



# The Effectiveness of The Death Penalty In Indonesia Through A Human Rights Perspective (A Comparative Study Of The Application Of The Death Penalty With Australia)

Nadia Marsya Ramdhani<sup>1</sup>, Khoirunnisa Putri Diksy<sup>2</sup>, Daniella Sitanggang<sup>3</sup>, Kirana Amelia<sup>4</sup>

<sup>1 2 3 4</sup> Universitas Pembangunan Nasional Veteran Jakarta

Corresponding email: [2410611166@mahasiswa.upnvj.ac.id](mailto:2410611166@mahasiswa.upnvj.ac.id)

**Abstract.** The death penalty is included in the main punishment and is currently regulated in Law No. 1 of 2023, or the new Criminal Code, as an alternative punishment and last resort. One of the death penalty cases occurred in 2015 against Andrew Chan and Myuran Sukumaran, two of the nine Bali Nine drug syndicate from Australia. However, Australia rejected the execution because there are differences in the application of the death penalty, as Australia has abolished the death penalty. The purpose of this study is to find out how the application of the death penalty in Indonesia compares with Australia and to examine the effectiveness of the death penalty in Indonesia through a human rights perspective. Through the normative research method with a legislative approach and a comparative approach by comparing with Australia, there are differences in the application of the death penalty in Indonesia and Australia where Australia has abolished the death penalty as a form of protecting human rights and there is no evidence that shows the effectiveness of the application of the death penalty. Then, for drug dealers and producers, the death penalty is ineffective because it only increases awareness of the risks without providing a deterrent effect. Therefore, the government needs to evaluate the death penalty policy in Indonesia so that the credibility of the death penalty as a means of deterrence for serious criminals increases and creates a deterrent effect.

**Keywords:** Death Penalty, Effectiveness, Human Rights

## A. Introduction

*Interset reipublicae res judicatoas non rescindi*, which means the state's interest that a decision is inviolable. The death penalty is a policy that allows the state to kill someone as punishment for their serious crimes.<sup>1</sup> Initially, this sanction was initiated by Henry Willem Daendels, the Governor General of the Dutch East Indies in 1808. The first execution of the death penalty in Indonesia was carried out in Surabaya on September

---

<sup>1</sup> Anugrahdwi, "Sejarah Dan Metode Hukuman Mati Di Indonesia," <https://pascasarjana.umsu.ac.id/sejarah-dan-metode-hukuman-mati-di-indonesia/#:~:text=Sanksi%20hukuman%20mati%20pertama%20kali,Willem%20Daendels%20pada%20tahun%201808,2023>.

14, 1978, imposed on Oesin Bestari for his crimes in committing serial murder from 1961 to 1964. He killed up to 25 people to seize their valuables for his benefit.<sup>2</sup>

The fundamental law of the death penalty in Indonesia can be found in Article 10 of the Criminal Code (KUHP), the death penalty is one of the main punishment categories. For its technical implementation, it can be seen in the Regulation of the Chief of Police No. 12 of 2010. This punishment has also been regulated in Law No. 1 of 2023, or the new Criminal Code, which states that the death penalty is an alternative threat as a last resort. Unlike the Criminal Code, which still applies, the death penalty in the new Criminal Code is made in a separate article, which shows that this punishment is a special case as a last resort to protect the public.<sup>3</sup>

The legal basis for the death penalty in Indonesia can be found in Article 10 of the Criminal Code (KUHP), the death penalty in one of the main punishment categories. For its technical implementation, it can be seen in the Regulation of the Chief of Police No. 12 of 2010. This punishment has also been regulated in Law No. 1 of 2023, or the new Criminal Code, which states that the death penalty is an alternative threat of punishment as a last resort. Unlike the Criminal Code, which is still in effect today, the death penalty in the new Criminal Code is made in a separate article, which shows that this punishment is special as a last resort to protect the public.

The Bali Nine case is a drug syndicate case carried out by nine Australian citizens. The nine people are Andrew Chan, Myuran Sukumaran, Si Yi Chen, Michael Czugaj, Renae Lawrence, Tach Duc Thanh Nguyen, Matthew Norman, Scott Rush, and Martin Stephens. To make their action in bringing 8.2 kg of heroin from Indonesia to Australia a success, Andrew and Myuran, who are the leaders of the Bali Nine gangsters, recruited seven other people. In its verdict, the Indonesian Court decided to sentence the two leaders of the Bali Nine, Andrew and Myuran, to death from the first level, appeal, cassation, and judicial review. In the Judicial Review decision, the Supreme Court (MA) stated that the crime had entered the international class of drug lords who were considered worthy of being sentenced to death.<sup>4</sup>

In response, the Australian government made various efforts to save Andrew and Myuran from the death penalty, namely by holding a joint prayer for forgiveness, demonstrations by Australian judges and prosecutors to reject the death penalty, linking

---

<sup>2</sup> Rieke Hendrayani, "Oesin Bestari Sosok Terpidana Pertama Pembunuh 25 Pedagang Secara Brutal Demi Rampas Uang Dan Barang Berharga," <https://Fadami.Indozone.Id/Thriller/444821469/Oesin-Bestari-Sosok-Terpidana-Pertama-Pembunuh-25-Pedagang-Secara-Brutal-Demi-Rampas-Uang-Dan-Barang-Berarga>, 2024.

<sup>3</sup> Bernadetha Aurelia Oktavira, "Dasar Hukum Dan Pelaksanaan Hukuman Mati Di Indonesia," [https://www.hukumonline.com/klinik/a/tata-cara-pelaksanaan-pidana-mati-di-indonesia-cl441/#\\_ftn1](https://www.hukumonline.com/klinik/a/tata-cara-pelaksanaan-pidana-mati-di-indonesia-cl441/#_ftn1), 2024.

<sup>4</sup> Detiknews, "Warga Australia Tak Keberatan Terpidana 'Bali Nine' Dieksekusi Mati," <https://News.Detik.Com/Berita/d-2838866/4-Upaya-Australia-Selamatkan-Mafia-Narkoba-Bali-9-Dari-Eksekusi-Mati>, 2015.

tsunami aid to the execution, and a request from six former Australian Prime Ministers to the Indonesian government to cancel the execution of the Bali Nine Duo.<sup>5</sup> However, the Indonesian government remained firm in its decision to carry out the execution which was finally carried out on April 29, 2015 in Nusakambangan.

This case illustrates a fundamental difference in the death penalty policies between Indonesia and Australia. In Indonesia, the death penalty is legally permitted and applied to individuals convicted of serious crimes, particularly those involving drug trafficking and organised narcotics syndicates. In contrast, Australia has abolished the death penalty entirely and does not impose capital punishment, even for the most serious offences. This divergence raises critical questions about the effectiveness of the death penalty in Indonesia, especially regarding its deterrent effect, and whether such a policy can reduce the occurrence of serious crimes. The big question is to what extent the effectiveness of the death penalty in Indonesia and whether serious crimes in Indonesia will immediately decrease with the death penalty policy.

Our purpose in conducting this research is to analyse the differences in legal standards between Indonesia and Australia in determining the death penalty. In researching this topic, we will focus on comparing the reasons and approaches of the two countries in determining their death penalty policies. We also examine how effective the implementation of the death penalty in Indonesia is, which legalises this punishment through the perspective of Human Rights (HAM), the values of which are still being debated globally. Hopefully, this research can broaden our insight into the implementation of the death penalty in Indonesia, its implications for law enforcement efforts, human rights values, and its comparison with other countries that have different views regarding this implementation. Also, it is expected to be a good input for legal policies in Indonesia in the future.

## **B. Method**

The research method used in this legal research method which focuses on examining prevailing legal norms by analysing legislation, legal doctrines, and principles that have developed in legal practice. This method aims to understand and interpret the law related to the death penalty in Indonesia. A statutory approach is applied by reviewing various regulations governing the death penalty in Indonesia, such as the Indonesian Criminal Code (KUHP) and related laws. A conceptual approach is used to analyse the death penalty within the legal system and its relation to human rights, particularly the Universal Declaration of Human Rights (UDHR). Meanwhile, a comparative approach is conducted by comparing the implementation of the death

---

<sup>5</sup> Detiknews.

penalty in Indonesia and Australia. Data is obtained from primary legal materials, such as statutory regulations, and secondary legal materials, such as journals and books. The analytical technique used is descriptive-qualitative, by systematically examining the data to understand the effectiveness and implications of the death penalty in Indonesia.

## C. Result & Discussion

### 1. Comparison of Death Penalty Implementation in Indonesia and Australia

The application of the death penalty in Indonesia has existed since before independence. After independence in 1945, Indonesian positive law still maintains the existence of the death penalty.<sup>6</sup> This refers to various legal provisions, such as in the Indonesian Criminal Code (KUHP), the Law on Narcotics, the Law on the Eradication of Corruption, and the Law on the Eradication of the Crime of Terrorism. However, the regulations and implementation of the death penalty are not in line with the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), especially in Article 28A, which states that everyone has the right to life and the right to defend their life and life. This has generated pros and cons regarding the application of the death penalty in Indonesia because it is considered not to uphold Human Rights (HAM). On the other hand, the death penalty is considered to have a deterrent effect on criminal offenders and provide justice to victims of criminal acts.

In principle, the death penalty does not violate the provisions of Human Rights in the 1945 Constitution of the Republic of Indonesia because Article 28J of the UUD NRI 1945 states that everyone must respect the Human Rights of others for the sake of public order and social justice. Therefore, the implementation of the death penalty takes into account the security and order of the public so that it does not conflict with Human Rights and the values of a just and civilised humanity. If the death penalty is not implemented even though it has been proven to violate the provisions of the legislation, then human rights and the realisation of a sense of justice have been ignored, so that the death penalty still exists in Indonesia.<sup>7</sup> Moreover, the KUHP explicitly regulates the death penalty as the main punishment.

The death penalty regulation in Law No. 1 of 2023 concerning the Criminal Code (New Criminal Code) states that the death penalty is carried out as an alternative punishment as a last resort and is a special punishment. Then, it can also be seen that the death penalty is only applied to certain types of crimes, such as Serious Crimes against Human Rights, Terrorism Crimes, and Narcotics Crimes. Therefore, the application of

---

<sup>6</sup> Baren Sipayung, Sardjana Orba Manullang, and Henry Kristian Siburian, "Penerapan Hukuman Mati Menurut Hukum Positif Di Indonesia Ditinjau Dari Perspektif Hak Asasi Manusia," *Jurnal Kewarganegaraan* 7, no. 1 (2023): 134-42.

<sup>7</sup> Baren Sipayung, Sardjana Orba Manullang, and Henry Kristian Siburian.

the death penalty is not necessarily implemented without any reconsideration from the judge or authorised institution. According to the Criminal Procedure Code (KUHAP) in Indonesia, convicts who have been sentenced to death can still take ordinary legal remedies consisting of appeals, cassations, and judicial review. Convicts can file an appeal if they are not satisfied with the contents of the District Court's decision. If the appeal is rejected by the High Court, the convicted person can file a cassation against the appeal decision. However, if the cassation request is rejected, the convicted person can file an extraordinary legal remedy, namely a judicial review of a court decision that has permanent legal force.

In addition to these legal efforts, Indonesia also regulates efforts so that death row convicts get forgiveness for their actions. One of these efforts is clemency, which in Law Number 22 of 2002 concerning Clemency states that clemency is forgiveness in the form of a change, mitigation, reduction, or elimination of criminal implementation to convicts granted by the President. The next measure is amnesty, which is a general statement issued through a law regarding the revocation of all legal consequences of a conviction, and abolition, which is the right to abolish the criminal charges of a convicted person and terminate the execution of the verdict. Article 4 of Law Number 11 of 1954 states that with the granting of amnesty, all legal consequences of a criminal conviction are removed, while with the granting of abolition, prosecution is terminated.<sup>8</sup>

Unlike Indonesia, Australia no longer applies the death penalty. The last execution in Australia occurred in 1967 when Ronald Ryan was executed for shooting a prison guard while attempting to escape.<sup>9</sup> In 1973, the Commonwealth Parliament passed the Death Penalty Abolition Act (Act 1973). The Act also prohibited the application of the death penalty in other Australian jurisdictions.<sup>10</sup> In fact, the abolition of the death penalty was carried out by the state of Queensland in 1922, which applied to all types of crimes, while New South Wales became the last Australian state to abolish the death penalty in 1985. This is what makes Australia continue to emphasise rejection of the death penalty at the international level.

Then, on March 11, 2010, with bipartisan support, the Commonwealth Parliament passed the Crimes Law Amendment (Prohibition of Torture and Abolition of the Death Penalty) Act 2010, which amended the 1973 Act. The amendments were made to extend the prohibition of the death penalty to all states and territories. This closed the possibility for any state jurisdiction to reintroduce the death penalty.<sup>11</sup> The legal counsel opposes

---

<sup>8</sup> Ibid.

<sup>9</sup> Law Council of Australia, "Australia's Efforts to Advocate for the Worldwide Abolition of the Death Penalty," <https://Lawcouncil.Au/Resources/Submissions/Australias-Efforts-to-Advocate-for-the-Worldwide-Abolition-of-the-Death-Penalty>, 2025.

<sup>10</sup> Law council of Australia, "Death Penalty," <https://Lawcouncil.Au/Media/News/Death-Penalty>, 2021.

<sup>11</sup> Law council of Australia.

the imposition or execution of the death penalty in all circumstances for all persons. The abolition of the death penalty was done because the Law Council of Australia held that no person should be sentenced to death regardless of nationality, personal characteristics, the nature of the crime with which he is charged, the time, place, or circumstances in which the crime was committed, or the nature or identity of the victim of the crime with which he is charged.<sup>12</sup>

The right not to be arbitrarily deprived of life is guaranteed by international law and international treaties that are generally applicable and binding on all countries, such as the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). Based on this, the Law Council of Australia opposes the death penalty on the basis that the death penalty is fundamentally incompatible with the realization or fulfillment of the right to life as stated in Article 3 UDHR, Article 6 ICCPR, and in generally accepted international law, as well as the right not to be subjected to cruel, inhuman or degrading treatment or punishment as stated in Article 5 UDHR, Article 7 ICCPR, and in generally accepted international law.

Based on this comparison, it is evident that there are fundamental differences in the application of the death penalty between Indonesia and Australia. In Indonesia, the death penalty remains part of the criminal justice system and is applied to several serious offences under the Indonesian Penal Code (KUHP), particularly related to drug trafficking and terrorism. Conversely, Australia has completely abolished the death penalty through the *Death Penalty Abolition Act 1973*, which was further reinforced by an amendment in 2010 to prevent its reintroduction at both federal and state levels.

These differing approaches are not solely legal but are also influenced by broader socio-political and ideological contexts. In Indonesia, the retention of the death penalty is often justified on the grounds of public order, religious and moral considerations, and the perceived need for a strong deterrent against transnational crimes such as drug syndicates. On the other hand, Australia's abolition reflects its liberal democratic values, emphasis on human rights, and concerns over the risk of judicial error. The difference also illustrates how political will, public perception, and international human rights obligations shape each country's stance on capital punishment.

In this case, Australia pays attention to the right to life of citizens based on applicable laws and regulations, but that does not mean that the death penalty applied in Indonesia does not pay attention to the rights of citizens. Therefore, further analysis is needed regarding the effectiveness of the death penalty in Indonesia based on a human rights perspective.

---

<sup>12</sup> Law Council of Australia, "Australia's Efforts to Advocate for the Worldwide Abolition of the Death Penalty."

## **2. Effectiveness of the Death Penalty in Indonesia through a Human Rights Perspective**

Effectiveness, according to the Indonesian Dictionary (KBBI), means the degree to which something is effective. Effectiveness is a term used to assess whether a method has worked well and successfully achieved its intended goals. To determine how successful a regulation is, it is necessary to first understand and assess the level of compliance with that regulation. If many of the intended targets follow the regulation, it can be considered effective. However, even if a regulation is deemed effective, questions may still arise regarding the extent of its effectiveness. If most people comply with norms and general rules only to serve their interests or to avoid punishment, they do not demonstrate genuine compliance with the existing oversight. On the contrary, when people obey the law because the rules align with the values they uphold, they are considered to exhibit a high level of compliance.

The effectiveness of punishment can be measured by the presence of a significant deterrent effect to prevent the recurrence of crimes by offenders and a preventive effect for potential offenders. This includes the perception of risk to themselves due to the detection of violations. If the perception of risk is limited to knowing that a risk exists, then the deterrent effect is considered weak. However, if the perception of risk is concrete—i.e., that violations will be detected and punished—then the deterrent effect will be strong. Thus, the effectiveness of a specific punishment choice depends on law enforcement's ability to detect crimes and punish the perpetrators.

In Indonesia, the death penalty is still in force and recognised as part of the prevailing legal system. Indonesia recognises human rights as stipulated in Law No. 39 of 1999 concerning Human Rights and the second amendment to the 1945 Constitution, especially in Articles 28A–28J. However, the recognition of human rights does not automatically eliminate the death penalty. When viewed from a human rights perspective, the implementation of the death penalty is considered contrary to the UDHR ratified by the United Nations in 1948. Article 3 of the UDHR states that: “Everyone has the right to life, liberty, and security of person.” Meanwhile, Article 5 states, “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.”<sup>13</sup> The death penalty is regulated in several laws and regulations, such as the Criminal Code (KUHP), which states that the death penalty is a principal punishment under Article 10. Additionally, the death penalty is also regulated under Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Courts.

---

<sup>13</sup> Pane.M.D, “Kebijakan Hukuman Mati Ditinjau Dari Perspektif Hukum Positif Dan Hak Asasi Manusia,” *Rel Nullius Law Journal* 1, no. 1 (2019).

Article 36 of Law No. 26 of 2000 stipulates that the death penalty or other punishments may be imposed on perpetrators of certain crimes, such as extraordinary crimes, including narcotics offences. The death penalty for drug traffickers is a firm step to create a deterrent effect and protect the nation's sovereignty. The imposition of the death penalty has become a controversial issue both nationally and internationally. Abolitionists, defined as those who advocate for the abolition of the death penalty, argue that it is contrary to an individual's right to life. On the other hand, retentionists are those who oppose the abolition of the death penalty.<sup>14</sup> Some scholars agree that the death penalty should be maintained, arguing that it is necessary to prevent actions by individuals or groups deemed threatening to national interests. Supporters of the death penalty state that it remains necessary because it provides a deterrent effect and serves as a threat to potential offenders, instilling fear to prevent them from committing crimes. Another reason is that the death penalty serves as retribution for the offences committed.

Some prominent scholars who advocate for the existence of the death penalty include Garofalo, Hazewinkel Suringa, T.B. Simatupang, Oemar Senoadji, Eksis Jonkers, Lambroso, Van Hanttum, and Barda Nawawi Arief. Jonkers, one of the supporters of the death penalty, argued that "the reason for the implementation of law cannot be reversed or withdrawn once it has been executed." The notion that "the death penalty is unacceptable" is not a valid statement, because court decisions are typically based on lawful considerations.<sup>15</sup> On the other hand, many experts oppose the death penalty and provide arguments based on scientific reasoning. One well-known classical thinker who opposed the death penalty was Beccaria, an Italian philosopher. Beccaria rejected the death penalty because the process faced by individuals accused of serious crimes could be flawed, and it might later be revealed that the execution was a mistake. Several other figures who opposed the death penalty after Beccaria include Ferri, Modderman, Leo Polak, and others. In Indonesia, Roeslan Saleh, J.E. Sahetapy, and Todung Mulia Lubis are among those who have openly opposed the death penalty. J.E. Sahetapy argued that the death penalty contradicts the foundational principles of the nation, namely Pancasila. He also emphasised that the death penalty is a legacy of Dutch colonial rule that should no longer be continued.<sup>16</sup>

The effectiveness of the death penalty remains in doubt, not only because it contradicts human rights but also due to its potential to strain diplomatic relations between countries. Moreover, every individual is entitled to a dignified life as a part of natural and universal human rights, which are a gift from God Almighty. These rights

---

<sup>14</sup> MSC Yong Ohoitumur, *Teori Etika Tentang Hukuman Legal* (Jakarta: PT Gramedia Pustaka Utama, 2019).

<sup>15</sup> Andi Hamzah, *Perbandingan Hukum Pidana Beberapa Negara* (Jakarta: Sinar Grafika, 2008).

<sup>16</sup> Hamzah.



should not be taken away, ignored, or disturbed by anyone. This is affirmed in MPR Decree No. XVII/MPR/1998 concerning the nation's perspective on human rights and in the second amendment of Article 28A of the 1945 Constitution, which states: "Every person shall have the right to live and to defend his/her life and existence." Because the death penalty contradicts human rights principles, alternative criminal sanctions that still provide a deterrent effect are needed, one of which is compensation. This sanction requires offenders to pay a sum of money or provide goods as compensation for the harm caused, thereby minimising the impact of their actions. Today, compensation sanctions are not limited to civil law but are also applied in criminal law. This development has occurred in line with the increasing global attention to victims' rights. Compensation penalties can be an option in handling drug cases, especially for traffickers, considering that economic factors often underlie drug-related crimes. Moreover, economic aspects also play a role in various other types of crimes. The threat to their assets may prompt offenders to think twice before reoffending.

Upon deeper analysis, the implementation of the death penalty by the Indonesian government has not effectively reduced drug-related crimes. According to a comprehensive study conducted by the UN on the correlation between the death penalty and homicide rates, there is no evidence to suggest that the death penalty is more effective in changing behaviour than life imprisonment. In many situations, potential offenders do not avoid the death penalty but instead tend to focus on fleeing and avoiding legal consequences. Studies evaluating the effectiveness of the death penalty, including for drug dealers and manufacturers, show that it is not effective. The death penalty only increases awareness of the risks without truly deterring crime. Posman Hutapea argues that the death penalty is no longer effective in reducing crime rates. Moreover, it is considered to have a negative impact by depriving convicts of the opportunity for rehabilitation. From a humanitarian and civilisational perspective, the death penalty is also viewed as inhumane.

Over time, the effectiveness of this punishment has increasingly come into question as it is deemed insufficient in providing deterrence and has not significantly curbed crimes against humanity.<sup>17</sup> This is evidenced by the rising number of drug-related cases each year, as published by the National Narcotics Agency (BNN) and Statistics Indonesia (BPS). Data shows that the number of drug cases in Indonesia from 2020 to 2023 fluctuated with an upward trend, contradicting the primary objective of punishment, prevention, and deterrence. The implementation of the death penalty has

---

<sup>17</sup> B., Manullang, S. O., Sipayung and H. K Siburian, "Penerapan Hukuman Mati Menurut Hukum Positif Di Indonesia Ditinjau Dari Perspektif Hak Asasi Manusia," *Jurnal Kewarganegaraan* 7, no. 1 (2023): 134-42.

also proven ineffective in curbing the illegal distribution and abuse of narcotics. BNN reports since 2009 indicate a continuous rise in drug abuse and trafficking, demonstrating that the death penalty has failed to achieve its intended goals. Therefore, the credibility of the death penalty as a preventive tool for serious crimes such as narcotics and corruption remains questionable. Consequently, questions arise regarding the future of capital punishment policy in Indonesia, especially since it is still included in the Draft Criminal Code (RKUHP).

## D. Conclusion

1. The death penalty in Indonesia is still enforced for serious crimes such as narcotics and terrorism, although its effectiveness in reducing crime rates remains questionable. In contrast, Australia has abolished this punishment, considering it a violation of human rights by the *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR). Besides lacking evidence in lowering crime rates, the death penalty also presents legal and human rights dilemmas in Indonesia, which, on one hand, upholds the right to life, but on the other hand, continues to carry out executions. This policy also affects diplomatic relations, particularly with countries that oppose the death penalty.
2. The death penalty in Indonesia continues to be a subject of debate, particularly regarding its effectiveness in suppressing crime and its compatibility with human rights principles. Although it is implemented to create a deterrent effect, data indicates that crime rates, especially drug-related offences, continue to rise. From a human rights perspective, the death penalty contradicts the right to life and carries the risk of injustice due to potential judicial errors. However, supporters of this policy consider it still necessary to maintain public order.

## E. References

- Anugrahdwi. "Sejarah Dan Metode Hukuman Mati Di Indonesia." <https://pascasarjana.umsu.ac.id/sejarah-dan-metode-hukuman-mati-di-indonesia/#:~:text=Sanksi%20hukuman%20mati%20pertama%20kali,Willem%20Daendels%20pada%20tahun%201808,2023>.
- Baren Sipayung, Sardjana Orba Manullang, and Henry Kristian Siburian. "Penerapan Hukuman Mati Menurut Hukum Positif Di Indonesia Ditinjau Dari Perspektif Hak Asasi Manusia." *Jurnal Kewarganegaraan* 7, no. 1 (2023): 134-42.
- Bernadetha Aurelia Oktavira. "Dasar Hukum Dan Pelaksanaan Hukuman Mati Di Indonesia." [https://www.hukumonline.com/klinik/a/tata-cara-pelaksanaan-pidana-mati-di-indonesia-cl441/#\\_ftn1](https://www.hukumonline.com/klinik/a/tata-cara-pelaksanaan-pidana-mati-di-indonesia-cl441/#_ftn1), 2024.

- Detiknews. "Warga Australia Tak Keberatan Terpidana 'Bali Nine' Dieksekusi Mati." <https://News.Detik.Com/Berita/d-2838866/4-Upaya-Australia-Selamatkan-Mafia-Narkoba-Bali-9-Dari-Eksekusi-Mati>, 2015.
- Hamzah, Andi. *Perbandingan Hukum Pidana Beberapa Negara*. Jakarta: Sinar Grafika, 2008.
- Law Council of Australia. "Australia's Efforts to Advocate for the Worldwide Abolition of the Death Penalty." <https://Lawcouncil.Au/Resources/Submissions/Australias-Efforts-to-Advocate-for-the-Worldwide-Abolition-of-the-Death-Penalty>, 2025.
- Law Council of Australia. "Death Penalty." <https://Lawcouncil.Au/Media/News/Death-Penalty>, 2021.
- Pane, M.D. "Kebijakan Hukuman Mati Ditinjau Dari Perspektif Hukum Positif Dan Hak Asasi Manusia." *Rel Nullius Law Journal* 1, no. 1 (2019).
- Rieke Hendrayani. "Oesin Bestari Sosok Terpidana Pertama Pembunuh 25 Pedagang Secara Brutal Demi Rampas Uang Dan Barang Berharga." <https://Fadami.Indozone.Id/Thriller/444821469/Oesin-Bestari-Sosok-Terpidana-Pertama-Pembunuh-25-Pedagang-Secara-Brutal-Demi-Rampas-Uang-Dan-Barang-Berarga>, 2024.
- Sipayung, B., Manullang, S. O., and H. K Siburian. "Penerapan Hukuman Mati Menurut Hukum Positif Di Indonesia Ditinjau Dari Perspektif Hak Asasi Manusia." *Jurnal Kewarganegaraan* 7, no. 1 (2023): 134–42.
- Yong Ohoitumur, MSC. *Teori Etika Tentang Hukuman Legal*. Jakarta: PT Gramedia Pustaka Utama, 2019.

### **Author(s) Biography**

Nadia Marsya Ramdhani is a law student at Universitas Pembangunan Nasional "Veteran" Jakarta.

Khoirunnisa Putri Diksy is a law student at Universitas Pembangunan Nasional "Veteran" Jakarta.

Daniella Sitanggang is a law student at Universitas Pembangunan Nasional "Veteran" Jakarta.

Kirana Amelia is a law student at Universitas Pembangunan Nasional "Veteran" Jakarta.