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The 5th PROCEEDING

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"Legal Reconstruction in Indonesia Based on Human Right"

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PREFACE

First of all, let's say Thanks to Allah, who has been giving us guidance, happiness, healthy, and mercy, so we can finish this conference proceeding without any obstacles. Praise and salutation upon our prophet Muhammad saw the last messenger, the best figure of this universe; the person who was able to save us from Jahiliyah era.

We would like to extend our thanks to the invited speakers: Prof. Henning Glaser from Thammasat University, Prof. Shimada Yuzuru from Nagoya University, HilaireTegnan, Ph.D from Sorbone University, Prof. Topo Santoso From Indonesian University, and Dr. Sri Endah Wahyuningsih, S.H., M.H from Sultan Agung Islamic University.

This was our fourth International conference and call for paper held by Faculty of Law, Sultan Agung Islamic University. This annual conference tries to gain any information and studies done by academician and practitioner in the concerned field to be discussed as guidelines to exchange and talk about views on the most important recent on Legal Construction and Development focusing on The Role of Indigenous and Global Community in Constructing National Law happens in both developed and developing countries and its role in shaping a good future, and to discuss the challenges and practical aspects in integrating competition law enforcement and guidelines to develop legal state in accordance with the diversity of all countries around the world. We hope this conference brings benefit for both participants and our faculty.

We are pleased to have your critique, suggestion and correction in order to make us better. Finally, we do thanks to all who helped this conference. May Allah guide us to always develop useful knowledge for human being.

PROCEEDINGS
The 5th International Conference and Call for Paper Faculty of Law 2019
Legal Reconstruction in Indonesia Based on Human Right

Table of Contents

Reconstruction Of Learning Methods In Criminal Law Subjects Using Inquiry Methods Based On Human Rights And Islamic Values

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Abstract

Criminal Law course is one of the main subjects in the curriculum at the Faculty of Law. The Criminal Law course at the UNISSULA Faculty of Law is a skills course in the field of law. Inquiry learning method is an innovation carried out by lecturers in order to prioritize student activity, being critical of contemporary legal problems and prioritizing problem solving. This is in line with the current curriculum, the Indonesian National Qualification Framework (KKNI) where students become centers of learning known as Student Centered Learning (SCL). The problem solving offered is to make the Qur'an, Hadith and Ar-Ra'yu (use of the human mind) in the form of ijma, ijtihad, qiyas, urf, and others.

Keywords: Reconstruction; Criminal Law; Inquiry Method; Human Rights; Islamic Values

INTRODUCTION

1. Background

Criminal Law courses are Science and Skills Courses (MKKK) which must be attended by Law Faculty students. This course describes the Definition of Values and Norms; Understanding of Criminal Law; Criminal Law Function; Criminal Law Policy; Understanding of Criminal Law; The Relationship between Criminal Law and Criminology; History of the Criminal Code (KUHP); Criminal Law Sources; Criminal Law Principles; Scope of Applicability of Criminal Law; Criminal Acts and their Elements; Forms of Criminal Acts; Classification (Qualification) of Criminal Acts; Criminal Eradication Reasons; Reasons for the Elimination of Criminal Laws; Criminal Objectives; Criminal Theory; Types of Criminal (Straf Soort) (Ira Alia Maerani, 2018).

In the course of lectures there are several problems that arise that result in less than optimal learning outcomes of students in this course and the importance of this course in deepening students' understanding of Criminal Law material. Based on these considerations,

the researcher as well as a lecturer in the Criminal Law course tried to apply one of the learning methods, namely the inquiry method to improve student learning outcomes.

The low student learning outcomes in this course are due to the learning activities that take place so far only include coming, sitting following lecturers' lectures, remembering or even copying all the information presented by the lecturer without any effort from the student to raise questions on material that is not yet understood.

If the problem is left unchecked and is not immediately resolved, it is feared that it will adversely affect students, lecturers, study programs and even the institutions where the students study. For students themselves will have an impact on their development, where they will tend not to like the Criminal Law course, assuming that this course is very boring. This will indirectly affect the learning outcomes of students themselves. The impact for lecturers is on their own responsibilities as a lecturer to students, institutions and parents of students.

Lecturers as instructors will be deemed unsuccessful in carrying out learning and as educators deemed unable to educate students, furthermore the impact on study programs and institutions is the assumption that study programs and institutes have not been able to improve the quality of education and learning.

Departing from the importance of changing the learning approach which is also due to the demands of improving the quality of educational output, the research on improving the quality of student learning through inquiry learning methods in Criminal Law courses is urgently needed to be carried out because based on previous researcher's experience, generally the student's response to the course is largely low.

2. Problem Formulation

Based on the above background, the formulation of the problem raised in this research is, "How to apply the inquiry method to improve student learning outcomes in Semester II (Two) Law Studies courses at Sultan Agung Islamic University in Criminal Law courses?"

3. Research Objectives

Departing from the background of the problem and the formulation of the problem above, the learning model through the inquiry method is expected to improve student learning outcomes in Semester II (two) Law Studies courses at Sultan Agung Islamic University in the Criminal Law course.

4. Research Benefits

This research is expected to be useful for lecturers, students, and all parties related to the world of education. The benefits are:

(1) Benefits for Students:

- Students gain new experience by applying the learning approach through the inquiry method.

- Students are more motivated to learn and the formation of curiosity and cooperation between students in solving a problem.

(2) Benefits for Lecturers

- It is expected to be able to help facilitate lecturers in working on or delivering their main lecture material to Criminal Law or other subjects and add to the lecturer literature on learning methods and strategies.

5. Research Methods

1. Location and Time

The research location is located at the Faculty of Law of Sultan Agung Islamic University (FH Unissula) which is located at Jalan Kaligawe Km. 4 Semarang. The research will take place in the second semester (Two) students of the Criminal Law course in the 2018/2019 school year.

2. Types, Variables and Research Subjects

This type of research is a Class Action Research (Class Room Action Research), because in this research action will be taken to solve problems with the learning method and will be measured to the extent that the optimal level of action with these methods can improve student learning outcomes, especially in the Criminal Law course.

Classroom action research is an approach to improving education by making changes towards improving learning outcomes (Arikunto, et al, 2006).

3. Factors investigated

To answer the problems outlined in the previous chapter, there are several factors that need to be investigated, namely:

- Student factors

- Student learning achievement tests oriented to the inquiry method learning model approach.

- Student activities during the learning process which are oriented towards the learning model approach with the inquiry method.

- Product implementation approach to learning models with the inquiry method.

- Lecturer Factor

- The suitability of the RPS with the inquiry method learning approach.

- The ability to apply a learning approach with an inquiry method to improve student understanding and learning outcomes.

4. Data Collection Techniques and Instruments

Data is collected through observation of activities and learning processes that are being carried out in class or in the field. Thus, the instrument used in this study was more dominant in the form of observation guidelines or observations (Lamijan, 2018: 71)

5. Research Procedures

Action Research Steps Work procedures in this class action research are designed at least two cycles in accordance with the level of problems and conditions to be improved, each cycle consisting of 4 stages that must be taken, namely: planning, action, observation (observation) and reflection.

6. Data Analysis Techniques

Data analysis is an effort made by working with data, organizing data, sorting it into manageable units, synthesizing it, searching and finding patterns, finding what is important and what is learned, and deciding what can be told to others (Moleong, 2009: 248).

Data collected by observation and interview will be analyzed qualitatively, while the data from the test results will be analyzed quantitatively, both in the first cycle, and subsequent cycles that are decided during the course of action.

Reflection is carried out to conduct evaluation efforts conducted by lecturers and partner lecturers. Reflection is carried out by discussing various problems that arise in the research class obtained from data analysis as a form of influence of the actions that have been designed. In this reflection activity also explored aspects of why, how and to what extent the actions taken were able to significantly improve the problem.

7. Research Success Criteria

The research was successful if it had fulfilled the objectives of this research

which is expected to be able to improve student learning outcomes in Semester II (two) Legal Studies courses at Sultan Agung Islamic University.

RESEARCH RESULTS AND DISCUSSION

National Education aims to educate the nation's life and develop Indonesian people as a whole, namely people who have faith and are devoted to God Almighty and virtuous character, have knowledge and skills, physical and spiritual health, steady and independent personality and responsibility. This provision is explained in Law No. 20 of 2003 concerning the National Education System.

To achieve these national education goals, educators as the spearhead of implementing education in the field will determine its success. In this case educators can be said to be the main role holders in the education process which is reflected in the teaching-learning process in educational institutions.

In the teaching-learning process involves many factors. It can be explained that the input (raw input) which is the basic material is given a certain learning experience in the teaching-learning process, with the hope that it can turn into expected output in the form of expected learning outcomes. In the teaching and learning process it is also expected that a number of facilities and environmental factors are in order to support the desired outputs.

When the teaching-learning process takes place in the classroom, there will be a variety of reciprocal relationships between lecturers and students (read: lecturers and students), and that will result in limited lecturer time to control how the behavior influences student motivation. During lessons, it is difficult for lecturers to determine which behaviors have a positive effect on student learning motivation, for example which teaching style

has a positive impression on students so far, which strategies can help clarify concepts so far, which media and methods are appropriate for use in presents a teaching material so that it can help activate students in learning.

This reinforces the notion that lecturers (read: lecturers) are required to be more creative in the teaching-learning process, so as to create a pleasant learning atmosphere in students which ultimately increases student motivation.

Djamarah Syaiful Bahri (2005) said that the position of the method as an extrinsic motivation tool in teaching and learning activities should be understood correctly by educators. Extrinsic motivation is active and functioning motives, because there are external stimulants. So the method in this case is located as a tool to increase student interest in learning from outside. In delivering a lesson material, lecturers must be able to organize all the components of the lesson, one of which is the teaching method.

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Djamarah Syaiful Bahri (1991) put forward his opinion regarding teaching methods as follows: "Method is one of the methods used to achieve the stated goals. In teaching and learning activities methods are needed by every lecturer whose use varies greatly according to the characteristics of the objectives to be achieved after learning ends. A lecturer will not be able to carry out his duties if he does not master

any of the teaching methods that have been formulated by educational psychologists ".

This opinion is supported by Karo-karo Ing S. Ulih Bukit (1975) who argues that the teaching method is a way or way that functions as a tool used in teaching to achieve teaching objectives.

Thus it can be concluded that the teaching method is a technique or method adopted by the lecturer (read: lecturer) in delivering learning material to students and involves active and dynamic interaction between lecturer and student, so that the stated learning objectives can be achieved effectively and efficiently .

A. Inquiry Learning Method

The Inquiry Learning Method is also called the Discovery-Inquiry Method. The discovery method is a way of presenting lessons that involve students in many mental processes in the framework of their discovery. According to Sund (Sudirman N, 1992), discovery is a mental process, and in that process the individual assimilates concepts and principles.

The foreign term that is often used for this method is discovery, which means discovery, or inquiry, which means searching. Regarding the use of the terms discovery and inquiry the experts are divided into two opinions, namely:

Discovery and inquiry terms can be interpreted with the same intent and are used interchangeably or both at the same time.

The term discovery, although generally refers to the same meaning as inquiry, essentially contains a difference from inquiry.

One method of learning in the field of Science, which until now is still considered a fairly effective method is the inquiry method. David L. Haury in his article, Teaching Science Through Inquiry (1993) cites the definition given by Alfred Novak: inquiry is the behavior involved in human efforts to rationally explain phenomena that arouse curiosity. In other words, inquiry relates to active activities and skills that focus on seeking knowledge or understanding to satisfy curiosity (Haury, 1993).

The rational reason for using the inquiry method is that students will get a better understanding of Science and will be more interested in Science if they are actively involved in "doing" Science. Investigations conducted by students are the backbone of the inquiry method. This investigation is focused on understanding Science concepts and improving students' scientific thinking process skills. It is believed that understanding the concept is the result of the process of scientific thinking (Blosser, 1990).

The inquiry method which requires the active involvement of students is proven to be able to improve children's learning achievement and attitudes towards Science and Mathematics (Haury, 1993). In his paper Haury states that the inquiry method fosters among others scientific literacy and understanding of scientific processes, vocabulary knowledge and concept understanding, critical thinking, and being positive. It can be mentioned that the inquiry method not only enhances students' understanding of concepts in science, but also shapes scientific attitudes in students.

The inquiry method is a learning method that seeks to instill the basics of scientific thinking in students, so that in this learning process students learn more on their own, develop creativity in solving problems. Students are truly placed as learning subjects. The role of lecturers in learning with the inquiry method is as a guide and facilitator. The task of the lecturer is to choose the problem that needs to be conveyed to the class to be solved. But it is also possible that the problem to be solved is chosen by students. The next task of lecturers is to provide learning resources for students in order to solve problems. Guidance and supervision of lecturers is still needed, but intervention on student activities in problem solving must be reduced. (Sagala, 2004).

Although in practice the application of inquiry learning methods varies depending on the situation and condition of the school, but it can be mentioned that learning with inquiry method has 5 common components namely Question, Student Management, Co-operative Interaction, Performance Evalua-tion, and Variety of Resources (Garton, 2005). Explanation of the 5 components namely:

1) Question. Learning usually begins with an opening question that provokes student curiosity and / or student ad-miration for a phenomenon. Students are given the opportunity to ask ques-tions, which are intended as a guide to the core questions that will be solved by students. Next, the lecturer presents core questions or core problems that must be solved by students. To answer this question - according to Bloom's Taxonomy - students are required to carry out several steps such as eval-uation, synthesis, and analysis. The answers to the core questions cannot be found for example in a textbook, but rather must be made or constructed.

2) Student Engangement. In the inquiry method, active involvement of students is a must while the role of the lecturer is as a facilitator. Students are not pas-sively writing answers to questions in the field or answering questions at the end of a book chapter, but are required to be involved in creating a product that shows students' understanding of the concepts being studied or in con-ducting an investigation.

3) Cooperative Interaction. Students are asked to communicate, work in pairs or in groups, and discuss ideas. In this case, students are not competing. The answers to problems raised by lecturers can come in many forms, and it is pos-sible that all answers are correct.

4) Performance Evaluation. In answering problems, students are usually asked to make a product that can describe their knowledge of the problem being solved. The form of this product can be in the form of presentation slides, graphics, posters, essays, and others. Through these products the lecturer evaluates.

5) Variety of Resources. Students can use a variety of learning resources, such as textbooks, websites, television, videos, posters, interviews with experts, and so on.

Moh. Amin (Sudirman N, 1992) ex-plained that discovery teaching must in-clude learning experiences to ensure students can develop discovery processes. Inquiry is formed and includes discovery and more. In other words, inquiry is an extension of discovery processes used in a more mature way. In addition to discovery processes, in-quiry contains higher-level mental processes, such as formulating own problems, design-ing experiments, conducting experiments, collecting and analyzing data, drawing conclusions, having objective attitudes, being honest, curiosity, open, and so on.

Regarding the advantages and disad-vantages of the discovery / inquiry method de-scribed by Sudirman N, et al (1992) as follows:

Strengths of discovery-inquiry methods:

1) The teaching strategy has changed from being the presentation of information by lecturers to students as recipients of good information but the mental pro-cesses are low-level, to teaching that emphasizes the information process-ing process in which students actively seek and process information them-selves with higher levels of mental processes. or more.

2) Students will understand basic concepts or ideas better.

3) Assist students in using memory and in the context of transfer to new learning process situations.

4) Encourage students to think and work on their own initiative.

5) Enabling students to learn by utilizing various types of learning resources that do not only make lecturers the only source of learning.

6) This method can enrich and deepen the material learned so that its retention (long- lasting in memory) is better.

Lack of discovery-inquiry methods:

1) Requires a change in the learning habits of students who receive information from the lecturer as it is, toward getting used to learning independently and in groups by searching and processing information on their own. Changing habits is not easy, especially habits that have been done for years.

2) Lecturers are required to change teaching habits that are generally as information givers to become facilitators, motivators, and mentors of students in learning. Even this is not an easy job because generally lecturers feel unsatisfied if they do not provide much information (lectures).

3) This method gives freedom to students in learning, but does not mean guaranteeing that students study diligently, full of activity, and directed.

4) The way students learn in this method requires better lecturer guidance. In the condition of many students (large classes) and limited lecturers, this method seems difficult to implement well.

Types of Discovery-Inquiry Methods

Moh. Amin (Sudirman N, 1992) describes the seven types of inquiry-discovery that can be followed as follows:

1) Guided Discovery-Inquiry Lab. Lesson

Some plans are made by lecturers. In addition, the lecturer provides students with quite extensive guidance or guidance opportunities. In this case students do not formulate problems, while extensive instructions on how to arrange and take notes are given by the lecturer.

2) Modified Discovery-Inquiry

Lecturers only give problems. Usually also provided materials or tools needed, then students are invited to solve it through observation, exploration and or through research procedures to obtain answers. Problem solving is done on the initiative and its own way in groups or individually. Lecturers play a role as a motivator, resource person, and provide assistance needed to ensure the smooth learning process of students.

3) Free Inquiry

Free inquiry activities are carried out after students have learned and understood how to solve a problem and have gained sufficient knowledge about a particular field of study and have done a modified discovery-inquiry. In this method students must identify and formulate the kinds of problems that will be studied or solved.

4) Invitation Into Inquiry

Students are involved in the process of solving problems as is the way commonly followed by scientists. An invitation gives a problem to the student, and through questions the problem has been carefully planned to invite the student to carry out several activities or if possible, all activities as follows: designing an experiment, formulating a hypothesis, establishing a control, determining cause and effect, interpreting data and making graphs

5) Inquiry Role Approach

Inquiry Role Approach is a learning process activity involving students in teams, each consisting of four members to solve invitation into inquiry. Each team member is assigned a different role as follows: team coordinator, technical advisor, data logger and process evaluator

6) Pictorial Riddle

Approach using pictorial riddle is one technique or method to develop student motivation and interest in small and large group discussions. Images or actual demonstrations, demonstrations, or situations can be used to improve students' critical and creative thinking. A ridge is usually in the form of a picture on a blackboard, a poster board, or projected from a transparency, then the lecturer asks questions related to the ridge.

7) Lesson Synectics

Basically, syntetics focuses on the involvement of students to create various forms of metaphors (figures of speech) so that they can open their intelligence and develop their creativity. This can be done because metaphors can help in releasing the "ties of

mental structure" that are strongly attached in looking at a problem so that it can support the emergence of creative ideas.

B. Learning Implementation Stage

a. Initial step

1) Apperception:

- Lecturers say greetings, opening prayers and ask students readiness to accept material and motivate learning

- The lecturer briefly describes the materi-

al to be studied.

2) Motivation: Lecturers ask questions related to subject matter that is classified as easily answered by students. This activity aims to attract the attention of students to feel motivated to follow the learning process.

3) Conveying learning objectives

4) Inform lecture material b. Learning Activities

b. Learning Activities

1) The lecturer divides students into five groups, each group is given problems related to Criminal Law material then related to legal and social problems in the community. Both through personal information from lecturers, students and through print, online and electronic media.

2) Each group discusses, trying to find a solution to the problems that have been explained by the lecturer by referring to the current conditions.

3) Each group presents their findings and the lecturer becomes a facilitator.

4) The lecturer reviews again with the right answer.

c. Closing Activity

1) The lecturer gives the opportunity for students to ask questions about material that has been discussed and not yet understood.

2) The lecturer informs students about the material to be learned at a future meeting.

3) The lecturer ends the lesson with greetings and the closing prayer of the assembly.

C. Evaluation Phase

a. Process Assessment

Criteria assessed in the assessment of this process include:

- Student cohesion discuss with the group;

- The activeness of students discussing in groups;

- Student cohesiveness in sharing with the group;

- Punctuality in completing discussion tasks;

- Courage of students in submitting suggestions and opinions to other groups.

b. Assessment of Results

The assessment of results is carried out at the end of each cycle in the form of a written test, given in accordance with the material that has been taught during the previous learning process.

CONCLUSION

Conclusion Classroom Action Research

Learning approach with inquiry method is suitable to be applied in Criminal Law courses, on the subject of Criminal Acts because this technique helps students to be more developed and more active in the learning process and is expected to contribute and motivate students to improve learning outcomes .

From the description above, the researcher can draw a conclusion that if the inquiry method is used in learning Criminal Law courses, the learning outcomes of the second semester students of Unissula Law Study Program will increase, especially on the subject of Criminal Law Principal Problems.

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