

**DEATH PENALTY APPLICATION BUSINESS CRIME AGAINST
NARCOTICS
(Study of PT Tanjung Karang Decision No. 138 / PID / 2012 / PT.TK)**

ABSTRACT

Under Law No. 35 of 2009 on Narcotics, narcotics criminal death penalty can be imposed. The death penalty has been considered in accordance with the crimes committed by criminal narcotics. As an example of the application of the death penalty against criminals, as was done by the Council of State Court Judges Kalianda and High Court Tanjung Karang to convict Away aka Ping Leong Kim (39 years) Malaysian citizens. In respect of the above description, researchers interested in conducting research with the problem: What is the basic consideration of the judge in applying the death penalty against narcotics criminals and Is the judge in applying the factors supporting the death penalty against narcotics criminals. This study uses a normative approach and empirical juridical approach. The results showed that the research and discussion: Basic considerations judges in imposing capital punishment to the perpetrators of the crime of narcotics as the Cape Coral High Court Decision No. 138/PID/2012/PT. TK, the rule of law is violated, the facts of the trial, and the number of narcotic evidence types or classes of drugs, the perpetrator motives, attitudes and behavior of players during the trial, the impact of the actions of these actors and civic actors who are foreign citizens (WNA). Factors supporting the judge in applying the death penalty against narcotics is criminal law factors, namely the laws and regulations in Indonesia as stipulated in Law No. 35 of 2009 on Narcotics arranging the death penalty for the crime of narcotics; community factors, the majority of Indonesian people reject illicit trafficking and abuse of narcotic drugs and narcotics wanted criminals severely punished; and the number of narcotic evidence.

Keywords: death penalty, criminal offenses and narcotics