

# **The Influence of Human Rights on Death Penalty Sentences in Abolitionist versus Retentionist Perspectives**

**Joko Cahyono**

Faculty of Law, STIH Adhyaksa, Indonesia

Email: [Jkcahyono7777@gmail.com](mailto:Jkcahyono7777@gmail.com)

---

## **Abstract**

Human rights' impact on the death penalty allows for a broad range of pro and anti ideologies ; as a result, Indonesia's death penalty laws must be updated to reflect these developments, particularly in light of the country's moral and cultural norms. Since the death penalty's relationship to human rights allows for a wide range of pro and anti ideologies , Indonesia's death penalty laws must also be updated to reflect these changes, particularly in light of the country's moral and cultural norms. The purpose of this study is to understand the death criminal formulas in the current Indonesian criminal laws and to analyze the ideal legal formulas that are mentioned. The results of this study indicate that Indonesian law does not yet fully address the issues that the general public is facing . The purpose of this study is to understand the death criminal formulas in the current Indonesian criminal laws and to analyze the ideal legal formulas that are mentioned. The results of this study indicate that Indonesian law does not yet fully address the issues that the general public is facing. As a result, there is still tension between the group that wants to discuss punishment Mati and the group that wants to be calm when discussing punishment dead . Punishment death is necessary as an evaluation process for prisoners in discussing human rights and responsibilities in accordance with national and international laws. As a result, there is still tension between the group that wants to discuss punishment Mati and the group that wants to be calm when discussing punishment dead . Punishment death is necessary as an evaluation process for prisoners in discussing human rights and responsibilities in accordance with national and international laws.

Keywords: Human Rights; Death Penalty.

## **INTRODUCTION**

Regulatory reform criminal Dying in Indonesia is a necessity because the changes mentioned will occur in tandem with the advancement of knowledge. As a result, the laws of crime are also clear and supportive of the advancement of human needs. Legal reform Criminal law can be defined as an effort to amend the laws of the land to align the laws of the land with the principles and values of the general public. Jaya (2017).

Outlook Nationality in Indonesia affects the values that are prevalent among the general population. However, the most significant national cultural influence is found in the Pancasila as the fundamental norm (grundnorm) that unites Indonesia with other countries. Update law Criminal law is also impacted by global (international) events, such as the results of the United Nations Nations conference, international travel, international seminar results, and so on (Arief, 2014 ). Insight Nationality in Indonesia affects the values that are prevalent among the general population. However, the most significant national cultural influence is found in the Pancasila as the fundamental norm (grundnorm) that unites Indonesia with other countries. Update law Criminal law is also impacted by global (international) events, such as the results of the United Nations Nations conference, international travel, international seminar results, and so on (Arief, 2014).

Wetboek van Starfrecht ( WvS ), also known as Kitab Undang-Undang Hukum Pidana (KUHP), is a general rule in Indonesian criminal law that is also not exempt from renewal . The Indonesian Criminal Code is a legacy from the Dutch era of labor .

The differences in norms, customs customs , and values between the Netherlands and Indonesia, as well as the times and differences values , result in KUHP values that must be compared to Bangsa values and Indonesia as a free nation (Rado, Arief, & Soponyono , 2016).

The reform of Indonesian law is carried out through the new KUHP ( Criminal Code ) as a law cited by the Indonesian government ( ius constituendum ). This is because the Netherlands' beliefs during the time of the study were liberalism, no religion , racial discrimination, minimization of respect towards Human Rights , individualism, and absolutism about the importance of a strong national economy. These values do not align with the beliefs of the Indonesian Nation , which are based on divinity , mutual cooperation, general interests , and deliberation for consensus ( Maulidah , & Jaya, 2019).

Pancasila, also known as the Five Basic Principles , contains the following elements: Unity of Indonesia, Democracy Led by the Wisdom of Deliberation Representatives , Belief in One Almighty God , Just and Civilized Humanity , and Justice Social For All Indonesians. The aforementioned values are a set of moral principles that were established by the founding fathers. The law must be in accordance with the rules that are established by the law enforcer (Lindsey, 2018). Chapter II on punishment criminal law in Article 10 letter and number 1 of the Criminal Code contains the punishment dead as of right now. The category of punishment death includes punishment criminal main .

It is said that the comparison heavy lightness criminal The different points are determined by the order in Article 10 of the Criminal Code. This is similar to a few other countries that do not yet have death criminal , which makes death the most serious crime when compared to other types of crime (Lalu, 2015).

In the Criminal Code reform process in Indonesia, there are a few organizations that have different perspectives on death . This group is sometimes referred to as the " group abolitionists "in the international community because it aims to provide a comprehensive understanding of human rights in Indonesia. Groups that still support punishment Death in Indonesia is typically impacted by religious and cultural beliefs that support and even advocate punishment death as the most important and effective punishment in addressing crime . In the international community, this group is frequently referred to as retentionists (Beltran De Felipe, & Martin, 2012).

Because they believe that life is a threat to humankind, people abolitionists aim to explain punishment die in the Criminal Code in a comprehensive manner. God Almighty cannot, under any circumstances, be held responsible for this attached .

According to the Constitution, the abolitionists cite Article 28 A of the 1945 Constitution Amendment , which states that every person has the right to live and the right to improve their life. Many groups of abolitionists , even outside of this group, also assert that the reigning punishment death in Indonesia is in accordance with Article 28 A of the 1945 Constitution Amendment . Abolitionists also refer to international instruments concerning civil and political rights, such as the International Convention on Civil and Political Rights (ICCPR). The ICCPR states in paragraph 6 paragraph (1) that "every human being has the right to live." This is determined by the laws. No one can truly " drampas right his life arbitrary ," which means that every human being has the

right to a life that is protected by laws and regulations; there is no one who can take away this right ( Corteen & Steele, 2018).

On the other hand, research based on religious groups indicates that punishment death is a type of punishment that is practiced by God through sacred religion , and as a result, it is possible to carry out tasks that are more significant. In accordance with the Constitution, paragraph 28 J, paragraph (2), Second Amendment to the 1945 Constitution, which states that: "In order to ensure that everyone's rights and freedoms are carried out in accordance with the moral, religious, security , and order norms of a democratic society, every individual has a duty to contribute to the restrictions that are established by means of law with utmost sensitivity in order to ensure recognition as well as respect on rights and freedoms of other people." This is an argument that a more substantial punishment dying for the sake of it can be used to test a person's ability to live their life.

In the international instrument, namely Article 6 paragraph (2) ICCPR, It is explained that criminal death can only be used for very serious crimes (the most serious crimes) in accordance with the laws that govern the crimes that are committed at the time they are committed and do not conflict with the ICCPR's provisions (Jaya, 2016).

The conflict between the mentioned groups retentionists and abolitionists do not, however, hinder the development of Indonesian law, particularly in the area of death policies that comply with Indonesian laws. Updates law criminal law must be in accordance with the Pancasila ideology and the nationality of Indonesia, after which it must be in accordance with international legal instruments. As a result, the cited laws are accurate and in line with the values that the general public holds (Christianto, 2017). Because of this, the purpose of this study is to understand the formulation criminal dead conditional in the Law Number 1 of 1946 regarding the Criminal Code that would be carried out promptly and criminal dead in law Number 1 of 1946.

As a result, if the formula's policy is understood, it can be analyzed using the theory objective criminalization and the theory substance law , which holds that every legal precedent has a progress that constitutes a law that establishes something that is considered good and beneficial in a certain country ( Alviolita , & Arief, 2019). Because of this, the focus of this study is on the relationship between retentionism and abolitionism in the formulation of punishment death , which is the punishment death that is conditional from the standpoint of the study of national law. The purpose of this study is to understand the current policy formulation criminal death in Indonesian criminal regulations and compare it with the policy formulation criminal dead conditional in Indonesian criminal regulations for the future.

## **RESEARCH METHOD**

Discussion criminal dead conditional in perspective update law Indonesian criminal law utilizing a qualitative normative law research approach . law normative Qualitative refers to research that uses methods to describe, explain, analyze , and develop the construction of the law of crime death from the perspective of the Indonesian people (Barus, 2013). The data collection method used in this study is to analyze phenomena, identify laws, describe terms from the research materials ( works scientific ), and provide other legal information pertinent to the research that is being conducted (Irianto, 2017).

## RESULTS AND DISCUSSION

### 1. Formulation of the Death Penalty in Current Criminal Law in Indonesia.

The Criminal death is described in Article 10 of the Law Number 1 of 1946 concerning the Criminal Code as a criminal act principal . To carry out the implementation of this, it is possible to use a weapon fire in conjunction with the criminal provisions specified in the Act Number : 2/PNPS/1964. According to these laws, the practice of criminal law death in Indonesia is carried out by death , by shooting squad , and in a location within the law court area that establishes the first level . In other cases, it is carried out by the Minister of Justice and Human Rights , and it is carried out by the Chief of Police or officials who are appointed by them in cooperation with the Attorney General, or Prosecutor who diligently oversees the execution of the aforementioned.

In Indonesia, the punishment Mati is not only a religious and cultural practice, but it is also a political one. This is because the Dutch colonial government has been addressing social issues that can be described as " ready explode in system punishment death ." In 1870, the Netherlands's government established punishment died for the general public's health, but it also continued to apply it to the health of the military and war until 1983. "Protocol Convention Number 6 Europe about Human Rights about Abolition The "Death Penalty " has been approved by the Netherlands (1982). In addition, the death penalty dead still is practiced in the Netherlands, India, to ensure health for colonial needs (Johnson, 2010).

According to the Criminal Code ( KUHP ) , which is a replica of the Dutch product from 1886 and was put into production on January 1, 1918, and later based on Regulations Transition Number II of the 1945 Constitution and Law Number 1 of 1946 in conjunction with Law Number 73 of 1958, which is still in effect in Indonesia, the punishment death is still carried out for the following serious crimes to security , murder planning , theft with aggravation , piracy , and so on. Following Indonesia's independence, there are a growing number of crimes that can be attributed to death penalty, such as air piracy , terrorism , drugs , gross human rights violations violations , corruption during the disaster nature or economic crisis, and more ( Unnever , 2010).

In the Criminal Code itself, there are two types of acts criminal that are compared to death criminal offenses, including:

1. Clearly defining the President and the President's Vice President (Article 104 of the Criminal Code);
2. Possessing an alliance with a foreign nation that counteracts the war (Article 111 paragraph (2) of the Criminal Code);
4. Inciting and organizing riots (Article 124 bis of the Criminal Code);
3. Treason by informing the enemy in the war (Article 124 paragraph (3) of the Criminal Code);
6. Murder planned (Article 340 of the Criminal Code);
5. Murder planning to head of a friendly state (Article 140 paragraph (3) of the Criminal Code);
7. Theft with violence or conspiracy that damages injury serious or death (Article 365 paragraph (4) of the Criminal Code);
8. P iracy at sea that damages another person's morning (Article 444 of the Criminal Code);
9. The study of aviation and its means (Article 149 K paragraph (2), Article 149 O paragraph (2) of the Criminal Code) is discussed.

On the other hand, the following are examples of action criminal offenses specifically outside the Criminal Code:

1. Action Criminal Acts regarding Firearms , Ammunition , or Explosives ( Law No. 12/DRT/1951);
2. Acts Economic Crimes (Law No. 7/DRT/1955);
3. Action Criminal Law on Atomic Energy (Law No. 3 of 1964);
4. Action Criminal Narcotics and Psychotropics (Law No. 22 of 1997 and Law No. 5 of 1997);
5. Action Criminal Corruption (Law No. 31 of 1999 in conjunction with Law No. 20 of 2001);
6. Action Criminal Law on Human Rights (Law No. 26 of 2000).
7. Action Criminal Terrorism ( Perppu No. 1 of 2002);

The issues that arise from the practice of criminal law death ( criminal) principal ) in Indonesian criminal law includes, among other things, the use of weapons fire by shooting regulations that are not humane by those who practice understand retention and abolitionist . Later, the unclear wait of the criminal Death's execution made the convict less stable in the general law efforts , namely, conveying clemency to the president and judicial review . Criminal Mati is regarded as one type of evaluation that is not applicable to the practice of action criminal or restorative justice ( Bindler & Hjalmarsson, 2020).

Because of criminal law die is always regarded as a tree on act criminal certain regulations, whether within or outside of the Criminal Code, there are no clear regulations regarding criminal law death in Indonesia's national criminal system. In practice, criminal death frequently causes problems, such as wait because it causes the pardon to disintegrate and causes a resumption of unfinished business; in fact, there may be certain cases where the verdict pardon has been put aside but has not yet been carried out (Zaini, 2013 ). Criminal Mati is regarded as one type of evaluation that is not applicable to the practice of action criminal or restorative justice ( Bindler & Hjalmarsson, 2020). Afterwards, the possibility of a person's decision (mistake in persona) makes him die "non -evaluative " punishment . As a result, after being applied, lives convict cannot be applied.

## **2. Conditional Death Penalty in the Indonesian Criminal Code in the Future.**

Arrangement criminal dead conditional in the new Criminal Code the year 2023 is solution revolutionary who can accommodate retentionist and abolitionist ideologies by upholding the humanitarian norms that characterize culture sublime Indonesian nation (Indonesia Way). This is in line with the goal of criminal death as a last resort ( ultimum remidium ) to prevent crime from happening and to protect the public. This norm also serves as a means of resolving the conflict between the retentionist and abolitionist groups, as it is stated that die still is carried out as a last resort for more important reasons, namely to protect and uplift the general population.

Provision about criminal dead conditional that can dropped set up in Article 99 of the 2023 Criminal Code , namely in Article 99 paragraph (1) that implementation criminal dead can done after application clemency rejected by the president , then in paragraph (2) it is explained that its implementation No will done in advance general , then in paragraph (3) about method implementation punishment dead with method team shoot or with other means as determined law , and paragraph (4) concerning delay punishment dead for woman pregnant until giving birth , woman breast-feed until No can breast-feed Again the baby , and the madman until healed .

Then, in Article 100 paragraph (1) of the 2023 Criminal Code, it is explained that there will be a ten-year period of time for trials if three criteria are met, namely:

- a) the accused show regret and there is hope for improvement ;
- b) the accused role in action criminal the No too late important ; or
- c) There are reasons that are mitigating .

Afterwards, it is stated in Article 100, paragraph (2), that the duration of the mentioned trial must be specified in the decision court . Furthermore, it is stated in Article 100 paragraph (3) that a day's calculation occurs on the day following the decision , which is governed by permanent law ( *inkracht* ). This is intended to provide legal guidance regarding the convict's wait period ( *Kyambalesa* , 2019). Then, in Article 102, it is explained that there is more detailed information about how to carry out death criminal according to the laws. This indicates that the country is still giving its citizens the opportunity to learn how to carry out death criminal in a way that is in line with the development of insight and era.

Settings like this indicate that the way is criminal die is carried out in Indonesia is based on flexibility and elasticity. *Khasan* (2017) Convict during the probation period , as stated in paragraph (1), indicates that attitude and actions commendable are necessary for criminal die to become a criminal prison lifelong alive with the President following the completion of the Supreme Court 's deliberations . The following describes the evaluative side of the dead conditional , wherein if there is a hope for the convict to repent , then death can be transformed into a prison lifelong life (*Zoomers*, 2010).

Article 100, paragraph (5), states that if the convict is performed within the period of probation as described in paragraph (1), does not indicate attitudes and actions commendable , and there is no hope for improvement, then criminal death can be performed at the request of the Attorney General. This indicates the government's intention to continue carrying out death execute if there is no reason to make improvements (*Karim et al* , 2020).

Article 101 illustrates what happens if the pardon convict death is rejection and the crime death is not carried out for ten ( ten ) years. Due to the fact that the pardon is not a result of self-loathing, criminal death can be transformed into a crime prison for the duration of the life of the President ( *KePRES* ). Criminal death can be reduced to criminal prison lifelong life or punishment imprisonment of up to 20 years if, during its duration, the person concerned show attitude and behavior commendable , in accordance with the President's and the Supreme Court of the Republic of Indonesia's stance. This highlights the legal requirements for the execution of the plan after the president's inauguration.

Professor *Muladi* provides some guidelines for identifying the types of criminal offenses that must be addressed by the death penalty law and the penalties for committing them (*Muladi & Sulistyani* , 2020):

- a. Extremely serious violations (the most serious crimes, ICCPR 1966);
- b. Violations of the law that are mematzized or very different from one another (ECOSOC, 1984);
- c. Exception : non- violence politics , non- violence financial , and non- violent religious practices ( UN Commission on Human Rights, 1999);
- d. ECOSOC standardizes the implementation punishment dead and states that:
  - (1). Punishment deadly is only applied to very serious cases with deadly or very severe consequence ;
  - (2). Punishment Mati must already be established at the time this activity is carried out.

- (3). A child under the age of 18 at the time of the act criminal cannot be separated from the death ; this is also true for crazy or pregnant woman . a basic tool evidence and witnesses that is very clear (convincing evidence);
- (4). Decision the end is determined by a arbitrator justice based on fairness justice principle (air trial), not because of the judiciary's difficulties (Article 14 ICCP);
- (5). The convict has the mandatory right of appeal (the right to appeal is essential);
- (6). dead No remove right the convict narrating the right to request forgiveness or a pardon;
- (7). Punishment death should be postponed if the case is still in the appeal process or if there is another procedure related to pardon or punishment relief ;

Various countries in particular varies ( based on environment socio-cultural and political ) mentions crime to humanity as murder ; trafficking drugs ; terrorism ; treason ; espionage ; crime to state security ; protest politics (Saudi Arabia); rape ; crime economy ; kidnapping ; separatism ; adultery ( some Middle Eastern countries); sodomy ( some Muslim countries); hudud for example Apostasy ( some Islamic countries); blasphemy ( some Islamic countries); robbery weight and others punished dead .

According to Criminal Code 2023's Article 52 on the purpose of education, education cannot be used to promote human rights and values. This is in line with the ECOSOC Res. 1984/50 standard, which states that "if criminal death is determined, then it must be carried out in a way that minimizes the possibility of error." This might be interpreted as meaning that if a death is observed, it must be observed by providing as little information as possible to the convict (Turner , 2018).

## CONCLUSION

Based on the findings of research on crime dead conditional in Indonesia, it can be concluded that among other things, the formulae governing criminal laws in Indonesia still frequently causes problems in their implementation. The issue of wait uncertainty and assumption No give effect deterrence is one that affects Indonesian justice and certainty criminal law death is also not covered by the laws governing criminal law that are currently in effect in Indonesia; as a result, the laws governing criminal law Mati in Indonesia will be referred to as the "Indonesian Way" or " jalan middle "between the abolitionist and retentionist groups. The Drop criminal dead conditional is carried out by using the principle balance as a means of tolerance and legitimacy (the margin of appreciation and legitimacy), which are derived from the Pancasila ideology, the 1945 Constitution of the Republic of Indonesia, the Human Rights & Obligations Human Rights , and the General Principles of Law that are performed by the civilized . The imposition of criminal conditional This is in accordance with the broad legal process and to identify the occurrence of murder outside of the legal process, execution die in a dignified manner, and murder without any hindrance, which is a sign of the Human Rights . Therefore, it is still necessary for there to be a guideline the fall criminal die for the judge, with the alternative of a lifetime home or a 20-year school. Regarding the entire punishment dead erasure , it is very sad in Indonesia since it cannot be explained by the social, religious, and cultural norms that are practiced there.Regarding the entire punishment dead erasure , it is very sad in Indonesia since it cannot be explained by the social, religious, and cultural norms that are practiced there.

## REFERENCES

### JOURNAL

- Alviolita, Fifink Praseida ., & Arief, Barda Nawawi. (2019). Policy Formulation About Formulation Action Criminal Defamation in Criminal Law Reform in Indonesia. *Law Reform*, Vol.15, (No.1), pp.130- 148, <https://doi.org/10.14710/lr.v15i1.23359>
- Corteen , Karen., & Steele, Rachel. (2018). A Criminal Justice System ? Sex Offender Suspects and Defendants . *Liverpool Law Review*, Vol. 39, (No.3 ),pp. 454–463, <https://doi.org/10.1007/s10991-018-9219-9>
- Anjari , W. (2015). The Dropping of Death Penalty in Indonesia in Human Rights Perspective . *Widya Yustisia Journal* , Vol.1, (No.2), pp 54-63.
- Barus, Z. (2013). Analysis Philosophical About Conceptual Maps Normative Legal Research and Sociological Legal Research . *Journal Dynamics Law*, Vol. 13, (No. 2), pp. 307-308, <http://dx.doi.org/10.20884/1.jdh.2013.13.2.212>
- Beltran De Felipe, Miguel., & Martin, Adan Nieto. (2012). Human Rights as a Constraint on Extradition in Death Penalty Cases. *Journal of International Criminal Justice*, Vol.12, (No.2), pp.107- 118, <https://doi.org/10.1093/jicj/mqs041>
- Bindler , Anna., & Hjalmarsson, Randi. (2020). The Persistence of the Criminal Justice Gender Gap: Evidence from 200 Years of Judicial Decisions. *Journal of Law and Economics*, Vol. 10, (No.3), pp. 207-2168.
- Christianto, H. (2017). Renewal The Meaning of the Principle of Legality . *Journal of Law & Development*, Vol. 39, (No. 3), pp. 150-159, <https://doi.org/10.21143/jhp.vol39.no3.1512>
- Son, Sapto Handoyo D. (2018). Implementation Criminal Conditional In System Criminalization in Indonesia. *PAKUAN LAW REVIEW*, Vol.4, (No. 1), pp. 100-110.
- Irianto, S. (2017). Research Methods Qualitative In Methodology Study Legal Science . *Journal of Law & Development*, Vol. 32,( No.2),pp.133- 139, <https://doi.org/10.21143/jhp.vol32.no2.1339>
- Johnson, David T. (2010). Asia's declining death penalty. *Journal of Asian Studies*, Vol.69, (No.2 ),pp. 337-346, <https://doi.org/10.1017/S0021911810000021>
- Karim, Manna Ammar Abdul., Ignatova, Milena A., Vasilenko, Alexandra S., Naurzalieva , Saule M., Jakubo , Murkshtis Marjus. (2020). Liability for religiously motivated murder in Muslim countries. *International Journal of Psychosocial Rehabilitation*, Vol.24, (No.5), pp.4652-4657, <https://doi.org/10.37200/IJPR/V24I5/PR202017>
- Khasan, M. (2017). Principles of justice law in principle legality law criminal Islam . *Journal Rechts Vinding: National Legal Development Media* , Vol.6, (No.1), pp.21-36.
- Kyambalesa , H. (2019). The Death Penalty: Arguments For and Against. *SSRN Electronic Journal*, Vol. 12,(No.1),pp.1-29, <https://doi.org/10.2139/ssrn.3474715>
- Then, Niksons G. (2015). Death Penalty and Human Rights . *to- ra* , Vol.1, (No.1), pp.57-66, <https://doi.org/10.33541/tora.v1i1.1095>
- Lindsey, T. (2018). Indonesian Constitutional Reform: Muddling Towards Democracy. In *Public Law in East Asia*, Vol.1, (No.1), pp.120,

<https://doi.org/10.4324/9781315089263-12>

- Maulidah , Khilmatin , & Jaya, Nyoman Serikat Putra (2019). Policy Formulation of the Principle of Judge's Forgiveness in the Effort to Reform National Criminal Law . *Journal of Indonesian Legal Development* , Vol. 1, (No. 3), pp. 281-293, <https://doi.org/10.14710/jphi.v1i3.281-293>
- Nagin, Daniel., & Pepper, John (2012). Deterrence and the death penalty. In *Deterrence and the Death Penalty*, Vol. 1,(No.1),pp.1-25, <https://doi.org/10.17226/13363>
- Jaya, Nyoman Serikat P. (2016). Customary Criminal Law ( Sanctions ) in the Reform of National Criminal Law. *Legal Issues* , Vol. 45,( No.2),pp.123–130, [https://doi.org/10.14710/mmh.45.2.2016.123\\_130](https://doi.org/10.14710/mmh.45.2.2016.123_130)
- Rado, Rudini Hasyim, Arief, Barda . Nawawi, & Sopyonyono, Eko . (2016). Policy Penal Mediation Against Completion SARA Conflict in Kei Islands in Efforts to Reform National Criminal Law . *Law Reform*, Vol. 12,(No.2),pp.266-267,<https://doi.org/10.14710/lr.v12i2.15879>
- Toule , E. (2016). Existence Threat Death Penalty in Constitution Action Criminal Corruption . *PRIORIS Law Journal* , Vol.3, (No.3), pp103– 110.
- Turner, B. (2018). Pope Francis and the Death Penalty: A Conditional Advance of Justice in the Law of Nations. *Nova et vetera* , Vol.16, (No.4), pp.1041-1050, <https://doi.org/10.1353/nov.2018.0038>
- Unnever , J. (2010). Global support for the death penalty. *Punishment and Society*, Vol.12, (No. 4 ),pp. 463–484, <https://doi.org/10.1177/1462474510376586>
- Zoomers, A. (2010). Globalization and the foreignization of space: seven processes driving the current global land grab. *The Journal of Peasant Studies*, Vol.37, (No.2), pp.37–41, <https://doi.org/10.1080/03066151003595325>
- Zaini, I. (2013). Implementation Execution Death Penalty in System Justice Criminal ( Search Effort) Legal Certainty ). *Nestor Magister Hukum Journal* , Vol.2, (No. 3), pp. 1-21.

## ARTICLE

- Hood, Roger., & Hoyle, Carolyn. (2012). The Death Penalty: A Worldwide Perspective. In *The Death Penalty: A Worldwide Perspective*. Retrieved from <https://doi.org/10.1093/acprof:oso/9780199228478.001.0001>

## BOOK

- Arief, Barda N. (2014). *Anthology Policy Criminal Law : Development Compilation The Concept of the New Criminal Code*. Bandung: Kencana Media .
- Jaya, Nyoman Serikat Putra (2017). *Renewal Criminal Law (I)*. Semarang: PT. Rizki Putra Library .
- Muladi., & Sulistyani , Diah. (2020). *Notes Four Decade Struggle Participate Escorting The Realization of the National Criminal Code (Part I, 1980-2020 ) ( I)*. Semarang: Semarang University Press.

---

Copyright holder:

---

Lathifah Sumaiyah <sup>1</sup> M arwanti <sup>2</sup> (2024)

**First publication right:**  
Journal of Social Science

**This article is licensed under:**

