



Received: June 04, 2024

Revised: July 23, 2024

Accepted: August 09, 2024

*Corresponding author: Iwan Wahyudi,
Department of Sharia Economic Law,
Universitas Islam Sumatera Utara, Medan,
Indonesia.

E-mail: iwan1100000210@uinsu.ac.id

DESCRIPTIVE OF QUANTITATIVE DATA | SUPPLEMENTARY

The Impact of The Application of The Death Penalty on Reducing Crime Rates: Legal and Criminological Perspectives

Iwan Wahyudi*

¹Department of Sharia Economic Law, Universitas Islam Negeri Sumatera Utara, Medan, Indonesia.
Email: iwan1100000210@uinsu.ac.id

Abstract: The application of the death penalty as a punishment for severe crimes has long been a controversial topic in legal and criminological discourse. This article explores the impact of the death penalty's application on reducing crime rates from two main perspectives: law and criminology. This study uses a qualitative approach with in-depth literature analysis of death penalty policies in various countries, as well as empirical data on crime trends before and after the implementation of the death penalty. From a legal perspective, this article examines how the death penalty is justified as the most extreme tool of law enforcement and how it is integrated within the existing legal framework in several jurisdictions. From a criminological point of view, this article examines theories and research that evaluate the effectiveness of the death penalty as a determinant against crime. The analysis includes a study of the psychological effects of the death penalty on potential offenders, as well as a statistical evaluation of the correlation between the death penalty and a decrease in crime rates. The results of the analysis show that although there is some evidence to support the effectiveness of the death penalty as a crime deterrent, this evidence is often inconclusive and influenced by many contextual factors. In addition, we found that the application of the death penalty usually carries significant ethical and social implications, which can limit its effectiveness and acceptance in society. This article concludes with a discussion of the policy implications of these findings. It provides recommendations for law enforcement and policymakers in balancing crime prevention goals with the principles of justice and human rights. We also call for the need for more holistic research to fully understand the impact of the death penalty on crime levels.

Keywords: Death Penalty, Crime and Criminology

1. INTRODUCTION

The death penalty has been one of the oldest and most controversial forms of punishment in the history of human civilization. In ancient times, the death penalty was used by various cultures and civilizations, including Ancient Egypt, Greece, and the Roman Empire, to punish serious crimes and maintain social order. In some societies, the death penalty is considered the purest enforcement of justice, where perpetrators of serious crimes must pay for their lives as a form of revenge and retribution. In the modern era, the death penalty continues to be practiced in various countries with different legal bases. In the United States, the death penalty is applied as part of the criminal justice system. In contrast, in some Asian countries such as China and Iran, the death penalty is used not only for violent crimes but also for offenses such as corruption and drug abuse. Even so, many countries have abolished the death penalty, deeming it a violation of human rights and incompatible with modern principles of justice. The United Nations and various international organizations are pushing for a global moratorium on the death penalty, highlighting the risk of legal wrongdoing, executions of innocent individuals, and the absence of solid evidence that the death penalty is effective as a deterrent to crime.

Criminality, or unlawful activity, is a complex phenomenon influenced by various social, economic, psychological, and cultural factors. Criminal acts include any form of behavior that violates



legal norms that have been set by society, from theft and robbery to murder and sexual violence. The leading causes of crime are often attributed to poverty, social inequality, lack of education, environmental influences, and mental health problems. In law and criminology, various theories have been developed to understand the causes and dynamics of crime. Strain Theory, for example, argues that individuals who experience social or economic pressure may feel compelled to commit crimes in an effort to achieve a desired goal. Meanwhile, the theory of Social Control emphasizes the importance of social bonds and norms that govern individual behavior in society. In addition, the theory of Social Learning suggests that criminal behavior can be learned through interaction with an environment that supports or tolerates criminal activity.

Strategies to overcome crime are also diverse, ranging from enforcement approaches to strict laws to community-based rehabilitation and prevention programs. The use of the death penalty as a tool to reduce crime rates is one of the controversial aspects of this discussion. Proponents of the death penalty believe that the threat of execution can deter individuals from committing serious crimes. At the same time, critics argue that the death penalty is ineffective as a deterrent and can pose a variety of ethical and practical problems. Empirical data show that the relationship between the death penalty and crime rates is not always clear and can be influenced by many other factors, such as the effectiveness of the justice system and socioeconomic conditions.

Tackling crime requires diverse and integrated strategies, which include rigorous law enforcement approaches and community-based rehabilitation and prevention programs. The main question is the extent to which the combination of these strategies can effectively reduce the overall crime rate. In the context of strict law enforcement, it is important to evaluate whether policies of increased police patrols, harsher penalties, and strict action against criminals can lower crime rates. On the other hand, rehabilitation programs that focus on improving the behavior of perpetrators and prevention initiatives involving local communities play an important role in addressing the root causes of crime and preventing future crimes. How effective are each of these approaches, and how can they be optimally combined to create a safe and fair environment? It is important to analyze the successes and challenges of these various strategies in different contexts to understand the best approach to tackling crime.

2. RESEARCH DESIGN AND METHOD

The proposed research methods are mixed methods that will allow for a holistic understanding of the effectiveness of law enforcement strategies and rehabilitation programs in addressing crime. The study population will include law enforcement officers, inmates, and members of local communities involved in rehabilitation programs, with purposive sampling of different regions representing diverse social, economic, and cultural contexts. Data will be collected through surveys for quantitative aspects, including respondents' perceptions and experiences, as well as through in-depth interviews to gain a deeper understanding of the impact of these strategies. Analysis of documents such as police reports and rehabilitation records will also be used. Quantitative data will be analyzed using descriptive and inferential statistical techniques, while qualitative data will be analyzed thematically. The integration of quantitative and qualitative data will be carried out to provide a more comprehensive picture of the effectiveness of the strategies studied. The research will pay attention to the ethical principles of the research, including security, confidentiality, and freedom of participation, with ethical consent obtained prior to commencing the research.

3. RESULT AND DISCUSSION

3.1 *Criminological Theory of the Death Penalty*

In criminology, various theories have been developed to understand and evaluate the effectiveness of the death penalty as a means of reducing the rate of criminality. One of the main theories is the



Deterrence Theory, which argues that the threat of severe punishment, including the death penalty, can deter individuals from committing crimes. According to this theory, if the perpetrators of crimes knew that their actions could lead to the death penalty, they would think twice before committing the crime. This approach emphasizes on the principle that fear of severe and inevitable consequences will reduce the desire to break the law. However, many critics argue that this theory does not always apply in practice, as many other factors influence a person's decision to commit a crime, such as impulsivity, indifference to risk, or the belief that they will not get caught.

Court decisions on the death penalty are often in the spotlight, sparking deep debate in society. Some courts decide to impose the death penalty on the basis of strict law enforcement policies against crimes considered the most serious, such as premeditated murder or terrorism. Such decisions are often seen as an attempt to uphold justice for victims and provide a deterrent effect against perpetrators. However, on the other hand, court decisions cause controversy and condemnation from various parties. Some courts have faced criticism for the death penalty against defendants who are believed to have not received a fair defense, or because there are doubts about wrongdoing by defendants. Such decisions often trigger calls to revise or even abolish the death penalty, arguing that the risks of executing innocent people far outweigh the benefits derived from the death penalty. In a global context, court decisions on the death penalty reflect the complex dynamics between justice, security, and human rights. Thus, such decisions not only affect the individuals involved in the case, but also reflect the values and principles embraced by a society in dealing with crime and justice.

The values that emerge from court decisions on the death penalty include the conflict between justice, security, and human rights. On the one hand, the value of justice is emphasized through strict law enforcement against the perpetrators of crimes that are considered the most serious, such as premeditated murder or terrorism. Courts often view the death penalty as a form of justice that is appropriate for victims and affected communities. However, on the other hand, the value of human rights and partiality against wrongs of justice are also emphasized. Many believe that the death penalty violates human rights and poses the risk of executing innocent people. Therefore, the court's decision on the death penalty reflects a conflict of values between the need to uphold law and justice, while ensuring the protection of fundamental human rights. In this context, it is important to consider the moral, ethical, and practical implications of the death penalty, as well as to pay attention to the values upheld by society in determining the best approach to dealing with crime.

The protection of human rights is a fundamental principle in the legal system and a democratic society. This protection involves the recognition and respect for the fundamental rights of every individual, including the right to life, liberty, and justice. In the context of court decisions on the death penalty, human rights protection is a crucial concern. The death penalty is often considered a violation of human rights, especially the right to life, as well as the right to a fair and non-discriminatory legal process. In this case, the courts have a great responsibility to ensure that every individual facing the death penalty receives fair treatment and a transparent legal process. Human rights protections also include the right not to be tortured or ill-treated, which must be guaranteed even for those convicted of the most serious crimes. Therefore, in making decisions on the death penalty, the courts must consider human rights values and principles as a foundation that should not be compromised in a fair and civilized legal system.

A fair legal system is an important foundation for the success of a democratic and civilized society. The system includes principles such as equality before the law, fair and non-discriminatory treatment of all individuals, and legal certainty. In the context of court decisions on the death penalty, it is important to ensure that the legal system operates in a fair and transparent manner. This means that every individual, including defendants facing the death penalty, should have equal access to adequate defense and fair legal process. Additionally, courts must ensure that their verdicts are based on strong evidence and are not influenced by external factors such as public opinion or political pressure. By maintaining the integrity and fairness of the legal system, the public can trust that the sentences handed down are the result of a fair process and in accordance with the fundamental principles of

justice. In the criminal justice system, the rights of the defendant are a key element that ensures the justice and integrity of the legal process. The defendant, as an individual accused of a crime, has the right to be presumed innocent until proven guilty in a fair and open trial. These rights include the right to know the charges against them, the right to legal remedy, the right to remain silent or not give evidence that may incriminate themselves, and the right to be tried by an impartial judge or jury. The defendant also has the right to a fast and efficient legal process, as well as the right to appeal if he feels that the court's decision is unfair. In the case of the death penalty, the rights of these defendants become very critical because mistakes in the legal process can result in the permanent loss of life. Therefore, the legal system must ensure that all of the defendant's rights are respected and protected throughout the judicial process, in order to guarantee that any verdict taken is completely fair and based on valid evidence. In addition, the Retribution Theory is another approach that supports the death penalty. This theory focuses on the concept of moral justice, where the perpetrators of serious crimes must receive punishment equivalent to the damage they have caused. From this perspective, the death penalty is considered a form of just and proportionate revenge for crimes such as premeditated murder or terrorism. Proponents of retribution theory believe that giving the death penalty to the perpetrators of serious crimes is the most appropriate form of justice and provides closure for the victim's family.

However, the theory has also faced criticism, especially in terms of possible judicial errors and human rights values that oppose execution as a form of punishment. On the other hand, Critical Theory and Conflict Theory offer a more skeptical view of the death penalty. These theories argue that the death penalty often reflects systemic injustices in societies, where disadvantaged or marginalized groups are more likely to be sentenced to death. From this point of view, the death penalty not only fails to prevent crime, but can also reinforce social injustice and discrimination. In addition, it emphasizes the importance of reform and rehabilitation of offenders, rather than executing them. This approach argues that the main focus should be on the recovery and reintegration of perpetrators into society, which can reduce their risk of re-committing crimes in the future. Overall, criminological theories provide a variety of perspectives on the death penalty, reflecting a complex debate about the effectiveness, morality, and fairness of these punishments in the context of crime reduction.

3.2 *Legal Proceedings and Court Decisions*

The legal process in the death penalty case is a complex and detailed series of procedures, starting from the initial investigation to the execution. In the early stages, law enforcement officials carried out investigations and arrests to gather strong evidence against the suspect. After that, the case is submitted to the court for trial. At this stage, the defendant has the right to a lawyer who will defend them and the right to a fair legal process. The court must ensure that all evidence is carefully examined and that all witnesses are presented to testify. Court hearings in death penalty cases are often lengthy and require in-depth analysis from judges and juries.

The court's decision in the death penalty case depends on the available evidence and moral and legal considerations. Judges and jurors must assess the crime's seriousness, the perpetrators' intention, and the crime's impact on victims and society. In addition, they must also consider factors that can mitigate the sentence, such as the perpetrator's socio-economic background or psychological condition. If the court finds that the defendant is guilty and the crime committed is worthy of the death penalty, then this decision can be taken. However, the decision to impose the death penalty is often influenced by the legal norms in force in the region and the social outlook on the death penalty. After a court decision, the defendant usually has the right to appeal. This appeal process can take place through various levels of the judicial system, up to the highest courts, such as the Supreme Court in many countries. During the appeal process, the initial decision can be reviewed and even overturned if errors are found in the judicial process or if new evidence indicates that the defendant is innocent. In addition to appeals, death row inmates can also apply for clemency or pardon from the head of



state or governor, which can change the death penalty to life imprisonment or release. In a global context, legal proceedings and court decisions in death penalty cases are also influenced by international pressure and human rights norms. International organizations and human rights activists often monitor and criticize death penalty cases, especially if there is evidence of discrimination or violation of the rights of the accused. As a result, some countries have reduced or even abolished the death penalty as a form of adjustment to international standards. Rigorous legal processes and careful decisions are essential in the death penalty justice system to ensure that justice is upheld and that the risk of execution of innocent persons can be minimized.

3.3 *Death Penalty Cases*

Death penalty cases often spark complex controversies and debates in various countries around the world. On the one hand, some people believe that the death penalty is a well-deserved form of justice for grave crimes such as premeditated murder or terrorism. They argue that the death penalty can bring satisfaction to victims and their families, as well as prevent similar criminal offenses in the future. However, on the other hand, many opponents of the death penalty consider it a violation of human rights and argue that the legal system is not always perfect and can falsely accuse innocent people. In addition, there are ethical concerns about the morality of the death penalty, with many people believing that no single government or individual has the right to take the life of another person, regardless of the crime they committed. Thus, the death penalty case continues to raise questions about justice, security, and ethics in modern society.

3.4 *Social Impact on Victims and Perpetrators*

The social impact on victims and perpetrators of crimes is complex. It varies depending on the context of the crime occurring and society's response and the legal system. Victims often experience profound psychological impacts, including trauma, fear, and loss of trust in themselves and society. In addition, they may also have difficulties in physical, economic, and emotional recovery. The social impact on the victim can also include changes in interpersonal relationships and feelings of isolation or neglect by society. Rehabilitation is a very important aspect of the discussion around the death penalty, especially in the context of understanding the potential for improvement of individuals involved in criminal acts. The concept of rehabilitation emphasizes on the idea that every individual, despite having committed a serious criminal act, still can change and improve his or her behavior. With this approach, rehabilitation means allowing defendants to receive the humane treatment, education, training, and mental health services necessary to correct their wrongs and become productive members of society in the future. In the context of the death penalty, the concept of rehabilitation has become increasingly important because the opportunity to correct wrongs becomes very limited after the execution has been carried out. Therefore, rehabilitation advocates often emphasize the need to prioritize alternative punishments that allow defendants to undergo rehabilitation programs and provide opportunities to prove changes in their behavior. This approach reflects a moral and ethical outlook that understands the human value of each individual and believes in the potential for improvement contained in a just and civilized legal system.

Understanding human values is an essential foundation in dealing with death penalty issues. The value of humanity teaches us to respect the dignity of every individual, even those who have made severe mistakes. This means treating defendants with respect and recognizing their human rights, including the right to life, a fair legal process, and the right not to be tortured or ill-treated. Understanding human values also includes an awareness of the sensitivity and vulnerability of each individual, as well as an awareness of the psychological and emotional impact of challenging legal processes, especially when the death penalty is an option. By understanding human values, we are reminded of the importance of putting justice, empathy, and compassion at the center of legal policy

and law enforcement, to ensure that our actions reflect concern and respect for the dignity of each individual, even in the most difficult situations.

The policy center is an entity responsible for making, formulating, and implementing policies in a country or organization. In the context of the death penalty, policy centers have a very important role in determining the approach and practice of the death penalty in the criminal justice system. Policy centers typically consist of policymakers, legal advisors, criminal law experts, and other stakeholders involved in the policy-making process. They are tasked with evaluating issues related to the death penalty, including moral, ethical, legal, and practical considerations, as well as taking into account the views of society and the international community. The policy center is also responsible for ensuring that the resulting policies comply with universal legal and human rights principles, as well as paying attention to developments in ethical and legal thinking about the death penalty. By playing this role, the policy center plays a role in shaping the direction and practice of criminal justice, as well as ensuring that the death penalty is applied in a manner consistent with the values and principles upheld by society and the international community.

Criminal punishment refers to the actions taken by the justice system against individuals who break the law or commit crimes. This punishment aims to uphold justice, maintain social order, and provide a deterrent effect for law violators. There are different types of punishments, including the death penalty, imprisonment, fines, and other punishments. Criminal punishment is usually based on the principle that each individual is responsible for his or her actions and must be held accountable for his actions before the law. However, the application of criminal penalties must also pay attention to human rights, humane treatment, and the potential for criminal rehabilitation. Therefore, the criminal justice system must ensure that the sentences handed down are commensurate with the severity of the crime, take into account mitigating factors, and provide opportunities for social rehabilitation and reintegration. In this way, criminal punishment aims not only to punish, but also to change behavior and prevent future crimes.

Crime encompasses a wide range of behaviors that violate the law and harm individuals or society. This can be a physical act, such as violence or theft, or a non-physical act, such as fraud or corruption. Evil can have a variety of motives, including greed, anger, or need. It can also be affected by factors such as the social, economic, or psychological environment. Crime not only harms the victim directly, but can also damage the sense of security and stability in society. Therefore, law enforcement plays an important role in preventing and overcoming crime, through the application of appropriate punishments and rehabilitation efforts. In understanding and dealing with crime, it is important to pay attention to the factors that cause it, promote prevention, and provide protection to victims, while still respecting human rights and the principles of justice. On the other hand, perpetrators of crimes can also feel significant social impacts. They are often faced with strong social stigma, which can make it difficult for them to reintegrate into society after serving a sentence or rehabilitation. This can exacerbate problems such as unemployment, poverty, and social isolation, which in turn can increase the risk of returning to the path of criminality. However, with the right rehabilitation approach, offenders also have the potential to change their lives and contribute positively to society. As such, communities need to pay attention to the social impact on victims and perpetrators of crime, as well as develop a holistic approach to dealing with crime, which includes rehabilitation, support for victims, and crime prevention.

3.5 *The basis of the law*

The governing legal basis is the legal basis that establishes the framework for legal actions, rules, and procedures to be followed in a particular country or jurisdiction. This foundation includes the constitution, laws and regulations, court decisions, and legal principles that have been widely recognized. The constitution is usually the highest foundation that regulates the structure of government, basic rights, and the division of power between state institutions. Laws and regulations, such as laws and government regulations, provide details on more specific issues, such as criminal,



civil, tax, and others. Court decisions are also an important part of the legal foundation, because they set precedents that can be a guideline in interpreting and applying the law. In addition, legal principles, such as justice, legal certainty, and the rule of law, are also integral to the legal foundation that governs in a country.

Crime prevention is a very important strategy in tackling the problem of crime in society. This prevention approach includes a range of efforts to prevent crime before it occurs, focusing on identifying risk factors and implementing appropriate preventive measures. Prevention efforts can involve a variety of parties, including governments, non-governmental agencies, communities, and the private sector. Examples of prevention efforts include increased security in crime-prone areas, promotion of education and training to reduce poverty and inequality, rehabilitation programs for former inmates to be able to reintegrate into society properly, and social campaigns to raise awareness about the risks and consequences of crime. By adopting a holistic and sustainable prevention approach, communities can work together to create a safer and better environment for everyone.

Inequality refers to the existence of disparity or injustice in the distribution of resources, opportunities, or rights within society. This can happen in a variety of fields, including the economy, education, access to health services, and in the criminal justice system. Inequality is often triggered by factors such as social, economic, gender, race, or ethnic status. For example, some groups of people may experience inequality in access to decent work, quality education, or fair treatment within the legal system. Persistent inequality can lead to social tensions, increase crime rates, and threaten social and political stability. Therefore, it is important to identify and address the root causes of inequality through policies that promote social inclusion, equitable access, and the protection of human rights for all individuals, regardless of their background or identity. By minimizing inequality, communities can create a more equitable and inclusive environment for all their citizens.

The protection of human rights (HAM) is an effort to ensure that the basic rights of each individual are recognized, respected, and protected by the state and society. This includes rights such as the right to life, liberty, fair treatment before the law, the right not to be tortured or ill-treated, as well as the right to education, health, and decent work. Human rights protection also involves efforts to address discrimination, inequality, and abuse of power that can threaten individual rights. This is done through the establishment of laws and policies that support human rights, fair and transparent law enforcement, public education about their rights, and advocacy and joint action by civil society and human rights organizations. By ensuring effective human rights protection, society can create a safer, fairer, and more respectful environment for the dignity of each individual, which is the foundation for a decent and civilized life.

Justice is a fundamental principle in the legal system that underlines fair and equal treatment for all individuals, regardless of their background, status, or identity. The concept of fairness involves the enforcement of the law that is objective, transparent, and non-discriminatory, and provides equal treatment before the law for everyone. This means that every individual has the right to be heard and respected within the justice system, as well as the right to an effective and affordable legal defense. Fair also means that legal decisions are based on strong evidence and a fair process, without any unauthorized pressure or influence. By applying these principles of justice, the legal system aims to create an equal environment, where everyone has the opportunity to fight for their rights and get the justice they deserve.

Pressure can be a significant factor in legal proceedings, especially in controversial or politically or socially sensitive cases. Pressure can come from various parties, including the public, the media, or the government. This pressure can influence decision-making by legal officials, judges, or juries, and can lead to injustice or disregard for fair legal principles. For example, pressure from the public or the media can cause law officials to feel compelled to take harsher or faster action, without fully taking into account the available evidence. In addition, political pressure can affect the independence of the judicial system and hinder fair law enforcement. In this case, it is important to ensure that the legal process is not affected by external pressures, and that decisions are taken based on the law and objective

evidence, regardless of public opinion or political interests. By maintaining the independence and integrity of the justice system, we can ensure that justice is done without any pressure or unauthorized intervention.

The laws governing the death penalty in Indonesia include various regulations governing the application and execution of these sentences as part of the criminal justice system. One of the main foundations is the Criminal Code (KUHP), which lists the death penalty as a sanction for serious crimes, such as premeditated murder, as stated in Article 340. In addition to the Criminal Code, there are special laws that stipulate the death penalty for certain offenses, such as Law No. 35 of 2009 concerning Narcotics, which applies the death penalty for serious offenses in narcotics cases, and Law No. 15 of 2003 concerning the Eradication of Terrorism Crimes. Although the 1945 Constitution does not specifically mention the death penalty, it does guarantee the right to life (Article 28A), which creates a debate about the compatibility of the death penalty with human rights. The execution procedure must go through a fair legal process and give the defendant the right to appeal and clemency. In this context, the laws governing the death penalty not only set limits and procedures but also try to strike a balance between the demands of justice for victims and the protection of human rights for defendants.

Limits on the application of the death penalty are strictly regulated to ensure that these sentences are applied only in the most serious cases and through fair and transparent legal procedures. First, the limits on the types of crimes punishable by death are explicitly set out in the law, such as very serious or brutal crimes, including premeditated murder and narcotics-related crimes on a large scale. Second, restrictions are also imposed on the legal process that must be undergone before the death penalty can be handed down and carried out. This includes the defendant's right to adequate legal defense, the right to a fair court process, and the right to appeal and clemency to a higher authority. Third, there are special restrictions regarding certain groups that should not be sentenced to death, such as minors at the time of the crime and pregnant women. Fourth, the execution of the death penalty must be carried out in a way that does not cause unnecessary suffering, in accordance with humanitarian principles. All of these restrictions aim to prevent abuse of power and ensure that the death penalty, if applied, is carried out with regard to human rights and the principles of justice.

Abuse of the death penalty is a situation in which this sentence is applied unfairly or inappropriately in accordance with correct legal procedures, often involving violations of human rights and the principles of justice. Abuse can occur when individuals are sentenced to death without going through a fair judicial process, such as a lack of access to effective legal defense or a waiver of the right to appeal. In addition, abuse can also involve discrimination, where certain groups, such as minorities or those who are economically disadvantaged, are more likely to be sentenced to death than others. Cases in which individuals are executed based on insufficient evidence or flawed testimony, which is later proven innocent, are also serious forms of abuse. Even in the most prudent system, the risk of execution of innocent people cannot be completely eliminated, which adds to the complexity and controversy surrounding the application of the death penalty. Therefore, the abuse of the death penalty not only tarnishes justice but also creates deep trauma for individuals and society, as well as erodes public trust in the justice system.

Public trust in the justice system is an important foundation for stability and legitimacy in civilized societies. When people believe that the legal system operates fairly, transparently, and impartially, they are more likely to obey the law and feel safe in their daily lives. This trust allows for social support for law enforcement and the judicial process. However, the application of the death penalty can significantly affect public trust, especially when there is abuse or injustice in legal procedures. Cases in which individuals are unfairly sentenced to death or without adequate due process can create a deep sense of distrust and dissatisfaction with the legal system. This can give rise to the perception that the law is not applied evenly and that there is a great risk of human rights violations. In addition, the execution of people who may be innocent or who are treated discriminatorily can raise suspicion and spark public outcry. To maintain and strengthen public trust, it is important for the justice system to

ensure that every aspect of the application of the death penalty is carried out with strict justice and with regard to human rights. Without this trust, the legitimacy and effectiveness of the justice system can be threatened, and society can become more resistant to legal authority.

Strict justice in the context of the application of the death penalty means applying very high standards in every aspect of the legal process, from the initial investigation to execution. This includes ensuring that every individual accused of a serious crime receives fair treatment, including full access to a competent legal defense and the opportunity to adequately defend themselves. Strict justice also demands that the evidence used to impose the death penalty must be highly convincing and free from reasonable doubt. Any court process must be transparent and free from bias, ensuring that decisions are made based on facts and the law, not due to public or political pressure.

Furthermore, the strict implementation of justice requires continuous supervision and evaluation of each stage of the legal process to prevent abuse or error. This includes the right of defendants to appeal and clemency, as well as mechanisms for reviewing cases that may involve wrongdoing or injustice. Strict justice also means that the justice system must be sensitive to potential discrimination or inequality that could affect death sentences, such as differential treatment based on race, ethnicity, or economic status. By implementing strict justice, the legal system not only protects the rights of individuals but also strengthens public confidence in the justice and integrity of the justice system. This is especially important because the death penalty is an irrevocable form of punishment, and mistakes in its application can lead to irreparable consequences, undermining public trust in justice and humanity.

The death penalty verdict is one of the most serious decisions that the justice system can take, as it involves permanently taking a person's life as a result of a very serious crime. These verdicts are usually issued for crimes that are considered the most serious and gruesome, such as premeditated murder, terrorism, or serious narcotics-related offenses. The process towards a death sentence must go through a series of strict legal procedures to ensure that the decision is completely fair and based on convincing evidence. The judge who decides on the death penalty must consider all aspects of the case very carefully, including the evidence presented, the statements of witnesses, and mitigating or aggravating circumstances. In addition, the defendant should be granted the right to full self-defense, including the right to obtain a competent lawyer and the opportunity to appeal or apply for clemency to a higher authority.

The death penalty must also consider the principles of human rights and universal justice. This includes ensuring that no discrimination or bias influences decisions and that defendants are treated with respect and dignity throughout the legal process. Errors in death sentences can have irreversible impacts, such as the execution of innocent people, which can destroy lives and cause deep trauma to the families of the accused and society. Therefore, any death sentence must be taken with utmost caution, full awareness of its consequences, and a solid commitment to strict justice and human rights. Such decisions not only affect the defendant but also reflect the values and principles held by society in the face of crime and justice. Trauma resulting from legal proceedings involving the death penalty can cover various aspects, both for the defendant and for the family, as well as society as a whole. For defendants, the long and grueling process to the death penalty, often spent in isolation and uncertainty, can lead to immense stress, anxiety, and depression. Even for those guilty, this experience can be very traumatic, with thoughts of executions approaching the death penalty. For the defendant's family, the death penalty process can also cause deep trauma. They may experience a deep sense of hopelessness, confusion, and sadness while awaiting a final decision and the inevitable execution. When the death penalty is applied, the defendant's family also has to face unforgettable grief and a complex mourning process. In addition, society as a whole can also experience trauma related to the death penalty. Cases that attract media attention and the accompanying debate can trigger strong emotions and increase social tensions. Polemics about the morality and effectiveness of the death penalty can also divide society and deepen social conflicts. Thus, the trauma associated with the death penalty not only impacts the individuals directly involved but can also permeate into the more

comprehensive social network. It emphasizes the importance of considering the psychological and emotional implications of the death penalty in discussions about legal policy and law enforcement.

The question of the morality of the death penalty raises a profound debate in many societies. On the one hand, some people see the death penalty as a form of justice that deserves for the perpetrators of the most serious crimes and as a form of solid response to crimes that violate societal values. From this perspective, the death penalty is considered an effective deterrent and an expression of morality that respects the interests of victims and affected communities. However, on the other hand, many parties oppose the death penalty on moral grounds. They argue that the death penalty violates fundamental human rights, in particular the right to life, and is incompatible with the principles of morality that respect the dignity and possibility of individual restoration. This polemic creates tension between the need to enforce the law and the moral values that underlie society. Therefore, the discussion on the morality of the death penalty not only reflects different views on justice but also challenges society to consider the ethical implications of specific legal actions in the context of upheld moral values. In examining the death penalty from the perspective of moral values, it is essential to understand the context of values that affect people's views. Moral values are often closely related to different religions, cultural traditions, and philosophical beliefs in other societies. In some cultures, justice and revenge are so strong that the death penalty is considered a form of justice that corresponds to the crime committed. However, in other cultures, the values of humanity and mercy view the death penalty as a violation of human rights and incompatible with highly held moral principles. In addition, developments in morality thinking, such as recognizing the importance of rehabilitation and the opportunity to correct wrongs, have changed the view of the death penalty in some societies. Therefore, in examining the death penalty from the perspective of moral values, it is important to pay attention to the cultural, religious, and development of ethical thinking that influences people's views on justice and legal policies.

4. CONCLUSION

From the perspective of criminality, the legal foundation that regulates is an important foundation in upholding justice and maintaining social order. Through constitutions, statutes, court decisions, and legal principles, the legal system provides a clear framework for dealing with violations of the law and providing appropriate sanctions. However, to achieve these goals effectively, it is important to ensure that the law is applied fairly and consistently, paying attention to individual rights, correcting inequalities in the legal system, and prioritizing rehabilitation over punishment alone. Thus, the legal foundation that governs plays an important role in building a safe, just, and civilized society. The suggestion to strengthen the legal foundations governing from a criminality perspective is to increase access to justice for all individuals, especially those who are vulnerable and economically disadvantaged. This can be done by providing adequate legal assistance, ensuring adequate legal representation for all parties, and reducing administrative barriers in the legal system. In addition, it is important to continue to encourage legal reforms that focus on the rehabilitation and social reintegration of offenders, not just criminalization. This can include investing in rehabilitation, education, and job training programs to help offenders build a positive life after serving their sentences. Equally important is ensuring that the law is applied fairly and consistently, without discrimination based on factors such as race, gender, or social status. This requires good training for law enforcement officers and the strengthening of oversight mechanisms to prevent abuse of power. Finally, collaborating with the public in the process of formulating legal policies and providing broader legal education to the public can also help strengthen the legal foundation that governs. By involving the community in this process, we can ensure that the law better reflects the values and needs of society.

REFERENCES

- A'Aan Efendi, Freedy Poernomo, dan IG NG Indra S. Ranuh, *Teori Hukum*, Sinar Grafika, Jakarta, 2016.
- Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, PT Citra Aditya Bakti, Bandung, 2004.
- Abdurrahmat, *Metodologi Penelitian dan Teknik Penyusunan Skripsi (Cetakan 1)*, PT. Asdi Mahasatya, Jakarta, 2006.
- Abintoro Prakoso, *Kriminologi dan Hukum Pidana*, Laksbang Pressindo, Yogyakarta, 2017.
- Adami Chazawi, *Pelajaran Hukum Pidana Bagian 1 Stelsel Pidana Teori- Teori Pemidanaan*, PT Raja Grafindo, Jakarta, 2002.
- Ahmad Nindra Ferry, *Efektifitas Sanksi Pidana Dalam Penanggulangan Kejahatan Psikotropika Di Kota Makasar*, Perpustakaan Unhas, Makasar, 2002.
- Andi Hamzah, *Bunga Rampai Hukum Pidana dan Acara Pidana*, Ghalia Indonesia, Jakarta Timur, 2006.
- Baharuddin Lopa, *Kejahatan Korupsi dan Penegakan Hukum*, Buku Kompas, Jakarta, 2001.
- Bambang Sunggono, *Metodelogi Penelitian Hukum*, PT Raja Grafindo Persada, Jakarta, 2010.
- Barda Nawawi Arif, *Masalah Penegakan Hukum dan Hukum Pidana dalam Penanggulangan kejahatan*, Kencana, Jakarta, 2001.
- Bawengan G.W, *masalah kejahatan dengan sebab akibat*, Pradnya Paramita, Jakarta, 1977
- Bonger W.A, *Inleiding tot de Criminologie* terjemahan oleh R.A. Koesnoen
- Eddy O.S. Hiariej, *Prinsip-Prinsip Hukum Pidana*, Cahaya Atma Pustaka, Yogyakarta, 2016.
- Freda Adler et al, *Criminology fourth edition*, McGraw-Hill Companies Inc, New York, 1998.
- Fuad Mustofa, *Pengantar Hukum Pidana*, UMM press, Malang, 2004.
- H. Salim, *Perkembangan Teori dalam Ilmu Hukum*, PT Raja Grafindo Persada, Jakarta, 2012.
- I.S. Susanto, *Kriminologi*, Genta Publishing, Yogyakarta, 2011.
- Indah Sri Utami, *Aliran dan Teori dalam Kriminologi*, Thafa Media, Yogyakarta, 2012.
- Jonaedi Efendi dan Johnny Ibrahim, *Metode Penelitian Hukum Normatif dan Empiris*, Prenadame Group, Jakarta, 2018.
- Koeswadi dan Hermien Hadiati, *Perkembangan Macam-Macam Pidana Dalam Rangka Pembangunan Hukum Pidana*, PT. Citra Aditya Bakti, Bandung, 1995.
- M. Iqbal Hasan, *Pokok-Pokok Materi Metodologi Penelitian Dan Aplikasinya*, Pt. Asdi Muhasatya, Jakarta, 2006.
- Made Darma Weda, *Kriminologi*, PT. Raja Grafindo Persada, Jakarta, 1996. Mark M. Lanier and Stuart Henry, *Essential Criminology*, Press, Third Edition, Westview, 2010.
- Martin R. Haskell and Lewis Yablonsky, *Criminologi: Crime and Criminality*, Rand Mac Nally College Publishing Company, Chicago, 1974
- Mulyana W. Kusumah, *Kejahatan dan Penyimpangan*, YLBHI, Jakarta, 1988 Peter Mahmud Marzuki, *Penelitian Hukum*, Prenada Media Group, Jakarta, 2007.
- Pengantar Tentang Kriminologi*, Pembangunan, Jakarta, 1962.
- Pudi Rahardi, *Hukum Kepolisian Kemandirian Profesionalisme dan Reformasi*, Laksbang Grafika, Surabaya, 2014.
- R. Abdoel Djamali, *Pengantar Hukum Indonesia*, PT Raja Grafindo Persada, Jakarta, 2011.
- Robert M. Bohn dan Keith N. Haley, *crime and society*, Allyn and Bacon, Massachusetts, 1989.
- Romli Atmasasmita, *Teori dan kapita Selekt Kriminologi*, Aditama, Bandung, 2005.
- Rusli Muhammad, *Sistem Peradilan Pidana di Indonesia*, UII Pers, Yogyakarta, 2011
- Soeharto, *Hukum Pidana Materil*, Sinar Grafika, Jakarta, 1993.
- Soerjono Dirdjosiworo, *Ruang Lingkup Kriminologi*, Remaja Karya, Bandung, 1982.
- Soerjono Seokanto, *Hengkie Liklikuwata*, Mulyana W. Kusumah, *Kriminologi Suatu Pengantar*, Ghalia Indonesia, Jakarta, 1986.
- Soerjono Soekanto, *Sosial Suatu Pengantar*, Remadja Karya CV, Jakarta, 1997.
- Soeroso, *Kitab Undang-Undang Hukum Pidana (KUHP)*, Poletia, Bogor, 1991.
- Tolib Effendi, *Dasar-Dasar Kriminologi*, Setara Press, Malang, 2017.
- Topo Santoso dan Eva Achjani Zulfa, *Kriminologi*, PT Raja Grafindo Persada, Jakarta, 2016.
- Wahyu Muljono, *Pengantar Teori Kriminologi*, Pustaka Yustisia, Yogyakarta, 2012.
- Wirjono Prodjodikoro, *Asas-asas Hukum Pidana di Indonesia*, Bandung, PT Refika Aditama, 2003, hlm. 27.