

The Effectiveness Of The Legal Protection Of The Perpetrators Of The Crime Of Murder In Makassar Correctional Facility

¹Edi Susanto

¹*Student Master of Legal Studies Postgraduate Program of Muslim University of Indonesia*

Abstract: Objectives to be achieved in this research is To know and analyze the effectiveness of legal protection against perpetrators of ordinary murder criminal who underwent criminal in Penitentiary and to know and analyze the factors that affect the effectiveness of legal protection against perpetrators of ordinary murder criminal who underwent criminal in Penitentiary. The focus point on this paper is how the effectiveness of legal protection against the perpetrators of criminal acts of murder who underwent a criminal in Penitentiary. What factors affect the effectiveness of legal protection against perpetrators of criminal acts of murder who underwent a criminal in Penitentiary

Keyword: The Effectiveness, The Legal Protection

Date of Submission: 07-03-2018

Date of acceptance: 23-03-2018

I. INTRODUCTION

The State of Indonesia is a State of Law. As a state law based on Pancasila of the 1945 Constitution of the Republic of Indonesia. Law is one of the institutions required to anticipate the rapid development in human life. In addition, the law is also required to anticipate the deviations that occur, one form of irregularities perpetrated by the community for the occurrence of a criminal offense that causes disruption of comfort and order in the life of society in particular and state life in general. Basically all sorts of criminal offenses are mostly harmful to society at large. As quoted by the East Tribun on December 10, 2017 has committed ordinary murder in the city of Makassar.

In eradicating criminal acts, especially the ordinary murder as regulated in Article 338 of the Criminal Code which arises in the life of the community, a law product that can uphold justice can be used as a means of protecting the community. To handle this, the State of Indonesia is guided by the Penal Code. The criminal law is a part of the whole applicable law in a country, which provides the foundations and rules for determining which acts shall not be exercised, prohibited by the accompanying threat or sanction in the form of a specific penalty for whoever violates the prohibition. The criminal law may also determine when and in what matters to those who have violated such restrictions may be imposed or imposed with the penalty as has been threatened and determined in such a manner as to where the imposition of a criminal may be exercised if any person is suspected of violating the prohibition.

The purpose of the criminal law is to prevent the community from committing criminal acts in order to create a law enforcement, as a means of protecting the community (preventive purposes) and making the perpetrator of crime not to commit or repeat offenses (repressive purposes). In addition to legal products, law enforcement is also required to act as the implementation of Laws and Regulations in the context of law enforcement, whether directly related to law enforcers such as Police, Prosecutors, Judges or law enforcers that are not directly related to such as Penal Institutions. This institution, although not directly related to law enforcement, has a major role in creating public order in the life of the law.

Based on Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The Government established Law No. 12 of 1995 on Penal Institutions underlying the duties of the functions of this institution. Penitentiary is one of the legal institutions that can not be separated within the framework of building law in Indonesia, especially in the framework of criminal law. Donations are given in the form of guidance to prisoners during their sentences of imprisonment, even guidance and supervision is also given to free prisoners for certain periods of time.

The purpose of the guidance done by the Penitentiary is so that the targeted citizens do not repeat their actions and can rediscover their self-confidence and can be accepted as part of the community members, besides the guidance is also done to the private of the inmates themselves. The goal is that inmates are able to recognize themselves and have a high level of self-awareness.

So far, much attention has been given to legal institutions that move directly in law enforcement both in the Law making Authority as well as those responsible for implementation such as Police, Prosecutor or Judge. Attention is felt less on Penitentiary. It shows the level of success in a Penitentiary is still lacking. There are still many criminal acts that exist in society, especially repetition of criminal acts (residive) committed by former inmates. It gives an understanding that there may be something wrong in the mechanism of guidance in prisons so that the purpose of the guidance itself is to restore prisoners to the community is not achieved. The guidance of residual actors is expected to be of particular concern by counseling by the Penitentiary is expected to provide coaching strategies for inmates recidivise.

The success of the correctional objectives depends on the relevant parties, among others, the officers conducting the guidance, the related agencies and most importantly the participation of the community which is expected to assist in the implementation of the guidance of the prisoners. The community has a very meaningful role in the resocialization process of the targeted community that is still difficult to be implemented. This is because at the time the wargabinaan finished serving his sentence and ready to return to the community is not uncommon problems arise due to lack of ready people receive ex-citizens built. Many people are afraid, suspicious and lacking in trust in ex-prisoners who return to life soial, there are still many people who treat them unnaturally, this may be one of the triggers of someone repeating the unlawful act.

In addition to coaching dilapas legal protection of prisoners who are undergoing the process of punishment also need to get very serious attention such as the rights of detainees and issues of discrimination need to be minimized so that the legal system can run well.

In conducting the guidance, Penal Institution officers must be able to maintain balance and give equal treatment to fellow citizens. Correctional Institutions in performing their duties must also take care of humanity and human rights, since the targeted citizens are part of the society that should receive the most reasonable attention, especially the attention to the rights of prisoners and those who have finished their sentences

II. PROBLEM FORMULATION

1. What is the effectiveness of legal protection against perpetrators of ordinary murder criminals in prisons?
2. What factors affect the effectiveness of legal protection against the perpetrators of ordinary murder who are criminals in the Institute?

III. THEORETICAL FRAMEWORK

The effectiveness of the Law

The theory of legal effectiveness proposed by Soejono Soekanto, the effectiveness or absence of a law application is influenced by 5 (five) factors, among others: (Soerjono Soekanto, 2008: 8).

1. Factor of law or self-regulation (legal substance), The likelihood is that there is a discrepancy in legislation regarding a particular field of life. Another possibility is a mismatch of legislation with written law or customary law, it is sometimes undisclosed between the law of record and customary law and so on.

2. Law enforcement factors (legal structure), That is the parties that make up and apply the law. the mentality of law enforcement officers includes judges, police, prosecutors, defense lawyers, prison officials and so on, if the law is good but the mental person responsible for enforcing the law is still unstable, it can cause disturbance from the law itself.

3. Factor means or facilities that support law enforcement.If the law is good and mentality of the person in charge of enforcing the law is also good but if the facilities are inadequate then the law that had been running normally not in accordance with the plan.

4. Community Factors (legal awareness), That is where the law is applicable or established. The community factor here is how the public legal awareness

5. Cultural Factors, Namely as a work, creativity and sense that is based on human initiative in the social life. How the existing laws can fit into and integrate with the existing culture so that everything works well.

Relavan with legal effectiveness theory proposed by Soerjono Soekanto, Romli Atmatsasmita said the factors that hinder the effectiveness of law enforcement not only lies in the mental attitude of law enforcement apparatus (judges, prosecutors, police and legal counsel) but also lies in the socialization factor of law which is often ignored (Romli Atmatsasmita, 2001: 55).

The operational conception of the workings of the law in society is based on two different concepts: the predictions of consequences proposed by Lunberg and Lansing in 1973 and the concept of Hans Kelsen (Rony Hanitijo, Soemitro, 1989: 23). about the dual aspects of a rule of law.

The material factor (substance) of a law or regulation plays an important role in law enforcement. It means within the law and the legislation itself and must be sometimes and even a *conditio sine quanon* in justice. For, however, a good law is a law in which values and justice are contained.

Factor that is not less important is the factor of law enforcement officers themselves commonly called law enforcement (law enforcement). Relevant to this B.M.Teverne (Satjipto Rahardjo.2006: 6). said:

"For giving me a judge, a prosecutor, a policeman and a good advocate, then I will fight crime even without a penny." In other words, "give me a good judge and prosecutor then with bad law I will bring justice". This means however that the full formulation of the law without the support of good law enforcement officers, has a high morality and integrity then the results will be bad.

The very important thing must also get serious attention from the law enforcement apparatus is not discriminatory in law enforcement. laws are often only effective against perpetrators of violations of middle class law. This is what the honoree de Balzac once feared (Pilipe Sands that in the world has changed like a spider's web. "Lest lois sont des toies d'araignees a tavers lesquelles passes les grosses mouches et ou restent les patities" small insects and let the big escapes.) Or in English can be called: "laws are spider webs through which the big flies fit the little ones get caught.", meaning law enforcement only applies to "who can not afford "Discrimination is exercised whereby the law enforcement has changed from pengayoman to cobwebs (Satjipto Rahardjo.2008: 111).

Relevan dengan hal tersebut Thomas Jefferson menggambarkan sebagai berikut : *"it does no good to have laws drafted,debated,and approved, is the will and means to enforce them is week."* Adalah percuma saja untuk merancang undang-undang, mendebatkan dan kemudian menyetujuinya apabila keinginan dan alat untuk melaksanakannya lemah, lebih lanjut dikatakan, *"The execution of he laws is more important than the making of them"*, pelaksanaan hukum adalah lebih penting dari pembuatannya.

According to Sunaryati FG Hartono, facilities and infrastructure of both hardware (such as building work, failing cabinets, desks, computers and laptops, guns, bronze boats etc.) Software such as programs, plans, procedures and so on) as well as brain-ware (experts in various fields, such as research experts, communication experts, computer experts, design experts, planning experts, medical experts and arbitration and others).

In the implementation of law enforcement the most important thing is that the state organizer or the spirit of his law enforcement apparatus, as mandated in the General Elucidation of the 1945 Constitution of the Republic of Indonesia: "The important thing in government and in the state is the spirit, the spirit of the state organizers, the spirit of government leaders. Although the Constitution of the Constitution which according to the word of kinship is made in the spirit of the state organizers, the Constitution must have no meaning in practice, on the contrary, even if the Constitution is not perfect but if the spirit of the good governance , The Constitution will certainly not hinder the course of the country. So, the most important thing is the spirit ".

Simply stated that law enforcement is an effort to enforce norms and rules of law as well as the values that exist dibelegangnya. Thus law enforcement officers should fully understand the legal spirit underlying the rule of law that must be enforced, related to the various dynamics that occur in the process of legislation.

Law enforcement, justice and human rights are the three key words of a country of law as well as Indonesia, the three terms are related to a very close relationship. Justice is the essence of the law. Therefore, if a country calls itself a state of law, then within the state must uphold justice. Even the prameter of a country based on the law is guaranteed the implementation of human rights. So speaking of the rule of law is not only related to justice and the value of social justice but also based on the value of human rights.

IV. DISCUSSION

Limitation / definition of protection in Law No.13 of 2006 is mentioned as all efforts to fulfill the right and provision of assistance to provide a sense of security to witnesses and / or victims that must be implemented by Witness and Victim Protection Agency or other institutions. (State Gazette No.64 of 2006, Law No.13 of 2006 on Protection of Witnesses and Victims).

There are two possible types of witness protection programs and / or victims that can be used in human trafficking investigations,: full protection program against witnesses supervised and managed by the state. Mixed scheme that includes safety, support and assistance provided based on cooperation between the investigator and the victim assistance agency.The scope of legal protection to be discussed in this paper is the protection provided by the Government through its legal instruments such as Laws and Regulations (Law Number 12 of 1995 on the Guidance of Vulnerability ranging from about the guidance of the citizens and the fulfillment of the rights of the citizens all of which need special attention in the context of realizing the legal protection of the targeted citizens.

In addition to the assisted citizens who are essentially the actors in a criminal act, they usually do not receive the appropriate protection provided by the law to the perpetrators of crimes as proposed by Andi Hamzah 2008: "In discussing criminal procedural law especially with regard to the rights, human rights, there is a tendency to explore matters relating to the rights of the suspect regardless of the rights of the victim. "

Victim protection may include both abstract (indirect) and concrete (direct) forms of protection. Abstract protection is basically a form of protection that can only be enjoyed or felt emotionally (psychically), such as satisfaction (satisfaction). Meanwhile, concrete protection is basically a form of protection that can be enjoyed in a real way, such as in the form of material or non-material. Material granting can be either

compensation or restitution providers, exemption of living expenses or education. The granting of non-material protection may be liberation from threats, from degrading reports of human dignity.

Barda Nawawi Arief (2001: 60) states that the definition of perpetrator protection can be seen from two meanings, namely:

- a. Can be interpreted as "the protection of the Law not to become perpetrators of criminal acts", (meaning protection of human rights or legal interests of a person).
- b. Can be defined as "protection to obtain legal guarantee / compensation for the suffering / loss of people who have become criminals."

In the concept of legal protection against victims of crime, there are also some legal principles that require attention, while the principles of law are as follows:

1. Principle of Benefit, This means that the perpetrators' protection is not only demonstrated for the benefit (both material and spiritual) for the victims of crime, but also for the wider community, especially in reducing the number of criminal acts and creating public order.
2. Justice Principle, This means that the application of the principle of justice in the effort to protect victims of crime is not absolute because it is limited also by a sense of justice that must also be given to the perpetrators of crime.
3. Balance Principle, Because the legal purpose in addition to providing certainty and protection of human interests, as well as to restore the balance of detained community prisoners to the original state, the balance of equilibrium obtains an important place in the recovery of the rights of the victims.

In principle, the classification of various criminal offenses in the Criminal Code is based on the public interest that wants to be protected, namely Article 338 Crimes against life is in the form of an attack on the lives of others. The legal and protected interests of this crime are human lives. According to Leden Marpaung, eliminating lives means eliminating life in humans commonly called "murder". This crime includes material offense (material delict), meaning that perfection of this criminal act is not enough with the doing of deed, but also a condition also the result of the action. The emergence of the consequences of the loss of life of a person or the death of a person in a criminal act of murder is an absolute requirement.

The Principle of Legal Certainty, These Principles may provide a firm legal foundation for law enforcement officers while performing their duties in providing legal protection to perpetrators of crime. The principle of impartiality of law for perpetrators who have been convicted by a judge shall obtain legal protection while serving a sentence.

Criminal acts, before they are described in the criminal act of murder, the author will first describe the definition of criminal law. According to Mustafa Abdullah and Ruben Achmad 1986: 9 in his book the essence of criminal law gives the following definition: in criminal law known two terms namely criminal law (*ius punale*) and the right of punishment (*Ius Puniendi*). In Latin *ius* is defined as law or right. Another distinction is between the substantive / material law and the adjective / formal law of criminal sanction which implies the right of punishment (*Ius Puniendi*).

When viewed from the side of the criminal law of substance / material can be called the law of delict (*delictum*) which means failure due to mistakes and indeed the provisions of the criminal law in the formulation of the attitude of wrong actions (due to failure to comply / implement the good / right). In addition to *delictum* in Latin is also known the definition of *crimen* (*penyelewengan*).

In terms of criminal law substance / material can be regarded as *sancite* law. *Sancite* (Dutch) from another word *sanctum* which means positive affirmation in the form of rewards / gifts or negative in the form of punishment including criminal as the suffering threatened against those who meet the formulation of offense in the provisions of criminal law.

Based on the above description, then the criminal law of substance / material can be formulated as: the law regarding the offense that is threatened with criminal penalty. The criminal law adjective / formal or criminal procedural law that berintikan criminal rights is as a means of realization of criminal law substance / material that is the law that involves the way the authorities crack down on the citizens who are charged with responsibility for a crime. While the definition of criminal is a translation of the word *straf* in addition to criminal, *straf* is also commonly translated with punishment.

According to Simons (Mustafa Abdullah and Ruben Achmad, 1986: 11) the offense is "wrongful and unlawful acts, subject to crime and committed by a responsible person". The act of Simons shows the following elements of crime: human actions (*handeling*) not only deeds but also neglect or not do. Eg whether neglecting or not doing it can be called doing?

A person who does not do or neglects can be said to be responsible for a crime, if he does not do or neglect a when it is charged a legal obligation or obligation to do. (Mustafa Abdullah and Ruben Achmad, 1986: 12)

Moeljatno, in his book *The Criminal Law basics* provides the definition of criminal is:

"The term criminal is more appropriate than punishment as a starf translation because if straf is translated with punishment, then strafrechtl must be translated by law / punishment. Convicted means legal therapy in both criminal law and civil law. Punishment is the result or result of the application of a law whose meaning is wider than the criminal because it includes judges' decisions in civil law and state administration law".

This is in line with the opinion of Sudarto (Mustafa Abdullah and Ruben Achmad, 1986: 13) a Professor of Criminal Law at the Faculty of Law of Diponegoro University said that punishment is derived from the legal word so that it means to impose punishment or to decide about the law.

Establish penalties for an event not only concerning the field of criminal law, but also concerning civil or other law. That the term of punishment can be narrowed means that the burial in a criminal case that is synonymous with punishment. From this it is concluded that the criminal term is better than punishment as a translation of the word straf. From some of the above definitions can be concluded that the criminal contains elements or characteristics as follows: 1. The penalty is essentially an imposition of suffering or misfortune or other unfortunate consequences. 2. The penalty shall be granted intentionally by any person or entity which is authorized by the authorities. 3. This penalty is imposed on a person in charge of criminal acts by law.

Murder Crime

The word murder comes from the word "kill" which gets the prefix of the pe and the suffix -an that contains the meaning: deadly, write off, extinguish the fire, and / or destroy the plants. According to Poerwadarminta (1976: 169) murder means rape, killing or killing. In the murder there are at least two persons to be seen in the event, the person who deliberately killed or killed lives is called the murderer (perpetrator), while the person who is killed or the person whose life is terminated is called the victim or the victim.

Thus, murder can be interpreted as an act of people, deliberately removing the lives of others, elements of Murder, As stated in Article 338 of the Criminal Code is Whoever intentionally removes the life of another person, is punished, because of death, with imprisonment for - fifteen years.

From the sound of Article 338 of the Criminal Code, then from the following elements There is an act that resulted in the death or loss of life of another person, Deliberately. The act was done against the law.

There is an act that resulted in the death or loss of life of another person The definition is the act of birth and manifest in the sense of binding done either directly or indirectly, where deeds, where deeds performed with tools that have a concrete form Direct action such as stabbing with a badik or firing with a pistol, while not langsund acts for example by sending a cake that has been mixed with poison and really been eaten by the person who was about to be killed. Furthermore, deliberate means intentional means or intent or purpose to eliminate the soul or kill others, meaning deliberately here the creator wants the consequences of that action. According to Rusli Effendy (1986: 48) said that the word deliberate in the legislation includes all the words of his assertion, thus including the consequences of the offense.

In connection with the crime especially in murder (death rage) by the jurists distinguish three levels or intentional style that is: Deliberate as the intention, due to the offense is the main motive for an action that if the goal does not exist then the action will not be done.

Example A intends to kill B, then shoots him

Deliberate with consciousness is sure to happen.

Intentionally as a certainty occurs when to achieve the real desire or intention, the maker must perform prohibited acts.

Example: A wants to shoot the B who sat behind the glass to hit the target then the A must shoot the glass until broken. Solving the glass is a conscious act that will happen because only by breaking the glass of the house B's home, the intention of A can be done.

3. Deliberately insyaf will be possible (dolus eventualis)

Dolus eventualis is also called conditional deliberation. Conditional deliberation is often difficult to distinguish from negligence (culpa), a measure of the extent to which the maker has knowledge of awareness of the action and its consequences. For example the A who intend to kill the B, the B who was about to be killed walking together the C at that time the A aware that if he shoots the B did not rule out that C who walk with the B will get shot as well. Thus the A still keep the intention. As a result of the shots to carry out his intentions. As a result of the firing released by si A, the shooting is not only subject to siB but the C. Thus the intent is also directed to the C, even though death as a result of the shot is not wanted.

The act is unlawful, the element against the law in Article 338 of the Criminal Code is not expressly stated, but nevertheless does not mean that the element does not need an act of murder, because not all deeds of a person has fulfilled the element of a criminal act, can be said to be against the law.

Legal Protection Against Criminal Actors (Established Citizens)

To be able to conduct a discussion related to the fulfillment of the right to get education and proper teaching for children, it must be known in advance some terms related to the discussion. First, the author tries to take some quotes related to the prisoner's understanding. The Great Indonesian Dictionary means that the prisoner is a punishable person (a person who is serving a punishment for a crime).

Based on Article 1 paragraph (5) of Law No. 12 of 1995 on Correctionality, Penitentiary Residents are Prisoners, Correctional Practitioners and Correctional Clients. And Article Article 1 paragraph (7) of Law No. 12 of 1995 on Corrections, Prisoners are convicts who underwent criminal disappearance of independence in Penitentiary. According to Article 1 paragraph (6) of Law Number 12 of 1995, the prison of the convicted person is a person who is criminally based on a court decision that has obtained permanent legal force.

From the above statement, it can be concluded that the prisoner is a person or a convicted person who is serving his sentence at the Pemasyarakatan Institution where some of his independence is lost.

Rights and Obligations of Beneficiaries

The concept of human rights has two basic notions, first of which are rights that can not be separated and revoked. This right is the moral rights derived from the humanity of every human being and those rights are aimed at ensuring the dignity of every human being. Second, legal rights are made in accordance with the legal process of the society itself, both nationally and internationally. The basis of these rights is the consent of the governed, the consent of the citizens, subject to those rights and not only the natural order which is the basis of that first meaning.

In Act Number 12 of 1995 on Correctional Institutions. In Article 14 it is determined that the targeted citizens shall have the right: a) Conducting worship according to religion and belief b) Getting treatment, both spiritual and physical c) Get education and teaching d) Obtain adequate health and food services e) Submitting a complaint f) Obtain reading material and follow other mass media broadcasts that are not prohibited g) Gain wages or premiums for work performed h) Accept family visits, legal counsel or other specific persons i) Obtain reduction of criminal term (remission) j) Gain an assimilation opportunity including family visiting leave k) Getting parole l) Get free and free leave and m) Obtain other rights in accordance with applicable laws and regulations.

Human awareness of human rights begins with awareness of the value of self-esteem, human dignity and dignity. Indeed, human rights have existed since humans were destined to be born in this world, thus human rights are not new anymore. The Government of Indonesia, whose conscience respects and recognizes human rights, is committed to the protection / fulfillment of human rights at the implementation stage of the decision. The realization of such commitment is the institution of the supervisory and observer (WASMAT) judges as set forth in Article 277 up to Article 283 of the Criminal Procedure Code, and Law Number 12 of 1995 on Correctional Institution is an activity to carry out the guidance of the penitentiary community based on the institutional system and the way in which the is the final part of the criminal justice

Guarantees in proceedings of criminal cases laid down in the International Covenant on Civil and Political Rights (ICCPR) 1996, Declaration on Protection From Torture 1975 (Declaration on Protection and Torture and Other Cruel, Inhuman or Cruel Treatment or Criminal and degrading of human dignity), Minimum Rules Standard For The Treatment Of Prisoner 1957 (minimum standard rules for the treatment of prisoners undergoing crime).

At the stage of execution of the verdict, human rights which are the prisoners' rights remain guaranteed and protected by law which means respect for human dignity. Article 10 of the ICCPR is affirmed that all persons deprived of their liberty shall be treated in a fraternal manner and with respect for the personal dignity of their subordinate persons. The prison system should be based on the treatment of prisoners whose essence is social reform and rehabilitation. Underage violations must be separated from adults and given appropriate treatment for their business and legal status.

Human Rights Prisoner Material contained in the UN guidelines on Minimum Rules Standards for the Treatment of Prisoners on Prisoners (Minimum Rules Standard for The Treatment of Prisoners, 31 July 1957), which includes:

- The register book
- Separate categories of prisoners
- Facilitation of accommodation that must be ventilated
- Adequate sanitation facilities
- Get water and toilet supplies
- Appropriate clothing and bedding
- Healthy food
- The right to exercise in the open air
- The right to get services of general practitioners and dentists

- The right to be treated justly according to the rules and to defend themselves if considered indiscipliner
- Unarmed dark cell and corporal punishment
- Handcuffs and prison jackets may not be used by prisoners
- Be entitled to know the applicable regulations and official channels for information and complaints
- Right to communicate with the outside world
- The right to obtain reading material in the form of educational books
- Right to religious service
- The right to guarantee storage of valuables
- Notification of death, sick from family members

Obligations of the assisted citizens in LAPAS can be seen in the Law No.12 of 1995 Article 15 paragraph (1) prison of Penitentiary, Prisoners must follow in an orderly program of guidance and certain activities. Paragraph (2) The provisions concerning the guidance program as referred to in paragraph (1) shall be further stipulated by a Government Regulation, while in the First Class I Makassar concerning the obligations of the Beneficiaries are:a) To obey the religion according to their religion and / or belief and to maintain religious harmonyb) Follow all programmed activitiesc) Be respectful, obedient and respectful to the officersd) Wearing a designated uniforme) Maintain neatness and dress according to the norm of decencyf) Maintain personal hygiene and residential environment and follow the activities undertaken in the framework of environmental hygieneg) Follow apple rooms conducted by correctional officers.

V. CONCLUSION

1. Legal protection must be done for the purpose of law that is justice, benefit, legal certainty is achieved. Associated with situation and conditions in reality it is not easy to distinguish any purposeful role played by ordinary murderers.
2. Factors that affect the legal protection of the murdered perpetrators of the perpetrators of the murders are the factors of law enforcement officers and, the legal proceedings of the criminal.

REFERENCE

- [1]. Abdurrahman, 1989 *Perkembangan Pemikiran Tentang Pembinaan Hukum Nasioanl*, Jakarta ; Akademika Presidon.
- [2]. Adami Chazawi 2001,*Kejahatan Terhadap Tubuh Dan Nyawa* PT Raja Grafindo Persada.
- [3]. Adi Sujanto, 2004, *Sistem Pemasyarakatan Indonesia Membangun Manusia Mandiri*, Direktorat Jendral Pemasyarakatan Departemen Hukum dan Ham RI, Jakarta
- [4]. Andi Hamzah.1993. *Sistem Pidana dan Pemidanaan Indonesia*, Pradnya Paramita, Jakarta
- [5]. Arif Gosita,1993 *Masalah Korban Kejahatan*, Jakarta : Akademika Pressindo.
- [6]. Barda Nawawi Arief.1991. **Kebijakan Hukum Pidana**,Hasil Seminar Nasional,Semarang.
- [7]. Bonger 1992, *Pengantar Tentang Kriminologi*. Alumni Bandung.
- [8]. Chainur Arrasjid,2002 *Dasar-Dasar Ilmu Hukum*, Sinar Grafika.
- [9]. Dikdik.M.Arief Mansur, 2007 *Urgensi Perlindungan Korban Kejahatan Antara Norma dan Realita*, Jakarta: PT. Raja Grafindo Persada.
- [10]. Frank.R.Prassell,1979 *Criminal Law, Justice and Society*, Santa Monica-California: Goodyear Publishing Company Inc
- [11]. Lamintang,P.A.F. 1984. *Dasar-Dasar Hukum Pidana*,Aksara Baru,Jakarta.
- [12]. Loebby Loqman, 1991, *Percobaan Melakukan Tindak Pidana*, Jakarta Fakultas Hukum Universitas Pancasila.
- [13]. Marjono Reksodiputro, 2007, *Hak Asasi Manusia Dalam Sistem Peradilan Pidana*, Pusat Pelayanan dan Pengabdian Fakultas Hukum Universitas Indonesia,Jakarta.
- [14]. Muladi 1995.Kapita *Selekta Sistem Peradilan Pidana* Universitas Diponegoro. Semarang.
- [15]. Muladi dan Barda Nawawi Arief. 1992, *Teori-Teori dan Kebijakan Pidana, Bandung: Alumni*.
- [16]. Muladi, 2002, *Hak Asasi Manusia, Politik dan sistem Peradilan Pidana* cetakan kedua semarang badan penerbit universitas doponegoro.

Edi Susanto " The Effectiveness Of The Legal Protection Of The Perpetrators Of The Crime Of Murder In Makassar Correctional Facility." IOSR Journal Of Humanities And Social Science (IOSR-JHSS). vol. 23 no. 3, 2018, pp. 67-73.