

## THE DEATH PENALTY AS A MODEL TO PROVIDE A DETERRENT EFFECT AGAINST PERPETRATORS OF PREMEDITATED MURDER

Ahmad Hadi Prayitno  
Universitas Islam Sultan Agung, Semarang, Indonesia  
[ahprayitno@unissula.ac.id](mailto:ahprayitno@unissula.ac.id)

### Abstract

*The execution of the death penalty in cases of premeditated murder is, in fact, not easy. The old Criminal Code did not define the terms and conditions for premeditation elements. The purpose of this research is to analyze Death Penalty in Indonesia and The Urgency of Death Penalty in Creating A Deterrent Effect in Premeditated Murder. The method used in this legal research is normative juridical. Normative juridical research is research that is focused on examining the application of rules or norms in positive law. Indonesia is one of the countries that still maintain death penalty because death penalty is a criminal sanction that is still relevant in preventing and eradicating serious crimes. This can be seen in Constitutional Court Decision Number 2-3/PUU-V/2007. The provisions on death penalty for perpetrators of premeditated murder in the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code have made it difficult for death penalty to be imposed on perpetrators of premeditated murder.*

**Keywords:** *Death; Effect; Murder; Pinalty.*

### A. INTRODUCTION

Premeditated murder is a fairly serious crime and includes a crime punishable by death because it has a premeditation element that was carried out before the murder. This premeditation becomes a burden for the perpetrators of premeditated murder. If looking at the inner attitude of the perpetrator and the guilt (schuld), the criminal threat of premeditated murder should be aggravated. Why is that, because the perpetrators of premeditated murder are "cold-blooded killers," this state of mind is different from emotional killers.<sup>1</sup>

The murder crime has several forms or qualifications (naming), including the crime of murder and premeditated murder. The criminal act of murder is regulated in Article 338 of the old Criminal Code: "Whoever deliberately takes the lives of other people, is threatened, for murder, with a maximum imprisonment of fifteen years". Meanwhile, the criminal act of premeditated murder is regulated in Article 340 of the old Criminal Code, namely:

Whoever intentionally and with prior planning takes another person's life, is threatened, for murder with premeditation (moord), with death

---

1 A. Z. Abidin & A. Hamzah., *Hukum pidana Indonesia*, Jakarta, Yarsif Watampone, 2010, page. 304-305.

penalty or imprisonment for life or for a specified period of time, for a maximum of twenty years.<sup>2</sup>

The difference between the two crimes above lies in the element of "with premeditation (planning)." The criminal act of murder is manifested/occurs by the existence of a will or intent to kill and its execution together. In other words, it is between the emergence of the intention to kill and its execution become one unit. Meanwhile, the criminal act of premeditated murder starts with a premeditation prior to the execution of the murder, such as the perpetrator thinking about the act to be carried out calmly, and there is a time gap between the presence and the execution of the will. The crime of premeditated murder is the most serious crime. Judging from the form of punishment that is threatened, the maximum penalty is death or life imprisonment, or twenty years imprisonment. The old Criminal Code framers formulated this crime as a particularly aggravating form of murder.<sup>3</sup>

The execution of the death penalty in cases of premeditated murder is, in fact, not easy. The old Criminal Code did not define the terms and conditions for premeditation elements. This is different from several terms in the old Criminal Code, such as serious injury, treason, and evil conspiracy. The old Criminal Code formulated the meaning of these terms in Chapter IX regarding the meaning of several terms used in the code of laws. Nonetheless, the meaning and terms of premeditated elements can be obtained from the opinions of criminal law experts (doctrine) and judges' decisions (jurisprudence).

This situation is very reasonable, as expressed by Mertokusumo, that people's lives are very broad, of course, laws and regulations cannot regulate all of them completely and clearly, so the law must be sought and found. The definition and terms of the premeditation elements will always be dynamic, in accordance with the developments and complexity of cases or conditions of premeditated murder. Even in some instances, determining the crime of murder or premeditated murder is not easy, because the two have very slight differences. Likewise, determining the presence of premeditation elements in the crime of premeditated murder is not an easy task.<sup>4</sup>

Premeditated murder has undergone a change in the new Criminal Code, premeditated murder is no longer regulated in Article 340, but in Article 459 of the Law of the Republic of Indonesia Number 1 of 2023 Concerning the Criminal Code or the new Criminal Code, which states "everyone who beforehand seizes the life of another person, shall be punished for premeditated murder, with death penalty or life imprisonment or imprisonment for a maximum of 20 (twenty) years".

This change provides a loophole for the perpetrators of premeditated murder to be sentenced to life imprisonment or 20 years imprisonment, considering that death penalty is optionally punishable by an alternative to

2 Moeljatno., *Kitab Undang-Undang Hukum Pidana*, Jakarta, Bumi aksara, 2007, page. 122-123.

3 F. B. Yanri., *Pembunuhan Berencana, Hukum dan Keadilan*, Vol. 4, No. 1, 2017, page. 36-48.

4 S. Mertokusumo., *Penemuan Hukum*, Yogyakarta, Liberty, 2009, page. 38.

incarceration. In addition, the position of death penalty in Article 100 of the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code or the Criminal Code only places death penalty as a conditional alternative sentence. Article 100 Paragraph (1) of the Criminal Code states that a judge can impose death penalty with a probationary period of 10 years by considering three things. These considerations are the defendant's sense of remorse and hope for self-improvement, the role of the defendant in the crime, or mitigating reasons. Here, the new Criminal Code stipulates that death row convicts cannot be executed immediately. They have the right to be on probation with imprisonment for 10 years. Therefore, it is clear that death penalty in premeditated murder cases cannot be said to be able to be legally imposed fairly for the victim. Moreover, the provisions for premeditated murder and death penalty in the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code have only made death penalty difficult to impose on perpetrators of premeditated murder due to the conditions for imposing Death penalty in Article 100 of the Law of the Republic of Indonesia Number 1 of 2023 Concerning the Criminal Code or the new Criminal Code.

The issue of how difficult it is to prove premeditation in sentencing for those who commit premeditated murder also affects punishment. It can be understood that in the construction of the act of premeditated murder, the element of planning is an aggravating element for the perpetrator. Thus, making the crime of premeditated murder punishable by death penalty is an effort. It is the heaviest punishment, this is because after someone is executed, his life can no longer be returned. The existence of conditions for the imposition of death penalty in the new Criminal Code as well as the opportunity to relieve the perpetrators of premeditated murder from the new punishment clearly makes the death penalty no longer a frightening thing for the perpetrators of premeditated murder.

The basic problem in this writing is the relevance of death penalty in realizing a deterrent effect for perpetrators of premeditated murder. Therefore, this writing aims to reflect on death penalty as a means of penalization in realizing a deterrent effect and discuss it as an effort to create a deterrent effect for perpetrators of premeditated murder.

Several articles related to death penalty as a penal medium in creating a deterrent effect for perpetrators of premeditated murder are: Widhy Andrian Pratama, "*Penegakan Hukuman Mati Terhadap Pembunuhan Berencana*". This article was published in SIGn Jurnal hukum, Vol. 1, No. 1 in 2019. This article analyzed the enforcement of death penalty for premeditated murder and examines the inhibiting factors of the enforcement of death penalty for the perpetrators of premeditated murder. The imposition of death penalty is not contrary to human rights which have been much questioned so far.<sup>5</sup>

Krisnadi Brems, "*Politik Hukum Pidana Terhadap Pidana Mati Pelaku Pembunuhan Berencana Pasal 340 KUHPIDANA*". This article was published

---

<sup>5</sup> Widhy Andrian Pratama., *Penegakan Hukuman Mati Terhadap Pembunuhan Berencana*, *SIGN Jurnal Hukum*, Vol. 1, No. 1, 2019, page. 30-32.

in the *Jurnal Ilmiah Publika*, Volume 9, Number 1, in 2021. This article stated that the politics of national criminal law still views death penalty for premeditated murder as relevant.<sup>6</sup>

The discussion in the two articles above is different from this article. This article discusses death penalty as a means of creating a deterrent effect for perpetrators of murder both in the aspect of normative and comparative studies of law within the scope of comparison between death penalty according to the old and new Criminal Code. Thus, this article wants to reflect on the development of a death penalty system for perpetrators of premeditated murder according to developments in the National Criminal Code.

## **B. RESEARCH METHODS**

This study employed a descriptive-analytical research design within the field of legal research. It is a method that describes or gives an overview of the object under study through data or samples that have been collected as they are without conducting analysis and making general conclusions.<sup>7</sup> The method used in this legal research is normative juridical. Normative juridical research is research that is focused on examining the application of rules or norms in positive law.<sup>8</sup>

## **C. RESULTS AND DISCUSSION**

### **1. Death Penalty in Indonesia**

The existence of death penalty in criminal law is not only a punishment, but more than that, death penalty is a sanction that is expected to be a preventive medium in criminal law in suppressing criminal acts in the social environment of the community. The objective of punishment supports this sanction according to the modern school, which sees that criminal law does not only regulate the types of crimes and their sanctions, but also focuses more on protecting the community from losses caused by criminal acts. This thought then gave birth to the basis for reforming criminal law, which is focused on actions and perpetrators and prevention or preventive measures so that criminal acts do not occur and harm society. This can be realized by imposing death penalty as the heaviest punishment. This fact is in line with the function of the death penalty. The function of death penalty in the criminal justice system in Indonesia is as a last resort to protect society from the evil actions of perpetrators of serious crimes and to give fear to the public not to commit serious crimes punishable by death.<sup>9</sup>

---

6 Krisnadi Bremit., Politik Hukum Pidana Terhadap Pidana Mati Pelaku Pembunuhan Berencana Pasal 340 KUHPIDANA, *Jurnal Ilmiah Publika*, Vol. 9, No. 1, 2019, page. 43-45.

7 Sugiono., *Metode Penelitian Kuantitatif, Kualitatif dan R&D*, Alfabeta, Bandung, 2009, page 29.

8 Jhonny Ibrahim., *Teori dan Metodologi Penelitian Hukum Normatif*, Malang, Bayumedia, 2011, page. 295.

9 Jeaniffer Rachel Gabriella Dotulong, Olga A. Pangkreggo, and Roy V. Karamoy., Fungsi Dan Pelaksanaan Pidana Mati Dalam Sistem Pemidanaan Di Indonesia, *Lex Administratum*, Vol. 10, No. 3, 2022, page. 1-13.

This aligns with the dimensions of criminal sanctions as an effective means of preventing massive damage resulting from a serious crime. From Ted Honderrich's point of view, death penalty is a sanction that fulfills various conditions in dealing with serious criminal offenses. This is because death penalty, as the toughest sanction can create a high optimization of deterrent effect compared to other criminal sanctions, so it can be another alternative in eradicating crimes that are so complex and massive in Indonesia. This fact is because prison sanctions have so far been unable to suppress serious criminal acts in this country. Therefore, death penalty can be a more feared sanction and has a more deterrent effect when compared to prison sanctions which are still relevant in this country. The existence of death penalty in criminal law is not only a punishment, but more than that, death penalty is a sanction that is expected to be a preventive medium in criminal law in suppressing criminal acts in the social environment of the community. The objective of punishment supports this sanction according to the modern school, which sees that criminal law does not only regulate the types of crimes and their sanctions, but also focuses more on protecting the community from losses caused by criminal acts. This thought then creates a foundation for criminal law reform that is not only focused on the act and the perpetrator, but also on prevention or preventive efforts so that criminal acts do not occur and do not harm the community. This can be realized by imposing death penalty as the heaviest punishment. This fact is in line with the function of the death penalty. The function of death penalty in the criminal justice system in Indonesia is as a last resort to protect society from the evil actions of perpetrators of serious crimes and to give fear to the public not to commit serious crimes punishable by death.<sup>10</sup>

Even though there are human rights groups and criminologists who oppose death penalty, in its development, there are several schools of thought in human rights teachings that support the existence of it. The supporters of death penalty are retentionists. The retentionist group supports the imposition of death penalty for perpetrators of serious crimes, the retentionist group puts forward arguments in favor of death penalty.

Death penalty supporters are not only retentionists, Jonkers, Lombroso, and Gorofalo are criminologists who support death penalty. Jonkers stated that the opinion of Ernest Bowen Rowlands who said that death penalty cannot be corrected if a judge has made a mistake and the death penalty has been carried out, is not true, considering that in court, the judge's decision is usually based on rational and correct reasons.<sup>11</sup> Lombroso and Gorofalo then argued that death penalty is an absolute

10 Jeaniffer Rachel Gabriella Dotulong, Olga A. Pangkerego, and Roy V. Karamoy., Fungsi Dan Pelaksanaan Pidana Mati Dalam Sistem Pemidanaan Di Indonesia, *Lex Administratum*, Vol. 10, No. 3 2022, page 1-13.

11 Bungasan Hutapea., *Kontroversi Penjatuhan Hukuman Mati*, Badan Penelitian dan Pengembangan Hukum dan HAM, Kementerian Hukum Dan HAM Republik Indonesia, Jakarta, 2016, page 25.

tool that must exist in society to eliminate individuals who cannot be repaired and who have committed extraordinary crimes.<sup>12</sup>

Based on the views above, it is clear that death penalty is a tool needed to prevent the occurrence of extraordinary crime and its devastating effects. Honderrich stated that criminal sanctions for serious crimes must be truly firm and serious in providing a deterrent effect so that criminal law is able to become a means of preventing crime, then criminal sanctions must able to contain and prevent even greater damage from crime.

Furthermore, it is evident that fundamentally the provisions on death penalty in the Criminal Code only see that death penalty is still needed to prevent the occurrence of extraordinary crimes and their fatal consequences in the life of the nation and state. However, the imposition of death penalty must also consider and be based on the guarantee of protection of human values.

Indonesia is one of the countries that still maintain death penalty because death penalty is a criminal sanction that is still relevant in preventing and eradicating serious crimes. This can be seen in Constitutional Court Decision Number 2-3/PUU-V/2007. The decision of the Constitutional Court Number 2-3/PUU-V/2007 lawsuit is more aimed at the constitutional review of the death penalty provisions in Law Number 22 of 1997 concerning Narcotics, in this decision, in the consideration part of the Panel of Judges of the Constitutional Court point letter (f), The Constitutional Court interpreted that death penalty in Indonesia can still be said to be relevant, this is because death penalty is a punishment aimed at preventing and overcoming serious crimes that can damage the economy, culture, and political foundations of Indonesian society and cause grave danger that threatens the lives of Indonesian people.<sup>13</sup>

The Indonesian Human Rights Watch then believes that there are three main reasons why death penalty is often used by courts. Those are:<sup>14</sup>

The result of the imposition of death penalty was used by the Dutch colonial regime, then in practice it continued to be used until the New Order authoritarian regime to give fear and even kill political opponents. This can be seen in the application of political crimes Article 104 of the Criminal Code;

Efforts to issue several new legal provisions include death penalty as a measure of political compensation due to the inability to fix the corrupt legal system. Even though death penalty has never been able to prove its effectiveness in reducing the number of crimes, including narcotics;

The increase in crime rates is seen solely as the responsibility of

---

12 *Loc, cit.*

13 Constitutional Court., Constitutional Court Decision Number 2-3/PUU-V/2007, Constitutional Court, Jakarta, page. 425.

14 Waluyadi., *Kejahatan, Pengadilan dan Hukum Pidana*, Bandung, Mandar Maju, 2009, page57.

individual perpetrators.

Some of the research conducted by several law enforcement institutions in Indonesia consisting of:

Report on the Collaboration of the Attorney General's Office of the Republic of Indonesia and the Faculty of Law Diponegoro University about " Death Penalty in the Criminal System ", in 1981-1982.

Final Report of the Research Team for the National Legal Development Agency, Ministry of Justice of the Republic of Indonesia, 1989/1999 chaired by Andi Hamza on " Effectiveness of Death Penalty Implementation in Indonesia ".

Final report on research on " Effectiveness of the Death Penalty in Indonesia ", prepared by a team from the Ministry of Justice and Human Rights of the Republic of Indonesia, the National Legal Development Agency chaired by Loebby Loqman, 2000.

Explain that death penalty is still needed to deal with a very serious crime with massive damage and serious crimes. The history of the imposition of death penalty during the Majapahit Empire also supports the relevance of death penalty in the national legal system. Death penalty during the Majapahit Kingdom period (13th to 16th century) was included in the category of principal crimes apart from the punishment of amputation of limbs, fines, and compensation for losses.<sup>15</sup>

Death penalty is also maintained in the new Criminal Code as a special principal punishment. Changes to death penalty as the main punishment which is regulated specifically and separately shows that, even though the national criminal law has paid much attention to aspects of coaching perpetrators and left the paradigm of classical criminal law which only relies on retaliation, death penalty is still maintained as an effort to protect the interests of society from the threat of extraordinary crime which has great destructive power to the interests of the wider community, in addition to that changing death penalty as a special principal punishment is basically an attempt to compromise in finding a way out between the "retentionists" and the "abolitionists". This implies that death penalty is an exceptional punishment. Judges must give grave and careful consideration before imposing death penalty.<sup>16</sup> Based on the various opinions above, it can be observed that death penalty can still be said to be relevant and urgent in national criminal law policies.<sup>17</sup>

## **2. The Urgency of Death Penalty in Creating A Deterrent Effect in Premeditated Murder**

In its development, death penalty is the most severe punishment aimed at realizing an optimal deterrent effect for perpetrators of crimes.

---

15 Sumangilepu Hamzah A., *Pidana Mati Di Indonesia Di Masa Lalu, Kini Dan Masa Depan*, Ghalia Indonesia, 1985, page. 59.

16 Supriyadi W. Eddyono, Erasmus A.T. Napitupulu, and Ajeng Gandini Kamilah., *Hukuman Mati dalam RKUHP: Jalan Tengah Yang Meragukan?*, Bandung, Institute for Criminal Justice Reform, zzz,x page. 20-21.

17 Barda Nawawi Arief., *Bunga Rampai Kebijakan Hukum Pidana*, Bandung, PT. Citra Aditya Bakti, 2005, page. 238.

Another reason that death penalty is universally still needed in this country is for the protection of society, to prevent serious crimes, for the sake of justice, and for the unity of Indonesia. Likewise, those who reject death penalty always base themselves on the reason that, the one who has the right to take a human life is God Almighty, and based on the Humane Precepts, death penalty is considered unfair. This opinion, seen from the perspective of Pancasila, is quite reasonable.<sup>18</sup>

Observing the development of drafting the new Draft Criminal Code, it can be seen clearly that drafting changes to the Criminal Code does not only objectively examine the actual conditions that exist in society, but has also paid attention to issues and movements occurring in the international community. We can see this fact in determining the position of death penalty, wherein in the new Criminal Code, death penalty is no longer included in the main criminal group but as a special (exceptional) punishment.

The position of death penalty in Article 100 of the Law of the Republic of Indonesia Number 1 of 2023 concerning the new Criminal Code, in its development, places death penalty as a conditional alternative sentence. Article 100 Paragraph (1) of the Criminal Code states that a judge can impose death penalty with a probationary period of 10 years by considering three things. These considerations are the defendant's sense of remorse and hope for self-improvement, the role of the defendant in the crime, or other mitigating reasons. This fact shows that death row convicts cannot be executed immediately due to a change in attitude and remorse as well as mitigating circumstances for the perpetrators of the crime. This is confirmed by the fact that criminals sentenced to death still have the right to undergo a probationary period of up to 10 years in prison.

Changes in the essence of death penalty in the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code can create an opening for serious criminal offenders to escape death penalty trap. This has clearly deviated from the operational reason for death penalty, which is none other than to prevent extraordinary crimes from occurring with massive damage. These legal loopholes can also occur in premeditated murder crimes, the perpetrators of premeditated murder have resulted in the loss of other people's lives that cannot be replaced with anything, life is a basic human right, because the most fundamental human rights in human history are the right to life and free from threats that can eliminate human life and welfare. So, it is clear that premeditated murder is a serious problem in criminal law.<sup>19</sup>

Premeditated murder has undergone a change in the new Criminal Code, premeditated murder is no longer regulated in Article 340, but in

---

18 Muladi, *Proyeksi Hukum. Pidana Materiil Indonesia Masa yang akan Datang*, Inaugural Speech of Professor Position, at Law Faculty UNIDIP February 24, 1997.

19 Beno, Gunarto, Sri Kusriyah., *Implementation Of Fully Required Elements In The Crime Of Planning Murder (Case Study In Blora State Court)*, *Jurnal Daulat Hukum*, Vol. 3, No. 1, 2020, page. 109-116



Article 459 of the Law of the Republic of Indonesia Number 1 of 2023 Concerning the Criminal Code or the new Criminal Code, which states "everyone who beforehand seizes the life of another person, shall be punished for premeditated murder, with death penalty or life imprisonment or imprisonment for a maximum of 20 (twenty) years". This change provides a loophole for the perpetrators of premeditated murder to be sentenced to life imprisonment or 20 years imprisonment, considering that death penalty is optionally punishable by an alternative to incarceration.

Another problem is the issue of the position of death penalty which is an alternative sentence with the conditions described above. The provisions on death penalty for perpetrators of premeditated murder in the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code have made it difficult for death penalty to be imposed on perpetrators of premeditated murder.<sup>20</sup> This is due to the conditions for imposing death penalty in Article 100 of the Law of the Republic of Indonesia Number 1 of 2023 concerning the new Criminal Code. Such a situation has clearly violated the guarantee of the protection of the right to life for humans, especially victims of premeditated murder. This situation has clearly degraded the dignity of human life, and has automatically been far from the concept of protecting human values in a civilized manner. So that in this case, a death penalty system is needed to create a deterrent effect for perpetrators, and recover the losses of the victim's family, for example by replacing all economic needs if the victim of premeditated murder is the breadwinner of the family. However, this does not rule out the perpetrator's right to be protected from overcriminalization so that the perpetrator becomes a victim of the wrong imposition of death penalty. So, the idea of legal balance is needed in this case.

This is in line with the idea of balance in criminal law. The idea of balance in question includes: Monodualistic balance between "public/community interests" and "individual interests". The balance between "formal" and "material" criteria. Balance between "legal certainty", "flexibility", and "fairness".<sup>21</sup>

The death penalty is also still considered necessary in the context of applying a deterrent effect against the perpetrators and anticipating the possibility of violations. deterrent effect against perpetrators and anticipate the possibility of more severe and widespread human rights violations. Human Rights violations that are more severe and widespread. Death penalty is essentially not the main means to regulate, order and improve individuals or society. society. Death penalty is only the last means and as an exception to protect the society, which

20 Evita Isretno Israhadi, The Existence of the Death Penalty in Indonesia After the Rating of Law Number 1 of 2023 Concerning the Criminal Law Book, *European Union Digital Library, Proceeding of the 3rd Multidisciplinary International Conference*, Jakarta 2023.

21 Barda Nawawi Arief., *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*, Jakarta, Prenada Media Group, 2011, page. 11.

concludes that the need for death penalty as a means to tackle and improve human rights is worse and more severe. death penalty as a means to tackle and protect the community from highly dangerous criminal offenders who are very dangerous.

#### **D. CONCLUSION**

Death penalty is also maintained in the new Criminal Code as a special principal punishment. Changes to death penalty as the main punishment which is regulated specifically and separately shows that, even though the national criminal law has paid much attention to aspects of coaching perpetrators and left the paradigm of classical criminal law which only relies on retaliation, death penalty is still maintained as an effort to protect the interests of society from the threat of extraordinary crime which has great destructive power to the interests of the wider community, in addition to that changing death penalty as a special principal punishment is basically an attempt to compromise in finding a way out between the "retentionists" and the "abolitionists". Changes in the essence of death penalty in the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code can create an opening for serious criminal offenders to escape death penalty trap. This has clearly deviated from the operational reason for death penalty, which is none other than to prevent extraordinary crimes from occurring with massive damage.

#### **BIBLIOGRAPHY**

##### **Journals:**

- Beno, Gunarto, Sri Kusriyah., Implementation Of Fully Required Elements In The Crime Of Planning Murder (Case Study In Blora State Court), *Jurnal Daulat Hukum*, Vol. 3, No. 1, 2020;
- F. B. Yanri., Pembunuhan berencana, *Hukum dan Keadilan*, Vol. 4, No. 1, 2017;
- Jeaniffer Rachel Gabriella Dotulong, Olga A. Pangkerego, and Roy V. Karamoy., Fungsi Dan Pelaksanaan Pidana Mati Dalam Sistem Pemidanaan Di Indonesia, *Lex Administratum*, Vol. 10, No. 3, 2022;
- Jeaniffer Rachel Gabriella Dotulong, Olga A. Pangkerego, and Roy V. Karamoy, Fungsi Dan Pelaksanaan Pidana Mati Dalam Sistem Pemidanaan Di Indonesia, *Lex Administratum*, Vol. 10, No. 3, 2022;
- Krisnadi Bremit., Politik Hukum Pidana Terhadap Pidana Mati Pelaku Pembunuhan Berencana Pasal 340 KUHPIDANA, *Jurnal Ilmiah Publika*, Vol. 9, No. 1, 2019;
- Widhy Andrian Pratama., Penegakan Hukuman Mati Terhadap Pembunuhan Berencana, *SIGn Jurnal Hukum*, Vol. 1, No. 1, 2019;

**Books:**

- A. Z. Abidin & A. Hamzah., 2010, *Hukum pidana Indonesia*, Yarsif Watampone, Jakarta;
- Barda Nawawi Arief., 2011, *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*, Prenada Media Group, Jakarta;
- Barda Nawawi Arief., 2005, *Bunga Rampai Kebijakan Hukum Pidana*, PT. Citra Aditya Bakti, Bandung;
- Bungasan Hutapea., 2016, *Kontroversi Penjatuhan Hukuman Mati*, Badan Penelitian dan Pengembangan Hukum dan HAM, Kementerian Hukum Dan HAM Republik Indonesia, Jakarta;
- Constitutional Court., Constitutional Court Decision Number 2-3/PUU-V/2007, Constitutional Court, Jakarta;
- Evita Isretno Israhadi., 2023, *The Existence of the Death Penalty in Indonesia After the Rating of Law Number 1 of 2023 Concerning the Criminal Law Book*, European Union Digital Library, Proceeding of the 3<sup>rd</sup> Multidisciplinary International Conference, Jakarta;
- Jhonny Ibrahim., 2011, *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia, Malang;
- Moeljatno., 2007, *Kitab Undang-Undang Hukum Pidana*, Bumi aksara, Jakarta;
- Muladi., *Proyeksi Hukum Pidana Materil Indonesia Masa yang akan Datang, Inaugural Speech of Professor Position*, at Law Faculty UNDIP February 24, 1997;
- S. Mertokusumo., 2009, *Penemuan hukum*, Liberty, Yogyakarta;
- Sugiono., 2009, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*, Alfabeta, Bandung;
- Sumangilepu Hamzah A., 1985, *Pidana Mati Di Indonesia Di Masa Lalu, Kini Dan Masa Depan*, Ghalia Indonesia;
- Supriyadi W. Eddyono, Erasmus A.T. Napitupulu, and Ajeng Gandini Kamilah., *Hukuman Mati dalam RKUHP: Jalan Tengah Yang Meragukan?*, Institute for Criminal Justice Reform, Jakarta;
- Waluyadi., 2009, *Kejahatan, Pengadilan dan Hukum Pidana*, Mandar Maju, Bandung.