

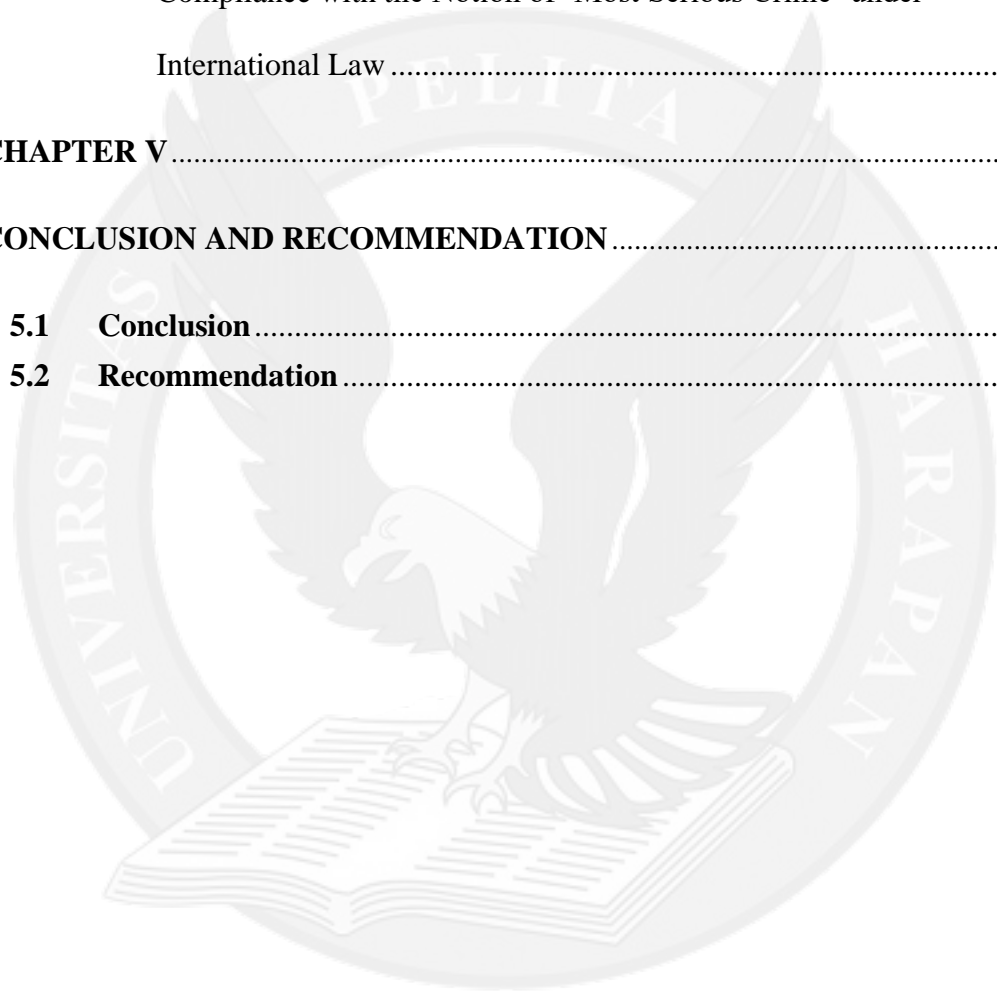
TABLE OF CONTENTS

THESIS	i
FINAL PROJECT UPLOAD STATEMENT AND APPROVAL	ii
FINAL PROJECT SUPERVISOR APPROVAL	iii
BOARD OF EXAMINERS APPROVAL.....	iv
ABSTRAK	v
ACKNOWLEDGEMENTS.....	vi
TABLE OF CONTENTS.....	ix
LIST OF ABBREVIATIONS	xiii
CHAPTER I.....	1
INTRODUCTION.....	1
1.1 Background.....	1
1.2 Formulation of Issues.....	14
1.3 Research Purposes.....	14
1.4 Research Benefits.....	15
1.4.1 Theoretical Benefits.....	15
1.4.2 Practical Benefits	15
1.5 Framework of Writing.....	17
CHAPTER II.....	20

LITERATURE REVIEW	20
2.1 Theoretical Framework	20
2.1.1 Death Penalty under Indonesian Laws	20
2.1.2 Relation Between International Law and National Law	36
2.2 Conceptual Framework	53
2.2.1 ICCPR in a Nutshell and Indonesian Obligation as a State Party	53
2.2.2 Death Penalty for “Most Serious Crime” Concept in Article 6 of ICCPR.	55
2.2.3 The Concept of “Most Serious Crime” in International Treaties other than ICCPR	57
2.2.4 The Concept ‘Most Serious Crime’ as Applied under Domestic Law..	65
CHAPTER III	80
RESEARCH METHODS	80
3.1 Legal Research	80
3.2 Types of Legal Research	81
3.3 Data Analysis Technique	83
3.4 Method of Legal Approach	84
3.5 Types of Research Data	86
CHAPTER IV	90

ANALYSIS AND DISCUSSION	90
4.1 Research Findings	90
4.1.1 ‘Most Serious Crimes’ as Intentional Crimes with ‘Lethal’ and ‘Grave’ Consequences.....	90
4.1.2 The Death Penalty Provisions in Indonesia Positive Law Incompatible with the ‘Most Serious Crime’ Notion.....	94
4.2 Defining the concept of “Most Serious Crime” Under International Law	95
4.2.1 Most Serious Crimes as Defined in the International Law Instruments	95
4.2.2 Restrictive Definition of Most Serious Crimes as Proposed by the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions as Concretization of CCPR General Comment No. 6 on Right to Life	110
4.2.3 Incompatibility of Mandatory Death Penalty with the Limitation of ‘Most Serious Crimes’ as in the 2010’s Report of the Secretary General to the UN ECOSOC	121
4.3 Compliance of Indonesian Death Penalty Laws with the Concept of Most Serious Crimes under International Law	129
4.3.1 Death Penalty in Law No. 26 of 2000 and Its Compliance with the Notion of ‘Most Serious Crime’ under International Law.....	129
4.3.2 Death Penalty in KUHP and Law No. 35 of 2009 on Narcotics and Its	

Compliances with the Notion of ‘Most Serious Crime’ under International Law	134
4.3.3 Death Penalty in the Law on Eradication of Terrorism and its Compliance with the Notion of ‘Most Serious Crime’ under International Law	154
CHAPTER V	159
CONCLUSION AND RECOMMENDATION	159
5.1 Conclusion	159
5.2 Recommendation	161



LIST OF ABBREVIATIONS

1988 Convention	UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
B.C	Before Christ
ECOSOC	Economic and Social Council
<i>Grondwet</i>	The Constitution of the Kingdom of the Netherlands
HAM	<i>Hak Asasi Manusia</i>
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
Kapolri	<i>Kepala Kepolisian Republik Indonesia</i>
KOMNAS HAM	<i>Komisi Nasional Hak Asasi Manusia</i>
KUHP	<i>Kitab Undang-Undang Hukum Pidana</i>
MK	<i>Mahkamah Konstitusi</i>
RKUHP	<i>Rancangan Kitab Undang-Undang Hukum Pidana</i>
UDHR	Universal Declaration of Human Rights
UN	United Nations
US	United States
UUD	<i>Undang-Undang Dasar</i>
UUDS	<i>Undang-Undang Dasar Sementara</i>
VCLT	Vienna Convention on the Law of Treaties

