

ABSTRACT

Surya Oktarina, title of the dissertation **LEGAL CERTAINTY REGARDING THE DEATH PENALTY FOR NARCOTICS CRIMES IN INDONESIA**, Under The Guidance Of Prof. Dr. Suparji SH., MH., as Promoter and Prof. Dr. Oksidelfa Yanto.SH., MH., as Ko Promoter.

*The issuance of Law Number 35 of 2009 concerning Narcotics, in its criminal provisions there are several articles that formulate prohibited acts and are punishable by death, the enactment of Law No. 1 of 2023 concerning the Criminal Code also regulates Narcotics Crimes from Article 609 of the Criminal Code, Article 610 of the Criminal Code, 611 of the Criminal Code. Which in Article 610 paragraph 2 letters a and b, especially explained related to the threat of punishment is the death penalty, this is a new problem because between the Narcotics Law No.35 of 2009 which is *lex specialis*. The problem is How is the Execution of the Death Penalty in narcotics crimes? (2) How is the Existence of the Death Penalty Sanction for Narcotics Cases After the passing of Law number 1 of 2023 concerning the Criminal Code? (3) How is the comparison of the Death Penalty in law number 35 of 2009 concerning narcotics and law number 1 of 2023 concerning the Criminal Code?*

This research was conducted using the method of legal sociology or empirical juridical approach while in analyzing the problem using the theory of legal responsibility as a grand theory of punishment objectives as a middle range theory and for applied theory using the theory of legal effectiveness, theory of legal certainty and criminal law politics.

The results of this study show that the implementation of the death penalty in narcotics crime cases in Indonesia is a repressive measure aimed at providing a stronger deterrent effect and is part of the strategy to eradicate narcotics trafficking, despite opposition related to human rights related to the death penalty, Indonesian law still recognizes the death penalty as a legitimate sanction and there are still a number of other challenges in law enforcement. The death penalty sanction for narcotics cases still exists after the enactment of Law Number 1 of 2023 concerning the Criminal Code, although the death penalty is no longer the main punishment but is an alternative punishment and in Article 100 Number 1 provides a 10-year probation period, if the convict is doing well in prison then the sentence is changed to life imprisonment by presidential decree. In Article 100 paragraph 1 and paragraph (4) of Law Number 1 of 2023 concerning the Criminal Code, there is uncertainty about who has the right to judge the defendant, the probation period is not in accordance with the main objective of criminality, the convict has been sentenced with permanent legal force but is given a very long probation period, the facts show that narcotics trafficking is very sad. Harmonization of death penalty regulations on narcotics crimes in Indonesia still has to be improved, the death penalty is very important to protect the interests of the state. Moreover, Law Number 1 of 2023 concerning the Criminal Code takes over Law Number 35 of 2009 concerning Narcotics in Law Number 1 of 2023 concerning the Criminal Code only mentions two offenses that are punishable in narcotics crimes, not mentioning the death penalty in several articles, which