

CAPITAL PUNISHMENT IN THE PERSPECTIVE OF INDONESIAN CRIMINAL LAW AND ISLAMIC LAW

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Abstract

Despite the current capital punishment implemented in Indonesia, the attempts on enforcing its implementation continues. In the renewal of Indonesian criminal law (draft of Criminal Code), a policy to postpone the death penalty has been formulated. The death-row inmates are given the opportunity to behave during particular period of time (10 years). If they demonstrate better behaviors during this time, the capital punishment therefore should not be necessarily implemented and instead is replaced by the criminal deprivation of liberty. This policy means that the capital punishment (death penalty) becomes sole last resort for death-row inmates who do not demonstrate better behaviors. It is also an ad hoc mediation upon pros and cons related to the capital punishment in Indonesia.

Key words: *capital punishment, Indonesian criminal law, Islamic law.*

INTRODUCTION

In *embryonal*, the debate on capital punishment in Indonesia has lasted over decades. The debate has put at least two vis-à-vis perspectives, pros with the capital punishment on one side and cons on the other side¹. The perspective rejecting the capital punishment mainly derives from several rationalities as follows:

- a. The capital punishment is not a punishment for it does not meet all criteria required for the crime. According Modderman, capital punishment is not equal with the criminal. The prosecution of capital punishment is more likely to close the opportunity for criminals to improve their behaviors. Although the certainty of verdict (judge's decision) has been right and fair, it is still difficult to guarantee the verdict for judge remains a human. The capital punishment indeed closes the likelihood of reviewing the verdict that might be

¹ J.E. Sahetapy, 2009, *Ancaman Pidana Mati Terhadap Pembunuhan Berencana*, In-TRANS Publishing, Malang, p. 72-75.

wrong. The verdict of capital punishment and its implementation have an impact on community.

- b. Human's life despite his crime should not be revoked by death penalty.
- c. Had the capital punishment been perceived as an aid for intimidating prospective criminals, it would be difficult to accept a perspective on the basis of clemency.

Meanwhile, the perspective accepting the capital punishment mainly derives from several rationalities as follows:

- a. The capital punishment guarantees that other prospective criminals will not commit any crime, and therefore community will not be disturbed by any crime.
- b. The capital punishment is a strong repressing aid for the government, and thus community's interests are insured and the public tranquility is protected.
- c. The capital punishment is also functioned as general prevention; hence, any potential criminals would be deterred from committing crime.

In recent years, the capital punishment has reemerged in Indonesia. The sudden emergence of capital punishment issues in Indonesia is due to the current prosecution towards the narcotic and drug death-row inmates. Since the first death execution at January 18, 2015², varied parties—including overseas parties—appealed. The objection from various parties upon capital punishment emanates from two basic reasons. *First*, the capital punishment is perceived as inhuman penalty and indeed contradicts the human rights. *Second*, assuming the expected outcome of capital punishment is the deterrent effect, it has not yet been proved to be accurate. Many doubt this deterrent effect. The expected general prevention on capital punishment is precisely marked by the massive widespread of narcotic and drug crime. Post-first execution, varied narcotic crime still occur within the adjacent range of time³.

² <http://news.detik.com/berita/2846176/gila-eksekusi-mati-gelombang-i-tak-menyurutkan-gembong-narkoba-beraksi>, accessed on Sunday, July 17, 2016.

³ Various narcotic crimes revealed after the first capital punishment are:

- a. At January 26, 2015, National Narcotic Agency (BNN) arrested Dewi in a hotel parking lot at Gunung Sahari at Monday, January 26, 2015 22.30 p.m. with 7 kg of narcotic. According to the investigation, the narcotics is controlled by the death-row inmate *Silvester Obiekwe* who is imprisoned at Jail Pasir Putih, Nusakambangan.
- b. At February 3, 2015, Bandung Regional Police Officers disassembled the syndicate of marijuana in Bandung and arrested 19 people: both drug users and dealers.
- c. At February 20, 2015, Provincial Narcotic Agency (BNP) of West Borneo disassembled the smuggling of 2 kg narcotics. A married couple was arrested.
- d. At February 21, 2015, Narcotic Department of Indonesian Police Officer *Brigadier General Anjan Pramuka Putra* arrested Chinese syndicate with 8.1 kg narcotics or equal to 145 billion rupiahs as evidence. Six criminals from syndicate of Medan, Bekasi, and Kelapa Gading – North Jakarta were arrested.
- e. At February 23, 2015, Medan Police Officers saved 1.5 kg narcotics and 1.000 ecstasy pills. Five criminals were arrested.

Despite these conditions, the capital punishment, especially against the narcotic criminals, has received support from many parties. Those complying with the capital punishment have following pretexts. *First*, the narcotic crime in Indonesia has been massively widespread and causes fantastic number of victims. According to data from National Narcotics Agency (BNN), there are 55 (fifty-five) deaths every day due to narcotics and drugs. *Second*, referring to the verdict of Constitutional Court, the implementation of capital punishment is considered not violating human rights and thus does not violate the constitution either, considering that Indonesian constitution does not adhere to the implementation of human rights freely. Human rights are upheld as long as it does not violate other's rights.

CAPITAL PUNISHMENT IN INDONESIAN CRIMINAL LAW

Judicially, an enactment of capital punishment in Indonesia refers to the general provision in Criminal Code Article 10 Point a. The Article 10 stipulates that:

Criminal consists of:

- a. Capital penalty:
 - 1. Capital punishment (death penalty);
 - 2. Imprisonment;
 - 3. Confinement;
 - 4. Fines.
- b. Additional penalty:
 - 1. Deprivation of certain rights;
 - 2. Deprivation of certain goods;
 - 3. Judge's verdict.

The general provision about capital punishment in Criminal Code Article 10 by means of Article 103 is applied for all criminal law, whether it is inside or outside the Criminal Code. Therefore, it is plausible for all criminal law outside the Criminal Code to enact the capital punishment. In terms of judicial perspective, the capital punishment in Indonesia remains firmly gaining legitimacy. In fact, Indonesian Constitutional Court through several

f. At February 24, 2015, District Police Officer of Metro Jaya arrested Hong Kong syndicate with 18 kg narcotics and 45 thousand ecstasy pills as evidence. Six criminals were arrested.

g. The custom officers at Soekarno-Hatta Airport during January 27 and February 18 disassembled the 10 kg narcotics smuggling in 5 cases.

Source: <http://news.detik.com/berita/2846176/gila-eksekusi-mati-gelombang-i-tak-menyurutkan-gembong-narkoba-beraksi>, accessed on Sunday, July 17, 2016.

verdicts discloses that capital punishment does not contradict the constitution⁴. Law in Indonesia that persistently comprises the sentence of capital punishment are:

1. Law No. 1 Year 1946 junto Law No. 73 Year 1958 about Criminal Code comprised in several articles, such as:
 - a. Article 104 of Criminal Code on treason with the intention of killing President and/or Vice President;
 - b. Article 111 (2) of Criminal Code on the relationship with a foreign country, a king or a tribe with the intention of committing an act of hostility or war against state, and the hostility or war truly happens;
 - c. Article 340 of Criminal Code on murder;
 - d. Article 365 (4) of Criminal Code on theft with violence causing severe injuries or death that is jointly committed by two or more people during a night in a house or yard house with the crime by damaging or breaking it with a fake key, a fake command, or a fake uniform.
2. Article 2 (2) of Law No. 31 Year 1999 on corruption eradication junto Law No. 20 Year 2001 on the Amendment of Law No. 31 Year 1999 on corruption eradication which threatens any individual who legally enriches himself or other people or a corporation that could harm state finance or economy, that is done during dangerous condition based on existing law, during the national disaster, as the repetition of corruption crime, or during the national economic and monetary crisis.
3. Article 6 of Government Regulation in Lieu of Law No. 1 Year 2002 on terrorism eradication law junto Law No. 15 Year 2003 on the Stipulation of Government Regulation in Lieu of Law No. 1 Year 2002 on the terrorism eradication law stating that, *“Any individual who intentionally uses violence or threat of violence leading to terror or fear on mass public or causing massive victims, by robbing the independence or losing a life and properties of others, or causing damage on vital objects or living environment or public or international facilities, shall be sentenced to death or imprisonment for life or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years”*.
4. Article 14 of Law No. 35 Year 2009 on Narcotics clearly states that:
 - (1) *Any individual who unlawfully has no rights offering for sale, selling, purchasing, receiving, being an intermediary in trade, exchange, or handing down Narcotics Type I, shall be punished with imprisonment for life or imprisonment for a minimum*

⁴ See The Verdict of Constitutional Court No: 2-3/PUU-V/2007.

of 5 (five) years and a maximum of 20 (twenty) years and fined at least Rp. 1.000.000.000,00 (one billion rupiahs) and at most Rp. 10.000.000.000,00 (ten billion rupiahs).

- (2) *In terms of offering for sale, selling, purchasing, being an intermediary in trade, exchanging, or handing down Narcotics Type I as being mentioned in Section (1) in form of plants weighing more than 1 (one) kilogram or more than 5 (five) plants or in form of non-plants weighing more than 5 (five) kilograms, the offender shall be sentenced to death (capital punishment), imprisonment for life, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and the maximal fines as being mentioned in Section (1) added by 1/3 (one-third).*

Referring to varied laws mentioned above, it can be inferred that in Indonesian criminal law, capital punishment is solely sentenced to the most serious crime. This policy relies on the perspective that capital punishment should be more oriented as a means of prevention.

CAPITAL PUNISHMENT IN THE PERSPECTIVE OF ISLAMIC LAW

Concerning on capital punishment in the perspective of Islamic law is deemed urgent in relation to the capital punishment in Indonesia. Its urgency at least emanates from several reasons. **First**, despite not being mention in constitution that Indonesia is a Islamic state⁵—therefore it cannot be formally called as Islamic state⁶—Indonesia is well-known as the upmost Muslims in the world, regardless the lack of advanced intellectual in understanding

⁵ Apart from Jakarta Charter—which is later corrected “seven words” declaring Indonesia as Islamic state—the effort to make Indonesia as Islamic state is always vis-à-vis the sociological reality, which is Indonesia’s plurality—religions, ethnics, and cultures. In fact, the idea proposed by Mohammad Natsir to create Islamic Democratic State (NDI) aiming to make Islam as the national constitution and to encourage Muslims to get involved in both social and political spheres in Indonesia is also rejected for not having legitimated by community. The failure of Natsir in creating NDI has been deliberately explained by Luthfi Assyaukanie in his book *Ideologi Islam dan Utopia*. According to Luthfi, as a mode, NDI has generally failed not because the success of “national secularism” in eradicating it, but rather because the public election—as one of NDI’s supporting agenda and the only mass consensus—does not support its claim. All Islamic parties that generally support NDI model were failed in 1955 public election. See further: Luthfi Assyaukanie, 2011, *Ideologi Islam dan Utopia: Tiga Model Negara Demokrasi di Indonesia*, Freedom Institute Press., Jakarta, p. 293. See also: Otje Salman and Anton F. Susanto, 2004, *Menyikapi dan Memaknai Syari’at Islam Secara Global dan Nasional*, Refika Aditama, Bandung., p. 67-68; Arskal Salim, 2008, *Challenging the Secular State: The Islamization of Law in Modern Indonesia*, University of Hawai’i Press., Honolulu, p. 1.

⁶ Indonesia is a heterogeneous and multiethnic country, with a Muslim majority; however, constitutionally it is not an Islamic state. The estimation of population in 2009 is around 240 million. See further: Doris C. Chu and Graeme R. Newman (ed.), 2011, *Crime and Punishment Around the World Asia and Pacific Volume 3*, ABC-CLIO, Santa Barbara, California, p. 92.

Islamic teachings due to both cultural or historical factors⁷. **Second**, despite not being declared as religion state constitutionally, Indonesia has been declared as a state under the principle of “Believing in the one and only God⁸”. Hence, according to Hazairin in Jimly Asshiddiqie, in Indonesia, there should not be anything contradicting against the religion⁹. All legal religions in Indonesia have a same opportunity to establish legal systems—including criminal law—relying on Pancasila¹⁰. In relation to the Islamic law, the Islamic values—whether it derives from textual sources: Al-Qur’an and al-Hadiths, or from socio-historical experiences relating to the *fiqh* implementation, or even from Indonesian local sources—are indeed a legal source that could contribute to the renewal of national law¹¹. **Third**, the essence of law is not an instant-established institute; it rather roots on certain socio-cultural community¹². Law is indeed a reflection of existing values in community¹³. It is essentially an extension of community’s interests. It is also a reflection of certain social ideals¹⁴. Law without any social context will emerge as a burden in community¹⁵.

Regarding the consideration of *religious demography* on one side, and constitutional mandate on the other side as being elaborated beforehand, the issue on capital punishment in the perspective of Islamic law is deemed urgent in relation to the capital punishment in Indonesia. Ergo, it seems plausible to elaborate the ideas on how Islam perceives the capital punishment as one of facilities to prevent crime. Considering the countless number of Islamic legal sources—especially in the relation to capital punishment—this explanation will sufficiently deliberate the sole major source: Al-Qur’an. Several verses of Al-Qur’an explicitly provide basis for the implementation of capital punishment:

⁷ Ahmad Syafii Maarif, 2003, *Islam dan Pancasila sebagai Dasar Negara*, Pustaka LP3ES Indonesia, Jakarta, p. 1. Population Census in 2000, for example, notes that Muslims in Indonesia is 88.22%. See further: Ahmad Syafii Maarif, *Masa Depan Islam di Indonesia*, in Abdurrahman Wahid, ed., 2009, *Ilusi Negara Islam Ekspansi Gerakan Islam Transnasional di Indonesia*, Gerakan Bhineka Tunggal Ika Press., The Wahid Institute and Maarif Institute, Jakarta, p.7. See further: Ismail Hasani, ed., 2009, *Berpihak dan Bertindak Intoleran: Intoleransi Masyarakat dan Restriksi Negara dalam Kebebasan Beragama/Berkeyakinan di Indonesia.*, SETARA Institute, Jakarta, p. 5-6.

⁸ Article 29 (1) UUD 1945 explicitly states, “The state under The Belief of one and only God”.

⁹ Jimly Assidique, 1995, *Pembaharuan Hukum Pidana Indonesia*, Angkasa, Bandung, p. 193.

¹⁰ Jimly Asshiddiqie, 1996, *Pembaharuan Hukum Pidana Indonesia: Studi tentang Bentuk-bentuk Pidana dalam Tradisi Hukum Fiqh dan Relevansinya Bagi Usaha Pembaharuan KUHP Nasional*, Angkasa, Bandung, p. 51. A proper discussion on thought dynamics and Islamic law implementation can be seen in **Fazlur Rahman** on *Islamic Methodology in History*, especially Chapter I on Sunnah Concepts, Ijtihad and Ijma’ in The Early Period. See further: Fazlur Rahman, 1964, *Islamic Methodology in History*, Islamic Research Institute, Islamabad, p. 1-26.

¹¹ Ibid.

¹² Satjipto Rahardjo, 2008, *Negara Hukum Yang Membahagiakan Rakyatnya*, Genta Press, Yogyakarta, p. 31.

¹³ Satjipto Rahardjo, 2009, *Hukum dan Perilaku Hidup Baik adalah Dasar Hukum yang Baik*, PT. Kompas Media Nusantara, Jakarta, p. 116.

¹⁴ Ibid., p. 17.

¹⁵ Bernard L. Tanya, 2006, *Hukum dalam Ruang Kosong*, Srikandi, Surabaya, p. 3.

- a. *“And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. But whoever gives [up his right as] charity, it is an expiation for him. And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers”* [Qs. Al-Maidah verse 45].
- b. *“O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother anything, then there should be a suitable follow-up and payment to him with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment”* [Qs. Al-Baqarah verse 178]

Based on two verses above, it can be implied that Islam provides legitimacy upon capital punishment in form of *qishaash*. *Qishaash* means taking an equal retaliation. It however is noteworthy to bear in mind¹⁶ that the concept of *qishaash* in Islamic law embodies particular “uniqueness”. In spite of defined terms and conditions explicitly mentioned in Al-Qur’an—and thus being classified as *hudud* criminal—the implementation of *qishaash* precisely depends on final decision of the victims (in a case of persecution) or of victim’s family (in a case of murder)¹⁷. Hence, in this context whether the victim or victim’s family demand *qishaash* for the offender or forgive him (without any claims for compensation) is purely depending on the victim side per se¹⁸. This conception derives from Qs. Al-Baqarah verse 178: *“fa man ‘uhiya lahuu min akhiihi syaiun fattiba’un bi al ma’ruffi wa adaun ilaihi bi ihsaan”*. It means “...”

Despite the existence of capital punishment recognized in Islamic law, the implementation of capital punishment will fully rely on the victim or victim’s family. In this point, Islam rather provides another option other than capital punishment. According to Islam, once the victim or victim’s family could relinquish their right to do *qishaash*, it can be perceived as sin forgiveness. Islam does not offer one mere option in the context of capital punishment. The capital punishment exists normatively; yet in terms of its sociological implementation, Islam also offer the concept of tolerance through the sin forgiveness. This is

¹⁶ Ibid.

¹⁷ M. Abdul kholiq, *Kontribusi Hukum Pidana Islam dalam Pembaharuan Hukum Pidana di Indonesia*, Thesis, Master Program of Law – University of Diponegoro, Semarang, 2001, p. 128.

¹⁸ Ibid.

another side of Islam that is rarely perceived as holistic idea and thus creating an impression that Islamic law is rigid.

Conceptually, the concept of equal retaliation (*qishaash*) also grows in western world. This concept is known as *retributive theory*¹⁹, emanating from the perspective “*let the punishment fits the crime*”²⁰. According this theory, criminal law becomes a fair retribution upon committed crime. The only justification, according to this theory, is that the criminal offender has committed the crime. It is often said that this theory is oriented on *backward-looking*²¹, rather concerning on the crime—which has been committed by the criminal. The retribution concept in criminal law more aims to provide general preventive effect, which is preventing other potential criminals to commit the same crime.

CAPITAL PUNISHMENT IN THE PERSPECTIVE OF THE RENEWAL OF INDONESIAN CRIMINAL LAW

The criminal law in Indonesia substantially is a legacy of Dutch criminal law that was officially implemented at January 1, 1948. This criminal law is mostly influenced by classical criminal law. In this point, it is feasible why many principles of Indonesian criminal law seem more likely to be rigid and static. Therefore, since the independence—especially after 1964—Indonesia has been preparing the renewal of national criminal law in form of the draft of Criminal Code (RKUHP). There are several considerations behind the renewal of Indonesian Criminal Law: **First**, political reason. It reflects the national pride to possess the independent national criminal law on the basis of Pancasila as a primary legal source. It seems acceptable that Indonesia has national Criminal Code as the reflection of national independence; **Second**, sociological reason. It emerges as a demand for criminal law to be emanated from local values existed in the community; **Third**, practical reason. The criminal law must be easily comprehended by the community²².

Regarding the above considerations, the renewal of Indonesian criminal law, therefore, should perceive capital punishment as a special crime rather than capital penalty as mentioned in the existing Criminal Code. Under its status as special crime, capital

¹⁹ Matthew Ross Lippman, 2010, *Contemporary Criminal Law: Concepts, Cases, and Controversies*, Sage Publications, Inc., California, p. 55-57.

²⁰ Marcella Elwina S, 2010, *Sanksi Verbal: Alternatif Jenis Sanksi Pidana Dalam Pembaharuan Hukum Pidana Nasional*, Dissertation, Doctoral Program of Law – University of Diponegoro, Semarang, p. 127.

²¹ David Boonin, 2008, *The Problem of Punishment*, Cambridge University Press, New York, p. 85.

²² Sudarto, 2007, *Hukum dan Hukum Pidana*, Alumni, Bandung, fifth edition, p. 62-65. Also see: Mardjono Reksodiputro, 1995, *Pembaharuan Hukum Pidana*, Pusat Pelayanan Keadilan dan Pengabdian Hukum (d/h Lembaga Kriminologi) University of Indonesia, Jakarta, p. 22-23.

punishment (death penalty) in the renewal of Indonesian criminal law should not be formulated rigidly. Instead, it should be formulated as *suspended death penalty* under the special terms. To provide an overview of capital punishment in the renewal of Indonesian criminal law, the draft on capital punishment in Indonesian RKHUP (2015) is presented as follows:

Article 67

Capital punishment is a capital penalty under the special status and should always be threatened alternatively.

Article 89

Capital punishment is alternatively sentenced as the last resort for protecting the community.

Article 91

- (1) The implementation of capital punishment can be suspended under the trial period of 10 (ten) years, if:
 - a. Community's reaction towards the criminal is relatively small;
 - b. The criminal shows his regrets and has a willing to improve his behaviors;
 - c. The role of the criminal in the crime is not salient;
 - d. There is a reason to commute.
- (2) If the criminal during the trial period as mentioned in section (1) shows better behaviors, the capital punishment can be commuted to life imprisonment or imprisonment for a maximum of 20 (twenty) years under the decision of the Minister of Law and Human Rights.
- (3) If the criminal during the trial period as mentioned in section (1) does not show better behaviors, the capital punishment can be implemented under the order of the General Attorney.

Article 92

If the clemency petition of death-row inmate is rejected and the capital punishment is not implemented for 10 (ten) years not because the convict escapes, the capital punishment can be commuted to life imprisonment under the President's decree.

Suspended death penalty emerges as eclectic way over the endless debate on capital punishment in Indonesia. Through this policy, the capital punishment still gets its function as

a means of prevention—as desired among those complying with capital punishment—on one side, and maintains the commitment not to neglect the restriction on capital punishment (as the current international trends) on the other side—as desired among those contradicting against capital punishment.

CONCLUSION

Based on the brief enquiries above, it can be concluded that:

1. Despite the current implementation of capital punishment in Indonesia, the attempts on enforcing its implementation continues; one of which is reconstructing the capital punishment policy. The renewal concept of Indonesian criminal law in form of the draft of National Criminal Code has formulated the policy renewal on capital punishment. *First*, the capital punishment is no longer included as capital penalty, rather as special crime. *Second*, there is *suspended death penalty* as a result of convict's behavioral improvement during the trial period. *Third*, the predisposition on maintaining the capital punishment in Indonesia comes from the values of Islamic law as the most dominant religion in Indonesian community.

REFERENCES

- Asshiddiqie, Jimly, 1996, *Pembaharuan Hukum Pidana Indonesia : Studi tentang Bentuk-bentuk Pidana dalam Tradisi Hukum Fiqh dan Relevansinya Bagi Usaha Pembaharuan KUHP Nasional*, Angkasa, Bandung.
- Assyaukanie, Luthfi, 2011, *Ideologi Islam dan Utopia : Tiga Model Negara Demokrasi di Indonesia*, Penerbit Freedom Institute, Jakarta.
- Boonin, David, 2008, *The Problem of Punishment*, Cambridge University Press, New York.
- Chu, Doris C. and Graeme R. Newman (ed.), 2011, *Crime and Punishment Around the World Asia and Pacific Volume 3*, ABC-CLIO, Santa Barbara, California.
- Elwina S, Marcella 2010, *Sanksi Verbal : Alternatif Jenis Sanksi Pidana Dalam Pembaharuan Hukum Pidana Nasional*, Disertasi, Program Doktor Ilmu Hukum Universitas Diponegoro, Semarang.
- Hasani, Ismail, ed., 2009, *Berpihak dan Bertindak Intoleran: Intoleransi Masyarakat dan Restriksi Negara dalam Kebebasan Beragama/Berkeyakinan di Indonesia*, SETARA Institute, Jakarta.

- Kholiq, M. Abdul, *Kontribusi Hukum Pidana Islam dalam Pembaharuan Hukum Pidana di Indonesia*, Thesis, Program Magister Ilmu Hukum, Universitas Diponegoro, Semarang, 2001.
- Lippman, Matthew Ross, 2010, *Contemporary Criminal Law: Concepts, Cases, and Controversies*, Sage Publications, Inc., California.
- Maarif, Ahmad Syafii, 2003, *Islam dan Pancasila sebagai Dasar Negara*, Pustaka LP3ES Indonesia, Jakarta.
- Rahardjo, Satjipto, 2008, *Negara Hukum Yang Membahagiakan Rakyatnya*, Genta Press, Yogyakarta.
- Rahardjo, Satjipto, 2009, *Hukum dan Perilaku Hidup Baik adalah Dasar Hukum yang Baik*, PT. Kompas Media Nusantara, Jakarta.
- Rahman, Fazlur, 1964, *Islamic Methodology in History*, Islamic Research Institute, Islamabad.
- Reksodiputro, Mardjono, 1995, *Pembaharuan Hukum Pidana*, Pusat Pelayanan Keadilan dan Pengabdian Hukum (d/h Lembaga Kriminologi) Universitas Indonesia, Jakarta.
- Sahetapy, J.E., 2009, *Ancaman Pidana Mati Terhadap Pembunuhan Berencana*, INTRANS Publishing, Malang.
- Salim, Arskal, 2008, *Challenging the Secular State : The Islamization of Law in Modern Indonesia*, University of Hawai'i Press, Honolulu.
- Salman, Otje dan Anton F. Susanto, 2004, *Menyikapi dan Memaknai Syariat Islam secara Global dan Nasional, Dinamika Peradaban, Gagasan dan Sketsa Tematis*, Refika Aditama, Bandung.
- Sudarto, 2007, *Hukum dan Hukum Pidana*, Alumni, Bandung, Cetakan ke-5.
- Tanya, Bernard L., 2006, *Hukum dalam Ruang Kosong*, Srikandi, Surabaya.
- Wahid, Abdurrahman, ed., 2009, *Ilusi Negara Islam Ekspansi Gerakan Islam Transnasional di Indonesia*, Penerbit Gerakan Bhineka Tunggal Ika, The Wahid Institute dan Maarif Institute, Jakarta.
- <http://news.detik.com/berita/2846176/gila-eksekusi-mati-gelombang-i-tak-menyurutkan-gembong-narkoba-beraksi>, accessed on Sunday, July 17, 2016.
- <http://news.detik.com/berita/2846176/gila-eksekusi-mati-gelombang-i-tak-menyurutkan-gembong-narkoba-beraksi>, accessed on Sunday, July 17, 2016.