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Kuala Lumpur, Malaysia

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Harmonization of the Provision of Death Penalty in the Penal Code with Pancasila as the Base of the Republic of Indonesia in the Effort of Penal Law Reform (A Case Study in Yogyakarta Special District)

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ABSTRACT

This research was conducted to know and analyze method to harmonize death penalty provided in the Penal Code with Pancasila as the base of The Republic of Indonesia in the effort of penal law reform according to the views of some society circles in Yogyakarta Special District (YSD). Besides, it aimed at knowing and analysing the status of death penalty in the effort of penal law reform according to the views of some society circles in YSD. This research used both normative and empirical legal research methods and legal policy approach. The analysis was carried out by using qualitative method. The research results indicated that according to some society circles living in three villages of YSD, namely Ngeglok, Gading and Susukan method to harmonize death penalty with Pancasila as the base of The Republic of Indonesia in the effort of penal law reform is by applying values of the first and the second principles of Pancasila. Half of the society circles of those three villages agreed to wipe out death penalty whereas half of them would like to defend it in the effort of penal law reform. Those who agreed to wipe out argued that death penalty is against Pancasila, whereas those who would like to defend it stressed that death penalty is still needed for offenders of extra ordinary crimes such as terrorism, corruption, sadistic murders and genocide. Therefore, they suggest that to defend or to wipe out death penalty in the effort of penal law reform depends very much on the government's policy.

Keywords: Harmonization; Pancasila; The Status of Death Penalty; Penal Law Reform; Government's Policy; and Offenders of Extraordinary Crimes.