



## TABLE OF CONTENT

<b>TITLE PAGE</b> .....	i
<b>APPROVAL PAGE</b> .....	ii
<b>ACKNOWLEDGMENT PAGE</b> .....	iii
<b>STATEMENT OF AUTHENTICITY</b> .....	iv
<b>PREFACE</b> .....	v
<b>TABLE OF CONTENT</b> .....	viii
<b>ABSTRACT</b> .....	xii
<b>INTISARI</b> .....	xiii
<b>CHAPTER I INTRODUCTION</b> .....	1
A. Background .....	1
B. Research Questions .....	10
C. Research Purpose .....	10
D. Statement of Authenticity .....	11
E. Research Benefit .....	14
<b>CHAPTER II CONCEPTUAL FRAMEWORK</b> .....	15
A. Relation and Hierarchy of International Law and Municipal Law .....	15



1. Relation of International Law and Municipal Law .....	15
2. Hierarchy of International Law .....	20
B. Right to Life .....	26
C. Theory of Punishment Theories .....	35
D. Contradiction in Law .....	39
<b>CHAPTER III RESEARCH METHOD .....</b>	<b>41</b>
A. The Nature of Research .....	41
B. Type of Research .....	41
C. Data Collection Tool .....	43
D. Analysis .....	44
E. Research Stages .....	44
<b>CHAPTER IV RESEARCH RESULT AND DISCUSSION .....</b>	<b>45</b>
A. Limitations of the Right to Life in Indonesia Regulation .....	45
1. Death Penalty in Criminal law of Indonesia .....	46
a. The Revenge Theory .....	48
b. Death Penalty in General Criminal Law .....	53
c. Death Penalty in Specialist Criminal Law .....	59



2.	Death Penalty in Human Rights Law of Indonesia .....	66
3.	Implementing Rules of Death Penalty in Indonesia .....	73
4.	Death Penalty in Criminal Code Draft .....	84
B.	Limitation of the Right to Life Recognized by International Covenant on Civil and Political Rights 1969 .....	88
1.	Overview on the Limitation in International Covenant on Civil and Political Rights 1969 .....	88
2.	Substance of the Article 6 of International Covenant on Civil and Political Rights 1969 .....	98
a.	Requirements in Limitation Clause .....	101
b.	Another Requirements in Limitation Clause .....	105
3.	Death Penalty in Indonesia Recognized by ICCPR 1969 .....	108
a.	The Most Serious Crimes in International Law .....	117
b.	The Most Serious Crimes in Indonesian Law .....	133
1)	Decision Number 2-3/PUU-V/2007 .....	135
2)	Decision Number 15/PUU-X/2012 .....	182
<b>CHAPTER V CONCLUDING REMARK .....</b>		<b>186</b>
A.	Conclusion .....	186



UNIVERSITAS  
GADJAH MADA

**The Inherent Rights: Right to Life Against the Death Penalty in Indonesia**  
AKBAR, Dr. Heribertus Jaka Triyana, S.H., LL.M., M.A.

Universitas Gadjah Mada, 2017 | Diunduh dari <http://etd.repository.ugm.ac.id/>

B. Recommendation.....	190
<b>BIBLIOGRAPHY .....</b>	<b>192</b>