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# The Reconstitution of Death Criminal Imposition against Persons of Criminal Actions on Narcotics Post-Decision of the Constitutional Court Number 2-3/PUU-V/2007

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### Abstract

Many people consider the death sentence to be a violation of their human rights. For these and other reasons, petitioners Edith Yunita Sianturi, Rani Andriani (Melisa Aprilia), Myuran Sukumaran, Andrew Chan, and Scott Friedrich request that Anthony Rush file a judicial review petition against Articles 28A and 28I, paragraph (1) of the 1945 Constitution until the Constitutional Court Decision No. 2-3-PUU-IV/2007 is issued. This study employed normative juridical research, which is described as research that focuses on studying the rules or norms in the *ius constitutum*. The goal of this research is to rebuild the imposition of the death penalty following the Constitutional Court's judgment. For this inquiry, it was decided to take a state-level strategy. The fact that the state is willing to take stronger action, such as the imposition of capital punishment, against drug producers, dealers, and sellers because it has the potential to have a very negative impact on humanity demonstrates that the death penalty does not conflict with the 1945 Constitution of the Republic of Indonesia and the country's human rights principles.

**Keywords:** narcotics; death penalty; Constitutional Court.

## A. Introduction

The death penalty was lifted by Dutch the colonial government in order to impose criminal sanctions, which was later changed by Law Number 1 of 1946 concerning Criminal Law. Even after Indonesia gained independence from the United States, several laws were passed that appeared to include the death penalty. Accordingly, the death penalty was listed in the WvS (KUHP) at the time it was imposed by colonial authorities on the basis of "racial factors." One of these factors is the Indonesian Criminal Code, which allows convicts to be sentenced to death for serious crimes under certain circumstances. The death penalty, which is a type of criminal punishment (as defined in Article 10 of the Criminal Code), has a place in the fight against crime, but only in limited circumstances.

Following the Reformation, human rights values were incorporated into the 1945 Constitution, with the goal of ensuring that human rights are also protected by the rules or norms that are in place. Protecting the rights of a small number of people is not enough; the rights of people at all levels of society must be safeguarded as well. However, the practice of law continues to be a source of contention. Guarantees of human rights have not only been accepted by all levels of society, but they have also been accommodated through legislation. This is demonstrated by the existence of

organizations dedicated to human rights advocacy. They carry out campaigns to demonstrate their effectiveness, such as efforts to understand and disseminate information about human rights to the community, which has been mandated by law, so that the community can begin to be accepted and understood, among other things.

It is unassailable that the interests of a member of society fall under the jurisdiction of the state in question. The state's goal is to not only maintain public order but also to advance the welfare of the community; however, with the implementation of the death penalty in the Criminal Code, this goal is perceived to be counterproductive. Because the death penalty deprives the state of the ability to protect the rights of the individual or the death row inmate, and efforts to advance the welfare of the community have failed as a result. While the state still has other tools at its disposal to maintain security and fulfil its obligations, it is preferable not to use the death penalty in this situation. This means that, if the country remains an orderly place where the police and courts can carry out their duties in peace, the death penalty is not an appropriate criminal sanction to impose on individuals. With the death penalty, the state only demonstrates its inability, if not to eradicate crime, then to combat crime. The death penalty for drug abuse, in particular, is deplorable.

Narcotics are substances or pharmaceuticals generated from plants or non-plants, both synthetic and semi-synthetic, that can cause a decrease or change in consciousness, loss of taste, pain reduction or elimination, and dependence, according to RI Law Number 35 of 2009. Despite the fact that narcotics are extremely useful and necessary for treatment and health services, their misuse or improper use in accordance with treatment instructions, particularly when accompanied by the illegal distribution of narcotics, will cause harm to individuals and society, particularly the younger generation. It can even pose a greater threat to the nation's way of life and cultural values, which will ultimately weaken the nation's ability to withstand adversity.

To tackle the problem of narcotics abuse and illicit trafficking, the government has issued Law No. 22 of 1997 and Law No. 35 of 2009 on Narcotics. Narcotics are only allowed to be used for medical and scientific purposes, according to the law, which is essentially a restriction. While there are a variety of penalties for violating the regulation, the defendant may be sentenced to a maximum of death in addition to imprisonment and a fine if they are found guilty. Unless considered in the context of Indonesian legal politics, the death penalty does not have any bearing on the 1945 Constitution. Although the positive character of Indonesia's legal reforms is evident, the country does not yet have a judicial system that is independent, impartial, and free of corruption. In addition to being in violation of the Constitution and international human rights law National legislation, in particular the 1945 Constitution, which serves as the highest basic law, as well as Law No. 39 of 1999 concerning human rights, are examples of this trend. Those who support the death penalty believe that criminals who are sadistic in their actions should face the death penalty, because if they are not sentenced to death, they will return to commit repeating crime.

The imposition of the death penalty is deemed to be in violation of human rights by many people. Consequently, Edith Yunita Sianturi, Rani Andriani (Melisa Aprilia), Myuran Sukumaran, Andrew Chan, and Scott Anthony Rush filed a lawsuit against the

1945 Constitutional Court on the basis of Article 80 paragraph (1) letter a, paragraph (2) letter a, paragraph (3) letter a, Article 81 paragraph (3) letter a, Article 82 paragraph (1) letter a, paragraph (2) letter a, and paragraph (3) letter a, against Article 28A and Article 28I paragraph (1) of the 1945 Constitutional Court Decision No. 2-3/PUU-IV/2007 was issued.

The petition for constitutional submission filed by the petitioners above is in fact inextricably linked to the history of constitutional review, specifically the decision of the United States Supreme Court (Supreme Court) in the Marbury versus Madison case in 1803, which established the precedent for constitutional review. During this time period, constitutional testing, also known as judicial review, has become an epidemic and has spread throughout the country. It spread and eventually gained prominence in the legal world, where it currently holds a significant position. Marbury v. Madison in which William Marbury and his friends were appointed as judges of peace by John Adams and later dubbed midnight judges, is a phenomenal and extraordinary decision that is still being debated today. The late Chief Justice William H. Rehnquist referred to this case as the most famous case ever decided by the United States Supreme Court. As a result of the foregoing, it is clear that there is a problem with the reconstruction of the imposition of the death penalty against drug offenders following the Indonesian Constitutional Court's Decision No. 2-3/PUU-V/2007, issued in 2007.

## B. Method

This research employs a normative juridical method, which is defined as research that examines the applicable rules or norms. The method utilized is a judicial case study, specifically a legal case study methodology, which is used when there is a conflict that requires court involvement, in this case the Constitutional Court's judgment Number 2-3/Puu-V/2007. Secondary data was employed, which included primary legal documents such as the 1945 Constitution and Law No. 35 of 2009 addressing narcotics, as well as secondary materials gathered through literature studies, such as literature linked to the application of capital punishment on narcotics offences. The data is then studied utilizing qualitative analytical approaches, such as seeing the data and relating it to the appropriate legal rules and concepts.

## C. Result and Discussion

### 1. History of the Death Penalty in Indonesia

Although it is difficult to determine when the death penalty was first imposed in human civilization, it is generally agreed that it was around the time of the Hammurabi Law in the 18th century BC (BC), also known as Codex Hammurabi, that the form of punishment as retaliation in written law first became widely used. Historically, the death penalty was more of a form of talio (revenge), meaning that whoever kills must be killed, according to ancient criminal law. This is the perspective of society at the time, which is implemented by the leader (the state), who believes that criminals deserve to suffer or be tortured (as a result of their actions).

When compared to other types of punishment, the death penalty is the oldest and most contentious form of punishment available. A major goal of holding and implementing the death penalty is to draw the attention of the public and make them aware that the government does not want any disturbance to the peace, which is something that the community is very concerned about. The death penalty has been in use in Indonesia since the reign of the monarchy, according to historical records. It was at that time that the death penalty was imposed by the kings in order to ensure the creation of security and peace for the people who lived within their borders. There were several methods used to carry out the death penalty, including beheading, burning, and being dragged behind horses. It was common practice during the colonial period to sentence people to death for crimes such as endangering the safety of the state, the safety of the head of state, or other sadistic crimes against the state. During the colonial period, the death penalty was governed by the *Wetboek van Strafrecht* (Code of Criminal Procedure/KUHP).

A variety of inhumane methods were used to administer the death penalty at the time, including the execution of a 17-year-old young VOC officer candidate who was having sexual relations with a 13-year-old girl. During the execution, the young man was beheaded and the girl was beaten/whipped in the middle of town hall with her half-naked body. As an aside, six slaves were killed by having their bodies crushed by wheels after being falsely accused of strangling their masters. In another instance, Pieter Elberveld and several of his followers were accused of committing a rebellion, and they were ultimately sentenced to death by having their bodies divided into four parts and then dumping the pieces of the body outside the town to be used as bird feed. This was entirely reasonable given the fact that the law in effect at the time was colonial law.

Colonial laws were well-known for instilling fear in the hearts of those who dared to oppose them. The implementation of the death penalty in Indonesia will allow the Indonesian people to reduce the severity of their crimes. When President Soekarno was in office, the death penalty was still governed by the *Wetboek van Strafrecht*, also known as the Criminal Code, which was still in effect (KUHP). There were several cases at the time in which people were sentenced to death, including the cases of Kartosuwirjo, Kusni Kasdut, and the Cikini tragedy, among others. Furthermore, there are numerous death sentences that have been handed down by the courts.

A large number of death penalty cases were prosecuted and executed by the government during the New Order government, which was led by Suharto at that time. The vast majority of those who were executed were political opponents. People who were "deemed to be disturbing" the order were shot to death by the phenomenon known as *Petrus*, which spread terror throughout the world. Such a practice is essentially a cloaked version of the death penalty. The death penalty in Indonesia is not a new form of punishment, as evidenced by the country's historical record. This can be demonstrated by taking into consideration the types of crimes that were committed according to customary law or the laws of the previous ruling regime. As an illustration:

- 1) Stealing is punishable by cutting off the hands;
- 2) The death penalty is carried out by cutting the flesh from the body, pounding the head, beheading and then stabbing the head with a gantar, and so on.

## 2. Summary of Constitutional Court Decision Number 2-3/PUU-V/2007

The decision of the Constitutional Court Number 2-3/PUU-V/2007 on the Review of Law Number 22 of 1997 concerning Narcotics, dated October 30, 2007, can be seen as follows:

- 1) Applicant
  - a. Edith Yunita Sianturi, Rani Andriani (Melisa Aprilia), Myuran Sukumaran, and Andrew Chan are among the cast members.
  - b. Scott Anthony Rush, Case No. 3/PUU-V/2007
- 2) The article material is being tested
  - a. Article 80, paragraph (1) letter a, paragraph (2) letter a, paragraph (3) letter a,
  - b. Article 81, paragraph (3), letter a,
  - c. Article 82, paragraph (1), letter a, paragraph (2), letter a, and paragraph (3), letter a

As far as the threat of capital punishment is concerned, Article 28A and Article 28I paragraph (1) of the 1945 Constitution.

- 3) Verdict
  - a. Petitioner I and Petitioner II in Case Number 2/PUU-V/2007 were rejected in their entirety;
  - b. Petitioners III and IV in Case Number 2/PUU-V/2007 cannot be accepted (niet onvankelijk verklaard);
  - c. The petition for case number 3/PUU-V/2007 cannot be accepted (this has been confirmed).
- 4) Constitutional Court Judges' Thoughts
  - a. Applicants who are Indonesian citizens have legal standing, while applicants who are foreign nationals do not have legal standing.
  - b. Referring to the Constitutional Court Decision Number 065/PUU-II/2004, which states that the provisions of Article 28I paragraph (1) must be read together with Article 28J paragraph (2), so that the right not to be prosecuted under retroactive law is not absolute. Since the right to life is also a "right which cannot be reduced under any circumstances" based on Article 28I paragraph (1) of the 1945 Constitution, the right to life is also not absolute;
  - c. Various international legal instruments indicate that the application of the death penalty or the disappearance of life is justified as long as it fulfills the conditions or limitations specified. This means that the abolition of the death penalty has not yet become a generally accepted legal norm that is universally accepted by the international community.
  - d. By imposing the death penalty in Indonesia for crimes regulated in articles 80 paragraph (1) letter a, paragraph (2) letter a, and paragraph (3) letter a;



81 paragraph (3) letter a; and 82 paragraph (1) letter a, paragraph (2) letter a, and paragraph (3) letter an of the Narcotics Law, to ensure that no international legal commitments are broken. The imposition of the death penalty for these crimes, on the other hand, is one of the consequences of Indonesia's participation in the Narcotics and Psychotropics Convention, as outlined in Article 3 paragraph (6) of the Convention, which essentially means that states parties can maximize the effectiveness of law enforcement in relation to criminal acts involving narcotics and psychotropic substances by taking into account the need to prevent the crime;

- e. In the framework of reforming national criminal law and harmonization of laws and regulations related to the death penalty, the formulation, application, and implementation of the death penalty in the criminal justice system in Indonesia should pay serious attention to the following matters:
  - a) The death penalty is now considered a special and alternative punishment rather than a principal offense.
  - b) The death sentence can be imposed with a ten-year probationary period, which can be reduced to life imprisonment or 20 years if the convict behaves well; iii. The death penalty cannot be inflicted on minors.
  - c) The death penalty is postponed in cases involving a pregnant woman and a mentally ill convict until the pregnant woman gives birth and the mentally ill convict recovers.

### **3. Death Penalty Imposition After the Decision of the Constitutional Court Number 2-3/PUU-V/2007**

In response to the filing of a judicial review, Case Number 2/PUU-V/2007, filed by Edith Yunita Sianturi, Rani Andriani (Melisa Aprilia), Myuran Sukumaran, and Andrew Chan, the decision No.2-3/PUU-IV/2007 Against Narcotics Crime Perpetrators has been issued against them. Scott is the subject of Case No. 3/PUU-V/2007. Anthony Rush is a fictional character created by author Anthony Rush. According to the court in question, after determining whether foreign nationals have legal standing to file a judicial review application with the Indonesian Constitutional Court, the answer is that foreign citizens do not have legal standing to file a judicial review application with the Indonesian Constitutional Court. cited by the Petitioner is a law that explicitly states that an individual who can become a Petitioner must be a naturalized Indonesian citizen.

In accordance with the law on legal sanctions against narcotics crimes, Law No. 35 of 2009 concerning Narcotics explains the criminal provisions in Chapter XV of the law on legal sanctions. The penalties imposed on those who commit narcotics crimes include a variety of types of criminal penalties, including imprisonment, fines, and the death penalty. A close relationship exists between the type and class of narcotics used and the existence of various types of criminal sanctions imposed on those who abuse or perpetrate illicit narcotics trafficking or the production of narcotics precursors. Any criminal sanctions imposed on those who commit drug crimes are therefore classified according to the type of narcotics used in their commission. In accordance

with Article 6 of Law Number 35 of 2009 concerning Narcotics, narcotics can be divided into three categories, which are as follows:

- 1) Narcotics Group I  
Narcotics that can only be used for scientific purposes, are not intended for therapy, and have a very high potential to cause dependence (for example, heroin, ecstasy, cocaine, marijuana, methamphetamine, and others).
- 2) Narcotics Group II  
Narcotics are effective for treatment as a last resort and can be used for therapy or scientific research, but they have a high risk of causing dependence if used for long periods (for example, morphine, pethidine, methadone, and others).
- 3) Category III narcotics  
Narcotics are efficacious for treatment and are widely used in therapy or scientific development purposes and have a mild potential to cause dependence (for example, codeine, nikokodina, norcodeine, and others).

Listed in the State Gazette of the Republic of Indonesia (2009) Number 5062, Attachment I to Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics is a list of the different types and classes of narcotics, which in detail describes the different types and classes of narcotics. The Narcotics Control Act of 2009 (Law Number 35 of 2009) contains several articles that provide for the death penalty in certain circumstances. The following articles of the law contain the sanctions for the death penalty that are listed in the law:

#### Article 113

- 1) "Any person who produces, imports, exports, or distributes narcotics category I without rights or against the law will be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years, as well as a minimum fine of Rp 1,000,000,000.00 (one billion rupiah) and a maximum fine of Rp 10,000,000,000.00 (ten billion rupiah)."
- 2) "In the case of the act of producing, importing, exporting, or distributing Narcotics Category I as referred to in paragraph (1) in the form of plants weighing more than 1 (one) kilogram or exceeding 5 (five) tree trunks or in the form of non-plants weighing more than 5 (five) gram, the perpetrator is sentenced to death, life imprisonment, or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third)."

#### Article 118

- 1) "Any person who produces, imports, exports, or distributes narcotics category II without rights or against the law will be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years, as well as a minimum fine of Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum fine of Rp. 8,000,000,000.00 (eight billion rupiah)."

- 2) "In the event that the act of producing, importing, exporting, or distributing Narcotics Category II as referred to in paragraph (1) weighs more than 5 (five) grams, the perpetrator is sentenced to death, life imprisonment, or a minimum imprisonment of 5 (five) years, and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third)".

#### Article 119

- 1) "Anyone who offers for sale, sells, buys, receives, becomes an intermediary in buying and selling, exchanging, or delivering narcotics category II without rights or against the law shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years, as well as a minimum fine of Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum fine of Rp. 8,000,000,000.00."
- 2) "In the event that the act of offering for sale, selling, buying, receiving, being an intermediary in buying and selling, exchanging, or delivering narcotics category II as referred to in paragraph (1) weighs more than 5 (five) grams, the perpetrator is sentenced to death and life imprisonment. life, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, with a maximum fine as referred to in paragraph (1) plus 1/3 (one third)."

#### Article 121

- 1) "Every person who, without rights or in violation of the law, uses narcotics category II against other people or gives narcotics category II to others shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years, as well as a minimum fine of IDR 800,000,000.00 (eight hundred million rupiah) and a maximum fine of IDR 8,000,000,000.00 (eight billion rupiah)."
- 2) "In the event that the use of Narcotics against another person or the provision of Narcotics Category II to be used by other people as referred to in paragraph (1) results in the death of another person or permanent disability, the perpetrator shall be sentenced to death, life imprisonment, or a minimum imprisonment of 5 (five) years. ) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third)."

In recent years, it has been predicted that the death penalty will be the punishment with the most effective deterrent effect. When people's lives are on the line, they are more likely to reconsider their decision to commit crimes. If only a prison sentence or a fine is imposed, someone will easily repeat the action. This is especially true for people who hold high positions and have a lot of money, for whom imprisonment or fines will mean little. Not just anyone can be sentenced to death; rather, it is reserved for those who have committed specific crimes that qualify for the death penalty. In some cases, the perpetrator of a special crime is deemed to have demonstrated through his actions that he is an individual who is extremely dangerous to society, and as



such, he is considered to be in need of being rendered harmless by being expelled from society or social life.

According to the Constitutional Court, this point of view has generalized all types of crimes while also generalizing the quality of those crimes in general. Specifically, the question in this case is whether the imposition of the death penalty will necessarily change the philosophy of punishment in Indonesia, which is centered on rehabilitation and social reintegration of criminal defendants. The Constitutional Court holds that this philosophy is a general principle that should be followed by everyone. To put it another way, it only applies to specific crimes and certain characteristics where it is still possible to carry out rehabilitation and social reintegration of the perpetrators after conviction.

Aside from that, it is extremely difficult in criminal law to completely eliminate the retributive impression (retaliation) of punishment because the retributive aspect of a criminal sanction is inherent in its nature when viewed solely from the perspective of the person who was sentenced to criminal sanctions and the victims of criminal acts. However, if the imposition of a criminal sanction, including the death penalty, is viewed through the lens of efforts to restore social harmony that has been disrupted as a result of a criminal act, including a criminal offense punishable by the death penalty, this impression will be diminished, if not completely lost. The Petitioners' position in the *ad quo* petition, which is that the theory of revenge "an eye for an eye" (*vergeldingstheorie*, *lex taliones*) combined with the threat of capital punishment in the Narcotics Law gives legitimacy to the theory of revenge, is upheld.

Brigadier General Pol (Purn) Jeane Mandagi, SH, an expert from BNN (the National Narcotics Bureau) stated that narcotics problem is not only a national problem of a country, but it is also an international problem that affects all countries worldwide, which is why the majority of UN members agreed to the United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1988, which was ratified by Indonesia with Law Number 7 of 1997 and Law Number 22 of 1997, which were further developments of the Convention. The degree of penalty for a particular offense is, for the most part, left to individual countries, as is the case with conventions in general. For example, the death sentence is contained into Indonesia's Narcotics Law, which is still in effect and so legal. It is possible that the death sentence will not stop all evil. In contrast, the criminal has a 0% likelihood of repeating his conduct. Those planning to commit the same act will reconsider their plans because there are examples of persons who have been sentenced to death.

Human rights in the constitution, according to the Constitutional Court, are employed for the sake of public order and social justice when people appreciate and respect the human rights of others. According to the ruling of the Constitutional Court, human rights must be limited by the instrument of the law, namely the right to life, which cannot be decreased until and until the court rules on it. Another reason to examine the ruling of the Constitutional

Court is that Indonesia is bound by the international convention on narcotics and psychotropic substances, which has been ratified and incorporated into national legislation through the Narcotics Law. According to the Constitutional Court's decision, Indonesia is compelled to safeguard itself against the threat presented by foreign drugs traffickers, one of which is to apply effective and maximum punishment. Narcotics crime in Indonesia has been classed as an extraordinary crime against humanity (extraordinary crime against humanity), which implies that it requires unique, effective, and maximum treatment in order to be prosecuted. One of the exceptional treatments, according to the Constitutional Court, was the imposition of a severe punishment, such as the death penalty.

The Constitutional Court argued that by applying severe punishment, such as the death penalty, to serious crimes such as narcotics trafficking, Indonesia had not violated any international treaties, including the International Covenant on Civil and Political Rights (ICCPR), which advocated for the abolition of capital punishment. The Constitutional Court even declared that Article 6 paragraph (2) of the International Covenant on Civil and Political Rights (ICCPR) allows participating countries to impose the death penalty, especially for the most heinous offences. The death penalty is consistent with the 1960 United Nations Convention on Narcotics and the 1988 United Nations Convention on the Eradication of Illicit Traffic in Narcotics and Psychotropic Substances, Article 3 of the Universal Declaration of Human Rights, and international human rights treaties and conventions, according to the Constitutional Court. Despite the fact that it threatens the death penalty for all drugs crimes specified in the statute, the threat of the death penalty in the Narcotics Law has been carefully crafted. The Constitutional Court also believes that the Human Rights Law recognizes the limitation of an individual's human rights by acknowledging the rights of others for the sake of public order, which the Court says is legal. In this decision, the Constitutional Court concludes that the death penalty is a kind of governmental protection for people, particularly those who have been unfairly sentenced. The death sentence is accepted and upheld by Indonesia's legal system, which is acknowledged as constitutional. The death sentence was firmly entrenched and constitutional in the Indonesian legal system after the Constitutional Court determined in 1995 that it did not contradict with the 1945 Constitution. The death sentence was firmly entrenched and constitutional in the Indonesian legal system after the Constitutional Court determined in 1995 that it did not contradict with the 1945 Constitution. The death sentence was reinstated following the Constitutional Court's finding that it did not violate the 1945 Constitution.

According to the author, the death penalty for drug producers and dealers is still justifiable from a sociological standpoint, especially when considering the future of the nation's life. When viewed in the context of Law No. 39 of 1999, the death penalty is (apparently) a violation of human rights because it deprives a person of their right to life. According to national interests, a drug dealer, particularly those belonging to the nation's younger generation, has

snatched thousands of human rights, particularly those belonging to the nation's next generation. In a systematic and planned manner, drug producers and dealers have been murdering and depriving their customers of their right to life, slowly but steadily increasing their market share. The following are narcotics convicts who were executed by the Indonesian government for their crimes against drugs:

Year	Convict	Age/Gender	Citizenship
2016	Freddy Budiman	39/Male	Indonesia
	Seck Osmane	38/Male	Nigeria
	Humphrey J. E	Man	Nigeria
	Michael Titus I	Man	Nigeria
2015	Ang Kiem Soei	Man	Dutch
	Marco Archer	53/Male	Brazil
	Daniel Enemuo	38/Male	Nigeria
	Namaona Denis	48/Male	Malawi
	Rani Andriani	38/Female	Indonesia
	Tran Bich Hanh	Woman	Vietnamese
	Martin Anderson	Man	Nigeria
	Raheem Agbaje	Man	Nigeria
	Sylvester Obiekwe	Man	Nigeria
	Okwudili	Man	Nigeria
	Zainal Abidin	Man	Indonesia
	Rodrigo Gularte	42/Male	Brazil
	Andrew Chan	31/Male	Australia
	Myuran Sukmaran	34/Male	Australia
2013	Ademi	Man	Malawi
2008	Samuel Okoye	Man	Nigeria
	Hansen Nwaliosa	Man	Nigeria

The decision No.2-3/PUU-IV/2007 Against Narcotics Crime Perpetrators, which determined that the imposition of the death penalty on narcotics criminals, particularly traffickers, does not conflict with the 1945 Constitution, has resulted in an increase in the number of people executed. One of the most notable events is the execution that took place during the presidency of Joko Widodo in Indonesia. During his administration, which lasted only three years, President Joko Widodo carried out 18 narcotics trafficking executions. The specifics are as follows:

- 1) On January 18, 2015, the execution of six (6) convicts was carried out in Nusakambangan and Mojosongo.
- 2) On April 29, 2015, eight (8) people were executed. Two of them were related to the "bali nine" case.
- 3) On 26 July 2016 four (4) people were executed, one of which was the big city Fery Budiman.

## **D. Conclusion**

Following the Constitutional Court's Decision No. 2-3/PUU-IV/2007, the death penalty has been reintroduced. The Constitutional Court (MK) demonstrates in its decision that the state is willing to use more harsh measures, including as the death penalty, against narcotics makers, traffickers, and sellers, because the drug trade has had a substantial detrimental influence on the community. human persons and does not contradict the 1945 Republic of Indonesia Constitution and Human Rights, and if it references to the decision of the Constitutional Court (MK) regarding the revision of Article 80 of Law Number 22 of 1997 on Narcotics, the death sentence was considered to be effective enough to make these illegal drug dealers think twice if they were captured and to prevent them from distributing them as they had previously.

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