

ABSTRACT

IMPLEMENTATION OF DEATH PUNISHMENT AND PROTECTION OF HUMAN RIGHTS IN INDONESIA CRIMINAL SYSTEM

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Criminal system prevailing in Indonesia is still applying the death punishment for certain criminal offenses potentially harmful and threatens the life of the nation and the state. The problems of this study are: (1) How does the implementation of death punishment in the criminal system in Indonesia? (2) How is the protection of human rights against the death punishment sentence in the criminal system in Indonesia?

This study uses normative juridical approach, with a secondary data collected through literature. The data were analyzed qualitatively.

The results showed: (1) The implementation of death punishment in the criminal system in Indonesia is carried out in accordance with the Criminal Code that uses an alternative formulation, which means that judges can choose three main criminal threat that the death punishment, life imprisonment and criminal temporarily twenty years. Capital punishment is carried out by verification and inspection is very strict, with a variety of considerations of security and public order, and based verdict that already have permanent legal force. (2) Protection of Human Rights against the death punishment sentence in the criminal system in Indonesia is still relevant because the death punishment is applied only to specific criminal acts, although the provisions of the Constitution emphasizes the right to life and the right not to be tortured, as part of Human Rights but the rights and freedoms must be subject to the restrictions set forth by law. That is all in an effort to provide protection of the rights of the majority of citizens of the execution of death punishment does not conflict with human rights.

Suggestions in this study were: (1) For law enforcement officials, particularly for law makers should pay more attention to product humanitarian aspects (2) For all the people should obey the law that aims to achieve justice and order.

Keywords: Death punishment, Protection, Human Rights