

ABSTRACT

Indonesia, which has become a market for international narcotics trafficking, forces the government to make criminal law policies, namely Law No. 35 of 2009 to combat drug trafficking. The perpetrators of narcotics crimes are often foreign nationals, where narcotics agents try to bring narcotics from their home countries and distribute their narcotics in Indonesia. Death penalty is one of the criminal law policies made by the government in an effort to eradicate and provide a deterrent effect to the perpetrators. The writing of this law aims to test the application of the death penalty sanction to perpetrators of narcotics crimes with examples of cases in decision No. 1559 / K / Pid.Sus / 2012 with defendant Gareth Dane Cashmore seen from the teachings of forcing the death penalty on narcotics crime and how effective the death penalty can be to combat narcotics crimes.

The method used in this study is a normative juridical approach using analytical descriptive research. In making this law, secondary data is in the form of basic materials, materials and key materials which are then analyzed qualitatively

The results of the study concluded that the application of capital punishment in Criminal law in Indonesia was applied to extraordinary crimes and of course judges could impose capital punishment on an accused who committed extraordinary crimes, especially narcotics. Therefore the decision of the Judge in the decision No. 1559 / K / Pid.Sus / 2012 is considered to have fulfilled the element of element that has been indicted which has been proven legally and convincingly based on the evidence and facts that exist. The death penalty is also considered ineffective in combating narcotics crime where the execution is not effective enough so that it does not provide fear and deterrent effects for the perpetrators of narcotics crimes

Keyword: Death Penalty, Efectiveness, Narcotics