

ABSTRACT

Surjadi Sjamsir " **THE IMPLEMENTATION OF THE DEATH PENALTY FOR PERSONS OF CRIME OF CORRUPTION AS A FORM OF JUSTICE FOR ALL INDONESIAN PEOPLE** ". This dissertation is under the guidance of Prof. Dr. Ade Saptomo, SH, M.Sc, as Promoter and Dr. Megawati Barthos, SH, MM as Ko. Promoter.

The death penalty application to corruptors in several aspects is pros and cons in society. However, today's law enforcement concerns are vital to implement and become a legacy for law enforcers. The purpose of this study is to analyze, review and evaluate the death penalty for perpetrators of corruption needs to be implemented, to analyze, study and evaluate the obstacles to the application of the death penalty against corruptors in Indonesia and efforts to overcome them, to analyze and examine efforts to overcome obstacles to the application of the death penalty against perpetrators of corruption as a form of justice for all Indonesian people.

Theories used to support this research include rule-of-law theory, justice theory, corruption theory, and death penalty theory derived from or obtained from various literary sources. This study uses normative juridical methods and empirical juridical approaches. Normative juridical research is research that discusses the doctrines or principles in the science of law.

The results of this study include that the application of the death penalty to perpetrators of corruption needs to be strengthened by legal protection so that when a judge decides on the death penalty it does not become a polemic in the public sphere and the application of judge jurisprudence can be used as a legacy for other judges. Meanwhile, several obstacles to the implementation of the death penalty against corruptors in Indonesia so far the death penalty in Indonesia tends to be used as a populist narrative, as if the state has worked effectively in tackling crimes, including corruption. So that law enforcement only becomes a political policy for certain circles. Meanwhile, for some other groups of thought, they believe that the imposition of capital punishment must be maintained, especially for crimes that are categorized as extraordinary crimes, such as Corruption, Terrorism, Narcotics, Crimes against humanity, and Genocide to give a deterrent effect to the perpetrators in avoiding the occurrence of criminal acts as other people do the same.

This study concludes that the crime of corruption is an extraordinary crime, so its eradication must be carried out with extraordinary measures, as well as using extraordinary legal instruments. In this case, Law Number 31 of 1999 Jo 20 of 2001 in Article 2 paragraph (2) states; the death penalty against corruptors can be imposed in certain circumstances. When the death penalty is viewed through HAM (Human Rights), it is very contradictory because it can take away a person's right to life.

Keywords: Corruption, Death Penalty, Justice