

BIBLIOGRAPHY

LEGAL INSTRUMENTS

1961 Single Convention on Drugs.

ASEAN Human Rights Declaration.

Act Number 29 of 1999 regarding the Ratification of International Convention on the Elimination of All Forms of Racial Discrimination.

Act Number 35 of 2009.

Act Number 48 of 2009 regarding Judge Authority, S.G. No. 157 of 2009.

Act Number 7 of 1997 concerning the Ratification of 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Act Number 8 of 1976 concerning the ratification of 1961 Single Convention on Drugs.

Act Number 8 of 1996 concerning The Ratification of Convention on Psychotropic Substances 1971.

Act no. 39 of 1999 regarding Human Rights Act, S.G. No. 165 of 1999.

Arab Charter of Human Rights.

Guatemala's Constitution of 1985.

International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287.

MPR Decree Number XVII/MPR/1998.

Malaysia's Constitution of 1957 with Amendments through 1996.

Republic of Congo Constitution 2015.

Republic of Italy Constitution 1947.

The Constitution of the People's Republic of China.

UN Economic and Social Council (ECOSOC), United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 19 December 1988.

UN General Assembly, 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, 9 December 1975, A/RES/3444.

UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

UN General Assembly, the International Covenant on Civil and Political Rights ("ICCPR"), 16 December 1966, United Nations, Treaty Series, vol. 999.

UN General Assembly, the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), 16 December 1966, United Nations, Treaty Series, vol. 993.

Undang Undang Dasar 1945 ("UUD 1945").

Undang Undang Dasar Negara Kesatuan Republik Indonesia 1945 ("UUD NRI 1945").

Undang Undang Dasar Republik Indonesia Serikat 1949 ("UUD RIS 1949").

Undang Undang Dasar Sementara 1950 ("UUDS 1950").

United Nations, the Charter of the United Nations ("UN Charter"), 24 October 1945, 1 UNTS XVI.

United Nations. 1990. Model Treaty on Extradition. General Assembly resolution 45/116.

Vienna Declaration and Programme of Action (1993) UN Doc A/CONF.157/23.

COURT AND TRIBUNAL DECISIONS

Gäfgen v Germany Application No 22978/05, 30 June 2008; and Gäfgen v Germany Application No. 22978/05.

Inter-American Court of Human Rights, Villagran Morales et al. Case (the 'Street Children' case, Judgment, 19 November, 1999.

Kennedy v. Trinidad and Tobago, Comm. 845/1998, U.N. Doc. A/57/40, Vol. II, at 161 (HRC 2002).

Kordic and Cerkez (Appeal Chamber).

Lubuto v Zambia, Merits, Communication No 390/1990, UN Doc CCPR/C/55/D/390/1990, (1995) 10 IHRR 611, IHRL 1731 (UNHRC 1995), 31st October 1995, United Nations [UN], Human Rights Committee [CCPR].

MK Decision Number 005/PUU-IV/2006.

MK Decision Number 116/PUU-XII/2014.

MK Decision Number 15/PUU-X/2012.

MK Decision Number 2-3/PUU-V/2007.

MK Decision Number 3/PUU-VIII/2010.

MK Decision Number 30/PUU-XVI/2018.

MK Decision Number 50/PUU-XII/2014.

Prosecutor v Furundzija (Trial Chamber), 1998.

UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. 1984. Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights. Annex, E/CN.4/1984/4.

BOOKS

Asshiddiqie, Jimly. 2006. Pengantar Ilmu Hukum Tata Negara Jilid I, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI. Jakarta.

Asshiddiqie, Jimly. 2006. Pengantar Ilmu Hukum Tata Negara Jilid II, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI. Jakarta.

Asshiddiqie, Jimly. 2006. Perihal Undang-undang.

Asshiddiqie, J. 2006. Konstitusi dan Konstitusionalisme. Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta.

Atilgan, A., 2017. Global Constitutionalism: A Socio-legal Perspective (Vol. 275). Springer, Berlin. Germany.

Bachtiar. 2015. Problematika Implementasi Putusan Mahkamah Konstitusi Pada Pengujian UU Terhadap UUD 1945, Raih Asa Sukses. Jakarta.

- De Schutter. 2010. *International Human Rights Law: Cases, Materials, Commentary*. Cambridge University Press, Cambridge.
- Donnelly, Jack. 2013. *Universal human rights in theory and practice*. Cornell University Press. Ithaca and London.
- Dr. Martitah. 2013. *Mahkamah Konstitusi Dari Negative Legislature ke Positive Legislature?*, Penerbit Konstitusi Press, Jakarta.
- El-Muhtaj, M., & Hum, M.. 2017. *Hak Asasi Manusia dalam Konstitusi Indonesia*. Prenada Media.
- Fajar ND. and Achmad. 2015. *Dualisme Penelitian Hukum*, Pensil Komunika. Yogyakarta.
- G. Gilbert. 1991. *Aspects of Extradition Law* London, Martinus Nijhoff. London.
- Hoecke. 2011. *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?* Hart Publishing Oxford and Portland. Oregon.
- Huscroft and Miller. 2011. *The challenge of originalism: Theories of constitutional interpretation*. Cambridge University Press. Cambridge.
- International Commission against the Death Penalty, 2013, *The death penalty and the “most serious crimes”: A country-by-country overview of the death penalty in law and practice in retentionist states*.
- Ishay, 2008, *The history of human rights: From ancient times to the globalization era*. Univ of California Press.
- Joseph, S., & Castan, M. 2013. *The international covenant on civil and political rights: Cases, Materials, and Commentary*. Oxford University Press. Oxford.
- Kelsen, Hans. 1973. *General Theory of Law And State*, Russel & Russel. New York.
- Konstitusi, T.P.H.A.M.. 2010, *HUKUM ACARA MAHKAMAH KONSTITUSI*. Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi. Jakarta.
- Madigan, Janet. 2007. *Truth, politics, and universal human rights*. Springer.
- Maggs, G.E. and Smith, P.J.. 2015. *Constitutional law: A contemporary approach*. GW Law School Public Law and Legal Theory Paper No. 201, West Publishing Corporation, St. Paul, United States of America.

- Mahfud MD. 1994. Perlindungan Hukum atas Hak Azasi Manusia, Makalah diskusi ilmiah tentang Perlindungan HAM dalam Sistem Hukum Indonesia, Pusat Antar Universitas-Pusat Studi Sosial Universitas Gadjah Mada. Yogyakarta.
- Mahfud MD. 2009. Konstitusi dan Hukum Dalam Kontroversi Isu. Rajawali Pers. Jakarta.
- Mezak, M. H.. 2006. Jenis, Metode dan Pendekatan Dalam Penelitian Hukum.
- Nasution, A. B.. 2009. Aspirasi pemerintahan konstitusional di Indonesia: studi sosio-legal atas Konstituante, 1956-1959, Pustaka Utama Grafiti bekerja sama dengan Eka Tjipta Foundation.
- Nowak, M. 2005. CCPR-Commentary. Second edition. Kehl.
- Pascoe, D., McRae, D., Tobi, H., Sulhin, I., Pronk, K., Putri, P., ... & Lubis, T.. 2016. Tiga Tantangan Hukum yang akan Dihadapi Rezim Hukuman Mati di Indonesia. Politik Hukuman Mati di Indonesia.
- Rahardjo, Satjipto. 1982. Ilmu Hukum. Alumni. Bandung.
- Savigny. 2006. "The Legal Method, and the Modernity of Law". Juridica International XI.
- Smith, et. al.. 2008. Hukum Hak Asasi Manusia. PUSHAM UII, Yogyakarta.
- Sri Soemantri. 2002. Undang-Undang Dasar 194 Kedudukan dan Aspek-aspek Perubahannya, UNPAD Press, Bandung.
- Sri Soemantri. 2006. Prosedur Dan Sistem Perubahan Konstitusi, Bandung: Alumni.
- Svensson, M.. 2002. Debating human rights in China: A conceptual and political history. Rowman & Littlefield.
- Todung Mulya Lubis. 1993. In search of Human Rights: Legal-Political Dilemmas of Indonesia's New Order, 1966-1990. PT Gramedia Pustaka Utama. Jakarta.
- United Nations. 1988. Commentary on the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. UN Doc. E/CN.7/590, United Nations Publications, Sales No. E.98.XI.5, p. 42, ¶2.6.
- Gurule, J. 1998.
- Utrecht. 1964. Pengantar dalam hukum Indonesia. Ichtiar. Jakarta.

Vaan Maarseveen and vaan der Tang. 1978. *Written Constitutions: A Computerized Comparative Study*, Oceana Publications, Inc.. New York.

Weissbrodt, David S., and Connie De La Vega. 2007. *International human rights law: an introduction*. University of Pennsylvania Press.

Yingxi, B. I., & Schabas, W. A. 2015. *Drug Control Policies and Human Rights*.

JOURNALS

Cerna and Shelton. 2015. *Advanced Introduction to International Human Rights Law*, *Human Rights Law Review*, Vol. 2, No. 15.

Cingranelli, David L. and Richards, David L.. 1999. "Measuring the Level, Pattern, and Sequence of Government Respect for Physical Integrity Rights." *International Studies Quarterly* Vol. 43 No. 2.

Graffin, Neil. 2017. *Gäfgen v Germany, the Use of Threats and the Punishment of Those Who Ill-treat During Police Questioning: A Reply to Steven Greer*. *Human Rights Law Review*, Vol. 17, No. 4.

Greer, Steven. 2015. *Is the Prohibition against Torture, Cruel, Inhuman and Degrading Treatment Really 'Absolute' in International Human Rights Law?*. *Human Rights Law Review*, Vol. 15 No. 1.

Gurule, J. 1998. *The 1988 u.n. convention against illicit traffic in narcotic drugs and psychotropic substances a ten year perspective: Is international cooperation merely illusory*. *Fordham International Law Journal*, Vol. 22 no.1.

Hutagalung, D. 2005. *Menapaki jejak-jejak pemikiran Soepomo mengenai negara Indonesia*. *Jurnal Hukum Jentera*, 3(10), 1-18.

Marzuki. 2007. *Membangun Undang-Undang Yang Ideal*, *Jurnal Legislasi*, Vol 4, No 2.

Muller, D. M. 2016. *Paradoxical Normativities in Brunei Darussalam and Malaysia: Islamic Law and the ASEAN Human Rights Declaration*. *Asian Survey*, Vol. 56, No. 3.

Richards, David. L., & Clay, K. Chad. 2012. "An Umbrella With Holes: Respect for Non-Derogable Human Rights During Declared States of Emergency, 1996–2004." *Human Rights Review*, Vol. 13 No. 4.

Santoso, M. A.. 2013. Perkembangan Konstitusi di Indonesia, Yustisia Jurnal Hukum, Vol. 3, No. 2.

Scalia, A., 1988. Originalism: The lesser evil. U. Cinn. L. Rev., 57.

Schmidt, M. G.. 1996. Universality of Human Rights and the Death Penalty-The Approach of the Human Rights Committee. ILSA J. Int'l & Comp. L.. 3. p. 480.

Thohari, A.A.. 2018. Mahkamah Konstitusi dan Pengokohan Demokrasi Konstitusional di Indonesia. Jurnal Legislasi Indonesia, Vol. 3, No. 6.

Walker, Neil. 2012. Universalism and Particularism in Human Rights: Trade-Off or Productive Tension? Edinburgh School of Law Research Paper.

Whitehead. 2018. "Cultural Relativism in the Age of Modernity: Are Human Rights Still up for Debate?" CUNY Academic Works.

ONLINE REFERENCES

Office of the High Commissioner for Human Rights, n.d. "the Universal Declaration of Human Rights at 70: Still Working to Ensure Freedom, Equality and Dignity for All, Retrieved from:
<<https://www.standup4humanrights.org/layout/files/30on30/UDHR70-30on30-article3-eng.pdf>>. Accessed at 6 September 2019.

Retrieved from: <<http://www.chinaembassy.lt/eng/zt/zfbps/t125236.htm#2>>.

OTHER RELEVANT DOCUMENTS

ECOSOC (1996). Human Rights Documents. E/CN.4/1997/60. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions.

Himpunan Risalah Sidang-sidang BPUPKI dan PPKI yang berhubungan dengan Penyusunan UUD 1945, Sekretariat Negara RI, dalam Muhammad Yamin, Naskah Persiapan UUD 1945 Jilid Pertama.

Proses, Tim Penyusun Naskah Komprehensif, 2008, "Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Latar Belakang, Proses, Dan Hasil Pembahasan, 1999-2002, Buku Viii Warga Negara Dan Penduduk, Hak Asasi Manusia, Dan Agama (Edisi Revisi)." Sekretaris Jenderal dan Kepaniteraan Mahkamah Konstitusi, Jakarta.

- UN Commission on Human Rights, Extrajudicial, summary or arbitrary executions: Report by the Special Rapporteur, submitted pursuant to Commission on Human Rights resolution 1996/74, 24 December 1996.
- UN Human Rights Council, UN Human Rights Council: Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, 29 January 2007, A/HRC/4/20.
- UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. 1984. Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights. Annex, E/CN.4/1984/4.