

## **ABSTRAK**

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### **LEGAL IMPLEMENTATION OF DEATH PENALTY IN INDONESIA FROM THE PERSPECTIVE OF PANCASILA PHILOSOPHY**

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A crime committed is a form of vile act which causes loss for the victims, directly or indirectly. The loss can be a loss in freedom, integrity of a body organ, peaceful mind, and in some cases loss of life. Death penalty as one of the sanctions in criminal law is to realize the aim of punishment, namely to make proportional revenge and deterrent effect for the perpetrator. However, on the other hand, death penalty may be against the conscience of human rights activists, because of its nature which obliterates the most basic human rights, namely the right to life. Therefore, we can find that in international human rights instruments, such as ICCPR, has already moved toward the direction of abolishing death penalty. With that in mind, death penalty has gained its pro and contra amongst criminal legal experts. Some are pro with death penalty because it creates a strong deterrent effect and can actualize a worthy revenge. Some are contra considering every court decision is vulnerable to mistakes and in case of faulty judgment, death penalty can no longer be undone. Meanwhile, Indonesia is a state based on Pancasila. Because of Pancasila is the state legal philosophy and principle, death penalty must be 'reconsidered' from the viewpoints and perspective of Pancasila, more specifically its five "Sila"s. This research aims to tackle issues on that perspective and provides various way of approaching death penalty from the philosophical angles of Pancasila.

Keyword: Legal Implementation, Death Penalty, Pancasila.

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