

SKRIPSI

**PENJATUHAN HUKUMAN MATI TERHADAP WARGA NEGARA ASING
ATASKEJAHATAN NARKOTIKA DI INDONESIA**

PROGRAM KEKHUSUSAN: HUKUM INTERNASIONAL (PK VI)

Diajukan Sebagai Salah Satu Syarat Untuk Memperoleh Gelar Sarjana Hukum

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**PENJATUHAN HUKUMAN MATI TERHADAP WARGA NEGARA ASING PADA KASUS
KEJAHATAN NARKOTIKA DI INDONESIA**

(lin Maryanti, 1410112095, Fakultas Hukum Universitas Andalas, 2018)

Pembimbing : Prof. H, Firman Hasan, S.H., LL.M. dan Dr. Zulheri, S.H., M.H.

ABSTRAK

Pemberlakuan hukuman mati masih mengundang perdebatan, terutama antar negara abolisionis dan negara retensionis. Di Indonesia juga terjadi perbedaan pendapat mengenai pemberlakuan hukuman mati. Ada beberapa pengaruh yang timbul di Indonesia, karena penerapan hukuman mati bagi terpidana kasus narkoba, yang paling mencuri perhatian adalah, jika terpidana merupakan WNA, hal tersebut dapat mengundang banyak reaksi dan protes dari negara lain. Dalam penulisan ini, penulis melakukan penelitian mengenai perbedaan penerapan hukuman mati di Australia yang merupakan negara abolisionis dengan Indonesia yang merupakan negara retensionis, serta akibat yang timbul dalam penerapan hukuman mati terhadap warga negara asing atas kejahatan narkoba di Indonesia. Tujuan dari penelitian ini adalah mengetahui perbedaan penerapan hukuman mati di kedua negara serta akibat yang timbul dari penerapan hukuman mati terhadap warga negara asing atas kejahatan narkoba di Indonesia. Penelitian ini menggunakan metode penelitian yuridis normatif dengan metode pengumpulan data melalui studi dokumen. Data yang diperoleh selama penelitian kemudian diolah dan dianalisa dengan metode kualitatif, sehingga disajikan dalam bentuk pemaparan dan uraian hasil penelitian. Hasil penelitian dari studi kepustakaan menunjukkan bahwa perbedaan penerapan hukuman mati dikarenakan perbedaan sejarah dan ideologi suatu negara, dan didasarkan pada cara pandang masing-masing negara dalam memaknai hukuman mati terutama dikaitkan dengan hak asasi manusia, untuk penjatuhan hukuman mati terhadap kejahatan narkoba juga didasarkan pada seberapa mengancam kejahatan narkoba di tiap-tiap negara. Untuk pengaruh hubungan internasional Indonesia dengan negara asal terpidana mati memberikan beberapa reaksi mulai dari aksi diplomasi khusus sampai penarikan dan penolakan perwakilan diplomatik atau duta besar, hingga rusaknya hubungan ekonomi dan politik antar negara.

Kata Kunci: Hukuman Mati, Warga Negara Asing, Kejahatan Narkoba

THE IMPOSITION OF DEATH PENALTY FOR FOREIGN CITIZENS ON NARCOTICS CRIMES IN INDONESIA

(lin Maryanti, 1410112095, Faculty of Law Andalas University, 2018)

Pembimbing : Prof. H, Firman Hasan, S.H., LL.M. dan Dr. Zulheri, S.H., M.H.

ABSTRACT

The application of the death penalty is still becoming debatable currently, particularly between abolitionist and retentionist countries. In Indonesia there are also some dissenting opinions regarding the enforcement of the death penalty. There are some influences that arise in Indonesia caused by the application of the death penalty for the convict in narcotic cases, which attracted the most attention, if the convicted person is a citizen of foreign country, it can draw a lot of reactions and protests from another country. In this research, the writer conducted a study on the differences in the application of capital punishment in Australia as abolitionist country with Indonesia as retentionist country, as well as the consequences that arise in the application of the death penalty against foreign citizens for crimes of narcotics in Indonesia. As for the purpose of this research is to know the difference in the application of the death penalty in both countries as well as the consequences that arise from the application of the death penalty against foreign citizens for crimes of narcotics in Indonesia. This research employ the normative research method by collecting data or legal documents. Data obtained during the research subsequently processed and analysed by qualitative method, so it is presented in the form of explanatory and descriptive of research results. The results of the literature study found that the difference in the application of the death penalty due to divergence of history and ideology of a country, and based on the perspective of each country in interpreting the death penalty especially related to human rights, for the imposition of capital punishment for narcotics crime is also based on how threaten or dangers the narcotics crime is in each country. For the influence of Indonesia's international relations with the native country of death row convicts gave several reactions starting from a special diplomacy action to the withdrawal and repudiation of diplomatic representatives, to the destruction of the economic and political relations between countries.

Keywords: Death Penalty, Foreign Citizens, Narcotics Crimes