

## EXECUTION OF DEATH PENALTY VERDICT WHO ALREADY HAVE PERMANENT LEGAL FORCE IN DRUG CASES

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### **Abstract**

*Drug crime has a broad impact on the lives of the community, the nation and the State, so that this crime if not anticipated will damage the order of life of the community, the nation. Indonesia as a State of Law is very consequential to eradicate these crimes by issuing Law Number 222 of 1997 concerning Drugs, and Law Number 5TTahun1997 concerning Psychotropic Substances with the threat of maximum criminal penalties observed and fined. The problem of adult crime in Indonesia is a hot topic of discussion, considering that some people are pro and contra about international law and national law, namely: Human Rights Declaration, Covenant Civil and Political Rights, United Nations General Assembly Resolution 2200a (XXI), the 1945 Constitution, Law No. 39 of 1999, and Law No. 5 of 1998. Meanwhile, for the group of people who continue to defend the death penalty, based on the thought, that the death penalty is still applied in Indonesia, considering that the developing Indonesian nation still needs the crime to provide lessons for the community not to commit death crimes which is applied in Indonesia. Community groups who are anti-death penalty express their thoughts, That the death penalty is contrary to those threatened with the death penalty. Moreover, it is related to drug cases whose impact is so very broad on the joints of life of the nation, and the nation, especially for the younger generation who are expected to become the next generation of the nation.*

Keywords: **Drug, Crime, Law.**

### **1. INTRODUCTION**

Every society / nation in this world has a legal system that is different from one another, where the legal system is formed based on the ideology, politics, and socio-culture of the community / nation concerned. The legal system formed certainly has a purpose in accordance with the formation of the state as a result of the "agreement" of the community / nation, namely "welfare". To achieve this goal, of course, the legal apparatus or legal system must be clear and become the "commander" for this purpose (Dewantary, n.d.).

Indonesia as a country that has ethnic communities of various patterns, of course, each ethnic community has its own legal system which is certainly different from one another. The legal system is commonly referred to as the customary law system, consisting

of civil law (adat) and criminal law (adat) whose purpose is none other than so that these indigenous peoples can live orderly, safely and peacefully in carrying out their lives. This customary law system has been in effect since the Indonesian nation existed and is still in effect when the Indonesian nation was still under the Dutch and Japanese colonial period until Indonesia became independent (Gracia et al., 2023).

As it is known that the division of law in general can be classified among others: (1) private law; (2) public law. This division is based on the genus of the laws themselves, where one with another (the "field") is separate. Private law is more aimed at legal issues that concern matters of private interest (individuals), while public law is aimed at legal issues concerning public interests (many people) or usually also addressed to the interests of the state (Santoso, 2016).

Hukum pidana is part of public law, where the role of the government (state) is more active in enforcing the provisions of criminal law if there is a violation of its rules. Sanctions or punishments in criminal law can be in the form of sanctions / fines or also sanctions / punishments against the body, in the form of imprisonment or detention, as well as death penalty or death penalty (the death penalty) (Sinayangsih & Ma'ruf, 2018).

The existence of the death penalty as stated in Article 10 of the Criminal Code indicates that the sentence is still valid in Indonesia, because the provision is still valid and becomes a positive law in Indonesia. The issue of the death penalty, especially in Indonesia from the past until now is endlessly discussed, especially related to the legal material as well as its implementation. Moreover, the issue of the death penalty is associated with the development of (modern) countries that are more directed to the advancement of democracy and human rights (Arafa, 2017).

The types of crimes punishable by death are certain types of crimes, both contained in the Criminal Code and also the rules contained outside the Criminal Code. There are several articles in the Criminal Code that contain death penalty threats, such as the murder of the President (Article 104 of the Criminal Code), premeditated murder (Article 340 of the Criminal Code), and so on. Evensome articles of the Code regulate criminal acts that are threatened with crime, such as: makar kill the head of state, Article 104; inviting foreign countries guna to attack Indonesia, article 111 paragraph (2); premeditated, Article 140 paragraph (3) providing assistance to the enemies of the Indonesian time in war, Article 124 paragraph (3); killing the head of the friendly state, Article K140 paragraph (1); murder with and 340; violent theft by two or more friends at night or by means of dismantling and so on which there is a person seriously injured or dead Pasal 365 paragraph (4); sea ploughing, coastal piracy, coastal and coastal plowing so that there are dead, Article 444;, in times of warfare advocating riots, rebellions, etc (Tarmizi & Marbun, 2022). between workers in state

land enterprises,,Article 124a bis; in time of deception of time conveying the needs of the army, Articles 127 and 129; extortion by incrimination, Article 368 paragraph (2). Crimes "punishable by death outside the Criminal Code, such as narcotics crimes as regulated in Law Number 99 of 1976 (Bayu, 2021).

The existence of the death penalty in drug cases certainly needs serious attention, especially about the impact or consequences arising from this type of crime, regardless of the pros and cons related to the death penalty. The punishment is essentially a violation of human rights, but because of the restrictive rules, the punishment is not a violation of human rights, including in this case drug crimes which are clearly very detrimental to the people of the nation and state (Winick, 2011).

## **2. IMPLEMENTATION METHOD**

Mini research is qualitative research, namely research that seeks to understand the phenomena that occur related to death penalty law in Indonesia. Using the statue approach and conceptual approach. Even though the data collection technique is carried out through library research, which uses library materials. Supported by primary data sources, in the form of books on the death law in Indonesia and legislation that will be the object of research. Then from the data, the author uses descriptive data analysis, which describes the whole problem in research based on the materials and data sources owned.

## **3. RESULTS AND DISCUSSION**

### **3.1 Theoretical Framework**

The theoretical framework is an important part of research. That is, legal theory must be used as a basis in providing prescriptions or judgments of what should contain law. Theories can also be used to explain legal facts and events that occur.

As it is theoretically known that the emergence of the legal state actually began from the XIX century to the XX century. The essence of the State of law is based on the concept of the Theory of State Sovereignty which in principle states that the highest power in a State is law, therefore all State equipment must be subject and obedient and uphold the law without exception (Albrecht, 1997).

### **3.2 Understanding Drugs**

The term "drugs" today is already familiar. Speaking of drugs, we will always remember about the existence of a substance or dangerous item (if abused) that is usually used for medical purposes, namely narcotics and illegal drugs in various forms. But when viewed in terms of the rules that regulate it, in addition to narcotics there are also known psychotropic drugs.

- a. Narcotic

Drugs include both legal and illegal narcotics. The term "narcotics and other harmful substances" is short for this drug. The word "narcotics" comes from English. It means "medicine", which is the same as the Greek word "narcosis", which means to cradle or anesthetize (Kleck, 1981).

The term narcotics is closely related to drugs as it is known in medical terms. However, the term narcotic carries a much broader meaning than *secedarobat* for anesthesia alone. This is as a result of increasing progress in the field of science and technology, especially the development of the pharmaceutical industry, so that today these narcotics are always combined with the term "*narcotic drug*"

According to Article 1 point 1 of the Law on Narcotics, what is meant by narcotics is substances or drugs derived from plants or non-plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce to relieve pain and can lead to dependence.

b. Psychotropic

Psychotropic is defined as *azat* or medicine, both natural and synthetic, which is not narcotic but has psychotropic properties through selective action on the central nervous system which results in certain changes in mental activity and behavior.

The above-mentioned drugs (psychotropic) have a psychoactive effect due to the specific effect on the central nervous system, and their use is related to the mental activity and behavior of the user. When compared to other people who use psychotropic drugs, the mental and behavioral characteristics of users are very different.

## 1. Types / Classes of Drugs

When viewed from the form and how to produce it, this class of narcotics consists of: (1) natural narcotics; (2) synthetic narcotics. These include narcotics such as addiction, Heroin, morphine, marijuana, marijuana and codeine. Natural narcotics are included in the classification of narcotics in the narrow sense, while synthetic narcotics are included in the class of narcotics in the broad sense, including all substances or drugs that have a *depressant*, stimulant, and hallucinogen *effect* for users dividing psychotropic types / groups into 4 (four) groups, namely: (1) psychotropic group I; (2) Group II psychotropics; (3) Group III psychotropics; (4) Psychotropic Group IV.

## 2. Effects of the dangers of drug abuse

The impact of drugs on oneself (individual) can be:

a. Effects of Drugs on Blood

As is well known, blood is a liquid of red color. When transporting oxygen in blood vessels, it is pink, and when transporting carbon dioxide (CO<sub>2</sub>) in small

blood arteries, it is blackish-red. This internal disease develops due to lack of blood, due to poor nutrition of drug addicts, poor digestion of food, and chewing. In addition, the flexibility of the arteries worsens, hardens, and sometimes becomes blocked or narrowed, causing atherosclerosis in the affected person (narrowing of the arteries) (Byrnes & Byrnes, 2007).

b. Drug Addiction and Brain Constriction

When chemical drugs are introduced into the body, the receptors welcome their arrival by correcting chemical errors that cause mental illness in humans. When a person consumes drugs, the drug chemical immediately reacts to the receptors and moves them like mechanics. As a result, the receptors react quickly, and the person feels fit, energetic, and has high stamina to keep moving tirelessly. That condition is what young people want and that's why they don't want to stop consuming the white powder (poison).

c. Effects of Drugs on Brain Cells and Nerve Veins

Drug addiction of any kind and form will mess up the brain, and paralyze his daily tasks. Henceforth, humans become slaves to these destructive substances that cause emaciation, and periodic damage to brain cells. At that time, the drug addict Hotak came up, then he became like an animal without desire, his memory was reduced, tense, frantic, unproductive, stepped from bad to worse conditions, and ended in death.

### 3.3 Provisions for Regulating Drug Crimes in Indonesia and Its Law Enforcement

#### a. History of Narcotics Law Regulation in Indonesia

In the Indonesian criminal law system, drug crimes are included in a special criminal law section, meaning that the crime is not regulated in the Criminal Code (KUHP), but is regulated in a separate regulation or law. The law is referred to as the Indonesian *Narcotics Law*. The national narcotics law began with the Resident Instruction (INPRES) R.I. No.6 of 1971, which was then continued with the issuance of Law No.9 of 1976 and was in force since 1976. Law "Number 5 of 1997 concerning Psychotropic Substances was promulgated in the State Gazette AR. I. Number M10 and Addition of R.I. State Sheet. Nomor 3671 entered into force on March 11, 1997. The abuse and circulation of psychotropic substances such as ecstasy and methamphetamine had been the subject of many cases before this law was published, but at that time these cases were difficult to deal with due to the lack of effective legal tools. In addition to the absence of laws and regulations, Law Number 9 of 1976 concerning Narcotics and Law Number 235 of 1992 concerning Health which does not regulate psychotropics.

The establishment of the Isotropic Tax Law cannot be separated from the existence of the following conventions: (1) Convention on Psychotropics, 1971, and (2) Convention on the Eradication of Illicit Drugs, 1988 (Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988).

#### b. Criminal Acts in the Field of Narcotics

Articles 78 to 100 of Law Number 22 of 1997 Against Drugs, which is a special provision covering 23 articles in the Criminal Code, regulate crimes related to drugs.

Based on the type of act, the criminal provisions regulated in Chapter XII of the Narkoba Law can be divided into: (1) Criminal acts involving the creation of NNarkoba (2) Drug offences involving drug trafficking; (3) Drug-related criminal acts involving the transportation and transit of drugs; (4) Drug crimes involving drug possession; (5) Drug crimes involving drug abuse; (6) Drug prosecution yang not reporting addicts; (7) Drug crimes involving drug labels and publications; (8) Drug-related offences involving the administration of drug laws; (9) Crimes involving the confiscation and destruction of narcotics; (10) Crimes involving false information; (11) Crimes involving deviations in the functioning of institutions.

### **c. Criminal Acts in the Field of Psychotropic Substances**

The law governing psychotropic crimes is contained in Chapter XIV of Origins 599 to 72 of Law Number 5 of 1997. The rule is included in the clause "lex specialis derogat lex generalis" of the Criminal Code.

Unlawful acts in the field of psychotropics, including the production or circulation of illegal drugs and their use, are one of the activities that harm society and the state. The illegal production and distribution of psychoactive chemicals will inevitably result in consumption by other parties. Those who drink too much will get sick. If many people use this psychotropic substance, the disease will spread throughout society (Baumgartner et al., 2008).

After that, the buying and selling transactions necessary for production and circulation make a profit, but since the transactions are haram, then no taxes can be levied, resulting in state losses. The reason why crimes involving psychotropic drugs are considered crimes lies in this issue. In addition, the perpetrators are threatened with severe penalties, including the possibility of the death penalty and fines of up to Rp. 5 billion, because the proceeds of these crimes are very detrimental to the state and nation so that they can damage national security (Article 59 of Law No. 5 of 1997) .

### **d. Legal Sanctions That Can Be Imposed From Drug Abuse Crimes**

According to the provisions of the "Indonesian Legislation", criminal sanctions according to the law that can be abolished from narcotics crimes include Law Number 22 of 1997 concerning Narcotics and Law Number 5 of 1997 concerning Psychotropics."In this case, the sanctions can be in the form of confinement and fines

### **e. Law Enforcement Against Drug Abuse Crimes**

The following is the direction of Indonesia's national strategy and policy in eradicating drug crime:

- 1) National Policy in the form of: Trying to dispel the notion that drug abuse and illicit trafficking are interrelated issues that require joint addressing and not just government intervention; Through the establishment of community-based prevention initiatives, drug abuse and criminal trafficking can be prevented and eradicated; Electronic and print mass media, as well as internet technology and new communication tools, should be used to the fullest extent possible to disseminate information to the general public; The drug problem is a world problem, it is important to intensify regional and international cooperation by creating cooperation

agreements bilaterally and multilaterally. The community is given the widest possible opportunity to be involved in efforts to provide therapy and rehabilitation based on the standardization of recommended therapy and rehabilitation services, in addition to being the government's obligation for these efforts; Law enforcement must be carried out strictly, consistently, and sincerely in accordance with the provisions of applicable laws and regulations. It is imperative to advise the government and DDPR that minimum punitive sanctions be added to the maximum punishment for perpetrators, especially manufacturers and manufacturers, and that drug users be required to attend government-provided therapy and rehabilitation; To stop abuse and misappropriation into the black market, control and control of drugs and "legal precursors" need to be tightened and improved (Svensson & Asian, 2001).

- 2) The Special National Strategy for Law Enforcement is a coordinated effort to completely eradicate drugs and drug crime organizations with strong, consistent, and serious enforcement of laws and regulations as well as mutually beneficial agency cooperation and cooperation, including: The strategies used by law enforcement aim to: (1) identify and break illicit drug trafficking networks and illicit syndicates at national and international levels; (2) handle cases from investigation to correction consistently and sincerely; (3) describe the motivation and history of drug abuse and illicit trafficking; (4) destroy seized narcotics, particularly narcotics, and (5) prevent the circulation of illegal drugs; Here are some strategies that need to be used in law enforcement: (1) National drug intelligence plan; (2) global drug control strategies; (3) national control and supervision strategies through legal channels; and (4) national drug prevention strategies. According to Soejono Soekanto quoted by Moh Jamin, law enforcement is very dependent on several variables, including: (1) legal or regulatory variables themselves; (2) law enforcement officials; (3) facilities or facilities that are expected to support the implementation of the law; (4) variables of community members affected by the scope of laws and regulations; and (5) cultural variables (*Legal Culture*).

### 3.4 Death Penalty in the Latest Criminal Code

The practice of killing someone as a form of punishment for a crime is known as the death penalty (Dutch: *doodstraf*). The death penalty is a punishment used by the state against those who have committed a crime and have been found guilty in a court ruling that has the force of law. This criminal punishment has existed since the Dutch colonial period, precisely since Henry Willem Daendels, Governor-General of the Dutch East Indies, took office in Indonesia in 1808.

The death penalty is regulated in five articles in *regulations* ranging from Article 98 to Article 102 of the new Criminal Code, the death penalty is imposed by the court on defendants who are threatened with an alternative death penalty with probation for 10 years. The decade-long probation period was taken into consideration in the hope of a change in his behavior and life and remorse from the convict. That way, the death penalty does not need to be carried out and can be replaced or converted with life imprisonment.

This punishment is very unusual because the convict who died during the execution cannot be revived (if it turns out that an error arose regarding the issue in question). While the death penalty regulation in the Criminal Code is no longer the main type of crime but only as an alternative crime for certain crimes specified in the law, the death

penalty is known as the main type of crime with the first sanction. order in the Criminal Code (this order contains arrangements based on the severity of criminal sanctions). This crime, according to the provisions of Article 98 of the Criminal Code, is only used as a last resort to secure the community (Lynch, 2009).

The issuance of death row prisoners from the principal crime and into alternative special (exceptional) sentences according to Prof. Dr. Barda Nawawi, SH, member of the KUHPP Drafting Period is based on three main thoughts including the following:

1. The death penalty is not essentially the primary or primary means of organizing, disciplining, or improving individuals or society, according to the purpose of punishment. The death penalty is just a marketing tool. Thus, in the medical world, the death penalty is likened to amputation or surgery, which is not essentially the main medicine but the last medicine;
2. The idea of monodualistik equilibrium is broken by the idea of the death penalty as a unique punishment. This concept emphasizes the need to balance the interests of the general public and the protection of society with the interests of individuals. This shows that in addition to protecting those who support the death penalty, it also considers personal interests, as can be seen from the provisions of Article 81 paragraph (3) which allows for the suspension of execution of those who are mentally ill or pregnant. Another illustration is the option of postponing the execution of the death penalty, also called "criminal amatibpacondition" with a probation period of 10 years (Article 82 paragraph 1);
3. Although it is a unique type of punishment, the death penalty must remain in place to prevent societal prosecution or extrajudicial response or revenge. This shows that the law on the death penalty is intended to minimize the impact on people's feelings.

The implementation of the death penalty in the Criminal Code is carried out through several stages, including the following:

1. In the first stage, avoid the death penalty by choosing a different sentence, such as life imprisonment or a specified time behind bars, of up to 20 years.
2. In the second stage is a potential reprieve for a 10-year probation. It is possible to commute the death penalty to life imprisonment or a maximum of 200 years in prison if delayed.
3. Inmates have the option to request clemency at this stage. While the death penalty itself was only imposed until the President rejected the clemency request. The sentence can be commuted to life imprisonment after 10 years if clemency is denied and execution is delayed.

### **3.5 Analysis of Human Rights and the Death Penalty in Indonesia**

The commemoration of World Human Rights Day on December 10 is often followed by a discussion about the punishment of matindi Indonesia. Awareness of the death penalty as a matter of moral choice among Indonesians is still growing. The good and bad of the death penalty are brought about by this realization. There are those who support the death penalty on the one hand and advocate its abolition on the other. There is undoubtedly a wide range of arguments from the most passionate to the most logical

for both sides. The argument was made because the death penalty, including the loss of human life, is the most terrible punishment, and is considered the most miserable punishment compared to other punishments. On the one hand, it is against the human right for the public to continue to advocate the death penalty. On the other hand, because Indonesian crimes are subject to contemporary norms of legality and positive legislation that recognizes the death penalty, it remains lawful (Sinayangsih & Ma'ruf, 2018).

Those who support the use of the death penalty believe that crimes that jeopardize the right to life of others should be punished with the death penalty. Where the sense of justice that demands the right to life of those who commit crimes against humanity, terrorism, genocide, premeditated murder, and crimes against humanity is abolished while ignoring the right to life of those who are victims of these crimes. Those who oppose the death penalty argue that there are still restrictions on human rights, including the rights of others. Basically, human rights and human rights obligations must be consistent. The provisions in our positive laws state that a person cannot be convicted before the law is in place, whereas existing regulations only allow the death penalty in certain circumstances. This is because the death penalty is still valid and legal as of this writing.

Many reasons against the death penalty were raised in the examination of the death penalty law under Law No. 22 of 1997 on Drugs in 2007. However, the Constitutional Court disagreed, with many judges refusing to test. Although some of its judges disagreed, the Constitutional Court rejected the judicial review and ruled that the death penalty was unconstitutional because the 1945 Constitution did not uphold the universal human rights of "that material" and declared "the death penalty" not to be contrary to the constitution because the 1945 Constitution did not adhere to "absolute human rights human.

Every "person has the right to "live and have the right" to defend that right, according to Article 28A paragraph (1) of the 1945 Constitution which states that "Every "person has the right "to live" and has the right to defend his life and life". The first argument made by those who oppose it is that the death penalty is contrary to that right. The death penalty is seen as a violation of human rights that cannot be reduced under any circumstances, in accordance with Article 28I paragraph 1 of the 1945 Constitution which states that "The right to life is a human right that cannot be reduced under any circumstances.

*First*, Given that everyone has the right to life, it is against the law to take the life of another through murder or the application of the death penalty. The right to life is an inherent right for everyone, regardless of differences in citizenship status, according to Article 6 paragraph (1) of the International Covenant on Civil and Political Rights (ICCPR), which Indonesia has also ratified through Law No. 2005.

*Second*, The death penalty is an inhuman and terrible method of punishment. International human rights law has underlined that the practice of carrying out the death penalty constitutes a form of cruel, inhuman, and degrading punishment. It is supported by the jurisprudence of courts in different countries and regions.

*Third*, the vulnerability of the criminal justice system, which leaves a lot of room for unfair punishment. In many situations, particularly in Indonesia, the practice of criminal law often results in inappropriate convictions.

*Fourth*, or in the same vein as criminal law reform. The application of the death penalty often creates a retributive element. Nonetheless, the paradigm in the criminal justice system has shifted towards restorative justice.

*Fifth*, the traditional perspective holds that the death penalty is necessary to deter criminal behavior. In contrast, thorough investigations conducted by the UN in 1988 and 1996 revealed that there was no scientific evidence that the death penalty had a stronger deterrent effect than life imprisonment.

*Sixth*, the severe suffering caused by the execution of the relatives of the victims. In addition to the victim or the person who was executed himself (convicted), his family also suffered when the death penalty was applied (joint victim). There are different stages of suffering, including shock, sadness, moodiness, and loneliness, as well as signs of anxiety, panic, guilt, wrath, and hatred of the body. There is also hope and affirmation of the new reality.

*Seventh*, The death penalty is increasingly used less and less by the world community. According to Amnesty International research, at least 140 countries had adopted anti-death penalty laws as of April 2015, both officially (*de jure*) and in practice (*de facto*). Meanwhile, only 55 countries continue to use and practice the death penalty.

Alternatives are predetermined. The death penalty is already part of existing legislation. The majority of Indonesians still support the imposition of the death penalty. Therefore, the death penalty must be carried out. "Even if a society has decided to destroy itself, the last murderer who is in prison must be executed," Immanuel Kant once said. Perhaps the death penalty is not needed in the future when public awareness is higher because there will be no more criminals who require the threat of the death penalty (Barkow, 2009).

#### **4. CONCLUSION**

From the above explanations that have been described in the previous chapters, several conclusions can be put forward which include the following:

- 1) Death penalty sentences in Indonesia still remain valid and applicable. This is considering that the Criminal Code (KUHP) expressly provides punitive sanctions, including the death penalty. In addition, several provisions of applicable laws and regulations, especially regarding drug crimes, such as Law No. 22 of 1997 concerning Narcotics and Law No. 5 of 1997 concerning Psychotropic Substances still include death penalty sanctions and fines for perpetrators who violate both laws.
- 2) Law No. 22 of 1997 on Narcotics and Law No. 5 of 1997 on Psychotropic Substances impose death penalty sanctions for both users (can be victims) and dealers (who produce, carry, distribute including export and import in an organized manner accompanied by evil fertilization). Article 6 of the International Covenant on Civil and Political Rights allows the death penalty for extraordinary crimes under certain conditions.
- 3) The implementation of the death penalty which already has permanent legal force in drug cases is still very difficult to implement. This is considering that

there are so many responses in the midst of society that are still pro and con in responding to the death penalty. For groups that are anti-death penalty think that the death penalty is a violation of human rights, while for those who are pro to the death penalty think that the death penalty can still be applied in Indonesia considering the rule of law exists, but what needs to be noted is that the death penalty is only directed at certain crimes, such as sadistic murder, corruption and drugs. However, people who agree with the death penalty, especially with regard to drug abuse crimes, are eagerly waiting for when the execution will be carried out. This is of course returned to the government in this case the law enforcement officials who will carry out the execution.

- 4) The execution of the death penalty in drug crime cases that already have the force of law remains with the death sentence in the Medan District court with the defendant Ayodhya Prasad Chaubey delayed due to the inconsistency and hesitation of law enforcement officials in carrying out legal order in Indonesia.

#### REFERENCES

- Albrecht, H.-J. (1997). The Death Penalty in China from a European Perspective. *Revue*, 1–19.
- Arafa, M. A. (2017). Death penalty: is that the case for justice under the Egyptian criminal justice system? A new understanding. *Crieghton international and comparative law journal*, 12, 4–42.
- Barkow, R. E. (2009). The court of life and death: The two tracks of constitutional sentencing law and the case for uniformity. *Michigan Law Review*, 107(7), 1145–1206.
- Baumgartner, F. R., Boeuf, S. L. De, & Boydston, A. E. (2008). The decline of the death penalty and the discovery of innocence. *Choice Reviews Online*, 45(12), 45-7050-45-7050. <https://doi.org/10.5860/choice.45-7050>
- Bayu, F. (2021). Capital Punishment for Drug Abuse Crime: Legal Limitations and Requirements. *Law Research Review Quarterly*, 7(4), 433–444. <https://doi.org/10.15294/lrrq.v7i4.48175>
- Byrnes, A., & Byrnes, A. (2007). *University of New South Wales Drug Offences, the Death Penalty, and Indonesia's Human Rights Obligations in the case of the Bali 9: Opinion submitted to the Constitutional Court of the Republic of Indonesia Drug Offences, the Death Penalty, and Indonesia's Human Rights Obligations in the case of the Bali 9: Opinion submitted to the Constitutional Court of the Republic of Indonesia.*
- Dewantary, Z. R. (n.d.). *Death Penalty and Rights of Inmates on The Death Row under Indonesia Criminal Justice System.* 60–79.
- Gracia, R., Matrutty, I., & Saimima, J. M. (2023). The Death Penalty In The Draft Criminal Code (Rkuhp): What Are The Regulations And Mechanisms? *Legalitas*, 16(1), 117.
- Kleck, G. (1981). Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty. *American Sociological*

- Review*, 46(6), 783. <https://doi.org/10.2307/2095079>
- Lynch, C. (2009). Indonesia's use of capital punishment for drug-trafficking crimes: legal obligations, extralegal factors, and the Bali Nine case. *Columbia Human Rights Law Review*, 40(2), 523–593.
- Santoso, I. (2016). The Pros and Cons of the Death Penalty for the Drug Abuse in Indonesia. *Journal of Law, Policy and Globalization*, 55, 43.
- Sinayangsih, Y., & Ma'ruf, U. (2018). Effectiveness of Death Penalty Against Crime of Abuse of Narcotics Agents or Statutory RI Number 35 of 2009 Concerning Narcotics Law as Viewed From The Principles of Justice And Humanity. *Jurnal Daulat Hukum*, 1(3), 651. <https://doi.org/10.30659/jdh.v1i3.3350>
- Svensson, M., & Asian, E. (2001). *State Coercion , Deterrence , and the Death Penalty in the PRC. March*, 22–25.
- Tarmizi, T., & Marbun, S. (2022). Rehabilitation And Execution Of The Death Penalty In Narcotics Offenses. *International Asia Of Law and Money Laundering (IAML)*, 1(2), 123–127. <https://doi.org/10.59712/iaml.v1i2.22>
- Winick, B. J. (2011). The Supreme Court's Emerging Death Penalty Jurisprudence: Severe Mental Illness as the Next Frontier. *SSRN Electronic Journal*, 321(October 2007), 785–858. <https://doi.org/10.2139/ssrn.1291781>