VOL 1 NO 5 TH, AUGUST 2020
E ISSN 2722-2985
INTERNATIONAL JOURNAL OF MULTI SCIENCE

CRIMINAL LAW POLICY THROUGH THE APPLICATION OF CAPITAL PUNISHMENT ON CORRUPTION IN INDONESIA

Arianus Harefa[1]

[1)]The South Nias College of Law , NORTH SUMATERA
Correpondence: arisharefa86@gmail.com

ABSTRACT

The handling of corruption crimes is still under the sharp spotlight from various circles, including the public, professionals and law enforcement circles themselves. The various aspects of law enforcement discussed, one of which is the issue of just legal reform, "rule of law" in the sense that the role of higher education of law in improving the quality of law enforcement and moral integrity, having faith and knowledge is highly expected.

In order to produce quality and integrity law enforcers, efforts are made, namely the formulation of laws by the legislative body, the application of the law by the courts, and the stage of executing decisions by the Public Prosecutor. Quality law enforcement is carried out through new breakthroughs in the criminal law of corruption, namely by applying the death penalty to perpetrators of corruption in certain circumstances. Under certain circumstances, the death penalty for perpetrators of corruption is considered more effective than imprisonment, deprivation or fines and/or penalties in the form of payment of replacement money.

Imposing the death penalty for criminal acts of corruption in Indonesia as referred to in Article 2 paragraph (2) of the PTPK Law (derogate specialist) and in Article 10 of the Criminal Code (generalist derogate) where the act is committed under certain circumstances, then by a judge who adjudicate and decide on the case can be used as a guideline, basis, and reason for the weighting of the criminal against the perpetrator with the aim of providing a deterrent effect and frightening other communities so that the same behavior will not be repeated.

Keywords : Criminal, Law Policy, Corruption, Capital Punishment

INTRODUCTION

The criminal act of corruption is one of the extraordinary crimes that is often carried out in a planned and systematic manner and constitutes a violation of the social and economic rights of the community at large and is endemic, damaging the foundations of the national economy, and degrading the nation's dignity in international forums, so that its eradication must be carried out in a manner extraordinary. Therefore, the government as the organizer of state life needs to provide protection and welfare of the community through various policies that are agenda in the national development program by taking action against perpetrators of criminal acts of corruption in Indonesia.

Corruption is an extra ordinary crime that can bring losses to the life of the nation and the state and disrupt the stability of the country's economy. Therefore, in an effort to prevent and eradicate Corruption Crime, the President has issued Presidential Instructions Number 9 of 2011 concerning the Action Plan for the Prevention and Eradication of Corruption.

This Presidential Instruction details steps to prevent and eradicate corruption covering six strategic areas, namely prevention, prosecution, harmonization of laws and regulations, recovery of assets resulting from corruption, international cooperation and reporting mechanisms, with reference to the National Development Priorities in the Development Plan. . In the framework of implementing the provisions of the Presidential Instruction, the Directorate General of Legislation has conducted an inventory of laws and regulations related to the Corruption Crime with the aim of facilitating public participation in the prevention and eradication of corruption.

To prevent the occurrence of the criminal act of corruption, one of the efforts made is the application of capital punishment as a form of influencing the psychology of the perpetrator not to commit a criminal act. This policy aims to ensure that enforcers (Police, Attorney General's Office, and the KPK and Courts) have the mandated authority in each applicable statutory regulation. In Article 2 paragraph (2) of Law Number 31 Year 1999 concerning Eradication of Corruption Crime (UU PTPK) jo. Constitutional Court Decision Number 25 / PUU-XIV / 2016 which stipulates that:

Anyone who illegally commits an act of enrichment of himself or another person or a corporation which harms the state finances or the state economy, is sentenced to imprisonment for life or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years. and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

Elucidation of Article 2 paragraph (2) in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes (PTPK Law) that what is meant by "certain conditions" in this provision are conditions that can be used the reason for the weighting of the criminal offense for the perpetrator of the criminal act of corruption, that is, if the criminal act is committed against funds intended for handling dangerous situations, national natural disasters, overcoming the consequences of widespread social unrest, overcoming economic and monetary crises, and repeating corruption.

Efforts to eradicate criminal acts of corruption are desirable considering the PTPK Law in its preamble states that, namely:

a) Whereas the criminal act of corruption that has so far occurred widely, is not only detrimental to state finances, but has also constituted a violation of the social and economic rights of the community at large, so that the criminal act of corruption needs to be classified as a crime whose eradication must be carried out extraordinarily;
b) That in order to better guarantee legal certainty, avoid various interpretations of the law and provide protection for the social and economic rights of the community, as well as fair treatment in the eradication of criminal acts of corruption.

In connection with this, the author agrees with Romli Atmasasmita who said that the imposition of capital punishment for perpetrators of corruption is very effective and this has been proven in the People's Republic of China (PRC), and has been quite successful in reducing

corruption. This certainly can be used as an example by Indonesia in terms of imposing the death penalty for criminals.

The fact that has happened is that since the enactment of the PTPK Law, in court decisions in Indonesia there has never been a court decision imposing death penalty for perpetrators of corruption in Indonesia, even though the statutory provisions (KUHP and PTPK Law) provide sufficient legal basis. assertive to judges, so that criminal acts of corruption are increasing day by day and difficult to eradicate to the roots.

Starting from this description, the author is very interested in examining in more depth the Criminal Law Policy through the Application of the Death Penalty in Corruption in Indonesia, by looking at the implementation of the Corruption Eradication Law in every judge's decision.

THEORETICAL FRAMEWORKS

Criminal Policy

Sudarto, as quoted by Barda Nawawi Arief said that there are 3 (three) policies in the effort to tackle crime, namely:

a) In a narrow sense, it is the whole principles and methods that are the basis for and reactions to violations of the law in the form of crimes.
b) In a broad sense, it is the overall function of the law enforcement apparatus in terms of the workings of the courts and the police.
c) In its broadest sense, it is policies carried out through legislation and official bodies, which aim to uphold the central norms of society.

Marc Ancel Criminal Policy is “a rational society in tackling crime. Starting from this understanding put forward by Marc Ancel, G. Peter Hoefnagels argues that "criminal policy is the rational organization of the social reaction to crime". Various other definitions put forward by G. Peter Hoefnagels are:

a) Criminal policy is the science of responses
b) Criminal policy is the science of crime prevention
c) Criminal policy is a rational total of designating human behavior as crime
d) Criminal policy is a rational total of the responses to crime.

Ninik Widiyanti and Panji Anoraga explained that knowledge of criminal policy is knowledge of crime prevention which includes efforts to find ways to influence humans and society by using the results of criminological research. Criminal policy is a rational organization of social reactions to policy. And the divisions of the diagram into science and application to follow the social nature of criminology.

Criminal policy is manifested both as knowledge and as an implementation of the prevention of criminal acts. Law enforcement policy according to legislative policy is thus a social policy. Policy in crime prevention is essentially an integral part of efforts to protect society (social welfare). Therefore it can be stated that the ultimate goal or main objective of criminal policy is "Protection of society to achieve social welfare". Thus it can be understood fundamentally that criminal policy is a rational attempt by society to tackle crime. This includes an activity to formulate a criminal law, activities of the Police, Attorney General's Office, Courts and Execution Officers, as well as businesses that do not use criminal (law).

Death Penalty

Criminal is a form of suffering imposed on violators of the law, but on the other hand, punishment is also a statement of condemnation of the perpetrator's actions. Criminal is a sanction given to someone for an act that is not related to the applicable law. The imposition of a sentence against the perpetrator of a crime is a retribution for his actions imposed by the judge on him, which can be in the form of death penalty, imprisonment, detention and other additional crimes.

The death penalty in a legal term is known as uitvoering, which means the imposition of punishment by depriving a person of the right to life who has committed a crime stipulated in law which is punishable by death. Capital punishment means the loss of a person's life. Death penalty is the heaviest punishment of all types of basic crimes, so that it is only punished against the perpetrator of certain crimes. The death penalty is exceptional, meaning that the death penalty is only applied by the judge if absolutely necessary.

If a judge is found guilty of committing a serious crime as punishable by death, the judge may impose a death sentence. In practice, the execution of the death penalty can be postponed until the President gives Execution Fiat, meaning that the President approves the execution of the death penalty to the convicted person. Thus, capital punishment is a punishment or reaction to or grief in the form of death imposed on a person who commits a crime that made an offense, while the meaning of death which is taken from the root word death means the loss of a person's life or no longer alive. This death will occur through the failure of the function of one of the three pillars of life (Modi of Death), namely: the brain (central nervous system), heart (circulation of the system), and the lungs (respiratory system).

Corruption

Corruption is a symptom of society that can be found everywhere. History has shown that almost every country is faced with corruption problems. It is not an exaggeration if the definition of corruption is always developing and changing according to changing times. The term corruption comes from the Latin word "coruptio" or "corruptus", which means damage or depravity. In addition, the term corruption in several countries is used to denote a bad condition or act. Corruption means a lot of dishonesty in someone in the financial sector. There are many terms in some countries "gin moung" (Thailand), which means greed, "ashuku" (Japan), which means dirty.

Literally corruption is rottenness, ugliness, depravity, dishonesty, can be bribed, deviation from holiness, words that are insulting or slander, bribery, in Indonesian the word corruption is bad deeds, such as embezzling money, receiving bribes and so on. Furthermore, the types of corruption in practice include the following characteristics:

1) Corruption always involves more than one person.
2) Corruption is generally carried out in full secrecy.
3) Corruption involves an element of obligation and mutual benefit.
4) Corruption with various kinds of reasons takes cover behind legal justifications.
5) Those who are involved in corruption are those who want firm decisions and they are able to influence decisions.
6) Acts of corruption contain fraud either in political bodies or the general public.
7) Any form of corruption is a betrayal of trust.

Subjects and Objects of Crime

In the history of criminal law legislation in Indonesia, it is known that the subject of something is not criminal, namely humans (natuurlijke persoonen). Thus only humans are considered as subjects of criminal acts. According to S.R. Sianturi that humans as subjects of criminal acts can be seen from 3 (three) aspects, namely:

a) The formulation of offenses which always determines the subject in terms of whoever, Indonesian citizen, skipper, civil servant and so on. The use of these terms other than those stipulated in the formulation of the offense concerned, can be found as a basis in Articles 2 to 9 of the Criminal Code. For the term anyone, in Articles 2, 3 and 4 of the Criminal Code the term een ieder (everyone) is used.
b) Provisions regarding criminal liability as regulated, especially in Articles 44, 45 and 49 of the Criminal Code, which among other things require psychiatric (verstandelijke vermogens which is then considered as geestelijke vermogens) of the act. Likewise, the element of error (dolus/culpa) which is the psychological relationship between the act and the action.
c) Provisions regarding crimes regulated in Article 19 of the Criminal Code, especially regarding fines, only humans can understand the value of money.

Humans as bearers of rights and obligations start from the time they are born and end when they die. Even a child who is still in the womb can also be considered as a subject or as a right bearer after birth if his interests require it. But the development of the times is getting more and more advanced so that according to scholars it cannot be said that only humans can be used as subjects, but legal entities can also be subjects, but in matters concerning:

a) Source of state funds (taxation, import and export duties of goods and so on),
b) Economic regulation (price control, use of checks, company regulation and so on),
c) Security arrangements (subversion, danger and so on).

According to C.S.T. Kansil, which is meant by the object of a criminal act, is anything that is useful for legal subjects and which can be the object of any legal relationship. Basically, legal objects are called objects. This can be seen from Article 499 of the Civil Code, which stipulates that objects are all goods and rights that can be owned by a person. Article 503 of the Civil Code divides objects into 2 (two) types, namely:

a) Tangible objects (material), namely everything that can be touched by the five human senses, such as tables, chairs and others.
b) Intangible objects (immaterial), namely all kinds of rights, such as copyright, patent rights, trademark rights and others.

METHOD

This study uses a type of normative legal research, with the approach of legislation that is conceptualized as norms or rules that apply in society and become a reference in every pattern of human behavior in a country. This study aims to provide an explanation of the application of a prevailing statutory regulation and provide information on the implementation of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes. The data collection technique was carried out by means of a library research through secondary data consisting of primary legal materials, secondary legal materials and

tertiary legal materials. Then the secondary data that has been collected are compiled systematically and analyzed descriptively, logically, and coherently.

DISCUSSION

Criminal Law Policy in the Death Penalty for Corruption in Indonesia

Prior to the enactment of the Criminal Code (KUHP) in Indonesia, the applicable criminal law in Indonesia was customary criminal law. The customary criminal law also recognizes the existence of capital punishment in certain areas. Previously, customary law in Aceh has recognized the death penalty, a wife who commits adultery will be sentenced to death. When the Sultan is in power there, 5 (five) main types of crimes can be imposed, namely:

1) Hand cut (thief)
2) Killed with a javelin
3) Bolted in a tree
4) Cut of meat from the body of the convicted person
5) Hit the convict's head in a mortar.

In the area of Gayo customary law, imprisonment as a substitute for the death penalty is if someone deliberately burns the village, then all of his dadohot (all his belongings including his wife and children) are retaliated so that they don't commit the same act again. In the Batak area, if the murderer cannot pay the wrong money, and the family of the person who was killed surrenders to be sentenced to death by the perpetrator, then the death penalty will be carried out immediately.

The current Criminal Code is the result and ideas of the Dutch colonialists, although in the Netherlands in 1870 the death penalty was abolished. Based on the concordance principle then it was enforced in Indonesia. Likewise, the history of capital punishment cannot be separated from the process of establishing the Criminal Code. If we trace the history of the death penalty in force in Indonesia, it will not be separated from the history of the inclusion of capital punishment in the Netherlands. Capital punishment in the Netherlands comes from the French Penal Code, because during the reign of Napoleon, France had colonized the Netherlands. therefore, the historical Penal Code has ever been valid in the Netherlands. The Penal Code, which was made during the reign of Napoleon, still maintains the death penalty, even being the most important means of preventing criminal acts and to maintain the status quose during Napoleon's reign.

After the Dutch government became independent, efforts to replace and depend on the French Penal Code produced results, thus giving birth to a codification of law in the Netherlands, this means it cannot be separated from the French Penal Code. The reason for maintaining the death penalty is because it is deemed necessary and very effective in preventing criminal acts.

The progress experienced by the Netherlands had an impact on expanding to other countries including the Indonesian Archipelago. so that the applicable laws in the Netherlands were also enforced in their colony, including the death penalty. The reasons why capital punishment is still maintained or included in WvS.N.I as concluded by J.E. Sahetapy from the opinion of Dutch scholars is based on three reasons put forward, namely:

1) Reasons based on racial factors
2) Reasons based on the public order factor
3) Reasons based on criminal law and criminology.

Ad.1. The reasons are based on racial factors

The reason for this, according to J.E Sahetapy, the death penalty based on racial factors can be seen from:

a) There was a wrong attitude and evaluation towards natives, because the Dutch law graduates who served in law enforcement agencies had not yet mastered the Malay language (Indonesian at that time) and the local language. Reliance on translators can increase the presence of false testimony.
b) Dutch law scholars did not understand and absorb the social values and structures of the indigenous people at that time.
c) Inadequate criminal procedural law and the absence of an indigenous lawyer or legal advisor, it is not prevented from the possibility of a mistaken image and assumption that indigenous witnesses like to give false testimony.

Ad.2. The reasons are based on the public order factor

The problem of public order in colonies was very important before the Criminal Code (WvSNI) was codified and it could be seen in more depth the difficulties faced by lawmakers during the colonial era. In this case Van Hamel stated:

a) The diversity of the population and the understanding of indigenous people that are difficult for legislators to understand.
b) Because in the middle of the 19th century in the western world, there were new ideas that began to progress towards slavery and the problem of colonialism.
c) The situation and conditions that were difficult to digest by the Dutch authorities at that time made it seem as if there was no power to act without harsh and violent laws as the basis for defending the colony.

Based on these reasons for public order, Moderman states that:

1) The State has all the powers to maintain public order, and therefore the existence of capital punishment must be seen in terms of the mandatory criteria.
2) Although death penalty institutions have various deficiencies that cannot be denied, do not let anyone refrain from including them in the criminal system. Therefore, for the sake of public order, death penalty can and must be applied.

According to Lemaire, the reasons for the inclusion of capital punishment in WvSNI include:

1) The Dutch East Indies (Indonesia at that time) was a large colony and its population consisted of various ethnic groups. In essence, the condition of the Dutch East Indies at that time was very different from that in the Netherlands. In the Dutch East Indies, law order was very easily disturbed and it was easier to become critical and dangerous than in the Netherlands.
2) It was difficult for the government structure and means of defense in the Indies to carry out the same steps as in the Netherlands or other European countries. In such circumstances, according to Lemaire, it is not responsible for releasing a powerful weapon as a capital punishment which has a frightening character which is not found in imprisonment and imprisonment.

Ad.3. Reasons based on criminal law and criminology

J.E Sahetapy had a very strong impression that Dutch scholars considered the death penalty as a natural element in criminal law and therefore did not need to be questioned. The death

penalty is considered as inherent in the criminal law "Werd Niet Twiffelacting Geoordeeld" meaning that there is no need to doubt that this kind of thing can be understood as long as criminal law is seen as a mere means of government politics. This also applies to today, although there are still many law scholars who are less aware of it. There are still many legal scholars who argue that criminal law is related to the problem of how to eradicate crime, how to impose crime in the context of the criminal theory it adopts, how to make criminal law provisions reflect the values and norms that live in society, how to make criminal law is also a powerful tool in the implementation of government politics, a regime.

Judging from the main idea that it focuses more on the protection of the community, it is reasonable for the concept to maintain severe types of sanctions, namely capital punishment and life imprisonment, however, capital punishment in the concept is not included in the main series of criminal charges and is assigned itself as a type of criminal special or special. The shift in the position of the death penalty is based on the thought of criminal law science which is seen from the purpose of punishment and the purpose of establishing criminal law as a means of criminal policy and social policy in the application of capital punishment which essentially creates the main means to regulate, order and improve society.

Based on these reasons, the government considered it necessary to have the death penalty included in the Criminal Code as a powerful weapon from the authorities to defend regional law in Indonesia at that time. The execution of the death penalty is carried out by hanging the convict on a hanging pole like what an executioner would do.The death penalty in the penal system according to the concept of the new Criminal Code, the type of crime that is subject to the formulation of offenses, especially imprisonment and fines. The death penalty is only punishable for certain offenses and is always alternated with life imprisonment and a sentence based on a certain time.

The criminal law policy of giving the death penalty for perpetrators of corruption in Indonesia is considered more effective when compared to imprisoning or imprisonment. Imposing the death penalty against the perpetrator of a criminal act of corruption as stipulated in Article 2 paragraph (2) of the PTPK Law is possible for the perpetrator if the provisions of Article 2 paragraph (2) are carried out in "certain circumstances".

Certain conditions referred to are conditions that can serve as reasons for criminal action against the perpetrator of a criminal act of corruption, namely if the criminal act is committed against funds allocated for overcoming dangerous situations, national natural disasters, overcoming the consequences of widespread social unrest, overcoming economic crises and monetary, and overcoming criminal acts of corruption.

The Relationship between the School of Criminal Law and the Position of the Death Penalty in Indonesia

The death penalty in effect in Indonesia today cannot be separated from the influence of criminal law thinkers as stated in several schools. The flow in criminal law does not seek a legal basis or justification for the crime but tries to obtain a practical and useful criminal law system. Streams in criminal law, namely:

a. Classical Style

Classical school began to react to absolute government which caused a lot of legal uncertainty, inequality in law, and injustice. This flow requires criminal law to be systematically structured with an emphasis on legal certainty. The ind administrative view of human freedom

which focuses on the act and not on the person who commits the crime as desired, is criminal law in the sense that the act is abstract and is seen only in juridical terms. Regardless of the person who commits it, by objectifying the criminal law the personal nature of the perpetrator, age, mental state, previous crime or other specific circumstances of the act that occurred.

Criminal system that is definite (definite sentence), rigid (rigid) and punishment that does not recognize a system of mitigation and weighting of non-legal factors, so the role of Judges in determining a person's guilt is greatly reduced, as a consequence of this, the law must be formulated with clear so that it is impossible for the judge to interpret, the judge acts as the mouth of the law. The thought of followers of this classical school rests on the pillars, namely:

1) The principle of legality which states that there is no crime without a law, no crime without a law and no prosecution without a law.
2) The principle of error, which states that a person can only be convicted for a criminal act he has committed intentionally or because of negligence.
3) The principle of secular reward (retaliation), which contains that concrete punishment is not imposed with the intention of achieving the act committed.

Cesare Beccaria, who is one of the main figures of the classical school, which according to the world of legal science is considered the first to lay the foundation of the classical school. According to Sue Titus Reid, Beccaria's biggest contribution is her conception that punishment should fit the crime (punishment should fit the crime). The philosophy that influences Beccaria in terms of quality regarding "freedom of will", argues that human action is purposive (aiming) and this is based on the notion of hedonism, the principle of pleasure and distress, namely humans and avoiding actions that bring trouble. So the result of the philosophy regarding freedom of will, according to Beccaria, the scale of justice is not determined on individual prejudices that end up being blind.

The main reason for the imposition of crimes is to ensure the survival of society and to prevent people from committing crimes. Therefore, the imposition of the death penalty cannot prevent crime and it is brutality. Beccaria also believes that the death penalty wastes human resources, which are the main capital for a country. The death penalty also creates a moral stigma that generally shows a general sense of hatred and the result will weaken general morality which can be defended or strengthened by the law itself. Beccaria's reason for rejecting the death penalty is based on a contra-social position which states that "no one has the natural right to surrender, terminate, sacrifice their own life. therefore, no one with the agreement can give the king or ruler the right of life and death over himself ". Therefore, contra social cannot justify capital punishment.

b. Modern flow

The modern school grew at the end of the 19th century and entered the 20th century which is a correction to the classical flow and this school is also called the positive school because it seeks evil with natural methods and intends to directly approach and influence criminals positively as far as it can be improved. and views the perpetrator in an abstract manner, and not only as a person who does it from a juridical perspective alone, but it must be seen in a concrete way that in reality a person's actions are influenced by his personal character, biological factors, and social environment factors.

This flow starts from the viewpoint of determinism, which is that humans do not have free will. So this school rejects the view of retaliation based on subjective mistakes. Lambrosso is one

of the figures of the modern school with his theory of delinquenten nato allowing capital punishment to eliminate the evil traits that exist in the perpetrator of the crime. Capital punishment is an attempt to eliminate people who cannot be repaired, and with the death penalty, the obligation to keep them in prison is so large. Garofalo also shared Lambrosso's opinion, saying that capital punishment is an absolutely necessary tool for society to eliminate individuals who cannot be repaired. The death penalty is a radical attempt to eliminate people who cannot be repaired, and it is also the loss of the obligation to care for in such large prisons.

c. Neo-Classical flow

This flow is a modification of the school of retribution which has the same basis as the classical school, which is known as the doctrine of free will, but by making modifications in various ways. This neo-classical school tries to provide solutions to questions that cannot be answered by the classical school. The roots of this sect are more realistic and adapted to the changing times and the modification of the purpose of the crime, namely solely to retaliate against the actions of the criminal in order to give repentance for himself and also to other communities to frighten so that similar acts do not occur and prison convicts feel free from the mistakes they have made

CONCLUSION

Criminal law policy through the application of the death penalty for corruption in Indonesia is considered more effective if it is compared to imprisonment, deprivation or fines and/or penalties in the form of payment of replacement money by the perpetrator. Imposing the death penalty against the perpetrators of corruption in Indonesia has been mandated in Article 2 paragraph (2) of the PTPK Law where acts of corruption are committed under certain circumstances so that the death law can be applied. The particular condition referred to is a situation which can be used as a reason for criminal action against the perpetrator of a criminal act of corruption, that is, if the criminal act is committed against funds allocated for overcoming dangerous situations, national natural disasters, overcoming the consequences of widespread social unrest, overcoming economic crises and monetary.

REFERENCES

Hamzah, Andi, 1996, *Bunga Rampai Hukum Pidana dan Acara Pidana*,Penerbit Ghalia Indonesia, Jakarta.

Harefa, Arianus, 2018, *Keweangan Penyidik Dalam Penanganan Tindak Pidana Narkoba Di Wilayah Hukum Kota Gunungsitoli*, Jurnal Education and Development, Vol. 4, No. 1.

_____, 2017, *Perlindaungan Hukum terhadap Sanksi Dalam Perkara Korupsi Di Kepolisian Polres Nias*, Jurnal Education and Development, Vol. 7, No. 1.

Hamzah, Andi dan A. Sumangelipu, 1983, *Pidana Mati Di Indonesia Di Masa Lalu, Kini Dan Di Masa Depan*, Penerbit Ghalia Indonesia, Jakarta.

Indriyanto, Adji, Seno, 2001, *Pidana Mati Bagi Koruptor Sebagai Upaya Pemberantasan Korupsi, Jurnal Keadilan*, Jakarta.

J.E, Sahetapy, 1982, *Suatu Studi Khusus Mengenai Ancaman Pidana Mati Terhadap Pembunuhan Berencana*, CV. Rajawali, Jakarta.

Muladi, 1985, *Lembaga Pidana Bersyarat*, Penerbit Alumni Bandung, Bandung.

Nawawi Arief, Barda, 1990, *Sistem Pemidanaan Menurut Konsep K.U.H Pidana Baru dan Latar Belakang Pemikirannya. Penataran Asas-Asas Hukum Pidana*, Fakultas Hukum Bandung.

_____, *Kebijakan Kriminal (Criminal Policy)*, *UNDIP*, Semarang, 2003.

Widiyanti Ninik, dan Panji Anoraga, 1987, *Perkembangan Kejahatan dan Masalahnya Ditinjau dari Segi Kriminologi dan Sosial*, Penerbit Pradnya Paramita, Jakarta

Sudarto, 2002, *Tindak Pidana Korupsi di Indonesia dalam Hukum dan Hukum Pidana*, Penerbit Alumni, Bandung.

Kitab Undang-undang Hukum Pidana (KUHP)

Undang-undang Republik Indonesia Nomor 31 Tahun 1999 tentang Perubahan atas Undang-undang Republik Indonesia Nomor 20 Tahun 2001 tentang *Pemberantasan Tindak Pidana Korupsi*