these findings, they reliably give an insight into how susceptible people are to these arguments, which enables us to interrogate two matters of interest. First, the proportion of the population that may be staunch, perhaps 'die-hard', death penalty supporters, even in the face of rational arguments and social pressure; and, second, the relative 'persuasiveness' of each argument.

With respect to the first matter, 311 people (30% of the 1,038 retentionists who were asked this question) answered that they would still support the death penalty in all five of questions 33-37. To situate these respondents within the total sample, so that we can know what proportion of the population of Indonesia they represent, we should include in our calculation the 18% of the total sample who were abolitionists and who were not asked these questions. Within that larger dataset, these 311 people account for 21% of the total sample. This tells us that only just more than a fifth of the people we interviewed said they would support retention of the death penalty regardless of the information presented to them in these five questions. Put another way, 727 of the 'retentionists' who were asked this question said they would support abolition in one or more situation. This is 70% of the retentionists (48% of the total sample).

These data show that almost four fifths (80%) of the whole sample were not staunch retentionists: they either supported abolition (18%), weren't sure (14%), or would consider abolition following one or more of the arguments presented to them in questions 33-37 (48%).[40]

With respect to the second matter, the number of retentionists who were persuaded by each argument to support abolition is shown in Table 2, ordered by 'persuasiveness'.

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[40] As per note 2, because of rounding up or down of percentages, the combined support for abolition (17.8%) is rounded to the nearest whole number; ie., 18%.

Table 2: The extent to which arguments for abolition were persuasive to retentionists

	Would support abolition	Still support retention	Don't know
[Q37] Suppose that it was proven to your satisfaction that the death penalty has not been applied fairly to members from different ethnic groups and areas of Indonesia, would this affect your support for the death penalty?	47.4%	47.4%	5.2%
[Q33] Suppose it was proven to your satisfaction that innocent people have sometimes been executed, would this affect your support for the death penalty?	45.8%	48.7%	5.5%
[Q35] Suppose it was proven to your satisfaction that the death penalty is no better at deterring crime than long-term imprisonment, would this affect your support for the death penalty?	38.0%	57.0%	5.0%
[Q36] Suppose that leaders from all of Indonesia's religions supported abolition of the death penalty, would this affect your support for the death penalty?	37.1%	56.1%	6.8%
[Q34] Considering that the number of countries worldwide that have completely abolished the death penalty has now risen to 105, do you think that Indonesia should aim to follow these countries and abolish the death penalty?	26.6%	66.7%	6.7%

The data show clearly that nearly half of retentionists would be persuaded to support abolition if they found the death penalty to be unfairly administered, and only slightly fewer would do so if they found out that innocent people had been executed. More than a third would be persuaded by evidence that the death penalty is no more effective at deterrence than long-term imprisonment, or if they learnt that all of Indonesia's religious leaders supported abolition. And just more than a quarter were persuaded to shift their position in favour of abolition by information about the high number of countries around the world that have now abolished.

The following sections consider in more detail the data presented in Table 2. In light of the findings above on Q33 and Q37, we consider perceptions of fairness in the criminal process and their association with death penalty support. In relation to Q35 on deterrence, we then examine respondents' views on crime reduction. And leading on from the data on Q34 and Q36, we consider the influence of support for abolition from opinion formers within Indonesia and from other countries. These discussions help us to better understand what information might shift opinions on the death penalty.

2.5.1 Perceptions of fairness and views on the death penalty

Respondents explicitly linked their support for abolition with the potential for unfair imposition of the death penalty [Q28, Q33 and Q37]. After abuse of human rights (31%), the next most frequently cited reason for supporting abolition was that people may be wrongfully convicted and executed (19%) [Q28]. A further 14% selected other 'fairness' reasons for supporting abolition: i.e., 'Indigent defendants have such limited access to justice that a fair trial cannot be guaranteed' (7%) and 'It cannot be carried out in a non-arbitrary/ fair way' (7%) [Q28]. Table 2 (above) shows that the arguments for abolition that retentionists found most convincing were that the death penalty might not be applied fairly across different ethnic groups and areas

across Indonesia (47% of retentionists) [Q37], and that innocent people have sometimes been executed (46% of retentionists) [Q33].

Unfairness in the administration of the death penalty is clearly persuasive to Indonesian people, both those who already support abolition and those who were persuaded away from retentionist positions by information on unfairness (in Q33 and Q37). The fact that 47% and 46% of retentionists said they would change their mind if persuaded by information on fairness and on innocence meant that support for abolition in Indonesia rose from 18% to 48% across the whole sample when considering innocent people being executed, and from 18% to 50% when considering unfairness in the criminal process.[41] This suggests that individual human rights and justice across diverse communities within Indonesia are important values. We were keen, therefore, to understand if our respondents thought that the criminal justice system in Indonesia was fair, and included three questions on this [Q11-13].

Overall, the data show that respondents did not have a great deal of trust that the criminal justice system would be fair. Most respondents, both retentionists and abolitionists, answered that the judiciary was only 'sometimes' completely fair (41%) or 'not often' completely fair (33%). Nearly a third thought that a rich and a poor person who had committed the same crime would get the same sentence, but almost half of the respondents (49%) believed that the poor person would receive a harsher sentence. When asked whether they trusted that they, personally, would be treated fairly if they were accused of a crime that they hadn't committed, just more than a third (36%) of all respondents thought they would 'mostly' or 'completely' be treated fairly, but the rest did not. Figure 9 presents these findings for the whole sample in more detail.

Figure 9: Perceptions of fairness of the Indonesian criminal justice system

How often are decisions made by the Indonesian judiciary completely fair?

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[41] These results are in line with our findings in Malaysia (Hood, The Death Penalty in Malaysia) where support for the death penalty for murder fell from 91% to 33% when respondents were reminded that innocent people have sometimes been put to death.
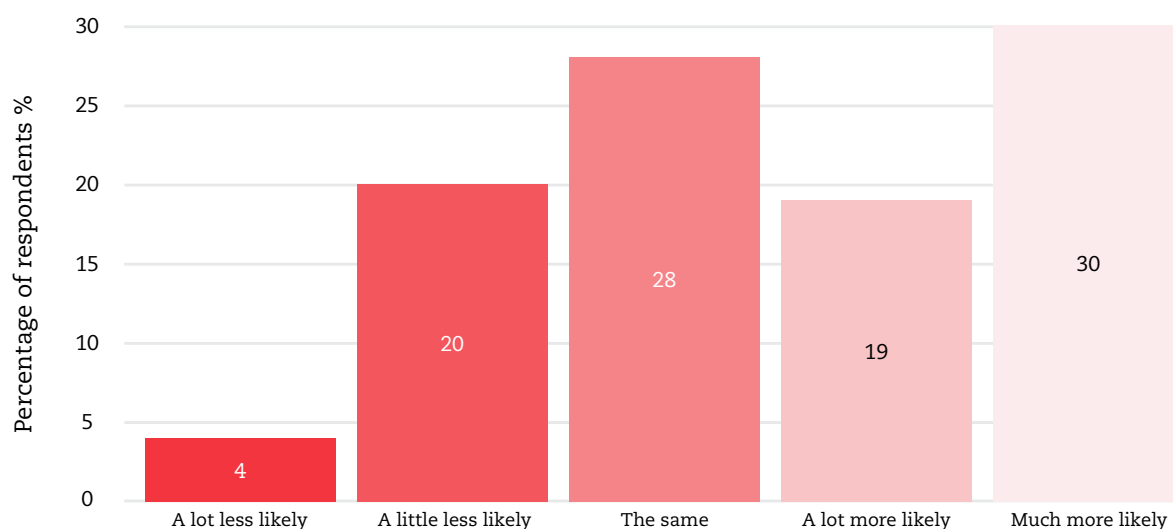
Imagine that a poor person and a rich person committed the exact same crime in Indonesia. In your opinion, how likely is the poor person to receive a harsh sentence, compared to the rich person?
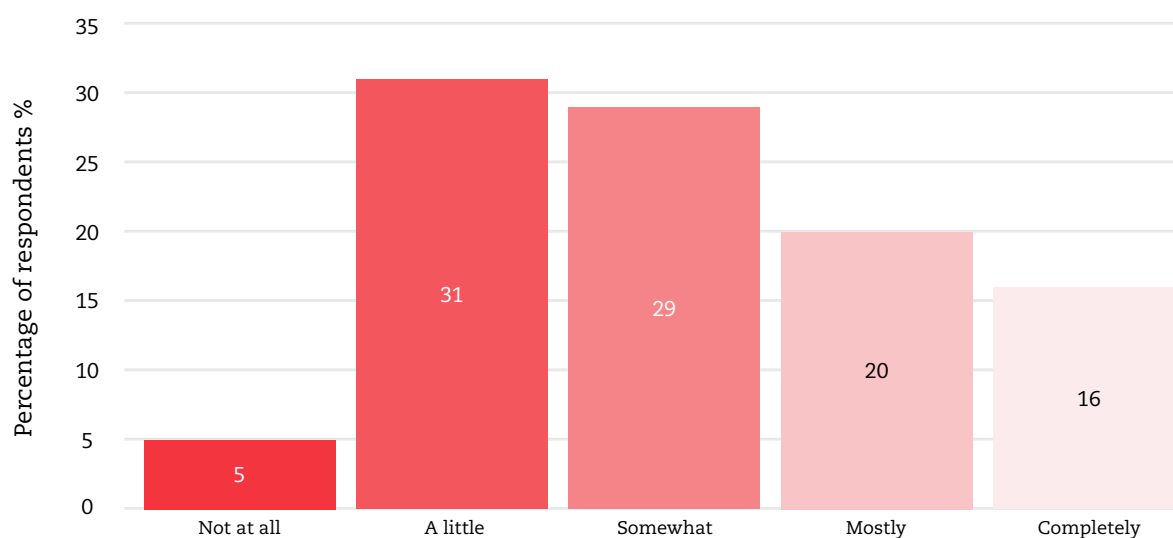
How much do you trust that you would be treated fairly by the criminal justice system?

Evidence of significant failures of due process safeguards to protect the vulnerable and the innocent have been shown to influence public opinion in countries such as Japan,[42] America,[43] and Singapore.[44] Our data show relatively low levels of trust in the integrity of the justice process in Indonesia. Data in the previous section showed that concerns about fairness and integrity more generally were likely to persuade some retentionists to support abolition. Given that abolitionists cited unfairness of the system as a reason to support abolition, and that it was also a persuasive argument for retentionists, we might

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[42] See Sato, The Death Penalty in Japan.

[43] Baumgartner F. R., DeBoef S. L. and Boydstun A. E., *The Decline of the Death Penalty and the Discovery of Innocence* (Cambridge University Press 2008).

[44] Cheong C. W., Ser T. E., Lee J. and Mathi B., *Public Opinion on the Death Penalty in Singapore: Survey Findings*, National University of Singapore Faculty of Law Working 2018.

expect to find that abolitionists thought the criminal justice system was more unfair than retentionists. In fact, however, assessment of fairness did not differ significantly between abolitionists and the rest of the respondents (the only exception being that abolitionists were more likely to think that decisions made by the judiciary were fair [Q11]; for full logistic regression analysis, see Appendix 2).

It is hard to draw conclusions from these seemingly contradictory findings. One possible interpretation is that, although some people may support abolition because the death penalty cannot be applied fairly – and others may be dissuaded from their inclination to support retention of the death penalty by evidence of its unfair application – for others, this reasoning is unrelated to their assessment of how fair the system is. In other words, it does not matter how unfair they think the system is, rather, if they think it is unfair, then some people will find this to be a good reason for supporting abolition (and others won't). Nonetheless, evidence of unfairness and unsafety in the criminal process may be one way of encouraging some to withdraw their support for the death penalty.

2.5.2 Views on crime reduction

As we discuss above, most of those in support of retaining the death penalty were clear that their primary reason for doing so was because they believe that it contributes to crime reduction by way of deterring potential offenders [Q27]. More than a third (36%) said the death penalty should be retained to deter murder, and about a fifth (18%) said it should be retained to deter drug trafficking (see Section 2.3 and Figure 3, above).

However, just because respondents explained their support for the death penalty in terms of reducing crime does not mean they think the death penalty is the most effective way of reducing crime. The survey included three questions to ascertain respondents' views on the most effective crime-reduction strategies before the questions about the death penalty [Q1-3], so that respondents would not be primed to focus on the death penalty, but rather to consider all the options equally. This is a methodologically more reliable measure of the perceived importance of the death penalty among other social and criminal justice options.

Respondents were asked which three measures they thought would be most likely to reduce violent crimes in Indonesia, and they were presented with 11 choices, as well as the option to provide answers of their own [Q1]. The three measures selected most often were: i) More effective policing (54%); ii) Better moral education of young people (48%); and iii) Reduce poverty and improve housing (41%).[45] By contrast, only 6% of people mentioned increasing the number of death sentences and 5% mentioned carrying out more executions. Other measures spontaneously stated included the need for more jobs and improvements to the economy, which could speak to the choice of 'reducing poverty'. Several respondents also suggested that violent crime would be more effectively dealt with if there was less corruption. These results are strongly aligned with other public opinion studies, including in neighbouring jurisdictions, Malaysia and Singapore,[46] as well as in Zimbabwe.[47] The results can be seen in full in Figure 10.

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[45] Selected as any of their first, second or third choices.
[46] Hood, Is Public Opinion a Justifiable Reason Not to Abolish the Death Penalty?, pp. 239-40.
[47] Sato, 12 Years Without an Execution; Hoyle C., *Time to Abolish the Death Penalty in Zimbabwe: Exploring the Views of its Opinion Leaders*, The Death Penalty Project 2020.

Figure 10: Respondents' choice of measures to reduce violent crimes
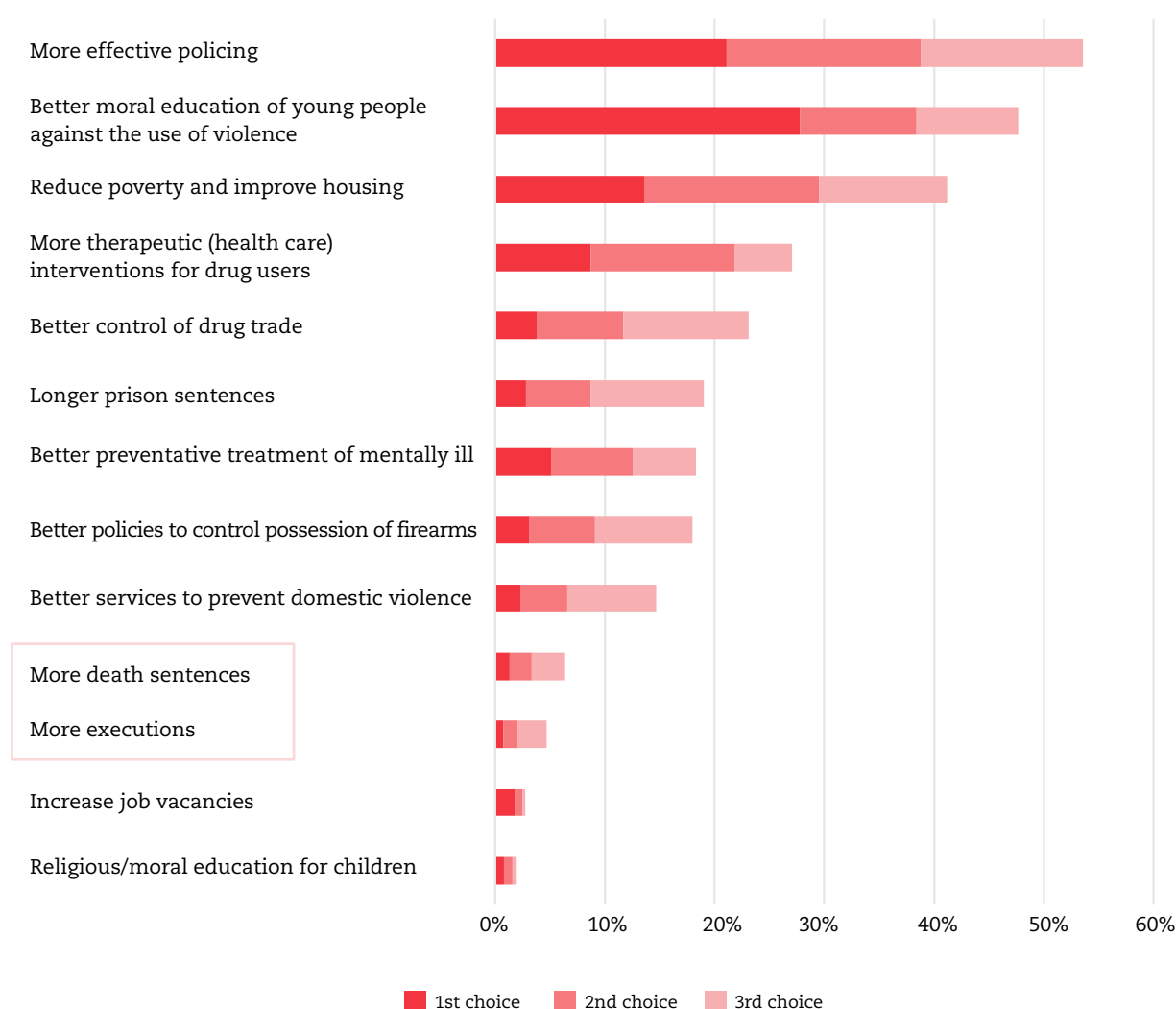
Which measures do you think are most likely to be able to reduce *violent crimes* in Indonesia?

Respondents were also asked which three measures they thought most likely to be able to reduce drug-related crimes in Indonesia [Q2]. The three measures chosen most often were: i) More effective policing (50%); ii) Better moral education of young people (48%); and iii) More therapeutic interventions for drug users (37%). Again, very few participants focused on the death penalty as a mechanism for reducing crime – only 9% mentioned increasing the number of death sentences and 6% mentioned carrying out more executions. Respondents suggested some of the same measures for dealing with drug-related crime as violent crime more generally, as well as a variety of methods to control the drugs trade across borders, such as border patrols, increased security at airports, etc. These results are shown in full in Figure 11.

Figure 11: Respondents' choice of measures to reduce drug-related crime
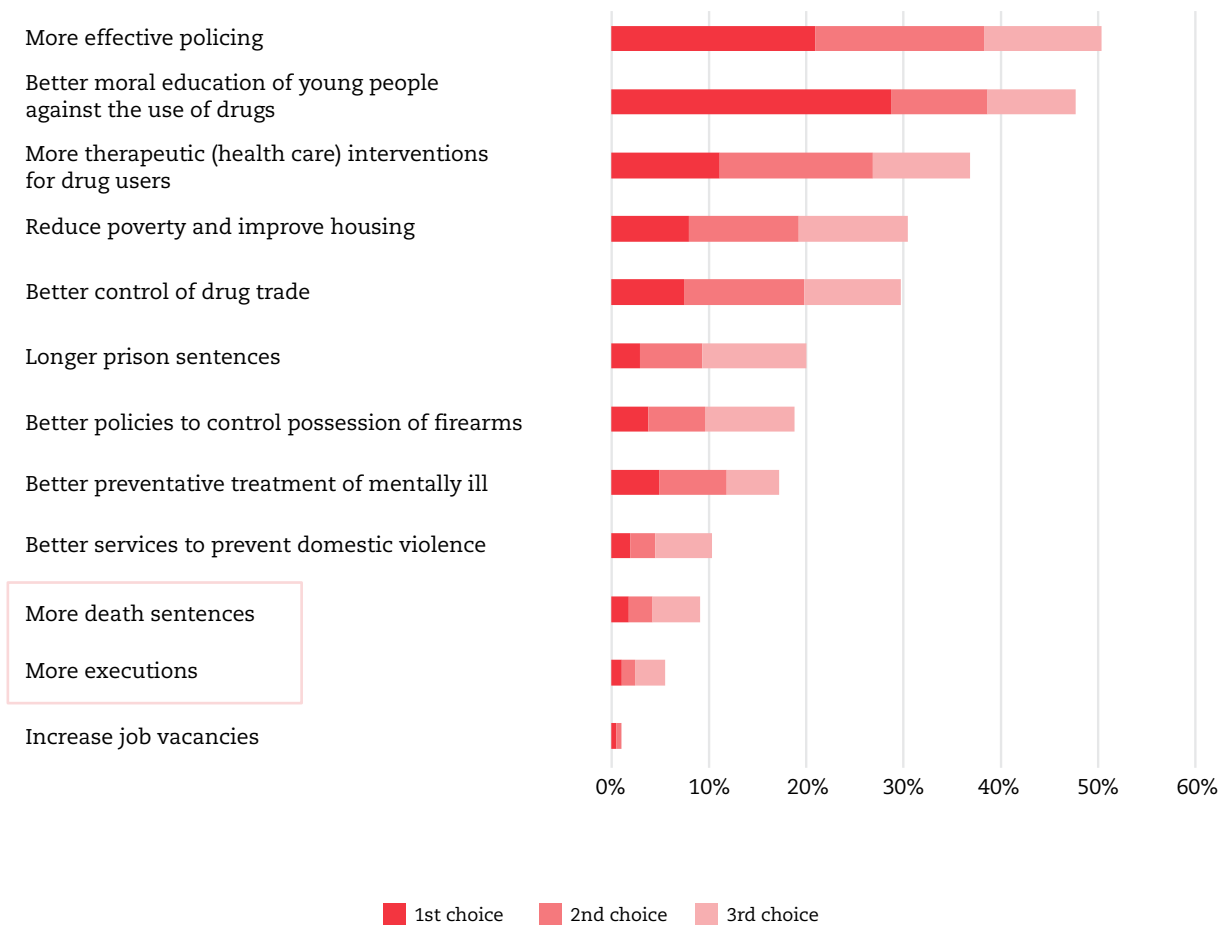
	1st choice	2nd choice	3rd choice

Which measures do you think are most likely to be able to reduce
drug-related crimes in Indonesia?

Participants were also asked which were the most important existing crime-reduction measures in Indonesia for preventing both violent and drug-related crimes [Q3]. Similar to our findings above, only 7% of respondents mentioned the death penalty, with other penal, therapeutic and social measures considered to be much more effective measures of crime prevention (see Figure 12).

Figure 12: Respondent views on existing crime-reduction measures in Indonesia

Percentage of respondents mentioning the measure
*does not sum to 100% due to three choices

■ 1st choice   ■ 2nd choice   ■ 3rd choice
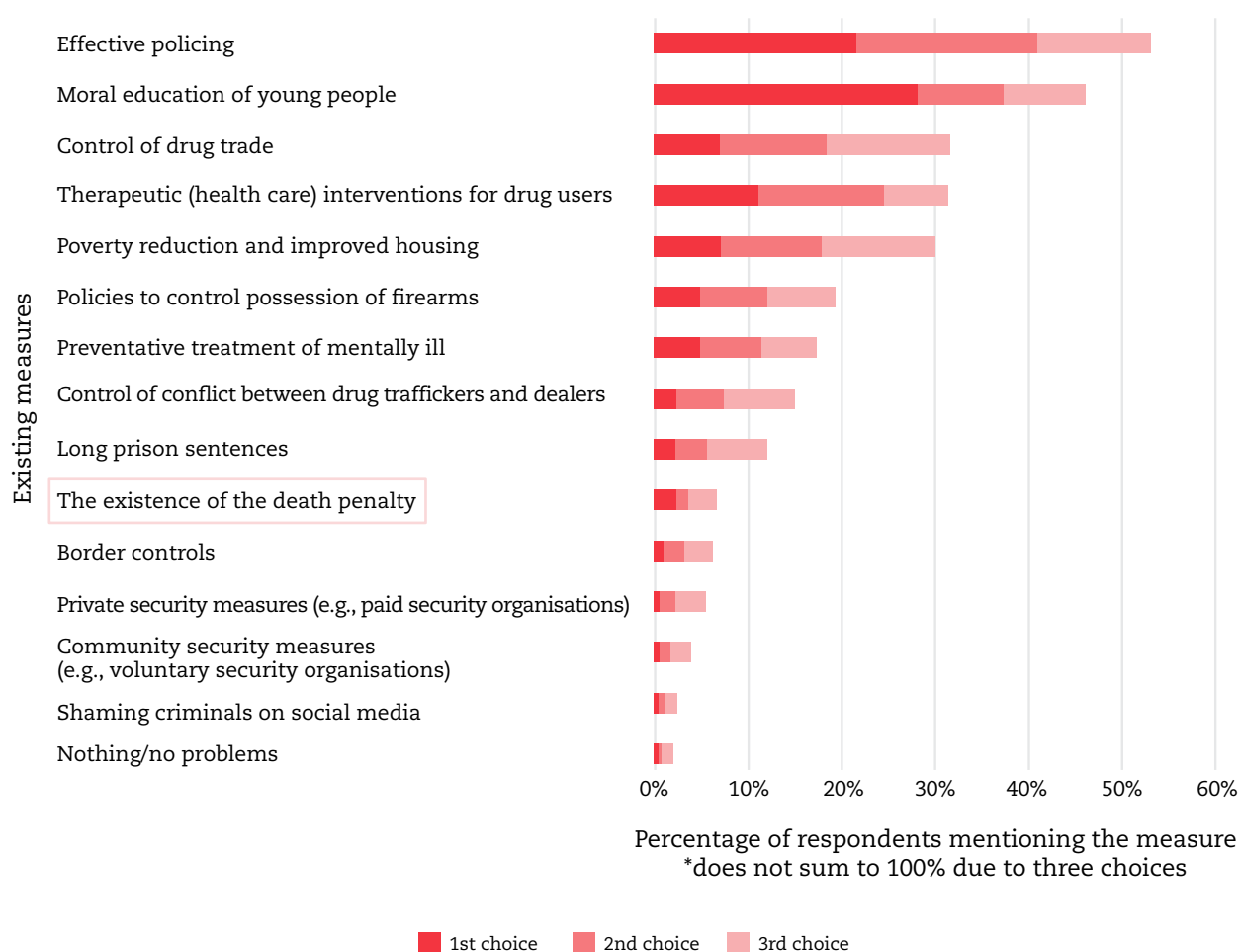
Existing measures that prevent violent and drug-related crimes in Indonesia

As in other surveys commissioned by The Death Penalty Project, people in Indonesia have much more faith in improved policing and social and therapeutic measures to reduce serious crime than they do in the death penalty. If people don't see the death penalty as particularly important for preventing crime, why do respondents explain their support in terms of deterrence? To try to understand this apparent contradiction in the data, we turn to the question of what people believe to be the purpose of sentencing.

2.5.2a Purpose of sentencing

Respondents were asked to rank the first, second and third most important rationales for sentencing [Q4]. The two most frequently mentioned purposes were to make offenders take responsibility for the harm they caused (65%),[48] and to make them repair the harm they caused (52%). Preventing recidivism was the focus of the third, fourth and fifth most popular purposes of sentencing: to make the offender less likely to re-offend (52%), to rehabilitate the offender (33%), and to keep the offender

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[48] Selected as any of their first, second or third choices.

away from the rest of society (27%; in this case, reducing crime through incapacitating the offender). These results are shown in full in Figure 13.[49]

Figure 13: Purpose of sentencing
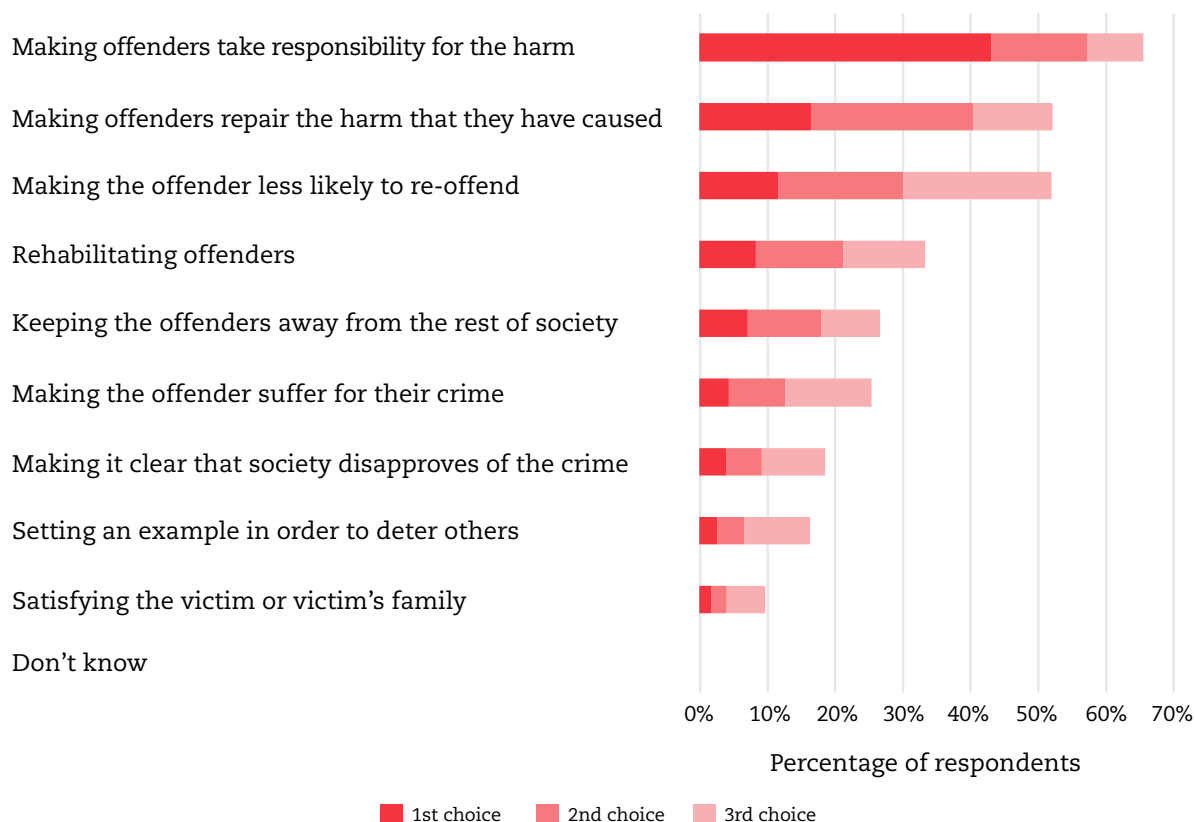
General deterrence ('setting an example in order to deter others') was one of the least frequently selected purposes of sentencing, at only 16%. This raises the question of what respondents mean when they say they want to retain the death penalty for the purposes of 'deterrence'? It is assumed that deterrence in the case of the death penalty must refer to general deterrence, rather than individual deterrence, as an individual cannot be effectively deterred from committing further crimes within society (rather than in a prison) if he or she is permanently incapacitated in highly restrictive conditions and then executed. However, the responses to this question suggest that most respondents think that individual deterrence – by way of rehabilitation or by other measures to 'make the offender less like to re-offend' – is a much more important sentencing rationale than general deterrence.

It is possible that, while they think sentencing in most cases should be aimed at changing the individual offender – by restorative measures (such as making them take responsibility and repairing the harms done) and by educational measures that rehabilitate – they see the death penalty as needing a rather different rationale, to deter other potential offenders. Hence, when they are asked a general question

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[49] The importance respondents assigned to each purpose of sentencing did not predict their support for abolition (see Appendix 2 for full logistic regression model).

early in the survey [Q4] about the purposes of sentencing, before being sensitised to the issue of the death penalty, deterrence and the death penalty were not the key issues on which they were focused. In other words, most of the time, general deterrence is not in the forefront of their mind as the reason why we should punish criminals, but once we focus in on why the death penalty is needed, they reach for the popular rationale of deterrence.

There is some support for this assertion in the data gathered in response to a later question, which asked how effective the death penalty is at achieving key sentencing goals (as listed in Table 3), when compared with long-term imprisonment [Q23]. This question came after a series of questions on the death penalty – at a time, therefore, when the respondents were alerted to this issue. Their responses were given on a 0-4 scale where '0' meant that the death penalty was much less effective, '2' meant they were equally effective, and '4' meant it was much more effective than long-term imprisonment. As can be seen in Table 3, on average, participants thought that the death penalty was more effective than long-term imprisonment on all the measures.

Table 3: Respondent comparisons of the death penalty with long-term imprisonment

	Mean	Std. Deviation	N[50]
Deterring others from committing crimes	3.21	0.9	1,490
Making offenders take responsibility for the harm that they have done	3.19	1.0	1,489
Making it clear that society disapproves of the crime	3.14	1.0	1,482
Making the offender less likely to re-offend	3.09	1.0	1,485
Making the offender suffer for their crime	3.07	1.0	1,490
Making offenders repair the harm that they have caused to the victim	2.94	1.0	1,492
Satisfying the victim or victim's family	2.94	1.0	1,484
Keeping offenders away from the rest of society	2.84	1.1	1,486
Rehabilitating offenders[51]	2.80	1.1	1,485

Consistent with the finding that retentionists wished to retain the death penalty mainly to deter crime, respondents believed that the death penalty was much more effective at deterrence than long-term imprisonment (M = 3.21, SD = 0.9). This suggests that people in Indonesia have views about the criminal justice system and wider societal measures to reduce crime and other harms that are reasonably liberal until they think about the death penalty. At that point, their views become more reactionary and they put faith in the death penalty to cure all ills in society, a faith that was absent from earlier responses to questions about effective measures to reduce crimes.

What was surprising about these results is that both abolitionists and retentionists scored the death penalty as more effective than long-term imprisonment on all the measures. It is not easy to understand these results. While abolitionists did not rank the death penalty quite as highly as the

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[50] Excluding those who said that they 'don't know' for each question.

[51] It is suprising that people thought the death penalty was more effective at rehabilitating offenders than a long prison sentence, given that rehabilitation is not possible after execution. However, it is likely that respondents interpreted this question as similar to the question about making the offender less likely to offend; permanent incapacitation through a death sentence and execution inevitably makes it less likely the offender will commit another offence.

rest of the sample on deterrence and reparation (see Appendix 2), 82% of the respondents said that the death penalty was more effective than long-term imprisonment. The data suggest that, despite their personal objections to the death penalty, abolitionists have accepted retentionists' arguments, including the government's arguments, that the death penalty is effective on many sentencing goals, perhaps especially on deterrence.

If we recall the reasons for supporting abolition [Q28, discussed above at section 2.3 and Figure 4], only 9% of abolitionists provided as a justification that the death penalty has no additional deterrent effect compared with imprisonment. This means that few participants understood that research on the death penalty has been unable to demonstrate that it is a more effective deterrent than life imprisonment, though, as yet, there is no reliable evidence on the death penalty and deterrence for drug offences.[52] We may also recall, however, that more than a third of retentionists said that if they were persuaded that the death penalty is no more effective at deterrence than long-term imprisonment, they would support abolition [Q35; see section 2.5 and Table 2, above].

Clearly, respondents (including abolitionists) believe the death penalty is important for crime reduction, even though, when asked about crime reduction in general, they rarely mention it, and many are clearly prepared to abandon their support for capital punishment if persuaded that it is not effective at realising the goal of deterrence. These findings show that research in Indonesia that answers this important question of whether the death penalty can deter serious crimes, especially drug crimes, would be extremely valuable in educating the public on the limits of the presumed efficacy of the death penalty. We are currently carrying out preliminary research on this issue. More widely, the findings show that educative campaigns that challenge the deterrence narrative, as well as focus on the fallibility of the process that leads to this irrevocable punishment, could reduce support for the death penalty.

2.5.3 The influence of abolitionist support in Indonesia and beyond

Though it is possible to find many examples of Indonesian Muslims explaining their support for the death penalty in Islamic terms,[53] respondents' religion was not a significant predictor of support for abolition in this survey. There were some differences in support for abolition between the religious groups in our sample. More of the Catholic Christians in our sample supported abolition (24%) than the Muslim respondents (18%), and, in turn, more Muslim respondents supported abolition compared with the Protestant Christian (15%) and Hindu respondents (13%). Yet, the combination of small differences and the small number of respondents in each group means that we cannot be confident that these differences did not simply occur at random.

However, religion could play a role in death penalty support in terms of the influence of respected religious leaders in Indonesia. As Table 2 above showed, more than a third of retentionist respondents (37%) said they would be persuaded to change their view if leaders from all of Indonesia's religions

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[52] Fagan J., *The Feasibility of Systematic Research on the Deterrent Effects of the Death Penalty in Indonesia*, The Death Penalty Project 2019.
[53] McRae, Indonesian Capital Punishment in Comparative Perspective, p. 10.

supported abolition [Q36].[54] This suggests that a clear abolitionist stance among respected opinion formers in Indonesia could shift opinion on the death penalty among the public.

We also wished to ascertain if Indonesians' views on the death penalty could be influenced by decisions to abolish the death penalty worldwide or by the retention of the death penalty in neighbouring jurisdictions.

2.5.3.a. Influence of worldwide abolition

Indonesians significantly underestimated the extent of abolition around the world. When asked how many countries in the world have abolished the death penalty, over a third (38%) of respondents thought that about a quarter of the countries have abolished, whereas in fact more than half the countries in the world have done so (only 10% of respondents answered half or more) [Q22].[55] Respondents' estimates of worldwide abolition predicted their support for abolition (for full logistic regression analysis see Appendix 2). As demonstrated in Figure 14, the higher the respondents' estimate of the extent of abolition around the world, the more likely they were to support abolition, suggesting that the worldwide movement for abolition might persuade Indonesians to follow suit.

Figure 14: Support for abolition according to estimate of worldwide abolition rate

Estimate of worldwide abolition rate

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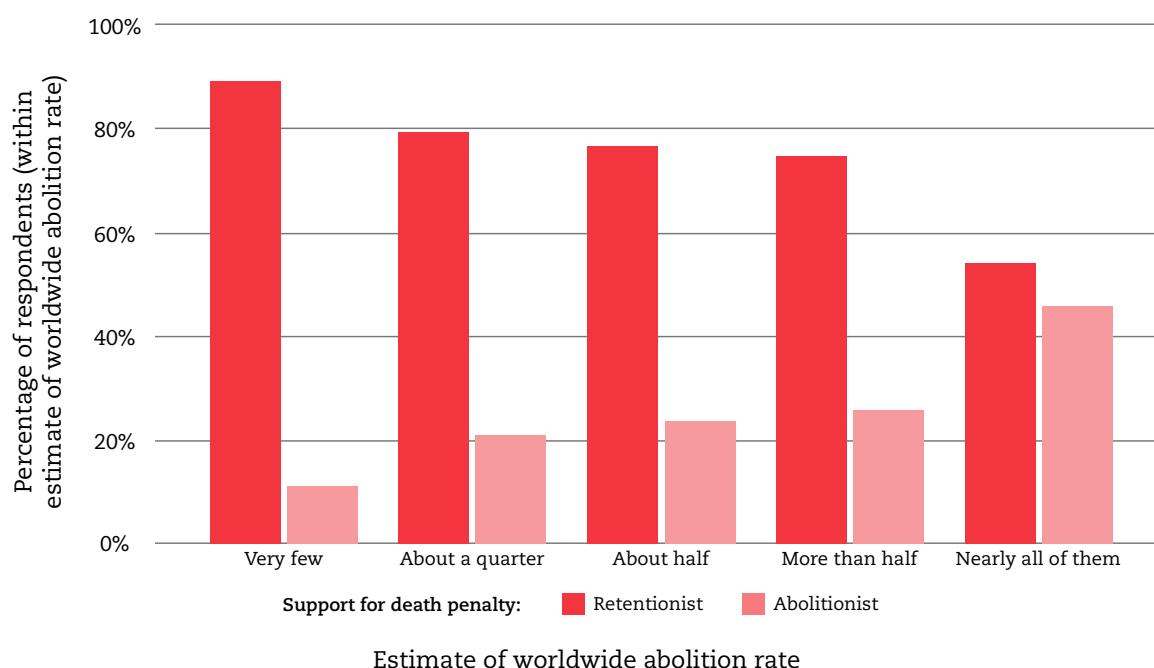
[54] Forty per cent of Muslim respondents who supported retention said they would change their view if leaders from all of Indonesia's religions supported abolition, whereas only 23% of Hindu retentionist respondents said they would change their view. However, as there were only 77 Hindu respondents, it is difficult to draw any conclusions about this difference.

[55] At the time we designed our interview schedule, 105 countries had abolished the death penalty.

This question [Q22] came before the questions on whether certain information would persuade retentionists to favour abolition [Q33-37]. In answer to those questions, the least persuasive of the five arguments that shifted some retentionists to supporting abolition was that 105 countries around the world have abolished the death penalty (see Table 2, section 2.5, above). Nevertheless, 27% of retentionists said that this information led them to reconsider and support abolition. This argument was most persuasive to those retentionists who had previously estimated, in answer to Q22, that 'about a quarter' or 'about a half' of countries had abolished the death penalty.

These respondents were more easily persuaded by presentation of new facts (the new fact was that more than half have abolished – a greater proportion than either group had estimated). The new facts were least persuasive to those who previously seriously underestimated or overestimated the proportion (thinking that 'very few' countries or 'nearly all of them' had abolished the death penalty). These respondents perhaps had fixed views on the death penalty, embedded in their own value systems, and were, accordingly, impervious to new facts. Consequently, presentation of the new information about the worldwide abolition rate was not persuasive to them. The respondents who already thought that 'more than half' of countries have abolished the death penalty were also less likely to be persuaded by the argument, because it was not news to them. The approximate 'curve' effect of new information on the worldwide rate is illustrated in Figure 15.

Figure 15: Persuasiveness of worldwide abolition figures with reference to prior estimate of worldwide abolition

2.5.3.b. Influence of neighbouring jurisdictions
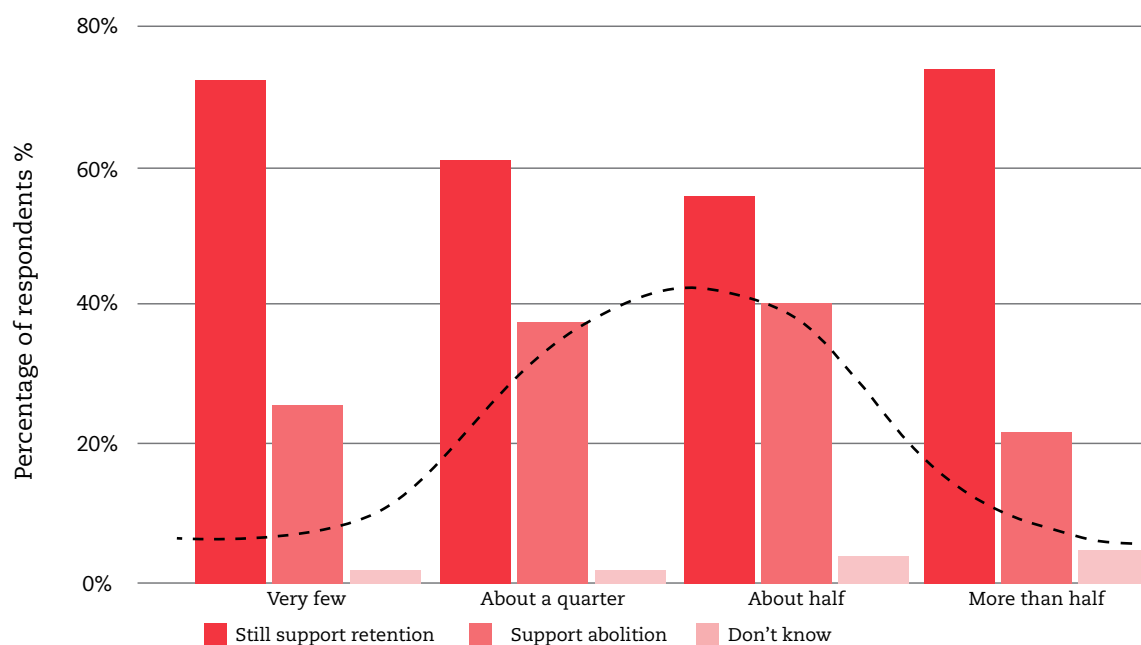
Respondent prior estimate of how many countries have abolished the death penalty
Considering 105 countries have abolished, should Indonesia follow suit?

While certain respondents were persuaded towards an abolitionist position by information about the extent of abolition worldwide, some worried about the effects of Indonesia abolishing the death penalty while her neighbours retained it, given the threat of drug trafficking from other jurisdictions in South East Asia.

Respondents were presented with nine statements about the relationship between drug trafficking and the death penalty, to test their concerns about increasing the risk of trafficking into Indonesia by having less harsh penalties [Q38]. In general, respondents tended to agree with all the statements (M = 3 on a five-point scale from 0, strongly disagree, to 4, strongly agree), suggesting that they attribute reduction of drug-related crime to the presence of the death penalty.

Table 4: Concerns about punishment in neighbouring jurisdictions

	Mean	Std. Deviation	N
Q38A. Drug traffickers will choose a country to sell drugs where they are less likely to be arrested and convicted.	2.97	1.28	1,490
Q38B. Drug traffickers will choose a country to sell drugs where they are less likely to receive a long prison sentence.	2.81	1.17	1,491
Q38C. Drug traffickers will choose a country to sell drugs where they are less likely to receive the death penalty.	2.87	1.23	1,476
Q38D. Drug use is lower in countries that apply the death penalty to drug traffickers.	3.00	1.07	1,486
Q38E. Drug-related deaths are lower in countries that apply the death penalty to drug traffickers.	3.05	1.04	1,482
Q38F. Drug traffickers will shift their business to Indonesia if Indonesia reduces the risks of the death penalty for drug traffickers.	2.83	1.26	1,478
Q38G. Drug-related deaths will increase in Indonesia if it reduces the risks of the death penalty for drug traffickers while Indonesia's close neighbours retain the death penalty.	3.05	1.08	1,473
Q38H. Drug trafficking will increase if Indonesia replaces the death penalty with sentences of life in prison for drug traffickers.	3.02	1.09	1,480
Q38I. Drug-related deaths will increase if Indonesia replaces the death penalty with sentences of life in prison for drug traffickers.	2.95	1.11	1,495

The distribution of responses was similar for each question, so an example is displayed in the following graph [Q38.H].

Figure 16: Concerns about increases in drug trafficking
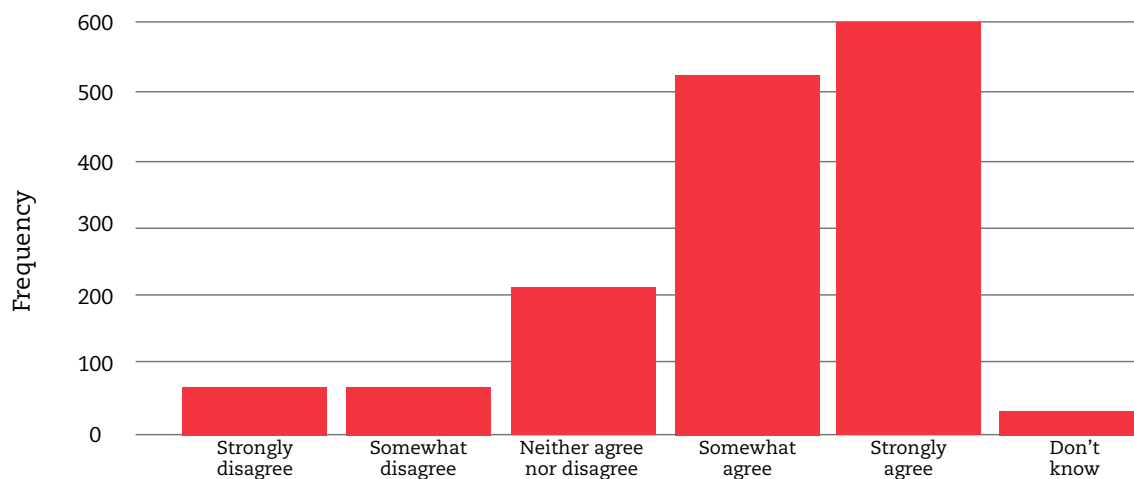
Q38H. How much do you agree or disagree with the following statements: Drug trafficking will increase if Indonesia replaces the death penalty with life sentence or life in prison for drug traffickers.

These data support the findings presented above on respondents' faith in the deterrent effect of the death penalty for drug offences, and they provide support for the theory of 'jurisdictional competition'. As we discuss in section 1.3, this suggests that a state that punishes more harshly than neighbouring countries could deter criminal activity, as criminals may instead target neighbouring states to lower their risks of the most severe punishment. Respondents felt that the death penalty provided some protection to retentionist countries from drug trafficking by deterring some criminals, and, therefore, the death penalty might be necessary in Indonesia to protect its citizens from an influx of criminals looking for a lower-risk market to traffic their drugs.[56]

2.6 Reactions to abolition

As is made clear in section 1.2, around the world, where abolition of the death penalty has come about, it has not been as a result of the majority of the public demanding it; it has been led by political elites in spite of public support for the death penalty. Besides, when the death penalty has been abolished and is no longer legitimated by the state, public support withers as expectations about how the state can and should punish evolve. In this regard, the process of abolition can, in itself, shift opinions. Given evidence of this from diverse countries around the world, states inclined towards

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[56] There was no difference between the abolitionists and the rest of the respondents on their responses to these questions, except on the issue of whether drug traffickers will choose a country to sell drugs where they are less likely to be arrested and convicted. Abolitionists were slightly more likely to agree with this statement than the rest of the respondents. The significance of the differences between groups was tested using analysis of variance (ANOVA). For Q38.A abolitionists were more likely to agree with the statement (M = 3.17, SD = 1.14) than the rest of the respondents (M = 2.92, SD = 1.30), and the difference, although slight, was statistically significant, p < 0.01. There were no significant differences between abolitionists and the rest of the respondents on Qs B-I.

abolition need not ask if the public supports abolition today, but instead can ask whether the public will actively reject abolition if it is made government policy.

This final section explores how participants would probably react, and how they thought others would react, if Indonesia abolished the death penalty. Respondents were presented with five possible reactions and asked to indicate how likely they would be to have that reaction, and how likely others would be to have that reaction (on a four-point scale from 0 = very unlikely to 3 = very likely) [Q39 & 40].

Unfortunately, our data indicate that respondents were experiencing survey fatigue at this late stage of the interview. In particular, we found that many of the respondents answered 'somewhat likely' (2) in a rather inconsistent way.[57] For example, the largest proportion of respondents said they would be 'somewhat likely' to be pleased if the death penalty were abolished, but many of those same people said that they would be 'somewhat likely' to sign petitions and demonstrate to bring it back. These are clearly inconsistent findings, and as we saw no evidence of such inconsistencies in other questions, it is likely that some respondents were tired or bored by the time they were asked these last two questions in the survey. It is therefore unwise to fully rely on the answers to these two questions, though we present the data in Table 5.

Caveats notwithstanding, respondents were most likely to say they and others would 'accept [abolition] as government policy, even if they were unhappy about it' (the mean averages were almost '2' for this question, suggesting they and others would be 'somewhat likely' to react that way). Respondents were least likely to say they and others would 'stop reporting crimes to the police and take matters into their own hands'. While some of the data may be unreliable, they are in line with the findings of our other surveys, which demonstrate clearly that the proportion of people who support the death penalty is much higher than the proportion who are resistant to reform. For example, in Zimbabwe, 80% of retentionists said they would accept abolition if it was government policy.[58]

Table 5: Respondents' assessments of their own reaction to abolition of the death penalty in Indonesia, and the reaction of others

	Respondent's own reaction Mean (SD)	Others' predicted reaction Mean (SD)
[A] Be pleased	1.77 (0.93)	1.85 (0.86)
[B] Accept it as government policy (even if unhappy about it)	1.89 (0.75)	1.89 (0.75)
[C] Sign petitions and participate in demonstrations to bring back the death penalty	1.66 (0.96	1.87 (0.82)
[D] Stop reporting crimes to the police (when a victim of crime)	1.26 (1.10)	1.42 (1.07)
[E] No longer rely on the criminal justice system and take justice into their own hands by killing, if a member of their family is killed	1.31 (1.10)	1.51 (1.06)

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[57] This is a common strategy applied by respondents when experiencing 'cognitive overload' from survey taking – see, for example, Krosnick J. A., Response Strategies for Coping With the Cognitive Demands of Attitude Measures in Surveys, *Applied Cognitive Psychology*, 5(3) 1991, pp.213-236.
[58] Sato, 12 Years Without and Execution.

While we must treat the absolute responses to these two questions with some caution, it is meaningful to compare respondents' assessments of their own likely reaction [Q39] with their assessments of the reactions of others [Q40]. If respondents' fatigue were affecting their answers, this would apply equally to both questions, so, by comparing the two, we are effectively controlling for any effects of fatigue.

Given that each respondent was asked how they would respond as well as how others would respond, we have a way of testing the accuracy of their perceptions of others' responses, by comparing what each respondent thought others would do with what all the other survey respondents (who are those 'others') said they would do. As can be seen from Table 5, respondents accurately estimated how likely 'others' would be to accept abolition as government policy [B], and only very slightly overestimated how likely 'others' were to say they would be pleased [A]. However, respondents significantly overestimated how likely others would be to sign petitions [C],[59] stop reporting crimes to the police [D], and take justice into their own hands [E].[60]

These data suggest that support for the death penalty may be affected by people's belief that others will react negatively to abolition, imagining the likelihood that others' demonstrable opposition could be disruptive. Our findings show that people overestimate how negative others' reactions will be and this could influence them towards a more negative approach to the question of abolition. If they were to be told that most people would accept abolition even if they weren't happy about it, they may be less inclined to support retention of the death penalty.

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[59] Statistical significance tested using a within-subjects factorial MANOVA, p < .001 for questions C, D & E.
[60] Overall, respondents thought it was neither likely nor unlikely that they themselves would react in these ways (the means for these questions are around or below 1.5, which is the mid-point on the scale). However, respondents thought that other people were more likely to react in these ways than they were themselves (the means for this question are closer to 2, which is 'somewhat likely').

PART THREE
Conclusion

As in other countries in South East Asia, the government of Indonesia justifies its retention and administration of the death penalty in terms of its presumed ability to deter serious crime and, not unconnected, public support. It asserts that the vast majority of Indonesian citizens demand the death penalty for those serious crimes that do most damage to the fabric of society, not least murder and drug trafficking. Of course, there will be many things that the public of any country would like – perhaps lower taxes or decent welfare provision – but, typically, governments don't bend to the will of their citizens unless it suits them.

The term 'popular punitiveness' describes the notion of politicians using, for their own benefits, what they believe to be the public's generally punitive stance.[61] It can apply to retention of the death penalty by governments keen on securing a reputation for strong leadership, for protecting their citizens from the harms caused by serious crime. If governments retain and use capital punishment for the most serious offenders – however the notion of seriousness is interpreted – that will engender continued support for that penalty. Each reported death sentence and execution will remind the public that they are vulnerable to serious crimes and that the state is protecting them. This message wanes when countries abolish. In time, citizens lose their appetite for capital punishment and shift their punitive impulses to the new 'most severe' penalty, life imprisonment.

Until that time, however, the availability of the death penalty generates public support and that, in turn, leads governments to use that support as a reason to retain. Normative alignment continues in a cycle that is hard to break. The only way to disrupt this alignment is to encourage citizens, opinion formers and the ruling elites to contemplate their support for the death penalty, by exposing flaws or inconsistencies in their assumptions and beliefs, or by encouraging them to question their own and others' rationales for retention.

While punishment should be decided according to clear and consistent sentencing principles, rather than the whim of an uninformed public, the legitimacy of the sentencing process could be compromised if practices diverge widely from public opinion. Hence, it is imperative that we have rigorous data on how the public views crime, criminal justice processes, and punishment. This report provides such data.

However, there is a strong moral case for penal moderation in all societies, the key elements of which should be restraint, parsimony, and dignity.[62] Such a case could be made for Indonesia with reliable data on Indonesians' concerns, their perceptions of fairness, the safety of criminal procedures and the appropriate punishments for serious offences, along with evidence that most would accept penal policy that excluded the death penalty, all of which have been presented above.

The findings in this report demonstrate that the superficial surveys carried out in the past do not reveal the complex and contingent nature of support for the death penalty. This study shows that public opinion is not, in fact, a barrier to abolition. Once the reality of the retention and administration of the death penalty in Indonesia is clear to her citizens, their support for this irrevocable punishment declines dramatically.

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[61] Bottoms A. E., The Philosophy and Politics of Punishment and Sentencing, in Clark C. and Morgan R. (eds.), *The Politics of Sentencing Reform* (Oxford University Press 1995).

[62] Loader I., For Penal Moderation: Notes Towards a Public Philosophy of Punishment, *Theoretical Criminology* 14(3) 2010, pp.349-367.

The world over, rigorous research and litigation have demonstrated that the death penalty cannot be applied without error, discrimination and other forms of arbitrariness, regardless of the jurisdiction in which it operates. Once people know that the death penalty is fallible, unfair and discriminatory, many turn away from it. Once they consider realistic and nuanced cases, their appetite for vengeance declines. Once they know other countries have turned away from capital punishment, they feel more unsure about it, and when presented with alternative, but still harsh, sentences that incapacitate offenders and, thereby, prevent further crimes, they are not so keen on retaining the death penalty. Their views, in other words, are not fixed; they are malleable and subject to change if they are exposed to new information capable of dissuading them from their position. This report has shown what new information might be most useful to those who endeavour to effect change.

The government of Indonesia could abolish the death penalty today and the public would accept it, as have the people of all other countries that have abolished so far. Some would be unhappy, at least for a while; some would publish critical newspaper articles for some time to come; but there would not likely be demonstrations in the streets, and people would not withdraw their support from the criminal process. They would continue to see it as legitimate and abide by state laws. Then, in the not too distant future, generations would look back on capital punishment with only an historian's curiosity.

APPENDIX ONE
Survey questionnaire in English
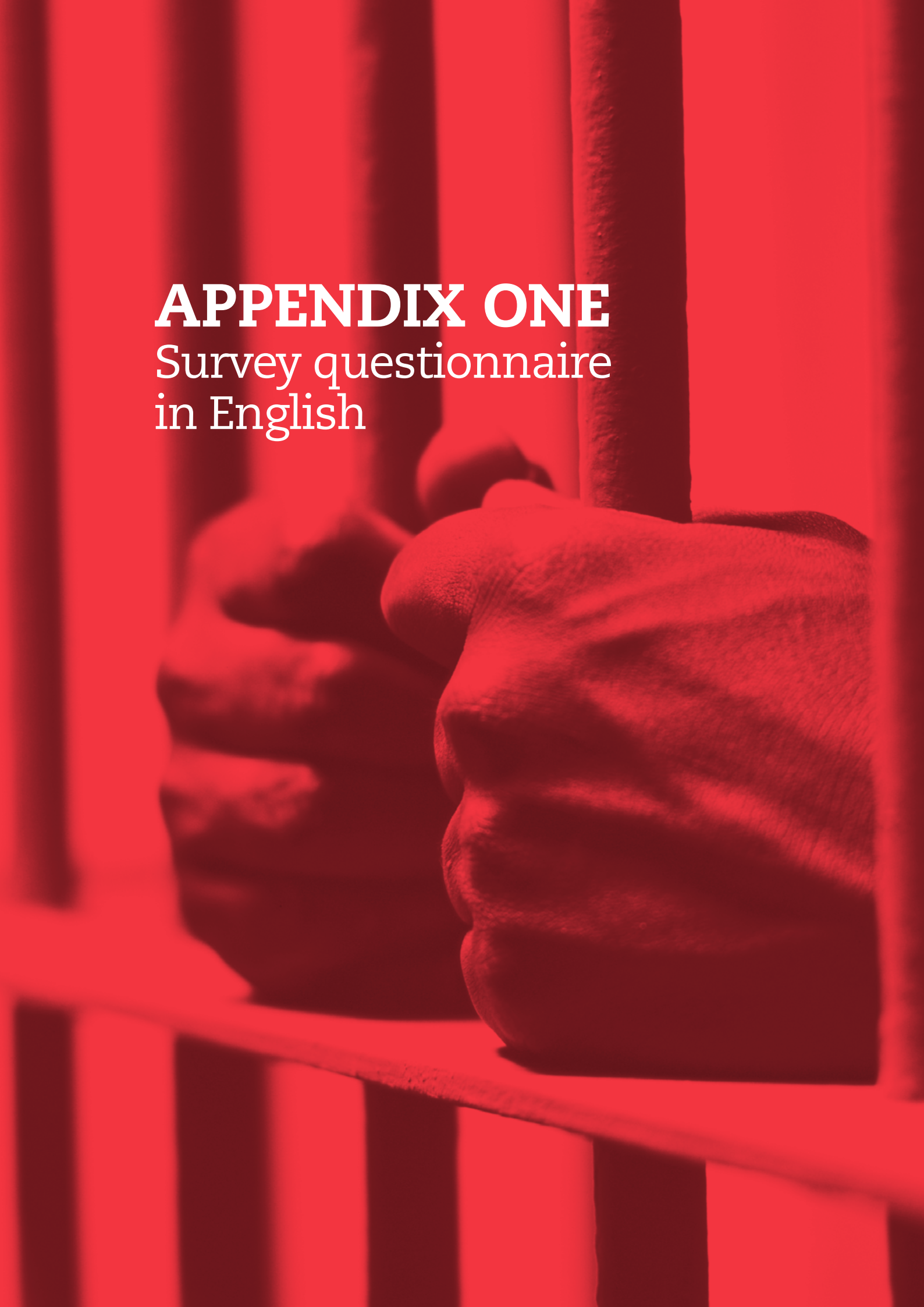
Survey on Public Attitudes to the Criminal Justice System in Indonesia 2020

Hello, I'm *[name]* from a market research company called Ipsos, based in Indonesia. I am carrying out a survey for the University of Oxford on people's views about the criminal justice system in Indonesia, and particularly about the death penalty, including your knowledge and views on appropriate sentences for serious offences such as murder and drug trafficking. I do not represent the government or any political party.

If you agree to take part, I'll need you to answer survey questions and this should last approximately 30 minutes. This interview could take place here on the doorstep or in your home, whichever you prefer. You don't have to agree to take part; you can ask me any questions you want before or throughout; you can choose to answer some questions and not others, if you prefer; and you can also withdraw at any stage during or just after the interview has finished without giving a reason. If you do, we will not use any of the answers you have already given.

Your answers will be confidential. All responses from about 1,500 people we are talking to will be put together and de-identified by Ipsos, to get an overall picture. It will be impossible to pick you out from what you say in any publications, so please feel free to tell us what you think. Some of the issues discussed may be sensitive, e.g., we'll be asking for your political opinions and ethnic background.

Occasionally, my company, Ipsos, carries out random recording of interviews so it can make sure that researchers are doing their job properly. These audio recordings are only to verify that I have indeed interviewed you. Ipsos does not pass those recordings onto the University of Oxford research team or to any other person. Nothing you say by way of explanation for your views will be recorded.

I will not need to pass on your name or identifying details about you to the research team at the University of Oxford. All they will know is how many men and women, of what age and from what region have answered these questions. Ipsos stores your identifying details safely for two years and then the data will be deleted.

This research project has been reviewed and approved by an Oxford University ethics committee. If, after I have interviewed you, you have any concerns or wish to ask further questions about the research, please contact my manager in the first instance [name & email address]. If, after contacting Ipsos with any concern, you remain unhappy and wish to make a complaint, please contact the University of Oxford ethics committee. Their email address is ethics@socsci.ox.ac.uk. I have given you the project's ethics reference number and relevant contact details.

Ipsos is responsible overall for ensuring the safe and proper use of any personal information you provide. It will have access to all the information you give now, but the translator and Oxford University will only have access to anonymised information. Ipsos will not keep your information for longer than necessary for the study. Oxford University will store any de-identified information you provide safely and confidentially, and will keep the research data for 10 years after publication. The research statistics will be published in a report and academic articles. The University would like to be able to use your anonymised information in future studies, and to share this data with other researchers.

Are you still willing to take part? Do you give your permission for me to interview you? Are you happy that this interview may be subject to the random voice recording by Ipsos to check I am doing my job properly, though, as I said before, this recording is not provided to the University of Oxford or anyone else outside of Ipsos?

Do you wish to proceed?

[Await confirmation] So if you're happy with all of that, and have no more questions, let's start.

Introduction

DATEINTR	DAY		MONTH		YEAR	
Date of interview *[Interviewer: Enter day, month, and year]*						

STRTIME	HOUR		MINUTE	
Time interview started *[Interviewer: Enter hour and minute, use 24 hr. clock]*				

Let me start by asking you some questions about crime in Indonesia.

1. In your opinion, what three measures do you think are most likely to be able to reduce violent crimes in Indonesia? *[Do not read out options. Code from responses. Rank top 3 options.]*

	1st most important	2nd most important	3rd most important
Better moral education of young people against the use of violence	1	1	1
More therapeutic (health care) interventions for drug users	2	2	2
More effective policing	3	3	3
Better preventive treatment of the mentally ill	4	4	4
Reduce poverty and improve housing	5	5	5
Better policies to control possession of firearms	6	6	6
Better control of the drug trade	7	7	7
Better services to prevent domestic violence	8	8	8
Longer prison sentences	9	9	9
More death sentences	10	10	10
More executions	11	11	11
Other responses			
Nothing/no problems	0		
Other (1st response) Specify	95		
Other (2nd response) Specify		95	
Other (3rd response) Specify			95
No further reply		96	96
Don't know	99		

2. In your opinion, what three measures do you think are most likely to be able to reduce drug-related crimes in Indonesia? *[Do not read out options. Code from responses. Rank top 3 options.]*

	1st most important	2nd most important	3rd most important
Better moral education of young people against the use of drugs	1	1	1
More therapeutic (health care) interventions for drug users	2	2	2
More effective policing	3	3	3
Better preventive treatment of the mentally ill	4	4	4
Reduce poverty and improve housing	5	5	5
Better policies to control possession of firearms	6	6	6
Better control of the drug trade	7	7	7
Better policies to control conflict between drug traffickers and dealers	8	8	8
Better border controls to reduce the trade in drugs	9	9	9
Longer prison sentences	10	10	10
More death sentences	11	11	11
More executions	12	12	12
Other responses			
Nothing/no problems	0		
Other (1st response) Specify	95		
Other (2nd response) Specify		95	
Other (3rd response) Specify			95
No further reply		96	96
Don't know	99		

3. **In your opinion, what three measures already exist that prevent violent and drug-related crimes in Indonesia? Please rank them in order of importance.** *[Do not read out options. Code from responses. Rank top 3 options.]*

	1st most important	2nd most important	3rd most important
Moral education of young people	1	1	1
Therapeutic (health care) interventions for drug users	2	2	2
Effective policing	3	3	3
Preventive treatment of the mentally ill	4	4	4
Poverty reduction and improved housing	5	5	5
Policies to control possession of firearms	6	6	6
Control of the drug trade	7	7	7
Control of conflict between drug traffickers and dealers	8	8	8
Border controls	9	9	9
Private security measures (e.g., paid security organisations)	10	10	10
Community security measures (e.g., voluntary security organisations)	11	11	11
Shaming criminals on social media	12	12	12
Long prison sentences	13	13	13
The existence of the death penalty	14	14	14
Other responses			
Nothing/no problems	0		
Other (1st response) Specify	95		
Other (2nd response) Specify		95	
Other (3rd response) Specify			95
No further reply		96	96
Don't know *[Do not read]*	99		

4. **In your opinion, when a judge is deciding what sentence to give to someone who has committed a crime, what should be the purpose of the sentence? Please rank them in order of importance.** *[Read out options. Rank top 3 options.]*

	1st most important	2nd most important	3rd most important
Making offenders take responsibility for the harm that they have done	1	1	1
Making offenders repair the harm that they have caused to the victim	2	2	2
Rehabilitating offenders	3	3	3
Keeping offenders away from the rest of society	4	4	4
Making the offender less likely to re-offend	5	5	5
Making the offender suffer for their crime	6	6	6
Making it clear that society disapproves of the crime	7	7	7
Setting an example in order to deter others	8	8	8
Satisfying the victim or victim's family	9	9	9
Other responses			
Other (1st response) Specify _____	95		
Other (2nd response) Specify _____		95	
Other (3rd response) Specify _____			95
No further reply		96	96
Don't know *[Do not read]*	99		

People have different ideas about sentences that should be given to offenders. You will now be presented with several cases and be asked about your personal opinion in each case.

5. **A man robbed a local shop with a gun and shot dead the owner in the head. He took away with him one million rupiah. He had previously been in prison twice for robbery. He was convicted. Which sentence do you think is appropriate?** *[Read out options. If the response is a prison sentence, ask how many years.]*

Prison sentence *[Interviewer ask: how many years & write number of years in space provided]*	1
Life imprisonment with the possibility of release when no longer a danger	2
Life imprisonment without any possibility of release	3
Death sentence	4
Other (specify _____)	95
Don't know *[Do not read]*	99

6. **A man robbed a local shop with a gun and shot dead the owner in the head. He took away with him one million rupiah. He had not previously been convicted of any crime. He was convicted. Which sentence do you think is appropriate?** *[Read out options. If the response is a prison sentence, ask how many years.]*

Prison sentence *[Interviewer ask: how many years & write number of years in space provided]*	1
Life imprisonment with the possibility of release when no longer a danger	2
Life imprisonment without any possibility of release	3
Death sentence	4
Other (specify _____)	95
Don't know *[Do not read]*	99

7. **A woman who wanted to be with her lover decided to kill her husband by deliberately poisoning his food. She was convicted. Which sentence do you think is appropriate?** *[Read out options. If the response is a prison sentence, ask how many years.]*

Prison sentence *[Interviewer ask: how many years & write number of years in space provided]*	1
Life imprisonment with the possibility of release when no longer a danger	2
Life imprisonment without any possibility of release	3
Death sentence	4
Other (specify _____)	95
Don't know *[Do not read]*	99

8. **A woman who had been violently abused by her husband for many years decided to kill him by deliberately poisoning his food. She was convicted. Which sentence do you think is appropriate?**
[Read out options. If the response is a prison sentence, ask how many years.]

Prison sentence *[Interviewer ask: how many years & write number of years in space provided]* _____	1
Life imprisonment with the possibility of release when no longer a danger	2
Life imprisonment without any possibility of release	3
Death sentence	4
Other (specify _____)	95
Don't know *[Do not read]*	99

9. **A man was arrested at the airport with 1kg of methamphetamine (Ice) in his suitcase. The police believe he was in charge of a large drugs trafficking business, and had become rich from his trade. He was convicted. Which sentence do you think is appropriate?** *[Read out options. If the response is a prison sentence, ask how many years.]*

Prison sentence *[Interviewer ask: how many years & write number of years in space provided]*	1
Life imprisonment with the possibility of release when no longer a danger	2
Life imprisonment without any possibility of release	3
Death sentence	4
Other (specify _____)	95
Don't know *[Do not read]*	99

10. **A man was arrested at the airport with 1kg of methamphetamine (Ice) in his suitcase. He was very poor and uneducated and the police believe that he had been forced to work for a drugs trafficker since he was a teenager. He was convicted. Which sentence do you think is appropriate?** *[Read out options. If the response is a prison sentence, ask how many years.]*

Prison sentence *[Interviewer ask: how many years & write number of years in space provided]*	1
Life imprisonment with the possibility of release when no longer a danger	2
Life imprisonment without any possibility of release	3
Death sentence	4
Other (specify _____)	95
Don't know *[Do not read]*	99

Next, I am going to ask you a few questions about decisions made by the criminal justice system.

11. **In your opinion, how often are decisions made by Indonesia's judiciary completely fair?** *[Read out options]*

Never completely fair	0
Not often completely fair	1
Sometimes completely fair	2
Most of the time completely fair	3
Always completely fair	4
Don't know *[Do not read]*	99

12. **Imagine that a poor person and a rich person commit exactly the same crime in Indonesia. In your opinion, how likely is the poor person to receive a harsh sentence, compared to the rich person?** *[Read out options]*

A lot less likely (the rich person is much more likely to receive a harsh sentence)	0
A little less likely (the rich person is a little more likely to receive a harsh sentence)	1
The same (the rich and the poor person are likely to receive the same sentence)	2
A little more likely (the poor person is a little more likely to receive a harsh sentence)	3
Much more likely (the poor person is much more likely to receive a harsh sentence)	4
Don't know *[Do not read]*	99

13. **If you were accused of a crime you didn't commit, how much do you trust that you would be treated fairly by the criminal justice system?** *[Read out options]*

Not at all	0
A little	1
Somewhat	2
Mostly	3
Completely	4
Don't know *[Do not read]*	99

Let's move on to questions concerning your views on the death penalty in Indonesia.

14. How well informed are you about the issue of the death penalty in Indonesia?

Not at all informed *[Ask participants if they know what the death penalty is. If they do not know, explain to them: it is when death is given as a punishment by the court for a serious crime when someone has been convicted]*	0
A little bit informed	1
Neither informed nor uninformed	2
Quite well informed	3
Very well informed	4
Don't know *[Do not read]*	99

15. How concerned are you about the issue of the death penalty in Indonesia?

Not at all concerned	0
A little bit concerned	1
Neither concerned nor unconcerned	2
Quite concerned	3
Very concerned	4
Don't know *[Do not read]*	99

16. Can you tell me roughly how many people have been executed by the state in Indonesia in the last 10 years (2009-2019)?

None	1
1-10	2
11-20	3
21-30	4
31 and above	5
Don't know *[Do not read]*	99

17. Can you tell me roughly how many people are currently on death row in Indonesia? *[Explain that 'death row' = prisoners who have been sentenced to death and who are detained waiting to be executed.]*

None	1
1-75	2
76-150	3
151-225	4
226-350	5
351 and above	6
Don't know *[Do not read]*	99

18. What proportion of the people on death row do you think were sentenced for drug-related offences?

None	1
About one third	2
About half	3
About two thirds	4
All of them	5
Don't know *[Do not read]*	99

19. Can you tell me what the current method of execution is in Indonesia? *[Read out options]*

Lethal injection	1
Electrocution	2
Hanging	3
Stoning	4
Shooting by firing squad	5
Beheading	6
Don't know *[Do not read]*	99

20. Can you tell me if the following offences can be punished by the death penalty in Indonesia? *[Read out options]*

	No	Yes	Don't Know [DNR]
Murder	0	1	99
Terrorism-related offences	0	1	99
Robbery resulting in death	0	1	99
Robbery not resulting in death	0	1	99
Drug trafficking	0	1	99
Drug possession	0	1	99

21. How often do you think that innocent people have been sentenced to death in Indonesia? *[Read out options]*

No innocent people have been sentenced to death	0
Very few innocent people have been sentenced to death	1
Some innocent people have been sentenced to death	2
Quite a lot of innocent people have been sentenced to death	3
Very many innocent people have been sentenced to death	4
Don't know *[Do not read]*	99

22. How many countries in the world have abolished the death penalty? *[Read out options]*

Very few	0
About a quarter	1
About half	2
More than half	3
Nearly all of them	4
Don't know *[Do not read]*	99

23. Compared to long-term imprisonment, how effective is the death penalty at achieving the following:

	Much less effective…	A little less effective…	About the same…	A little more effective…	Much more effective…	Don't know
	…than long term imprisonment					
Making offenders take responsibility for the harm that they have done	0	1	2	3	4	99
Making offenders repair the harm that they have caused to the victim	0	1	2	3	4	99
Rehabilitating offenders	0	1	2	3	4	99
Keeping offenders away from the rest of society	0	1	2	3	4	99
Making the offender less likely to re-offend	0	1	2	3	4	99
Making the offender suffer for their crime	0	1	2	3	4	99
Making it clear that society disapproves of the crime	0	1	2	3	4	99
Deterring others from committing crimes	0	1	2	3	4	99
Satisfying the victim or victim's family	0	1	2	3	4	99

24. Overall, do you think the death penalty should be retained or abolished in Indonesia? *[Read out options]*

Strongly in favour of retaining it	Slightly in favour of retaining it	No preference either way	Slightly in favour of abolishing it	Strongly in favour of abolishing it	Don't know [DNR]
0	1	2	3	4	99

25. Do you think the death penalty should be abolished, if it would be replaced by life imprisonment with the possibility of parole after 25 years? *[Read out options]*

Strongly in favour of retaining it	Slightly in favour of retaining it	No preference either way	Slightly in favour of abolishing it	Strongly in favour of abolishing it	Don't know [DNR]
0	1	2	3	4	99

26. Do you think the death penalty should be abolished, if it would be replaced by life imprisonment without parole? *[Read out options]*

Strongly in favour of retaining it	Slightly in favour of retaining it	No preference either way	Slightly in favour of abolishing it	Strongly in favour of abolishing it	Don't know *[DNR]*
0	1	2	3	4	99

27. *[If response to Question 24 is 1 OR 2 (RETENTIONISTS), ask:]* **What is the MOST important reason you support the retention of the death penalty in Indonesia?** *[Read out options]*

It's necessary to deter people from murder	1
It's necessary to deter people from drug trafficking	2
Because I believe the public want the death penalty for serious crimes	3
There will always be some criminals who deserve to be executed	4
Relatives of victims need to be satisfied	5
Relatives and others might take matters into their own hands without the death penalty	6
My religious beliefs support the death penalty	7
Other (specify _____)	8
Don't know *[Do not read]*	99
N/A	77

28. *[If response to Question 24 is 3 OR 4 (ABOLITIONISTS), ask:]* **What is the MOST important reason you support the abolition of the death penalty in Indonesia?** *[Read out options]*

It is pointless to impose a punishment that will not be carried out by execution for a long time, and maybe never	1
It has no special or extra deterrent effect than a long term of imprisonment	2
People may be wrongfully convicted and executed	3
It cannot be carried out in a non-arbitrary/fair way	4
Indigent defendants have such limited access to justice that a fair trial cannot be guaranteed	5
Every criminal deserves an opportunity to be rehabilitated	6
It is an abuse of human rights	7
It is an outdated colonial legacy	8
It is a stain on the reputation of this country	9
My religious beliefs forbid the use of the death penalty	10
Other (Specify) _____	11
Don't know *[Do not read]*	99
N/A	77

29. Do you think the following crimes should be punishable by death? *[Read out options]*

	Never	Sometimes	Always	Not sure *[DNR]*
Murder	0	1	2	99
Terrorism-related offences	0	1	2	99
Robbery resulting in death	0	1	2	99
Robbery not resulting in death	0	1	2	99
Drug trafficking	0	1	2	99
Drug possession	0	1	2	99

30. Do you think the following people should be subject to the death penalty? *[Read out options]*

	No	Yes	Not sure *[DNR]*
[A] People more than 70 years of age	0	1	2
[B] People less than 18 years of age at the time of committing the crime	0	1	2
[C] All women	0	1	2
[D] Pregnant women	0	1	2
[E] New mothers	0	1	2
[F] People with serious mental disorders	0	1	2
[G] People with serious physical disabilities	0	1	2
[H] People born into poverty with limited life chances	0	1	2

31. How concerned are you about Indonesian citizens facing the death penalty in other countries (e.g., in Malaysia, Singapore or Saudi Arabia), if at all? *[Read out options]*

Not at all concerned	0
A little bit concerned	1
Neither concerned nor unconcerned	2
Quite concerned	3
Very concerned	4
Don't know *[Do not read]*	99

32. How much do you think the Indonesian government should provide help to Indonesian citizens to avoid the death penalty in other countries, if at all? *[Read out options]*

None	0
A little	1
Some	2
Quite a lot	3
Very much	4
Don't know *[Do not read]*	99

[Ask the following 5 questions only to those who answered 1 OR 2 to Question number 24 (RETENTIONISTS)]

33. *[If response to Question 24 is 1 or 2 (retentionists), ask:]* **Suppose it was proven to your satisfaction that innocent people have sometimes been executed, would this affect your support for the death penalty?** *[Read out options]*

I would still support the death penalty	1
I would support abolition	2
Don't know *[Do not read]*	99

34. *[If response to Question 24 is 1 or 2, ask:]* **Considering that the number of countries worldwide that have completely abolished the death penalty has now risen to 105, do you think that Indonesia should aim to follow these countries and abolish the death penalty?** *[Read out options]*

I would still support the death penalty	1
I would support abolition	2
Don't know *[Do not read]*	99

35. *[If response to Question 24 is 1 or 2, ask:]* **Suppose it was proven to your satisfaction that the death penalty is no better at deterring crime than long-term imprisonment, would this affect your support for the death penalty?** *[Read out options]*

I would still support the death penalty	1
I would support abolition	2
Don't know [Do not read]	99

36. *[If response to Question 24 is 1 or 2 ask:]* **Suppose that leaders from all of Indonesia's religions supported abolition of the death penalty, would this affect your support for the death penalty?** *[Read out options]*

I would still support the death penalty	1
I would support abolition	2
Don't know *[Do not read]*	99

37. *[If response to Question 24 is 1 or 2, ask:]* **Suppose that it was proven to your satisfaction that the death penalty has not been applied fairly to members from different ethnic groups and areas of Indonesia, would this affect your support for the death penalty?** *[Read out options]*

I would still support the death penalty	1
I would support abolition	2
Don't know *[Do not read]*	99

38. How much do you agree or disagree with the following statements? *[Ask all]*

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Don't know [DNR]
Drug traffickers will choose a country to sell drugs where they are less likely to be arrested and convicted	0	1	2	3	4	99
Drug traffickers will choose a country to sell drugs where they are less likely to receive a long prison sentence	0	1	2	3	4	99
Drug traffickers will choose a country to sell drugs where they are less likely to receive the death penalty	0	1	2	3	4	99
Drug use is lower in countries that apply the death penalty to drug traffickers	0	1	2	3	4	99
Drug-related deaths are lower in countries that apply the death penalty to drug traffickers	0	1	2	3	4	99
Drug traffickers will shift their business to Indonesia if Indonesia reduces the risks of the death penalty for drug traffickers	0	1	2	3	4	99
Drug-related deaths will increase in Indonesia if it reduces the risks of the death penalty for drug traffickers while Indonesia's close neighbours retain the death penalty	0	1	2	3	4	99
Drug trafficking will increase if Indonesia replaces the death penalty with sentences of life in prison for drug traffickers	0	1	2	3	4	99
Drug-related deaths will increase if Indonesia replaces the death penalty with sentences of life in prison for drug traffickers	0	1	2	3	4	99

39. Let's assume that the death penalty is abolished in Indonesia. How likely are YOU to react in the following way? *[Read out options]*

	Very unlikely	Somewhat unlikely	Somewhat likely	Very likely	Don't know [DNR]
[A] I would be pleased	0	1	2	3	99
[B] I would accept it as government policy (even if I was unhappy about it)	0	1	2	3	99
[C] I would sign petitions and participate in demonstrations to bring back the death penalty	0	1	2	3	99
[D] I would stop reporting violent crimes to the police (if I became a victim of crime)	0	1	2	3	99
[E] If someone in my family was killed, I would no longer rely on the criminal justice system and take justice into my own hands by killing the offender	0	1	2	3	99

40. **Again, let's assume that the death penalty is abolished in Indonesia. In your view, how likely is it for OTHER PEOPLE to react in the following way?** *[Read out options]*

	Very unlikely	Somewhat unlikely	Somewhat likely	Very likely	Don't know *[DNR]*
[A] People will be pleased	0	1	2	3	99
[B] People will accept it as government policy, even if they are unhappy about it	0	1	2	3	99
[C] People will sign petitions and participate in demonstrations to bring back the death penalty	0	1	2	3	99
[D] Victims will stop reporting violent crimes to the police	0	1	2	3	99
[E] Victims' families will no longer rely on the criminal justice system and take justice into their own hands by killing the offender	0	1	2	3	99

Finally, let me ask a few questions about you.

41. **What is your main occupation? If [unemployed, retired or disabled], ask what your last main occupation was?** *[Do not read options. Code from response.]*

Never had a job	1
Student	2
Housewife/homemaker	3
Agriculture/farming/fishing/forestry	4
Trader/hawker/vendor	5
Retail/shop	6
Unskilled manual worker (e.g., cleaner, labourer, domestic help, unskilled manufacturing worker)	7
Artisan or skilled manual worker (e.g., trades like electrician, mechanic, machinist or skilled manufacturing worker)	8
Clerical or secretarial	9
Supervisor/Foreman/Senior Manager	10
Security services (police, army, security)	11
Mid-level professional (e.g., teacher, nurse, mid-level government officer)	12
Upper-level professional (e.g., banker/finance, doctor, lawyer, engineer, accountant, professor, senior-level government officer)	13
Other [Specify] _____	95
Don't know	99
Prefer not to say	

42. What is your highest level of education? *[Code from answer. Do not read options]*

No formal schooling	1
Informal schooling only (including Koranic schooling)	2
Some primary schooling	3
Primary school completed	4
Intermediate school or some secondary school/high school	5
Secondary school/high school completed	6
Post-secondary qualifications, other than university, e.g., a diploma or degree from a polytechnic or college	7
Some university	8
University completed	9
Postgraduate	10
Don't know	99
Prefer not to say	

43. What is your religion?

|	
Buddhist	1
Christian – Catholic	2
Christian – Protestant	3
Confucian	4
Hindu	5
Muslim	6
Other	7
No religion	8
Don't know	99
Prefer not to say	

44. People practice their religion in different ways. Aside from weddings and funerals, how often do you personally engage in religious practice like prayer, reading a religious book, or attending a religious service or a meeting of a religious group? Would you say you do so: *[Read out options]*

Never	0
A few times a year	1
About once a month	2
About once a week	3
About once a day	4
More than once a day	5
Respondent has no religion *[Do not read]*	77
Don't know *[Do not read]*	99
Prefer not to say	

Thank the person for their participation. If they wish to know more about the research, tell them that it was commissioned by a charity called The Death Penalty Project based in London, and was designed by Professor Carolyn Hoyle at the University of Oxford, UK.

APPENDIX TWO

Predicting support for abolition
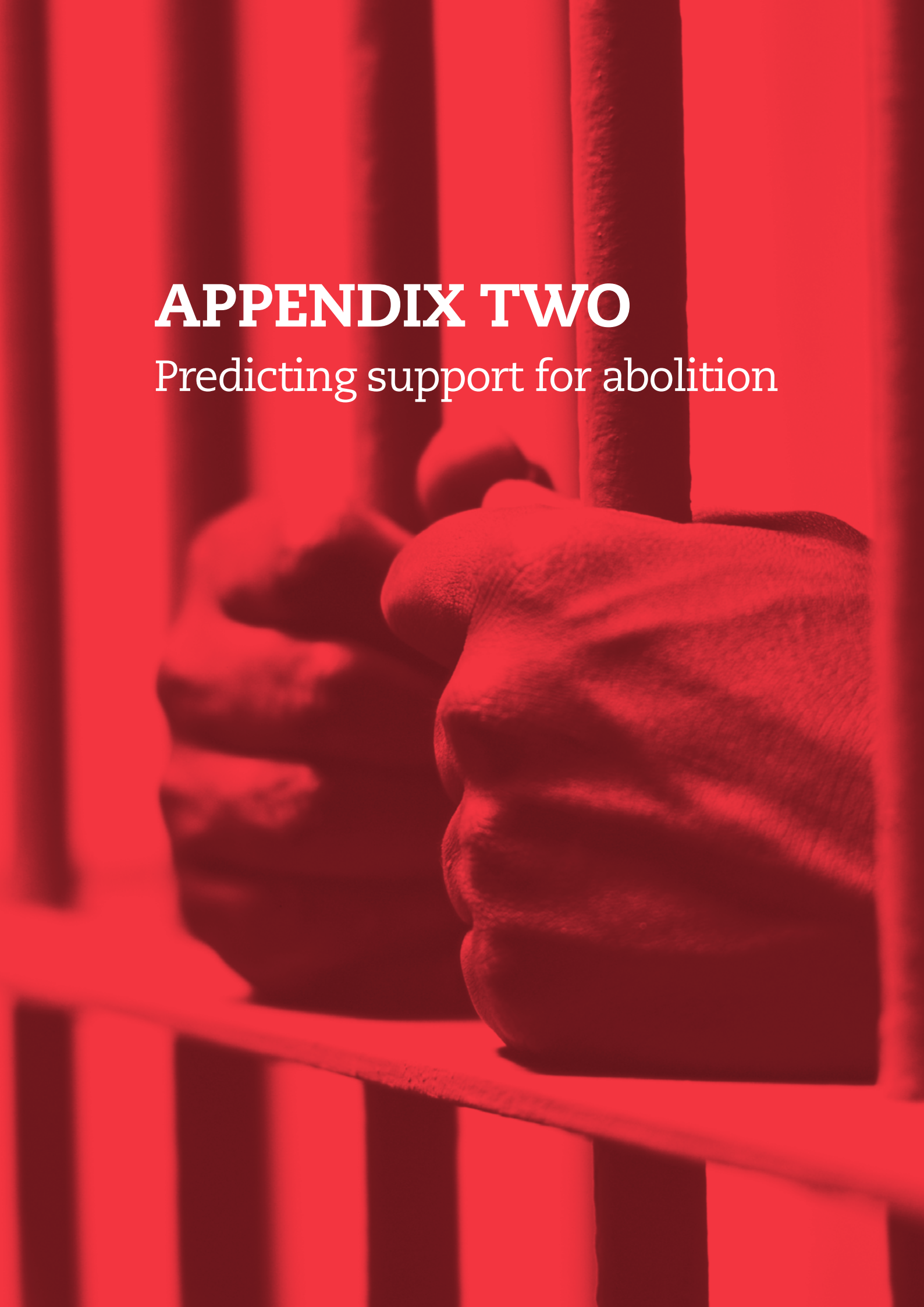
The effect of the potential predictors on support for abolition were analysed by adding them to a binary logistic regression model. The outcome variable was 'support for abolition' (the respondent either slightly or strongly supported abolition), compared with the rest of the respondents [Q24]. The significant predictors are shown in bold. Some of the respondents were excluded because they answered 'Don't know' to certain questions, but the size of the sample was nevertheless 1,232. $\chi^2(50) = 158.0371.58^{***}$, $-2LL = 998.1301.63$, R^2(Cox & Snell) $= .12$, R^2(Nagelkerke) $= .20$.

Predicting support for abolition by binary logistic regression

	B	S.E.	Exp(B)
Gender	0.22	0.17	1.25
Age	0.01	0.01	1.01
Region Greater Jakarta (ref)			
Bandung greater	-0.62	0.33	0.54
Yogyakarta (+ Bantul)	-2.19	0.60	0.11
Medan (+ Deli Serdang)	-0.31	0.30	0.74
Makassar (+ Maros)	-0.75	0.45	0.47
Banda Aceh (+ Aceh Besar)	-0.58	0.42	0.56
Bali (Denpasar + Buleleng)	-1.49	0.50	0.23
Area (Urban/rural)	0.27	0.25	1.31
CATAT SES: Upper 1 (ref)			
CATAT SES: Upper 2	0.01	0.33	1.01
CATAT SES: Middle 1	0.11	0.30	1.11
CATAT SES: Middle 2	-0.08	0.31	0.92
CATAT SES: Lower 1	0.44	0.34	1.55
Informed about the issue of the death penalty	-0.07	0.10	0.94
Concern about the issue of the death penalty	0.15	0.09	1.16
No. of people executed (Correct/Incorrect)	-0.17	0.41	0.84
No. of people on death-row (Correct/Incorrect)	-0.52	0.72	0.60
Proportion sentenced for drug-related offences (Correct/Incorrect)	0.27	0.33	1.31
Current method of execution (Correct/incorrect)	0.33	0.28	1.38
Murder punishable by death (Correct/Incorrect)	0.06	0.23	1.07
Terrorism-related offences punishable by death (Correct/Incorrect)	-0.74	0.37	0.48
Robbery resulting in death punishable by death (Correct/Incorrect)	-0.43	0.23	0.65
Robbery not resulting in death (Correct/Incorrect)	-0.44	0.28	0.64
Drug trafficking punishable by death (Correct/Incorrect)	-0.64	0.27	0.53
Drug possession punishable by death (Correct/Incorrect)	-0.37	0.19	0.69
Fairness of decisions made by Indonesia's judiciary [Q11]	0.20	0.11	1.23
'Harshness' of sentence for poor versus rich [Q12]	0.09	0.09	1.09
Personal trust in fair treatment by CJS [Q13]	0.24	0.09	1.28
Frequency of execution of innocent people [Q21]	0.18	0.09	1.20
Worldwide abolition rate: Don't know (ref) [Q22]			
Worldwide abolition rate: Underestimate	0.53	0.25	1.70
Worldwide abolition rate: Correct or overestimate	0.80	0.27	2.24
Extent Indonesia should help citizens avoid the death penalty overseas [Q32]	0.00	0.01	1.00

Purpose of sentencing [Q4]	B	S.E.	Exp(B)
Making offenders take responsibility for the harm that they have done	0.08	0.50	1.08
Making offenders repair the harm that they have caused to the victim	0.21	0.50	1.23
Rehabilitating offenders	0.27	0.50	1.31
Keeping offenders away from the rest of society	0.17	0.50	1.19
Making the offender less likely to re-offend	-0.14	0.50	0.87
Making the offender suffer for their crime	0.17	0.51	1.19
Making it clear that society disapproves of the crime	0.06	0.51	1.07
Setting an example in order to deter others	0.16	0.51	1.18
Satisfying the victim or victim's family	0.19	0.52	1.21

Efficacy of the death penalty in comparison to long-term imprisonment [Q23]	B	S.E.	Exp(B)
Making offenders take responsibility	-0.01	0.10	0.99
Making offenders repair the harm	-0.17	0.10	0.84
Rehabilitating offenders	0.06	0.09	1.06
Keeping offenders away from the rest of society	0.18	0.09	1.19
Making the offender less likely to re-offend	0.14	0.10	1.15
Making the offender suffer for their crime	0.03	0.11	1.03
Making it clear that society disapproves of the crime	-0.15	0.10	0.86
Deterring others from committing crimes	-0.22	0.11	0.80
Satisfying the victim or victim's family	-0.10	0.09	0.90
Constant	-2.20	3.11	0.11

All of the variables were entered in the same format as the collected data, with the exception of the following transformations:

No. of people executed No. of people on death row Proportion sentenced for drug-related offences Current method of execution	Transformed into binary variables dependent on whether the response was correct or incorrect
Worldwide abolition rate	Collapsed into three categories: 'Don't know'; 'Underestimate'; 'Correct or overestimate'
Purpose of sentencing	Transformed into a 'rank' score. The response was given a score of '3' if mentioned as first choice, '2' if mentioned as second choice, '1' if mentioned as third choice and '0' if not mentioned by the respondent

APPENDIX THREE

Crimes eligible for the death penalty in Indonesia

Statutes	Crimes eligible for the death penalty
Indonesian Penal Code	• Crimes against the security of the state • Collusion with a foreign power • Betrayal to the enemy during the time of war • Crimes against allied states and against heads and representatives of allied states • Premeditated murder • Theft preceded with force or threat resulting in serious injury or death • Crimes relating to navigation • Extortion and blackmail resulting in serious injury or death
Indonesian Military Penal Code	• Crimes against national security in the time of war • Military rebel in time of war • Espionage • Deliberately surrendering area in wartime • Breaching pacts made with the enemy • Insubordination during wartime • Not reporting conspiracy for a military rebel • Unlawfully destroying property by abuse of power • Violence against the dead or injured in wartime • Group robbery
Law No. 12 of 1951 on Firearms	• Unlawfully importing, producing, distributing, receiving, possessing, hiding, or exporting firearms from the territory of Indonesia
Presidential Decree No. 5 of 1999 on Attorney General's Authority and Punishment Increase for Crimes on Equipment of Food and Clothing	• Economic crimes to obstruct the government's programme related to: • Foods and clothing • National and people security • Act against the imperialism of economy and Western New Guinea separatism
Government Regulation in Lieu of Law No. 21 of 1951 on the Increase of Punishment related to the Economic Crime	• Economic crimes particularly related to the equipment of foods and clothing (the statute was legislated as a response to high inflation at the time of the first presidency of Indonesia)
Law No. 31/PNPS/1964 on the Main Provisions of Atomic Power	• Revealing confidential information on atomic power
Law No. 4 of 1976 on Revision to Articles under Indonesian Penal Code related to Aviation Crimes	• Hijacking or violence in the aircraft resulting in death or destruction of the aircraft • Damaging aircraft or placing dangerous items that threaten aviation safety resulting in death or destruction of the aircraft
Law No. 31 of 1999 on Eradication of Corruption	• Corruption resulting in state budget loss or jeopardising national economy in a certain condition such as natural disaster, riot, or monetary crisis
Law No. 62 of 2000 on Human Rights Court	• Genocide crime • Crimes against humanity • An attempt, a conspiracy on genocide and crimes against humanity • A military commander or another person in charge who are liable for the genocide or crimes against humanity may be subject to the death penalty

Law No. 15 of 2003 on Eradication of Terrorism	• Terrorism causing damage or destruction on the national vital and strategic object • Terrorism damaging or destroying aviation traffic or its related equipment • Unlawfully importing, producing, receiving, possessing, saving hiding, or distributing firearms, ammunition, or explosive for terrorism • Using chemical or biological weapon for terrorism • Planning or inducing another person to perform terrorism act • An attempt, conspiracy, or aiding terrorism act • Any person outside Indonesia giving aid or information for a terrorist act
Law No. 23 of 2003 on Child Protection	• Liable for children involved in producing or distributing drugs
Law No. 35 of 2009 on Narcotics	• Production, import, export, or distribution of class I and class II narcotics in plant form exceeding 1 kilogram or non-plant form exceeding 5 grams • Selling, buying, or brokering class I and class II narcotics in plant form exceeding 1 kilogram or exceeding 5 tree trunks or non-plant form exceeding 5 grams • Using class I, class II, and class III narcotics against another resulting in death or permanent disability • Ordering, promising, recommending, persuading, for minor to commit several narcotics-related offences
Law No. 22 of 1997 on Psychotropics	• Organising usage, production, distribution, import, possession or saving of class I psychotropic drugs

About the author

Carolyn Hoyle

Professor Carolyn Hoyle has been at the University of Oxford Centre for Criminology since 1991, and was Centre Director from 2012-17. She is Director of the Oxford Death Penalty Research Unit, and co-author of the leading international study on the death penalty, *The Death Penalty: A Worldwide Perspective*, the last edition of which was published in 2015, by Oxford University Press.

She has published empirical and theoretical research on a wide range of criminological topics in addition to the death penalty: wrongful convictions, policing, domestic violence, and restorative justice. She lectures extensively and supervises research students on these and other criminological topics.

She has collaborated with The Death Penalty Project on studies of opinion formers' views on the death penalty in India, Bangladesh and Zimbabwe, and is currently conducting a similar study in Taiwan. She is also working closely with The Death Penalty Project and other leading international and national NGOs on a study of foreign nationals at risk of the death penalty in Asia and the Middle East.

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Diana Batchelor is a post-doctoral researcher at the University of Oxford Centre for Criminology. Diana has worked in criminal justice and conflict resolution in the UK, South Africa and Lebanon. She has an MA in International Peace Studies from the University of Notre Dame, USA, an MSc in Forensic Psychology from Middlesex University, UK, and a DPhil in Criminology from the University of Oxford, UK. Her current research is about what happens when victims of crime are given the chance to communicate with the people who committed an offence against them.

The Death Penalty Project

The Death Penalty Project (DPP) is a legal action non-profit organisation based in the UK, working to promote and protect the human rights of those facing the death penalty. It provides free legal representation to death row prisoners around the world, to highlight miscarriages of justice and breaches of human rights. It also assists other vulnerable prisoners, including juveniles, those who suffer from mental health issues, and prisoners who are serving long-term sentences.

The DPP has been commissioning, supporting and publishing independent academic research on attitudes towards the death penalty for almost a decade. It uses original data from public opinion surveys and other empirical research to engage in dialogue with policy-makers and politicians, and challenge popular misconceptions around the death penalty.

The DPP has been working in Southeast Asia for more than 15 years, and has represented individuals facing execution in Singapore and Malaysia, as well as partnered with local lawyers in bringing strategic litigation to restrict the scope and application of the death penalty. In parallel, the DPP has provided expert training and assistance for those involved in the criminal justice system and has engaged with governments, parliamentarians and civil society in discussions on death penalty reform.

All publications by The Death Penalty Project are available to view and download at
www.deathpenaltyproject.org

Lembaga Bantuan Hukum Masyarakat

Lembaga Bantuan Hukum Masyarakat (LBHM) is a frontline not-for-profit, non-governmental organisation that provides free legal services for the poor and victims of human rights abuses. It also undertakes community legal empowerment for marginalised groups, and advocates for law reform and human rights protection through campaigns, strategic litigation, policy advocacy, research and analysis.

LBHM focuses its works in the following areas: abolition of the death penalty, drug policy, HIV and human rights, mental health, and the protection of LGBT rights.

For further information, please visit **lbhmasyarakat.org**

In partnership with:

Author's affiliation: Survey fieldwork:

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