

SEVERAL STRATEGIES TO ABOLISH THE DEATH PENALTY IN DEVELOPING COUNTRY

Diastama Anggita Ramadhan
Faculty of Law, Diponegoro University
Jalan Prof. Soedharto No. 1, Semarang, Jawa Tengah.
RamadhanD@live.undip.ac.id

ABSTRACT

The death penalty practice have been an issue in various country. Since the deployment of the ICCPR, there are many country have succesfully abolish the practice of the death penalty or put it in to a moratorium. This international regulation is also affected the developing country. From all over country around the world, several developing countries are still actively use the death penalty as their capital punishment. They argued that executing people have successfully decrease the level of crime in their country. However, it is important to understand that the international regulation are ordered country to abolish the death penalty. This article then will give several strategies for developing country in order to promote the abolishment of the death penalty in all condition.

Keyword: Death Penalty; Abolition; Strategy.

ABSTRAK

Hukuman mati telah menjadi isu yang krusial di berbagai negara. Semenjak adanya ICCPR, telah banyak negara-negara di dunia yang menghapus praktik hukuman mati atau meletakkannya dalam sebuah moratorium. Regulasi internasional ini kemudian juga berlaku bagi negara berkembang. Dari sekian banyak negara di seluruh dunia, bebera negara berkembang masih secara aktif menggunakan hukuman mati sebagai hukuman tertinggi di negaranya. Negara berkembang tersebut berendapat bahwa dengan melakukan eksekusi terhadap pelaku kejahatan telah terbukti dapat menurunkan angka kriminalitas di negara tersebut. Hal ini kemudian bertentangan dengan semangat internasional untuk dapat menghapuskan praktik hukuman mati. Sebagai kesimpulan, artikel ini akan menawarkan beberapa langkah bagi negara berkembang untuk dapat menghapuskan praktik hukuman mati bagi negaranya.

Kata Kunci: Hukuman Mati; Penghapusan; Strategi.

A. INTRODUCTION

The death penalty which is carried out on behalf of the state can be described as a cold-blooded method of killing which deliberately deprives a person of their life (Amnesty International, 1989). Historically, the death penalty can be traced back as early as 1750 BC in lex talionis of the Code of Hammurabi (Schabas, 2002). Since this kind of punishment is restricted only to those who have committed a very serious

crime, courts, such as Jewish courts, have created a procedural safeguard for its use (Black, 1974). However, many people continue to be put to death in this manner. In 2016, figures by Amnesty International suggest that more than 3,117 people were sentenced to death in more than 55 countries (Amnesty International, 2017). Moreover, at least 1,032 people were executed (Amnesty International, 2017). In relation to the issue of the death penalty, the practice of the

death penalty is not only arisen in a major power country such as the United States, but also affected the developing country.

Nowadays, the Amnesty International record in 2016 there are more than 3117 people were sentenced to death in more than 55 countries, including a developing country such as Indonesia, Saudi Arabia, and Pakistan (Amnesty International, 2017). Moreover, globally, in 2016 at least 1032 people were executed (Amnesty International, 2017). The notion of abolition of the death penalty is increased in recent years due to the high number of people who have been executed. Nowadays, there are several international instruments, were deployed, in order to prohibit the usage of the punishment by the state parties of the instruments. The problem arises when the developing countries are refused to follow the the international instrument. They believe that through the abolition of the death penalty could increase the number of crime in their country. Hence, they do not have strong reason to abolish the death penalty.

B. RESEARCH METHOD

This research using normative method in order to accomplish the article (Yani, 2011). Moreover, the approach that used in this article is statutory approach followed by analysing the secondary data (Asikin, 2004). Lastly, in order to examine the problem, this article adopt the deductive reasoning in order to change the

general condition in to more specific logic and reality (Soekanto, 1984).

C. FACTORS WHICH HAVE AFFECTED THE DEVELOPMENT OF HUMAN RIGHTS IN DEVELOPING COUNTRIES

In relation to the fulfilment of human rights in developing countries, there are several critical issues which can be considered obstacles for developing countries. Such factors include corruption and mismanagement, and personality politics (Monshipouri, 2001). Furthermore, Baral argues that many developing countries continue to struggle to find a suitable political model in order to establish a 'just, dynamic and exploitation-free society' (Baral, 1981). A number of developing countries suffer from 'soft-state syndrome' (Myrdal, 1968) which begins with the failure of the enforcement of human rights legal instruments. This causes an inappropriately designed legal development regarding human rights (Goodpaster, 2003). Goodpaster argues that this is caused by insufficiently analytical and strategic politics, not only in the sense of common politics but also social and cultural transformations which require a political response from the regime (Goodpaster, 2003).

It is important to promote a universal culture of human rights based on a common humanity which at the same time respects the diversity of cultures (Mahoney, 2007). Since human rights have become an international issue,

developing countries should also fulfil their obligation to enforce international human rights legal instruments. However, this effort has met with obstacles in developing countries (Monshipouri, 2001). At the same time, Risse and Ropp argue that 'human rights campaigns should be about transforming the State, not weakening or even abolishing it' (Risse & Ropp, 1999). The remaining part of this section will discuss several factors, namely economic, social and political ones, which contribute to the development of human rights in developing countries.

C.1. Economic factor

There is a relation between economic growth and the development of human rights in a developing country. The relation between the two different things could occur because of the inequality of the international economic growth, which has been wider among the state (Heredia, 1997). Monshipouri argues that some 'critical issues such as unequal access, distribution, and uneven access to information have intensified the tensions within the developing countries' (Monshipouri, 2001). Moreover, a state of inequality will lead a developing country into a state of widening poverty, with sharpened inequalities, increased number of crimes and less safety (Malley, 1999). These clearly affect the human rights aspects of a developing country. In such conditions, a poor-country government would face extreme difficulties creating a long-

term policy, particularly in relation to the protection of human rights (Gershman & Erwin, 2000). So too, inequality of international economic growth will undermine the ability of a developing country to give the highest protection of human rights (McCorquodale & Fairbrother, 1999).

C.2. Social and political factors

Most developing countries emerged from colonial regimes and transformed from this into a liberal constitutional democracies based on the recognition of the existence of every man (Emerson, 1975). For such a country, the political structure would be based on the old regime, with the educated elite taking over the running of the government (Emerson, 1975). This weakness can have an impact on the development of human rights in developing countries.

According to Goodpaster, the government will be so weak and untried, which could be very dangerous (Goodpaster, 2003). The social condition of the people who live in a developing country is also affected by this particular circumstance. People cannot enjoy their own rights such as political freedom, and the liberation and preservation of freedom (Pardesi, 1976). Moreover, those kinds of rights will only work as long as there is a relation between those rights and the promotion of economic development (Pardesi, 1976). According to Konz, in some developing countries there is a need for major reform of the governmental, political and legal

system in order to increase the promotion of human rights (Konz, 1969). Since developing countries are also part of a huge international community, the enforcement of international human rights law also becomes an obligation for such a country not only as a soft law but also as a hard law (Baxi, 2008).

D. RELATION BETWEEN THE DEATH PENALTY AND THE DEVELOPMENT OF HUMAN RIGHTS IN DEVELOPING COUNTRIES

Historically, all countries have been able to implement capital punishment as they wish (West, 2008). According to Greenberg and West, countries that retain the death penalty are doing it as a conscious choice (West, 2008). Any country that chooses to use the death penalty practice is likely to feel threatened by the effect of the criminal act being punished. Furthermore, they believe that the death penalty could become a solution to reduce the impact of any particularly abhorrent criminal act (West, 2008). The application of the death penalty is related to the criminal justice system in their own country and/or general concerns about equality and fair treatment of people (Brown, Buckler, & Benedict, 2010).

Morris and Davies argue that social instability may occur in a developing country if the government does not use the death penalty (Davis, 1986). This kind of punishment has the potential to restore the scale of justice and return

the social equilibrium (Pojman, 1998). The death penalty is applied in developing countries for various reasons. However, in general, there are a number of common reasons, namely treason, espionage, attempting to seize power by unconstitutional means, terrorism and corruption (Hood, 2002).

Research conducted by Rankin shows that people who live in developing countries are likely to support the death penalty for some criminals (Rankin, 1979). They are also more likely to be supportive of the death penalty compared to people who live in countries which oppose harsh and invasive criminal justice tactics (Rankin, 1979). This research was valuable as it illustrated the social condition of the people in a developing country which still has poor access to justice and human rights. The particular situation within the developing state, which is very unstable in terms of political conditions, can result in a failure to absorb the aspirations from the people. Moreover, it does not reflect good public policy, which has the intention of protecting civilian life. (Alston & Robinson, 2005) Ambedkar argues that the inclusion of social, economic and political conditions is a crucial point in order to create a strong policy relating to human rights, particularly to prevent people from being executed legally (Alston & Robinson, 2005). In this area, the participation of international human rights becomes much more important and the

developing country as a part of the international community must act consistent with its international obligations rather than insisting on enforcing its domestic law at the expense of these without considering its obligations under international human rights (Warren, 2004). One of the main reasons for retaining the practice of the death penalty is its deterrent effect. The basis of the deterrent effect is the belief that the death penalty is a threat that is too powerful to be ignored by the people (Bye, 1919).

States that believe in the good effect of the death penalty will use the 'corrective justice' (Zavatta, 2017) theory as their justification. People who support the practice of the death penalty argue that no one given the death penalty will be able to repeat their crime (Moreland & Geisler, 1990). This situation lends heavy weight to a study conducted by Ehrlich who concluded that the higher the rate of executions, the lower the rates of capital crime (Hood, 2002). In developing countries, there is a belief that the abolition of the death penalty will change people's perceptions about the seriousness of capital crime and so think it is acceptable (Beyleveld, 1979).

In the context of developing countries, they are using this argument to put the people's interest higher rather than valuing life itself in order to protect society. Developing countries with the death penalty usually argue that a number of crimes put their people in danger and as a

consequence using the death penalty is the only way to remove that threat. The researcher proposes two reasons why a state would choose the death penalty to deal with their worst types of crimes: regime type and religion (Anckar, 2014).

D.1. Regime type

The death penalty has mostly been abolished in democratic countries. These are built on the belief that all people have a right to life as the highest of rights which is inalienable. Most democratic states have substituted prison terms for capital punishment (Neumayer, 1994). However, Anckar rejects this argument, suggesting that even in many democratic states where the death penalty has been abolished for over 10 years, there is a possibility for it to be reinstated (Anckar, 2014). This actually happened in Indonesia when the government was trying to abolish the death penalty under the regime of President Yudhoyono (Davey, 2015). It was suddenly reinstated under the new administration of President Joko Widodo (Jabour, 2015).

D.2. Religion

Religion is one of the reasons for judges to punish someone who has committed a crime. A state with a religious affiliation may mean that its religion influences its system of law, such as Islam with its Shari'a law in Saudi Arabia and Pakistan (Miller & Hayward, 2008). Both these countries have a religion which encompasses almost all the aspects of the legal and political sphere and are

deeply intertwined with one another (Anckar, 2014). In this type of country, the death penalty practice will gain majority support either from politicians and lawmakers or from the people.

E. INTERNATIONAL LAW ORDER TO DISMISS THE DEATH PENALTY PRACTICE

The abolition of the death penalty always relate within the context of the right to life. Therefore, it is important to create a strong and straightforward international legal instrument in order to abolish the death penalty. Although there are many international legal instruments aimed at abolishing the practice of the death penalty, the main problem is the application of international law into the domestic context of each state, which frequently collides with domestic law. This part will mainly discuss the importance of the abolition of the death penalty through international law and the problems within the application of international law regarding the abolition of the death penalty. State execution of people contains two violations of principal human rights norms: the right to life and the prohibition of cruel, inhuman and degrading punishment (Schabas, 1998). Even though the international community already has the ICCPR as the highest legal instrument which can be used to abolish the death penalty, the application of the ICCPR is not entirely comprehensive due to the possibility that is offered by the Covenant through the term 'most serious crime'. The result of this uncertainty is

damaging for the efforts to bring about abolition. Cases that do not fall into the most serious category, such as cases related to drugs, are among the highest in terms of executions by developing countries. This situation results from the state not fully respecting the value of life of all people. A state that still has the death penalty considers that it is related to domestic law matters and not to international legal norms. However, Schabas argues that the international legal instruments that aim to abolish the death penalty should be regarded as an international human rights norm that can be adopted either *de facto* or *de jure* (Deeney, 2000).

E.1. International Instrument which Obliges States to Abolish the Death Penalty

In order to strengthen the effort to abolish the death penalty, several international legal instruments have been established which states that wish to abolish the death penalty can follow. According to Rosen and Journey, there are two indicators that demonstrate the increasing number of countries which aim to abolish the death penalty, namely: actual abolition of the death penalty for capital crimes or simply limiting the use of that kind of punishment and the adoption of international instruments which prohibit the use of the death penalty (Rosen & Journey, 1993). Judge Alvarez of the International Court of Justice states that:

In the international level, systems of law are not subordinate to universal international law, but correlated to it. At the time, there were three emerging regional system of international law: Latin-American, Asian, and European international law. Today, there are three well established regional inter-governmental legal bodies: the Organization of American States, the Organization of African Unity, and the Council of Europe which lead into regional customary law and multilateral agreements (Rosen & Journey, 1993).

Some of the most effective international legal instruments that aim to abolish the death penalty are divided into several groups. These international legal instruments are only applicable in specific states such as ECHR for European states, the American Convention on Human Rights for American states, and the Arab Charter of Human Rights (Arab Charter on Human Rights , 1994) which is only applicable to member states in the Middle East.

The obligations related to the death penalty set out by the American Convention on Human Rights are almost the same as the ICCPR. Following the lead of the Council of Europe, the Organisation of American States strengthened its Convention by adopting the Additional Protocol to the American Convention on Human Rights to Abolish the Death Penalty (American Convention on Human Rights, 1990). There are several international legal instruments aimed at prohibiting the practice of the death penalty: UN Safeguards guaranteeing the protection of the rights of those

facing the death penalty (UN ECOSOC, 1984); African Commission on Human and People Rights: Resolution calling on State Parties to observe a moratorium on the death penalty; and OSCE Parliamentary Assembly Resolution on the death penalty (OSCE Parliamentary Assembly, 2010). Despite all of these, as long as there is no strong will by a state to abolish the practice of the death penalty in its domestic law system, and there is no acknowledgement of the right to life from that state, it will be very hard to achieve global abolition.

E.2. Contradiction between International Law and Domestic Law in the Context of Death Penalty Abolition

One of the reasons why the universal abolition of the death penalty is very hard to achieve is because there is a specific distinction between the purpose of international legal instruments and the government's view of the death penalty. In relation to the attempt to abolish the death penalty in developing countries, the process of localising the international law into domestic jurisdiction becomes very important. In order to achieve this, it is important to draft a clear provision to avoid the refusal of the state to follow the obligatory principle from the international law. Even though the ICCPR states that a state that still uses the death penalty should only do so for the most serious crimes, the fact that many developing countries still execute people based

upon their own interpretation of the most serious crime limitation should be a concern for international society.

The developing countries that still believe in the good effects of the death penalty have justified the practice by arguing that it is a matter of sovereignty. However, this argument is flawed. In the international law practice, the differentiation between domestic and international matters is based upon whether the issues have been governed by international law. In particular, the death penalty has been acknowledged as an international issue. Hence, there is no room for the argument that the death penalty is a domestic matter (Lauterpacht, 1950).

In the application of international law, particularly in the context of the application of the death penalty by a developing country, there are several arguments that are used by the state which does not believe in the power of international law when rejecting the existence of international law. Firstly, the state argues that the binding power of international law is vague and there is no direct relation between international law and domestic law (Currie, 2001). According to LeBel and Chao, this tension between the existence of international law and the independence of domestic law is triggered by the democratic principle, which is based upon the internal legal order and the uncertainty of the external legal order (LeBel & Chao, 2002).

However, this argument of the binding power of international law is not completely acceptable. Knop argues that the application of international law is not based on the binding power of the legal instrument but instead should be interpreted as an obligation by the state to consider its position in the international community (Knop, 2000). Therefore, an international law instrument can become a valid consideration for the judge who uses domestic law as the main consideration in a verdict.

Another argument from retentionist states is that the human rights issue is not a matter of international law. This argument can be easily countered by the fact that, in practice, international law has become 'common law' for every country in the world whether they are a state party to a convention or not. The customary law of international practice can easily turn into an obligation if the majority of states in the world accepted the behaviour as law (Elias, 2012). Subsequently, following acceptance of the behaviour as international law, the other states would be bound by the law as it is internationally accepted (Rehman, 2002). In the context of the abolition of the death penalty, the fact that the amount of states that have abolished the death penalty has risen every year can be a primary consideration for the remaining developing countries to accept the international law that aims to abolish the practice of the death penalty.

F. STRATEGY TO ABOLISH THE DEATH PENALTY IN DEVELOPING COUNTRIES

Several strategies can be used by international organisations to promote the abolition of the death penalty.

F.1. Strengthening International Legal Instruments at Regional Level for Developing Countries

Currently, there are many international organisations that consist of several countries who work together in order to achieve their goals, such as the Council of Europe, the EU and OAS, and these have their own laws that bind their member states.

Fortunately, the strong commitments to respect the value of human rights have become the basis with which they create a legal instrument. In several areas where there are developing countries, such as in South-East Asia and the Middle East, they also have international organisations. For example, in South-East Asia there is ASEAN, in the Middle East there is the Arab League and in Africa there is the Organization of African Unity. However, the situation is a bit different for ASEAN and African states. Even though they have their own legal instruments that are binding for their member states, they do not contain any articles concerning the abolition of the death penalty.

Another crucial factor is certainty of law enforcement through an international judicial body

such as the ECHR, which successfully protects the value of human rights on the European continent (Slaughter & White, 2006). In conclusion, regarding the condition that occurred in the application of ASEAN Charter and Arab Charter on Human Rights, it is important to create an international judicial body at a regional level in order to protect the law to ensure that the members respect it.

F.2. Education for People in Developing Countries about the Importance of Abolition

Most people in retentionist countries agree that the government should have a death penalty in order to reduce the number of capital crimes. Research conducted by Tajwar in Pakistan in 2015 shows that 78% of Pakistanis agree with the death penalty and only 20% say that it should not be given (Tajwar, 2015). The figures are similar in Indonesia. Most Indonesian people agree with the death penalty due to its capacity as a deterrent (AmnestyInternational, 2015). Both of the condition in Pakistan and Indonesia explain that it is important to change the mind-set of the people because their influence can sway the government's decision whether to retain the death penalty. The attempt should be focused on changing people's belief that the death penalty will deter some specific crimes.

In Muslim countries like Saudi Arabia and Pakistan, Shari'a law gives an obligation to pass

death sentences for several types of crimes. However, there is a possibility to abolish the death penalty since, according to Islamic scholars, the statement that Shari'a law is permanent and cannot be amended is inaccurate. Jalal al-Din al-Suyuti, a leading Muslim scholar from Egypt, states that it is important to re-interpret Shari'a law for each period in history (Mumisa & others, 2015). People living in Muslim countries should be aware of the capacity of Islam to reinvent itself for each period. International society should encourage people who live in Muslim countries to understand that the practice of the death penalty is no longer acceptable, as well as the politicians that they should amend their views in order allow for a new interpretation of Shari'a law. They should consider that the application of the death penalty is not fit for purpose because it is not compatible with modern human rights.

Educating people can be done through electronic media, which has already proven itself a reliable method for spreading human rights in Africa. According to a research conducted by Victoria Nwanko, she state that the media have a special role in order to raised the awareness about human rights. The role of the Media is 'to expose and explain the viewer about something happen' (Nwanko, 2011). Angaman argues that this works because of the characteristics of the developing countries, namely their large populations (Angaman, 2012), And the fact that

large geographical areas can be covered by new media.

F.3. Encouragement to Ratify any Legal Instrument that Obliges Countries to Abolish the Death Penalty

In order to achieve the goal of abolishing the death penalty all around the world, it is important to encourage developing countries that have not signed and ratified legal instruments for this purpose to do so (Anyangwe, 2012). However, the problem is not only signing the international law but also showing it an adequate level of respect. In the case of Pakistan and Indonesia, both of them have signed and ratified the ICCPR and transposed them into their domestic law. However, they still insist on using the death penalty outside the scope of 'most serious crimes' under the ICCPR and continue to argue that the death penalty is a matter of domestic law. In this particular situation, international organisations could help developing countries by demonstrating the importance of the abolition of the death penalty and encourage them to respect international law (Slaughter & White, 2006).

In summary, the promotion of the abolition of the death penalty will not work if it is not followed by an effective strategy. Both of these should work together to convince retentionist developing countries to change their minds about

the application of the death penalty and provide an alternative that respects human dignity.

G. CONCLUSION

This final chapter will draw a conclusion from the research that has been conducted in relation to the practice of the death penalty in developing country and the attempt to abolishing it. In the future, it is important for the developing country to consider the abolition of the death penalty under their jurisdiction. They should consider changing their strategy in order to deal with a capital crime since there is no deterrent effect caused by the death penalty under their jurisdiction. Moreover, it is important for the international community to change their approach in order to promote the importance of the abolition. Not only approaching the political leader who can easily change the death penalty policy, they have also educated the people who already believe in the good effect of the death penalty. It is also important to educate the people since their voice can be an influence for the lawmaker in order to retain the death penalty.

BIBLIOGRAPHY

BOOKS

Alston, Philip., & Robinson, Mary. (2005). *The Challenges of Ensuring the Mutuality of Human Rights and Development Endeavours, Human Rights and Development Toward Mutual*

Reinforcement (OUP). Oxford: Oxford University Press.

Amnesty International. (1989). *When the State Kills*. Amnesty International Press.

Asikin dan Amirudin. (2004). *Pengantar Metode Penelitian Hukum*. Jakarta: Raja Grafindo Persada.

Bye, Raymond T. (1919). *Capital Punishment in the United States*. Wisconsin: George Banta.

Currie, J. (2001). *Public International Law*. Ontario: Irwin Law.

Gershman, John., & Erwin, Alec. (2000). *Getting a Grip on the Global Economy'* in Jim Yong Kim and others, *Dying for Growth: Global Inequality and Health for the Poor*. New York: Common Courage Press.

Hood, R. (2002). *The Death Penalty, A Worldwide Perspective* (3rd edn, OUP). Oxford: Oxford University Press.

Black Jr, Charles. L. (1974). *Capital Punishment: The Inevitability of Caprice and Mistake*. -: Norton.

Lauterpacht, H. (1950). *International Law and Human Rights*. London: Stevens and Son.

Mahoney, J. (2007). *The Challenge of Human Rights*. New Jersey: Blackwell.

Moreland, JP., & Geisler, Norman. L. (1990). *The Life and Death Debate*. Connecticut: Greenwood Press.

- Myrdal, G. (1968). *Asian Drama: An Inquiry into the Poverty of Nations*. New York: Pantheon.
- Neumayer, E. (1994). 'Death Penalty Abolition' in Robert A Burt and Ian Shapiro (eds), *Democracy, Equality, and the Death Penalty*. New York: New York University Press.
- Pojman, Louis P. (1998). 'For the Death Penalty' in Louis P Pojman and Jeffrey Reiman (eds), *The Death Penalty, For and Against*. Maryland: Rowman and Littlefield Publishers.
- Risse, Thomas., and Ropp, Stephen. (1999). 'International Human Rights Norms and Domestic Change: Conclusions' in Thomas Risse, *The Power of Human Rights: International Norms and Domestic Change* (CUP). Cambridge: Cambridge University Press.
- Schabas, William. A. (2002). *The Abolition of the Death Penalty in International Law* CUP, 3rd edn. Cambridge: Cambridge University Press.
- Soekanto, S. (1984). *Pengantar Penelitian Hukum*. Jakarta: UI Press.
- Yani, A. (2011). *Pembentukan Undang-Undang & Perda*. Jakarta: Rajawali Pers.
- JOURNAL ARTICLES
- Anckar, C. (2014). 'Why Countries Choose the Death Penalty'. *Brown Journal of World Affairs*. Vol. 21 (Issue 1) pp. 11-12
- Baral, Lok. R. (1981). 'The Relevance and Application of Human Rights to Development'. *Human Rights Quarterly*. Vol. 3 (No. 3) p. 32.
- Baxi, U. (2008). 'What May the Third-World Expect from International Law?' in Richard Falk. *Routledge: International Law and the Third World*. Vol. 27 (No. 5) pp. 9.
- Beylveled, D. (1979). 'Identifying, Explaining and Predicting Deterrence'. *British Journal of Criminology*. Vol. 19 (No. 3, July) p. 218.
- Brown, Ben., Buckler, Kevin., & Benedict, Reed. (2010). 'Support for the Death Penalty in Developing Democracies: A Binational Comparative Case Study'. *International Criminal Justice Review*. Vol. 20 (Issue 4). p. 402.
- Davis, M. (1986). 'Harm and Retribution'. *Philosophy and Public Affairs*. Vol. 15 (No. 3) p. 237
- Deeney, Liam P. (2000). 'The Abolition of the Death Penalty in International Law'. *Suffolk Transnat'l L Rev*.
- Elias, O. (2012). 'Some Remarks on the Persistent Objector Rule in Customary International Law'. *The Denning Law Journal*. Vol. 6 (No 1). p. 39.

- Emerson, R. (1975). The Fate of Human Rights in the Third World. *World Politics*. Vol. 27 (No. 2, January) p. 207.
- Goodpaster, G. (2003). Law Reform in Developing Countries. *Transnational Law and Contemporary Problems*. Vol. 13. p. 667.
- Heredia, B. (1997). Prosper or Perish? Development in the Age of Global Capital. *Current History*. Vol. 96 (No. 613, November) p. 383.
- Knop, K. (2000). Here and There: International Law in Domestic Courts. -: *New York University Journal of International Law & Politics*. Vol. 32. p. 520.
- Konz, P. (1969). Legal Development in Developing Countries. *American Society of International Law*. Vol. 63. p. 97.
- LeBel, Louis ., & Chao, Gloria. (2002). The Rise of International Law in Canadian Constitutional Litigation: Fugue or Fusion? Recent Development and Challenges in Internalizing International Law. *Supreme Court Law Review*. Vol. 16 (Issue I). p. 24.
- Malley, R. (1999). The Third Worldist Moment. *Current History*. Vol. 98 (No. 631). p. 369.
- McCorquodale, Robert., & Fairbrother, Richard. (1999). Globalization and Human Right. *Human Rights Quarterly*. Vol. 21 (Issue 3) p. 756.
- Miller, Monica. K., & Hayward, R. David. (2008). Religious Characteristics and the Death Penalty. *Law and Human Behavior*. Vol. 32 (No. 2) p. 114.
- Monshipouri, M. (2001). Promoting Universal Human Rights: Dilemmas of Integrating Developing Countries. *Human Rights and Development*. Vol 4 (Issue 1) p. 28.
- Pardesi, G. (1976). Foreign Policy of Developing Countries. *Social Scientist*. Vol. 4 (No. 12) p. 25.
- Rankin, J. (1979). Changing Attitudes Toward Capital Punishment. *Social Forces*. Vol. 58 (No. 1) p. 202.
- Rehman, J. (2002). The Influence of International Human Rights Law upon Criminal Justice System. *Sage Journal of Criminal Law*. Vol. 66 (Issue 6) p. 512.
- Rosen, Sonia., & Journey, Stephen. (1993). Abolition of the Death Penalty: An Emerging Norm of International Law. *Hamline Journal of Public Law and Policy*.
- Schabas, William. A. (1998). International Law and the Abolition of the Death Penalty. *Washington and Lee Law Review*. Vol. 55 (Issue 3) p. 800.
- Slaughter, Anne. Marie., & White, William Burke. (2006). The Future of International Law is Domestic (or, The European Way of Law). *Harvard: Harvard International Law Journal*. Vol. 47 (No. 2) p. 332.

- Warren, M. (2004). International Law Claims in Death Penalty Cases: Concepts, Strategies, and Sources. *Guild Prac* .
- West, David G. (2008). Siting the Death Penalty Internationally. *Law and Social Inquiry* . Vol. 33 (Issue 2) p. 296
- Zavatta, L. (2017). Controversial Theories on the Death Penalty. *Beijing Law Review*. Vol. 8 (No. 2) p. 213.
- OTHER SOURCES
- American Convention on Human Rights. (1990). Protocol to the American Convention on Human Rights to Abolish the Death Penalty (Pact of San Jose).
- Amnesty International. (2017). Death Sentences and Executions in 2016.. Amnesty International Press.
- AmnestyInternational. (2015). Flawed Justice Unfair Trial and the Death Penalty in Indonesia'.
- Angaman, P. (2012). The Role of Radio in the Promotion of Human Rights. Dakar: The Regional Seminar on the Abolition of the Death Penalty in Africa.
- Anyangwe, C. (2012). The African Commission on Human Rights and the Working Group on the Death Penalty in Africa: Strategies Proposed by ACHPR. Dakar: The Regional Seminar on the Abolition of the Death Penalty in Africa.
- Arab Charter on Human Rights . (1994). Arab Charter on Human Rights .
- Davey, M. (2015). Amnesty Report Offers Grim View of Joko Widodo's Death Penalty Record' *The Guardian*.
- Jabour, B. (2015). Joko Widodo Defends Death Penalty as 'Positive' for Indonesia' *The Guardian*.
- Mumisa, Michael., & others. (2015). Sharia Law and the Death Penalty; Would Abolition of the Death Penalty Be Unfaithful to the Message of Islam?, *Penal Reform*.
- Nwanko, Victoria. Chioma. (2011). The Role of the Media in Promoting Human Rights: An Analysis of the BBC Documentary, *Chocolate: the bitter truth*. Swedia: Master Dissertation in Human Rights Practice, School of Global Studies, University of Gothenbergh.
- OSCE Parliamentary Assembly. (2010). Resolution on the Death Penalty (adopted at the 19th Annual Session). Oslo.
- Tajwar, A. (2015). Public Opinion on Capital Punishment in Pakistan in 2015
- UN ECOSOC. (1984). Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty art 1