

UGM Doctorate Studies Capital Punishment in Indonesia

Tuesday, 25 September 2018 WIB, By: Marwati




Capital punishment has long been a subject of controversy throughout the world.

Doctoral student of UGM Faculty of Law, Muhammad Luthfie Hakim, examined the implementation of capital punishment including public execution, Islamic views, and its relevance to deterrent effect in Indonesia.

“The polemic against capital punishment resurfaces along with the country’s politico-legal dynamics. But in a country that implements Sharia law, debates on the imposition of capital punishment might not exist,” he said during a public doctoral examination on Friday (9/21).

The most debated issue, said Luthfie, concerns the fundamental question whether the inalienable right to life is absolute under any circumstances or there are still limitations by law.

In Islamic countries, such debates do not occur because Muslims accept capital punishment as part of God’s command that should not be violated.



Even so, he added, capital punishment must not be absolutely enforced considering there are possible alternatives to it such as clemency from the surviving family and monetary compensation.

“In fact, this clemency according to Egyptian writer Sayyid Qutb is strongly encouraged,” added the Indonesian Ulema Council’s legal secretary.

More specifically, Luthfie in his dissertation discussed the relevance of public execution to add a deterrent effect which was quite evident. This was seen from statistics on the level of serious crimes such as murder, robbery, or rape. The number was lower in countries that still practice capital punishment or public execution compared to countries that have abolished the execution.

He explained the philosophical basis of public execution include to prevent crimes by enforcing legal norms to protect the community, to restore the relationship between offender and victim, to resolve conflicts caused by crimes, recover justice, and to bring a sense of security and peace in the community.

“This is also intended to free offenders from guilt or to bring a sense of remorse,” stated Luthfie.

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