



Juridical Review on the Death Penalty for Criminal Acts of Corruption in Human Rights Perspective

Yoesoef Moesthafa

Muhammadiyah Surakarta University, Indonesia

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Abstract

The purpose of this article is to determine the application of the death penalty to perpetrators of criminal acts of corruption in the perspective of human rights, then the second is to determine the effectiveness of the application of the death penalty in corruption. This study uses a juridical-normative approach whose main data source is secondary data, namely in the form of written materials about the law which are then analyzed quantitatively with the aim of producing analytical descriptive data. From this research, it is found that international law has not explicitly prohibited the implementation of the death penalty, but the rules that have been set are related to the prohibition of deprivation of the right to life. Until now, there has been no restriction on the death penalty worldwide because there are conditions that must be met in the procedure for implementing the death penalty. This corruption issue clearly violates human rights and is a crime that is detrimental to the state and poses a risk to the sustainability of the state. However, in our opinion, the implementation of the death penalty for corruption in Indonesia is not effective, because the implementation of the death penalty does not guarantee that corruption cases will stop.

Keywords: *Death Penalty; Human Rights; Corruption Crimes*

Background

Crime is a complex phenomenon that can be understood from many different perspectives. That's why in our daily life we can catch various comments about a crime that is different from one another. Changes are always happening, either slowly to regular review or occur so quickly that it is difficult to state with certainty the existence of a definite rule of law. Upholding the rule of law in the life of society, nation and state is intended to realize the rule of law as contained in the explanation of the 1945 Constitution of the Republic of Indonesia so that the law acts as a regulator of social life.¹

Corruption is an enemy for every country in the world. Corruption that has taken root will have consequences for hampering development in a country. In Indonesia, the impacts or consequences of

¹ Muhammad Amin Hamid, "Penerapan Hukuman Mati Bagi Terpidana Koruptor Ditinjau dari Perspektif Hak Asasi Manusia", *Legal Pluralism*, Vol 5, No. 2 (Juli 2015), hal 171

corruption are numerous and can touch various areas of life. Corruption is a serious problem, this crime can endanger socio-economic development, as well as politics, and can damage democratic values and morality because gradually this act poses a very big threat to the ideals of a just and prosperous society.²

In positive Indonesian law, we recognize the existence of the death penalty or the death penalty. The death penalty has the status of a principal crime, it is a type of crime that contains pros and cons. At the international level, this type of crime is prohibited from being imposed on the convict. The United Nations (UN) encourages the abolition of the application of this type of crime based on the Universal Declaration of Human Rights adopted on December 10, 1948, by guaranteeing the right to life and protection against torture. Then the guarantee of the right to life is contained in Article 6 of the International Covenant on Civil and Political Rights or ICCPR which was adopted in 1966 and ratified by Law Number 12 of 2005 concerning the ratification of the ICCPR.³

The imposition of the death penalty means taking a person's right to life. Everyone has the right to live and has the right to defend his life and life (Article 28A of the 1945 Constitution). Even the death penalty is no longer in line with the development of human rights. All countries have the concept of upholding human rights. Indonesia as part of the countries in the world participates in realizing human rights, it is proven that the regulation of human rights is legally formal. In particular, the right to life is stated as a right that cannot be reduced in any form (non-derogable rights). This is stated in Article 28I paragraph (1) and Article 28J paragraph (2) of the 1945 Constitution, Article 4 of Law Number 39 of 1999 concerning Human Rights.⁴ Munafrizal Manan (Deputy Head of Internal Komnas HAM) stated that the right to life is a crown for human rights because it is categorized as (1) non-derogable rights, i.e. cannot be reduced under any circumstances; (2) if the right to life is taken away, then there is no remedy to restore it; (3) Other human rights cannot be enjoyed if the right to life has been taken away; (4) The state is charged with a positive obligation to protect and ensure the right to life. Even international law has not explicitly prohibited the application of the death penalty which is binding on all countries in the world (Andrew Byrnes, 2007).

Whereas according to the Institute for Criminal Justice Reform (ICJR) it is stated that the imposition of the death penalty has absolutely no positive impact on eradicating corruption in a country. This is evidenced by data from the Corruption Perception Index (GPA) in 2019, countries that rank at the top for their success in reducing corruption rates do not in fact impose the death penalty as a punishment for corruption, such as Denmark, New Zealand, and Finland. Then Singapore, which also did not apply the death penalty for corruption cases, managed to become the country with the highest ranking in Southeast Asia. On the other hand, countries that still apply the death penalty, including for corruption cases, actually have a low GPA score and are below including Indonesia (ranked 85), China (ranked 80),⁵

One of the pros and cons or disagreements that are still ongoing and will likely continue to be controversial in the domain of human rights as above is the existence of the death penalty. The parties arguing about the death penalty in Indonesia can be grouped as follows (1) maintain the validity of the death penalty as stipulated in the law; (2) the death penalty is applied selectively and specifically; (3) abolishing the death penalty in the Indonesian legal system; (4) moratorium on the death penalty: no execution of the death penalty.

² Evi Hartanti, 2007, *Tindak Pidana Korupsi*, Jakarta: Sinar Grafika, hal. 1.

³ Warih Anjari, "Penjatuhan Pidana Mati di Indonesia dalam Perspektif Hak Asasi Manusia", E-Journal WIDYA Yustitia, Vol. 1, No. 2 (Maret 2015) hal. 108

⁴ *Ibid.*

⁵ Institute For Criminal Justice Reform, *Hentikan Narasi Populis Pidana Mati Untuk Tindak Pidana Korupsi*, dikases melalui <https://icjr.or.id/hentikan-narasi-populis-pidana-mati-untuk-tindak-pidana-korupsi/>, pada tanggal 12 Februari 2021 pukul 17.24 WIB

Formulation of the Problem

The formulation of the problem in this scientific article is:

1. How is the death penalty applied to perpetrators of corruption in the perspective of human rights?
2. How effective is the implementation of the death penalty in corruption?

Research Methodology

This research is a juridical-normative research,⁶ namely research that doctrinally examines the basic rules and legislation regarding the problems faced in the application of the death penalty in criminal acts of corruption in the perspective of Human Rights. Through this research, it is hoped that various problems that develop and the factors that influence them can be identified.

This type of research can also be called descriptive analytical research in the sense that the results of this study are presented in an analytical descriptive manner. So this type of research was chosen as a way of presenting and not the subject of the research itself.

In the use of data, there are 2 types of data used in this study, namely primary data and secondary data. Primary data is data obtained directly from the field based on interviews with respondents or based on observations of the problems studied. While secondary data is data obtained from written materials including official documents, books, research results in the form of reports, diaries, and others.⁷

Like legal research in general, this research relies more on secondary data, namely written materials about law. Based on this, the types of data in this study consist of: Secondary Data, namely legal materials scattered in various writings which are divided into:⁸

1. Primary legal materials, which consist of laws and regulations and other related regulations regarding corruption and human rights.
2. Secondary legal materials, namely legal materials in the form of legal writings in the form of books, papers, articles.
3. Tertiary legal materials, namely legal materials containing explanations of the meaning of various terms related to the object of research such as language dictionaries, legal dictionaries, political dictionaries, and encyclopedias.

The types of data mentioned above were collected through a literature study, namely the study of various secondary data or documents, both on primary, secondary, and tertiary legal materials and classified based on their respective materials.

Discussion

1. The Implementation of the Death Penalty Against Perpetrators of Criminal Acts of Corruption in the Perspective of the Protection of Human Rights

If we look textually, then the application of the death penalty is contrary to human rights as stated in Article 28A and 28I of the 1945 Constitution, Article 4 and Article 9 of Law Number 39 of 1999, Article 3 of the Universal Declaration of Human Rights (UDHR), Article 6 paragraph (1) of the ICCPR

⁶ Soerjono Soekanto, 2004, *Penelitian Hukum Normatif*, Jakarta: PT. Raja Grafindo, hal. 14

⁷ Soerjono Soekanto, 1986, *Pengantar penelitian Hukum*, Jakarta: UI-Pers, hal. 12.

⁸ Soerjono Soekanto & Sri Mamudji, 2001, *Penelitian Hukum Normative: Suatu Tinjauan Singkat, edisi 1, Cet. V*, PT RajaGrafindo Persada: Jakarta, hal. 29

and Article 28A of the 1945 Constitution which states: "that everyone has the right to live and defend life and life". Article 28I paragraph (1) states "the right to live, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right not to be recognized as a person before the law, and the right not to be prosecuted on the basis of the law." retroactively applicable human rights which cannot be reduced under any circumstances."

Article 4 of Law no. 39 of 1999 states "the right to life, the right not to be tortured, the right to personal freedom, thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person and equal before the law, and the right not to be prosecuted on the basis of a retroactive effect is a human right that cannot be reduced under any circumstances and by anyone."

Article 6 paragraph (1) of the ICCPR states "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life" (every human being has an inherent right to life. This right must be protected by law. No one will be arbitrarily deprived of his life) but based on Article 6 paragraph (2) ICCPR regulates the apply the death penalty on the following conditions: (1) only for the most serious crimes; (2) in accordance with the law in force at the time the crime was committed; (3) does not conflict with the ICCPR and the Convention on the Prevention and Punishment of the Crime of Genocide; (4) can only be implemented on the basis of a final decision by the competent court.

Article 3 of the UDHR states "everyone has the right to life, liberty and security of person" (everyone has the right to life, the right to freedom, and the right to personal security). Article 3 does not specifically regulate the death penalty. However, in subsequent developments this article was interpreted to implicitly require the abolition of the death penalty. This is evidenced by the citing of Article 3 of the Universal Declaration of Human Rights in the preamble to international instruments aimed at abolishing the death penalty, such as the UN-sponsored Second Optional Protocol: "convinced that the abolition of the death penalty can contribute to the promotion of human dignity and for the progressive development of human rights."⁹

However, the Constitutional Court itself has decided that the death penalty does not conflict with Article 28A and Article 28I paragraph (1) of the Constitution in the Constitutional Court Decision Number 2-3/PUU-V/2007. Then the Constitutional Court in its decision No. 107/PUU-XII/2015 removes the application of Article 7 paragraph (2) regarding amendments to clemency related to the limitation of the time for filing clemency to the president. This means that the Constitutional Court "frees" the convict to apply for clemency at any time. This decision changes the previous rule, the application for clemency is carried out no later than a year after the decision has permanent legal force.

That strict regulation regarding the abolition of the death penalty has just begun to be stated in The Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, adopted in 1989 and effective in 1991. However, The Second Optional Protocol to the ICCPR only applies to countries parties that have ratified it, does not apply to all countries, until 2020, 88 countries out of 173 countries that have ratified the ICCPR have also ratified and approved The Second Optional Protocol to the ICCPR.¹⁰ Indonesia has ratified the ICCPR through Law no. 12 of 2005 concerning the ratification of the ICCPR but until now Indonesia has not ratified The Second Optional Protocol to the ICCPR.

It has become knowledge among legal experts that the "criminal justice system is not infallible". Regarding the death penalty, the mistake of punishing someone who is guilty can be fatal because the application of the death penalty is irreversible. People who have been executed cannot be brought back to life even if later on that the person concerned is innocent. The group that has a contract view of the death penalty, the struggle is an effort to protect the right to life, the problem is that this effort is only one-sided, namely the right to life of the perpetrators of the crime, then for the victims and potential victims, who

⁹ Todung Mulya Lubis & Alexander Lay, 2008, *Kontroversi Hukuman Mati*, Jakarta: Penerbit Buku Kompas, hal. 48.

¹⁰ Lihat www.worldcoalition.org

will fight for it. Meanwhile, for groups that are pro regarding the death penalty, it is a deterrence argument (deterrent effect), so that it will prevent the recurrence of similar crimes by others.

In the perspective of human rights, the dominant opinion and has become a worldwide trend regarding human rights is the abolition of the death penalty, because the death penalty is considered a very inhuman and non-civilized form of punishment. The right to life is the most fundamental right of all rights and is the crown of human rights because the right to life is referred to as "The Supreme Right" or the highest right, namely rights that cannot be reduced, rights that cannot be restored, and rights that do not allow other rights. to be given if it is confiscated, and every country in the world has an obligation to protect and ensure the right to life. In this context, have they (the group pro-death penalty abolished) tried to contemplate that those who have committed a series of crimes are humane acts. For this reason, Article 28A of the 1945 Constitution requires an extensive interpretation, in order to produce a legal formulation that is proportional to the death penalty. At least the arguments for strengthening the death penalty are:¹¹

- a) The death penalty guarantees that the criminal will not move again
- b) The death penalty is a powerful repressive tool for the government
- c) With this powerful repressive tool, the interests of the community can be guaranteed, so that peace and legal order can be protected
- d) Especially if the execution of a public execution is expected to create a greater fear of committing a crime
- e) With the imposition and implementation of the death penalty, it is hoped that there will be an artificial selection so that the community is cleansed of evil and bad elements, it is hoped that it will consist of only good citizens.¹²

Until now there has been no clear cut answer or a definite answer regarding the death penalty because there are many parties who are pro and contra. Apart from the death penalty, there are several other options, namely life imprisonment or life imprisonment without remission.¹³Whereas from the constitutional aspect of the application of the death penalty, it is still possible to carry out capital punishment, this is reinforced by the Constitutional Court's Decision, then the Corruption Eradication Law is also still possible to be carried out even though the norm formulation contains the phrase "can" so that the formulation of the article is not imperative but facultative means that the public prosecutor still has other considerations not to have to apply the death penalty.

Law enforcement officials are completely right, especially in a country where the practice of law is distorted. Matters outside the law that affect the law, so the main consideration for not applying the death penalty is so as not to make a mistake in imposing a sentence (a verdict). Another consideration is the side of forgiveness that as humans we must give other humans opportunities to improve themselves and not display the "spirit of revenge".

This death penalty is not unconstitutional and philosophically contradicts the 2nd Pancasila precept, if the death penalty is called a violation of human rights, it is true because it takes the rights of others, especially to the point of causing injury to the protection of other people's rights or even causing death. The context of the criminal act of corruption, applying the death penalty is actually somewhat of doubtful relevance because people who commit corruption are people who want to take property owned by the state to become private property or belonging to a group. For cases of criminal acts of corruption that are caused by greed, then what causes that greed must be eradicated, the punishment given is substitute money, apart from imprisonment of course.

¹¹ Warih Anjari, *Op Cit.* Hal 196

¹² Djoko Prakoso, 1987, *Masalah Pidana Mati (soal jawab)*, Jakarta: Bina Aksara hal 35.

¹³ Muhammad Rustamaji dalam acara webinar "Jerat Pidana Korupsi Dana Bansos di Masa Pandemi: Ketok Palu Hukuman Mati Sesuai HAM atau Konstitusi" pada tanggal 23 Januari 2021

Abolishing the death penalty in the Indonesian legal system still seems difficult to implement, but carrying out the death penalty is not in line with human rights principles and the global trend of rejecting the death penalty. The option of a moratorium on the death penalty is not a long-term solution because the moratorium means simply delaying/suspending. Another option that can be considered for the Indonesian context is the termination of the death penalty, termination with a *de jure* meaning of the death penalty is still regulated in Indonesian positive law, but *de facto* the judiciary is committed not to apply the death penalty in its decision.¹⁴

2. The Effectiveness of the Implementation of the Death Penalty in Corruption Crimes

The death penalty is one of the heaviest principal crimes regulated in Article 10 of the Criminal Code which is threatened with criminal acts of corruption as stipulated in Article 2 paragraph (2) of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption which determines that, in the event that a criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, the death penalty may be imposed.

The implementation of the death penalty is currently carried out based on Law No. 2/Pnps/1964 concerning Procedures for Implementing Death Penalty Sentenced by Courts in the General and Military Environments. Article 1 of Law No. 2/Pnps/1964 states "Without reducing the provisions of the existing criminal procedural law regarding the course of court decisions, the execution of the death penalty, which is imposed by the court in the general court or military court, is carried out by being shot to death, according to the provisions of the following articles."

Regardless of how the death penalty is implemented in Indonesia based on Law No. 2 (PNPS) 1964, until now, even though the death penalty is threatened in Article 2 paragraph (2) of Law No. 20 of 2001, those who *contra* death penalty impose ineffective punishments on the convict. corruption, because the threat of the death penalty is more for revenge against criminals who have killed sadistically. The death penalty will also not provide a deterrent effect to other criminals. It has not been proven that the state has applied the death penalty to convicts of criminal acts of corruption, at least the crime of corruption that occurred there. The punishment is considered ineffective for the defendants of corruption because there is no direct correlation between the death penalty and the deterrent effect of the corruptors.¹⁵

The debate over the death penalty has existed since the time of Cesare Ceccarua around 1780, who once expressed his opposition to the death penalty because it was considered inhumane and ineffective.¹⁶ The debate about the effectiveness of the death penalty, especially for corruption, is still going on. This debate is based on the assumption whether the imposition of the death penalty is effective in tackling crime (corruption)? There are two groups that comprehensively put forward their arguments, both those against (abolitionists) and those for (retentionists) the death penalty.¹⁷

The abolitionists base their arguments on several reasons. First, the death penalty is a form of punishment that degrades human dignity and is contrary to human rights. It is on the basis of this argument that many countries abolish the death penalty in their criminal justice systems. So far, 97 countries have abolished the death penalty. EU member states are prohibited from applying the death penalty under Article 2 of the 2000 Charter of Fundamental Rights of the European Union. The UN General Assembly in 2007, 2008, and 2010 adopted non-binding resolutions calling for a global

¹⁴ Munafrizal dalam acara webinar "Jerat Pidana Korupsi Dana Bansos di Masa Pandemi: Ketok Palu Hukuman Mati Sesuai HAM atau Konstitusi" pada tanggal 23 Januari 2021

¹⁵ Winasya Pricilia "Sumenge, Efektivitas Kepatuhan Pidana Mati Dalam Pemberantasan Tindak Pidana Korupsi di Indonesia", *Lex Et Societatis*, Vol. VII, No. 12 (Desember 2019) hal 54

¹⁶ Beccaria, 1996, "Of Crime and Punishment by Jane Grigson", Marsilio Publisher, New York, hal. 9

¹⁷ Elsa R. M. Toule, "Eksistensi Ancaman Pidana Mati Dalam Undang-Undang Tindak Pidana Korupsi", *Jurnal Hukum PRIORIS*, Vol. 3, No. 3, (2013) hal. 108.

moratorium on death penalty. The ICCPR Optional Protocol II finally obliges every country to take steps to abolish the death penalty.¹⁸

Meanwhile, the retentionist group put forward arguments in favor of the death penalty. The main reason is that the death penalty has a deterrent effect on public officials who will commit corruption. If they realize that they will be sentenced to death, such officials will at least think a thousand times about committing corruption. Then corruption is a crime against humanity that violates the right to life and human rights of not only one person but millions of people. Indonesia is a retentionist country which de jure and de facto recognizes the death penalty. Retentionist groups in Indonesia are of the opinion that the death penalty for corruptors does not violate the constitution as stated by the Constitutional Court.¹⁹

Whereas according to the Institute for Criminal Justice Reform (ICJR) it is stated that the imposition of the death penalty has absolutely no positive impact on eradicating corruption in a country. This is evidenced by data from the Corruption Perception Index (GPA) in 2019, countries that rank at the top for their success in reducing corruption rates do not in fact impose the death penalty as a punishment for corruption, such as Denmark, New Zealand, and Finland. Then Singapore, which also did not apply the death penalty for corruption cases, managed to become the country with the highest ranking in Southeast Asia. On the other hand, countries that still apply the death penalty, including for corruption cases, actually have a low GPA score and are below including Indonesia (ranked 85), China (ranked 80),²⁰

So far, the death penalty in Indonesia tends to be used as a populist narrative, as if the state has worked effectively in tackling crimes, including corruption. In fact, there is not a single crime problem that can be solved by imposing the death penalty. ICJR strongly opposes the government's plan to impose the death penalty as a solution to eradicating corruption. ICJR then recommends that more appropriate steps be taken by the Government, namely focusing on the vision of eradicating corruption by improving the monitoring system on government work.²¹

In a zoom webinar entitled "Criminal Corruption of Social Assistance Funds during a Pandemic: Knocked Down Death Penalty according to Human Rights or the Constitution" held by Clinical Legal Education UNS, Muhammad Rustamaji believes that the death penalty is ineffective and does not cause a deterrent effect, which is more effective. is punishment by impoverishment, where the corruptor is sentenced to prison and added to the law by confiscation of all his assets, so that in addition to imprisonment, the punishment for replacement money is maximized but the punishment for replacement money should not be further impoverished or take property that has nothing to do with what he (the corruptor) corruption from the state. Or the second option is imprisonment without any remission at all for corruption convicts.

So that when the movements of people who have the potential to commit corruption will be caught and can be controlled with the system. Actually, the E-KTP program that was implemented yesterday also had these indicators, but the funds had been corrupted. If Indonesia wants to be free from corruption, it must create a system that is both controlling and monitoring, because both are the key or a way to reduce it. Even if the theory of evil does have intentions and opportunities are divided by self-resistance, resistance itself can be built with awareness or faith. Evil intentions can actually be contained in the absence of opportunity. The absence of this opportunity is stopped by a strong controlling system, if the resistance is strong and the control system is strong then there is no evil intention. Actually, the E-KTP program that was implemented yesterday also had these indicators, but the funds had been corrupted. If Indonesia wants to be free from corruption, it must create a system that is both controlling and monitoring, because both are the key or a way to reduce it. Even if the theory of evil does have

¹⁸ *Ibid*

¹⁹ *Ibid*

²⁰ Institute Criminal for Justice Reform, *Opcit*

²¹ *Ibid*

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The existence of Good Governance (government governance and state institutional arrangements) as well as law enforcement is very important to consider, so that the country's governance and institutional governance are running well. This issue of corruption clearly violates human rights and is a crime that is detrimental to the state and poses a risk to the sustainability of the state. However, in our opinion, the implementation of the death penalty for corruption in Indonesia is not effective, because the implementation of the death penalty does not guarantee that corruption cases will stop.

Conclusion

1. The Implementation of the Death Penalty Against Perpetrators of Criminal Acts of Corruption in the Perspective of the Protection of Human Rights

If we look textually, then the application of the death penalty is contrary to human rights as stated in Article 28A and 28I of the 1945 Constitution, Article 4 and Article 9 of Law Number 39 of 1999, Article 3 of the Universal Declaration of Human Rights (UDHR), Article 6 paragraph (1) of the ICCPR and Article 28A of the 1945 Constitution. Then the Constitutional Court itself once decided that the death penalty does not conflict with Article 28A and Article 28I paragraph (1) of the Constitution in the Constitutional Court Decision Number 2-3/PUU-V/2007. Then the Constitutional Court in its decision No. 107/PUU-XII/2015 removes the application of Article 7 paragraph (2) regarding amendments to clemency related to the limitation of the time for filing clemency to the president. This means that the Constitutional Court “frees” the convict to apply for clemency at any time. This ruling changes the previous rule, the application for clemency is made no later than one year after the decision has permanent legal force. Whereas international law has not explicitly prohibited the application of the death penalty, but the rules that have been established are related to the prohibition of deprivation of the right to

life. Until now, there has been no restriction on the death penalty worldwide because there are conditions that must be met in the procedure for implementing the death penalty. This death penalty is not unconstitutional and philosophically conflicts with the 2nd Pancasila precept, if the death penalty is called a violation of human rights, it is true because it takes the rights of others, especially to the point of causing injury to the protection of other people's rights or even causing death. The context of the criminal act of corruption, implementing the death penalty is actually somewhat of doubtful relevance because the people who commit corruption are people who want to take property owned by the state into private property or belonging to a group. For cases of criminal acts of corruption that are caused by greed, then what causes that greed must be eradicated, the punishment given is substitute money, apart from imprisonment of course. Abolishing the death penalty in the Indonesian legal system still seems difficult to implement, but carrying out the death penalty is not in line with human rights principles and the global trend of rejecting the death penalty. The option of a moratorium on the death penalty is not a long-term solution because the moratorium means simply delaying/suspending. Another option that can be considered for the Indonesian context is the termination of the death penalty,

2. The Effectiveness of the Implementation of the Death Penalty in Corruption Crimes

That the imposition of the death penalty has absolutely no positive impact on eradicating corruption in a country. This is evidenced by data from the Corruption Perception Index (GPA) in 2019, countries that are at the top of the rankings for their success in reducing corruption rates do not in fact carry out capital punishment as punishment for corruption, such as Denmark, New Zealand, and Finland. Then Singapore, which also did not apply the death penalty for corruption cases, managed to become the country with the highest ranking in Southeast Asia. On the other hand, countries that still apply the death penalty, including for corruption cases, actually have a low GPA score and are below including Indonesia (ranked 85), China (ranked 80), and Iran (ranked 146). That the solution to eradicating corruption which was then recommended was a more appropriate step taken by the Government, namely focusing on the vision of eradicating corruption by improving the supervisory system on government work. By creating a system that is controlling and monitoring, because both are the key or a way to reduce it. Even if the theory of evil does have intentions and opportunities are divided by self-resistance, resistance itself can be built with awareness or faith. Evil intentions can actually be contained in the absence of opportunity. The absence of this opportunity is stopped by a strong controlling system, if the resistance is strong and the control system is strong then there is no evil intention. The existence of Good Governance (government governance and state institutional arrangements) as well as law enforcement is very important to consider, so that the country's governance and institutional governance are running well. This issue of corruption clearly violates human rights and is a crime that is detrimental to the state and poses a risk to the sustainability of the state. However, in our opinion, the implementation of the death penalty for corruption in Indonesia is not effective, because the implementation of the death penalty does not guarantee that corruption cases will stop.

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