

TABLE OF CONTENTS

COVER	i
APPROVAL SHEET	ii
DECLARATION	iii
PREFACE	iv
ABSTRACT	v
ABSTRAK	vi
TABLE OF CONTENTS	vii
TABLE	ix
ENCLOSURE LIST	x
CHAPTER I INTRODUCTION	1
A. Background	1
B. Research Questions	7
C. Research Objectives and Benefits	7
CHAPTER II LITERATURE REVIEW	9
A. Conceptual Framework	9
1. Historical of International Human Rights Law	9
2. Indonesia	18
2.1. Indonesia Legal System	18
2.2. The Definition of Human Rights	22
2.3. The Definition of Death Penalty	24
2.4. Ratification of ICCPR and the development in Indonesia ...	25
2.5. Human Rights Law in the Moslem’s Perspective.....	28
2.6. Human Rights Law in Constitution and UUD 45’s Perspective.....	30
3. Malaysia.....	32
3.1. Malaysia Legal System	33
3.2. Ratification of ICCPR and the development in Malaysia	34
3.3. Arguments against Death Penalty in Malaysia – Legal Perspective.....	36
B. Legal Framework	44
1. International Legal Instruments Relevant to Death Penalty	44
a. Universal Declaration of Human Rights	44
b. International Covenant on Civil and Political Rights	49
c. International Covenant on Economic, Social & Cultural Rights.....	52
2. Jus Cogens and Human Rights Law	54
C. Operational Framework	61
1. Definitions of Human Rights	61
1. Definitions of Death Penalty.....	61
CHAPTER III RESEARCH METHODS.....	63
A. Type of Research	63

B. Type of Data	65
C. Data Collection Technique	67
D. Data Analysis Methods	67
CHAPTER IV RESEARCH FINDINGS AND DISCUSSIONS.....	71
A. Research Findings	71
1. Basic Human Rights Norms and Principles of Human Rights and Death Penalty	71
2. The Death Penalty in International Law	77
3. Restricting the death penalty to “most serious crime”	80
4. Analysis of the Protection for the Right to Life and The Right to Justice under the ICCPR aimed at the Abolition of the Death Penalty in the Process of Criminal Law.....	83
5. Arguments against the Death Penalty in Indonesia.....	85
6. Arguments against the Death Penalty in Malaysia.....	88
B. Discussions	91
1. Indonesia is Permitted to Conduct the Death Penalty As Ratified the ICCPR into National Law No. 12 of 2005.....	91
2. Malaysia is Permitted to Conduct the Death Penalty By Its Own National Law.....	93
3. The Similarities and Differences of Imposing the Death Penalty in Indonesia and Malaysia.....	97
4. Advantage Imposing Death Penalty in Indonesia and Malaysia..	106
5. Disadvantage Imposing Death Penalty in Indonesia and Malaysia	106
6. Oppose the Death Penalty.....	107
CHAPTER V CONCLUSIONS, LIMITATIONS, AND RECOMMENDATIONS.....	111
A. Conclusions.....	111
B. Limitations	112
C. Recommendations	113
BIBLIOGRAPHY.....	114