

IMPLIKASI HUKUM HAPUSNYA HUKUMAN MATI MARY JANE FIESTA VELOSO TERHADAP INTEGRITAS SISTEM PERADILAN PIDANA DI INDONESIA

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INTISARI

Di Indonesia hukum mati menimbulkan pro dan kontra, meskipun masih diterapkan dalam berbagai undang-undang, pelaksanaannya kerap menuai kritik terutama terkait potensi pelanggaran HAM. Kasus Mary Jane Fiesta Veloso menunjukkan bagaimana hapusnya hukuman mati terhadap warga negara asing memunculkan pertanyaan mengenai konsistensi hukum dan perlindungan hak hukum. Oleh karena itu, penting untuk diteliti mengenai kesesuaian penghapusan hukuman mati Mary Jane Fiesta Veloso dalam hukum positif Indonesia dan implikasi hukum dari penghapusan tersebut terhadap integritas sistem peradilan pidana di Indonesia. Oleh karena itu secara komprehensif penelitian ini diperoleh melalui studi normatif terhadap undang-undang, doktrin, dan putusan-putusan, dengan kajian kepustakaan, artikel ilmiah dan jurnal. Penghapusan pidana mati terhadap Mary Jane tidak sepenuhnya sesuai dengan hukum positif Indonesia secara prosedural, tetapi dapat dimaklumi secara diplomatik dan faktor kemanusiaan. Penghapusan hukuman mati Mary Jane berdampak pada integritas sistem peradilan pidana Indonesia, mencerminkan konflik antara kepastian hukum dan nilai kemanusiaan. Tanpa dasar hukum yang jelas, tindakan ini menimbulkan ketidakpastian hukum, membuka celah intervensi eksekutif, dan berpotensi mengurangi kepercayaan publik terhadap sistem peradilan. Kasus Mary Jane menyoroti konflik antara kepastian hukum dan keadilan substantif, serta pentingnya perlindungan HAM, khususnya bagi korban perdagangan orang.

Kata Kunci: hukuman mati, Implikasi.

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**LEGAL IMPLICATIONS OF THE ABOLITION OF MARY JANE FIESTA
VELOSO'S DEATH PENALTY ON THE INTEGRITY OF THE CRIMINAL
JUSTICE SYSTEM IN INDONESIA**

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ABSTRACT

In Indonesia, the death penalty has generated both pros and cons. Although it is still applied in various laws, its implementation often draws criticism, particularly regarding potential human rights violations. The case of Mary Jane Fiesta Veloso illustrates how the abolition of the death penalty for foreign nationals raises questions about legal consistency and the protection of legal rights. Therefore, it is important to examine the appropriateness of the abolition of Mary Jane Fiesta Veloso's death penalty within Indonesian positive law and the legal implications of such abolition for the integrity of the Indonesian criminal justice system. Therefore, this comprehensive research was obtained through a normative study of laws, doctrines, and decisions, with a review of literature, scientific articles, and journals. The abolition of Mary Jane's death penalty is not entirely in accordance with Indonesian positive law procedurally, but is understandable from a diplomatic and humanitarian perspective. The abolition of Mary Jane's death penalty impacts the integrity of the Indonesian criminal justice system, reflecting a conflict between legal certainty and humanitarian values. Without a clear legal basis, this action creates legal uncertainty, opens up opportunities for executive intervention, and has the potential to undermine public confidence in the justice system. Mary Jane's case highlights the conflict between legal certainty and substantive justice, as well as the importance of human rights protection, particularly for victims of human trafficking.

Keywords: *death penalty, Implications.*

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