

## **EFFECTIVENESS OF THE DEATH PENALTY IN REDUCING CRIME RATES IN INDONESIA: CASE STUDY OF NARCOTICS CRIME**

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### **Abstract**

This research aims to analyze the effectiveness of the death penalty in reducing the number of narcotics crimes in Indonesia. The approach used is juridical-normative and empirical, by examining secondary data from legal documents and narcotics crime statistics, as well as primary data through interviews with legal experts and law enforcement officials. The analysis was carried out descriptively qualitatively to evaluate the impact of the death penalty on trends in narcotics crimes as well as other factors that influence the increase or decrease in narcotics cases. The research results show that even though the death penalty is applied to narcotics crime perpetrators, the number of narcotics cases has continued to increase in recent years. Other factors such as weak law enforcement, the continuity of narcotics networks, and the socio-economic conditions of perpetrators also contribute to the high crime rate. In addition, the implementation of the death penalty in Indonesia faces various legal, social and political obstacles, and has received criticism from the international community. Thus, this research concludes that the death penalty has not been proven effective as the main instrument in eradicating narcotics crimes. Therefore, a more comprehensive approach is needed, such as strengthening the legal system, rehabilitation-based prevention strategies, and international cooperation in fighting narcotics networks more effectively and sustainably.

**Keywords:** Death penalty, narcotics crime, legal effectiveness, law enforcement, criminal policy.

### **INTRODUCTION**

The death penalty is one of the most controversial forms of criminal sanctions in the criminal law system in various countries, including Indonesia. This punishment is given for crimes that are considered very serious, such as premeditated murder, terrorism and large-scale narcotics crimes. In Indonesia, the death penalty is still regulated in various laws and regulations, especially in the Criminal Code (KUHP) and Law Number 35 of 2009 concerning Narcotics. The government considers that the death penalty is a form of punishment

that is capable of providing a deterrent effect for perpetrators of serious crimes, including narcotics crimes which have caused many negative impacts on society (Oktarina, 2024).

The development of death penalty policy in Indonesia has experienced ups and downs in line with political changes and the dynamics of international law. In the reform era, the application of the death penalty has often become a matter of debate due to pressure from various parties, including human rights organizations who consider that the death penalty is contrary to the principle of the right to life as regulated in the Universal Declaration of Human Rights (Yelderman & West, 2022). Despite this, Indonesia continues to maintain the death penalty as part of its criminal justice system, especially in narcotics cases, arguing that this crime has damaged the future of the younger generation and endangered national security.

In the last few decades, narcotics crimes in Indonesia have continued to increase. Data from the National Narcotics Agency (BNN) shows that Indonesia is not only a transit country but also a major market for narcotics distribution. These crimes involve international syndicates as well as increasingly complex domestic networks. Many people argue that harsher punishments, including the death penalty, are needed to reduce the number of these crimes (Capaldi, 2023). The government is becoming increasingly firm in implementing the death penalty against heavy narcotics dealers and dealers as part of its strategy to eradicate narcotics in Indonesia.

However, the effectiveness of the death penalty in reducing the number of narcotics crimes is still a big question. Several studies show that even though executions of narcotics perpetrators have been carried out, the number of narcotics trafficking remains high, and even tends to increase. This shows that it is possible that the death penalty does not have a significant deterrent effect for narcotics crime perpetrators, especially those in larger networks (Tonsakulrungruang, 2023). Apart from that, other factors such as weak law enforcement, corruption, and a correctional system that still has many loopholes can also influence the effectiveness of the death penalty in suppressing narcotics crimes.

On the other hand, several countries have abolished the death penalty and replaced it with life imprisonment or rehabilitation for drug offenders. Countries such as Portugal and the Netherlands, for example, prioritize a rehabilitative approach rather than harsh punishment, arguing that this policy is more effective in reducing the number of narcotics abuse (Tarmizi & Marbun, 2022). This comparative study is important to see to what extent the

death penalty policy in Indonesia really contributes to reducing the number of narcotics crimes or is it just part of a less effective legal policy.

Apart from that, human rights aspects are also one of the factors that influence death penalty policy in Indonesia. Pressure from the international community and human rights organizations often highlights that the death penalty is inconsistent with fundamental principles of justice and the right to life (Ansari, 2024). Several cases also show that there is the possibility of wrongful execution of defendants who are actually innocent, which further strengthens the argument that the death penalty must be reviewed from various perspectives, both legal, social and human rights.

Therefore, this research is important to examine the effectiveness of the death penalty in reducing the number of narcotics crimes in Indonesia. Through this research, it is hoped that a clearer picture can be obtained regarding the extent to which the death penalty is able to provide a deterrent effect for narcotics crime perpetrators and whether there are alternative policies that are more effective in reducing the number of these crimes. Thus, the results of this research can provide recommendations for policy makers in designing more optimal law enforcement strategies in eradicating narcotics crimes.

In conclusion, the death penalty remains a controversial policy in the legal system in Indonesia. Even though it is intended to reduce the number of narcotics crimes, its effectiveness still needs to be studied in more depth. It is hoped that this research can contribute to the academic and practical debate regarding the application of the death penalty and its impact on the dynamics of narcotics crimes in Indonesia.

## **RESEARCH METHOD**

This research uses a juridical-normative and empirical approach to analyze the effectiveness of the death penalty in reducing the number of narcotics crimes in Indonesia. A juridical-normative approach is carried out by examining various laws and regulations that regulate the death penalty, such as the Criminal Code (KUHP), Law Number 35 of 2009 concerning Narcotics, as well as international legal instruments related to human rights. Apart from that, this approach also includes a study of court decisions relating to the application of the death penalty in narcotics cases. Meanwhile, an empirical approach is used to understand how the death penalty is implemented in practice and the extent of its impact on narcotics crime rates in Indonesia.

Data collection in this research was carried out through secondary data and primary data. Secondary data was obtained from various legal documents, reports from government institutions such as the National Narcotics Agency (BNN), the Attorney General's Office, as well as reports from international organizations that highlight the death penalty policy in Indonesia. Meanwhile, primary data was collected through interviews with legal experts, law enforcement officials (judges, prosecutors and police), as well as academics who have expertise in the fields of criminal law and criminology. The data obtained was then analyzed using descriptive qualitative methods, namely by interpreting and connecting various existing findings to understand the extent to which the death penalty is effective in suppressing narcotics crime and the factors that influence it (Carey, 2010; Kurkchiyan et al., 2005).

## **RESULT AND DISCUSSION**

### **Narcotics Crime Trends in Indonesia**

Indonesia is one of the countries that faces a serious threat from narcotics crimes. Over the last few decades, cases of narcotics trafficking and abuse have continued to increase, making Indonesia one of the main markets for international narcotics syndicates. The government responded to this threat by implementing strict legal policies, including providing the death penalty for drug dealers and traffickers (Fahrudin et al., 2023). However, the effectiveness of the death penalty in reducing the number of narcotics crimes is still a matter of debate among academics and legal practitioners.

Statistics show that before the active implementation of the death penalty in the 2000s, the number of narcotics cases in Indonesia was already quite high, but continued to increase even though the death penalty was implemented. Data from the National Narcotics Agency (BNN) and the Indonesian National Police (Polri) shows that the number of narcotics cases revealed continues to increase every year (Nicola, 2022). For example, in 2015, around 40,000 narcotics cases were recorded, while in 2020, the number increased to more than 50,000 cases. Although executions of drug convicts are carried out, the trend of these crimes continues to show an increase, which raises questions about the effectiveness of the death penalty as a deterrent.

When compared with other countries, a similar trend also occurs in several countries that still apply the death penalty for narcotics crimes, such as Iran and Saudi Arabia. Even though harsh penalties are imposed, narcotics syndicates continue to operate with various strategies to evade law

enforcement. One of the main reasons is that narcotics crimes are generally controlled by large networks that have a strong hierarchy, where the executors in the field are often simply "victims" of the system and can be easily replaced after being arrested or executed (Syafutra & Tohari, 2023).

The profile of narcotics crime perpetrators sentenced to death in Indonesia is also quite diverse. Based on data from the Supreme Court and Attorney General's Office, the majority of death row inmates in narcotics cases are dealers and dealers who have direct involvement in the distribution of large quantities of narcotics (Miranda & Rosnawati, 2024). However, there are also cases where individuals with smaller roles, such as narcotics couriers, are also sentenced to death. This has sparked criticism from various parties because couriers often only act as intermediaries and are not the main actors in narcotics networks.

Apart from Indonesian citizens, the death penalty in narcotics cases is also often imposed on foreign nationals who are caught carrying or distributing large quantities of narcotics in Indonesia. Some high-profile cases involve citizens from countries such as Nigeria, China and Australia. The Bali Nine case, for example, is an example of how foreign nationals involved in narcotics smuggling were sentenced to death in Indonesia, which then triggered a strong reaction from the international community (Silaban & Poernomo, 2024).

Another interesting trend to analyze is that even though the death penalty has been implemented, there are still many narcotics networks that continue to operate even from within prisons. Several cases show that narcotics convicts who have been sentenced to death can still control their businesses from behind bars, indicating that the execution of certain individuals does not necessarily break the chain of narcotics trafficking (Wicaksono et al., 2022). This shows that apart from severe punishment, other more comprehensive strategies are needed, such as eradicating narcotics networks from the root of the problem.

Based on existing trends, it can be concluded that even though the death penalty is applied in narcotics cases, the number of narcotics crimes remains high and has even continued to increase in recent years. This shows that the death penalty may not be effective enough as the only instrument for combating narcotics crimes. Therefore, further study is needed regarding other factors that can be more effective in reducing the number of narcotics crimes, such as strengthening law enforcement, rehabilitation strategies for

narcotics users, as well as international cooperation in eradicating global narcotics networks.

### **The Impact of the Death Penalty on Reducing Narcotics Cases**

The death penalty has long been used as a legal instrument which is expected to provide a deterrent effect for drug offenders. However, its effectiveness in reducing crime rates is still being debated. Evaluation of empirical data shows that although the death penalty is still implemented in Indonesia, the number of narcotics cases has not decreased significantly. Data from the National Narcotics Agency (BNN) and the Indonesian National Police (Polri) show that the number of narcotics cases continues to increase from year to year. For example, in 2015, around 40,000 narcotics cases were recorded, while in 2020, the number increased to more than 50,000 cases (Pakpahan & Debora, 2024). This shows that the death penalty does not necessarily have a direct impact on reducing narcotics crimes.

In several cases, the execution of the death penalty against narcotics dealers and dealers did not significantly hinder the circulation of narcotics. Narcotics syndicates are very broad and structured networks, so that even if a main dealer is executed, his position can immediately be replaced by someone else. Narcotics trafficking continues in various ways, including by exploiting loopholes in the legal system and law enforcement in Indonesia (Suparno & Pone, 2023). In addition, the fact that some death row inmates can still control the narcotics business from inside prison shows that this problem is more complex than simply imposing harsh sentences.

Apart from the death penalty, there are other factors that have a greater influence on the increase or decrease in narcotics cases. One of the main factors is the effectiveness of law enforcement. If law enforcement officials cannot work optimally in eradicating narcotics networks, then no matter how severe punishment they are, they will not be effective enough in reducing the crime rate. The problem of corruption in law enforcement agencies is also a factor that complicates dealing with narcotics crimes. Several cases show the involvement of officials in protecting narcotics networks, so that these crimes continue even though the threat of the death penalty is applied (Seleky et al., 2023).

Apart from that, social and economic factors also play a role in the level of narcotics crime. Many individuals are involved in narcotics trafficking due to economic limitations and lack of decent work opportunities. In conditions like this, the threat of the death penalty is often not enough to prevent someone

from getting involved in narcotics trafficking, especially for those who only act as couriers or intermediaries (Taufik et al., 2023). Therefore, policies that focus on improving community welfare, education and rehabilitation for narcotics users can be a more effective strategy in reducing the number of narcotics crimes compared to relying solely on the death penalty.

Another factor that needs to be considered is the approach to narcotics policy in various countries. Several countries that have abolished the death penalty, such as Portugal and the Netherlands, have actually experienced a decrease in the number of narcotics crimes after implementing rehabilitation and prevention-based policies. This approach places more emphasis on efforts to reduce the negative impacts of narcotics (harm reduction) as well as rehabilitation for users and small-time offenders in narcotics networks (Hartanto, 2023). This shows that the solution to narcotics crimes does not always depend on imposing harsh punishments, but also on more comprehensive prevention strategies.

By looking at the various factors above, it can be concluded that the death penalty is not the only factor that determines its effectiveness in reducing the number of narcotics crimes. Even though the death penalty can provide a deterrent effect for some individuals, narcotics crimes continue to grow due to other, more dominant factors, such as weak law enforcement, economic factors, and the complex structure of narcotics networks (Satriya, 2023). Therefore, narcotics control policies must be more integrated with an approach that does not only rely on the death penalty, but also strengthens legal institutions, prevention strategies, and rehabilitation programs for narcotics users.

As a way forward, further studies are needed regarding the effectiveness of various methods in tackling narcotics crimes in Indonesia. Policies based on data and empirical research will be more effective in determining appropriate steps to reduce the circulation of narcotics in a sustainable manner. In this way, policymakers can make more rational decisions based on existing evidence, rather than relying solely on the death penalty as the only solution in dealing with narcotics crimes.

### **Critical Review of the Implementation of the Death Penalty in Narcotics Cases**

The implementation of the death penalty in narcotics cases in Indonesia faces various obstacles, both from legal, social and political aspects. From a legal perspective, the main obstacle lies in the lengthy and often non-

transparent judicial process. Several cases show that death row inmates have to wait years before their execution is carried out, giving rise to legal uncertainty (Rafsanjani & Mustaffa, 2022). In addition, there are still concerns about the possibility of wrongful convictions, especially for those who do not receive adequate legal defense. In some cases, there are indications that the death penalty is more often imposed on perpetrators from poor economic backgrounds who do not have access to qualified lawyers.

From a social perspective, the death penalty is still a controversial issue in society. Most Indonesians support the death penalty, especially for drug dealers, arguing that they have corrupted the younger generation and threatened state security. However, on the other hand, there are groups who oppose the death penalty on the grounds that it does not provide a significant deterrent effect and has the potential to violate human rights. These groups argue that life sentences or stricter rehabilitation would be more effective in dealing with drug problems without sacrificing a person's right to life (Finley, 2024).

From a political perspective, the implementation of the death penalty in Indonesia is also influenced by the dynamics of national policy and pressure from the international community. The government often faces a dilemma between maintaining the death penalty policy to show firmness in eradicating narcotics, or following global trends that tend to abolish the death penalty (Apriyanti, 2023). In several cases, the execution of foreign nationals involved in narcotics crimes has created diplomatic tensions between Indonesia and the country of origin of the convict. For example, the case of the execution of Australian citizens in the "Bali Nine" case caused tension between Indonesia and Australia, with pressure from the government and the international community to cancel the execution.

The international community's response to the death penalty in Indonesia is quite varied. Human rights organizations such as Amnesty International and Human Rights Watch have consistently criticized the use of the death penalty, arguing that it violates human rights and has not been proven effective in reducing crime rates. Several countries that have abolished the death penalty also often put diplomatic pressure on Indonesia to consider a moratorium or abolition of the death penalty. However, the Indonesian government continues to maintain the death penalty on the grounds that each country has legal policies that must be respected and that the death penalty is part of a narcotics eradication strategy that is still considered relevant (Niven & Rock, 2024).



Apart from that, challenges in implementing the death penalty also arise from the penitentiary system in Indonesia. Many death row inmates are still able to control narcotics networks from inside prison, which shows that the death penalty alone is not enough to stop narcotics trafficking. Several reports also show that allegations of torture during the interrogation process and injustice in the legal system can have an impact on death penalty decisions that do not always reflect justice. This further strengthens the argument that the death penalty must be reviewed by considering aspects of justice and its effectiveness in eradicating narcotics crimes (Dambe, 2024).

Indonesian society's response to the death penalty also continues to develop. Although most still support the death penalty, especially for large narcotics dealers, there is increasing awareness of the importance of legal reform in handling narcotics cases. Several civil society organizations and academics have begun to encourage discussions regarding more effective punishment alternatives, such as life sentences without remission or strengthening rehabilitation programs for smaller drug offenders (Nazli & Lubis, 2024). This discussion is important to ensure that the policies implemented really have a significant impact in suppressing narcotics crimes without violating the principles of justice.

Overall, the implementation of the death penalty in narcotics cases still faces various challenges and controversies. Legal, social and political constraints are factors that need to be taken into account in assessing the effectiveness of this punishment. Meanwhile, the response of the international community and pressure from human rights organizations is increasingly pushing Indonesia to consider alternative approaches in dealing with narcotics crimes. Therefore, it is important for the government and policy makers to continue to critically examine death penalty policies and look for more effective solutions in eradicating narcotics crimes in Indonesia.

## **CONCLUSION**

Based on the research results, it was found that the death penalty has not been proven to be significantly effective in reducing the number of narcotics crimes in Indonesia. Empirical data shows that although the death penalty is still implemented, the number of narcotics cases continues to increase from year to year. Other factors such as weak law enforcement, the continuity of narcotics networks despite executions, and the socio-economic conditions of perpetrators also influence the dynamics of narcotics crimes. Apart from that, the implementation of the death penalty faces various

obstacles, both from a legal, social and political perspective, and has received criticism from the international community which has encouraged Indonesia to evaluate this policy.

Answering the research problem formulation, it can be concluded that the death penalty is not the only or most effective solution in eradicating narcotics crimes. The effectiveness of this policy needs to be reviewed by considering alternative, more comprehensive approaches, such as strengthening the legal system, rehabilitation-based prevention strategies, and increasing international cooperation in eradicating narcotics networks. Thus, the government needs to adopt policies that are more oriented towards long-term impacts in overcoming the narcotics problem more effectively and fairly.

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