

Norm Entrepreneurs in Human Rights Campaign: The Study of KontraS and Imparsial

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ABSTRACT

Civil society organizations or CSOs are unique compared to other groups. They help advocate the society by mentoring, raising public awareness, and campaigning values to improve the quality of understanding public issues. By analyzing the rejection of the death penalty, this study examines the role of KontraS and Imparsial as norm entrepreneurs in human rights campaigns. Both view the death penalty as incompatible with the universal human rights norm, and the government should comprehensively pay greater attention to this issue. With this belief as a rationale, KontraS and Imparsial are motivated to promote the rejection of the penalty as depicted in their campaigns. The two organizations conduct malicious actions like criticism, demonstration, and collaborative strategies such as research, education, and community empowerment in human rights campaigns. This paper is qualitative research using an intensive literature review combined with in-depth interviews. The findings revealed that both succeeded in overspreading counter norms to create political debates regarding the death penalty. However, due to their socio-political dynamics and internal factors, KontraS and Imparsial failed to influence the actors and state policies to abolish capital punishment.

Keywords: Civil Society Organisation; Human Rights; Norm Entrepreneur

ABSTRAK

Organisasi masyarakat sipil mempunyai keunikan dibandingkan dengan kelompok sejenis lainnya. Mereka melakukan advokasi kepada masyarakat melalui pendampingan, peningkatan kesadaran publik, dan mempromosikan nilai-nilai untuk meningkatkan kualitas pemahaman akan isu-isu publik. Dengan menganalisis penolakan terhadap hukuman mati, penelitian ini mengkaji peran KontraS dan Imparsial sebagai penggagas norma dalam kampanye hak asasi manusia. Keduanya melihat bahwa hukuman mati bertentangan dengan norma universal hak asasi manusia, dan pemerintahan harus memberikan perhatian lebih akan isu ini. Keyakinan inilah yang kemudian mendorong kedua organisasi tersebut guna mempromosikan penolakan hukuman mati dalam kampanye mereka. Mereka melakukan kritik, demonstrasi, dan strategi kolaboratif lainnya seperti penelitian, pendidikan, dan pemberdayaan masyarakat. Penelitian ini merupakan penelitian kualitatif melalui studi literatur intensif yang dikombinasikan dengan wawancara mendalam. Temuan penelitian ini adalah keduanya berhasil menyebarkan norma tandingan untuk menciptakan perdebatan publik kaitannya dengan penerapan hukuman mati. Meskipun demikian, karena dinamika sosial politik dan faktor internal koalisi, keduanya gagal dalam memengaruhi aktor dan kebijakan negara untuk menghapuskan hukuman mati.

Kata Kunci: Organisasi Masyarakat Sipil; Hak Asasi Manusia; Penggagas Norma

Introduction

Since the 1998 reform, Indonesia's protection and progression of human rights have not run optimally.¹ Although President Joko Widodo (hereafter Jokowi) recurrently says his respect for this issue, it is contrary to the growth of esteeming the human rights agenda in Indonesia. In 2021, the Human Rights Index of the country stood at a score of 3, and that year increased nothing in the civil and political rights aspect.² According to SETARA Institute, the deprivation of democratic scores was influenced by many factors, including the implementation of the death penalty in which the number of penalties in the first term of Jokowi's presidency had doubled since the reform.³ Of the 221 convicted offenders, 18 were executed between 2014-2019, and the death sentence would continue during Jokowi's second term. In detail, 2020 saw a sharp increase of 96 convictions, compared to only 16 in 2019.

The swelling of capital punishment caused reactions from many, including civil society organizations (CSOs) such as the Commission for Disappearances and Victims of Violence (KontraS) and Imparsial. They are two CSOs that have long been concerned and vocal with human rights issues in Indonesia and have grown to respond to many human rights violations and law impunity in Indonesia. KontraS and Imparsial have vehemently opposed the practices of human rights violations from the New Order up to the present. Both could be a space to study, consolidate, and fight for the advancement of human rights in Indonesia.

Regarding the rejection of extreme punishment, KontraS and Imparsial convey that the continuation of such a penalty shows how Indonesia is uneven in supporting human rights reform. The country demonstrates many contradictions in upholding and advancing human rights at the national and international levels.⁴ The death penalty overthrows the fundamental principle of human rights and contradicts the right to life as stated in Article 28A of the 1945 Indonesian Constitution. Moreover, such a penalty opposes the international norm, in which the right to life is categorized as a non-derogable right that cannot be revoked in any state of affairs.

Norm is a set of standards on how individuals or states behave concerning their rights and obligations.⁵ Furthermore, the norm is a universal guideline not limited to individuals, groups, or identities. The universal aspect makes norms more powerful in influencing international political actors.⁶ To identify how norms influence state behaviors and actors, Martha Finnemore and Kathryn Sikkink introduced the concept of the norm life-cycle in *International Norm Dynamics and Political Change*.⁷ According to the statement of both, there are three phases of how norms influence the actors and state behaviors: *norm emergence*, *norm cascades*, and *internalization*. The initial stage of the norm life-cycle is the norm emergence, which refers to how the norm appears and what factors belong to it. According to Annika Björkdahl, the emergence of a norm is caused by social practices in which

¹ KontraS, *Catatan Hari HAM 2020: HAM dalam Bayang-bayang Otoritarianisme*, Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan (Jakarta: KontraS, 2020), <https://kontras.org/2020/12/10/catatan-hari-ham-2020-ham-dalam-bayang-bayang-otoritarianisme/>.

² SETARAInstitute, *Regresi Hak Asasi di Tengah Pandemi*, SETARA Institute (Jakarta: SETARA Institute, 10 December 2020).

³ Imparsial, *Evaluasi Praktik Hukuman Mati pada Era Pemerintahan Jokowi-Jusuf Kalla 2014-2019*, Imparsial (Jakarta, 2019), https://imparsial.org/wp-content/uploads/2020/09/Evaluasi-Praktik-Hukuman-Mati-Pada-Era-Pemerintahan-Jokowi-2014-2019_IMPARSIAL.pdf.

⁴ KontraS, *Catatan Hari HAM 2020: HAM dalam Bayang-bayang Otoritarianisme*.

⁵ Stephen D Krasner, *International Regimes* (Cornell University Press, 1983).

⁶ Hidayat Chusnul Chotimah, "Identitas Nasional dan Norma Internasional Sebagai Pertimbangan Politik Indonesia," *Jurnal Politica Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional* 7, no. 2 (2018).

⁷ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* G2, no. 4 (1998).

pre-existing cultural knowledge and social institutions participate.⁸ In other words, current domestic values will influence the norm before spreading to a broader level, including international. The norm diffusion is often carried out by individuals or groups of an advocacy network. As the significance of emerging norms, norm promoters need organizational platforms such as civil society organizations (CSOs) aiming to endorse their norms. They introduce new norms to the leaders, including state actors, community organizations, and influential figures. They exist to promote ideas, norms, and values in many political debates that objective to influence state actors to change policies based on their beliefs. The civil group can be an organizational platform for norm promoters to raise specific issues to draw attention from the wider community.

The next stage is the *norm cascade*. This stage occurs when there are normative changes notwithstanding insignificant movements. Socialization is the main mechanism of this stage. There are two reasons for how the norm works: state identity essentially builds state behaviour, and cultural and institutional contexts shape the identity. As the process grasps its summit, the norm may extensively become internalized by actors (states) that will make the norm automatically accepted. The internalization stage, iterated and habitually, contributes to the consolidation and universalization of norms. After the targets adopt norms, the initiators will also “force” them to promote the norms through their policies. Finally, norms will become a standard of policies and actor behaviours (*internalization*).⁹

As norm entrepreneurs, CSOs are unique to other groups. The activists help advocate the society by mentoring, conducting public awareness, and campaigning values to improve understanding of the issues being fought. Discussing in this research, KontraS and Imparsial utilize the power of information from magazines, newspapers, and social media to disseminate information (*information politics*) and then conduct framing issues (*symbolic politics*) by involving influential actors (*leverage politics*) to influence political actors in the policy-making process (*accountability politics*).¹⁰

By analyzing the rejection of the death penalty from CSOs, this study examines the role of KontraS and Imparsial as norm entrepreneurs in human rights campaigns. In studies of international politics, the term ‘norm entrepreneur’ or norm promotor varies in the definition. Ethan Nadelmann explains ‘norm promoters’ as an actor (an individual or group) legitimizing behaviour to make a change.¹¹ In addition, Howard Becker defines that ‘norm entrepreneur’ refers to those who work for ethical areas to create or boost new rules.¹² Regarding the issue of human rights, the actor refers to civil society organizations that consistently shove state actors to uphold human rights and further institutionalize these ideas in state policies. This paper explains that norm entrepreneurs in human rights or *human rights defenders include the group* promoting and campaigning for the upholds of human rights.

⁸ Annika Björkdahl, "Norms in International Relations: Some Conceptual and Methodological Reflections," *Cambridge Review of International Affairs* 15, no. 1 (2002/04/01 2002), <https://doi.org/10.1080/09557570220126216>, <https://doi.org/10.1080/09557570220126216>.

⁹ Finnemore and Sikkink, "International Norm Dynamics and Political Change."; Finnemore and Sikkink, "International Norm Dynamics and Political Change."; Finnemore and Sikkink, "International Norm Dynamics and Political Change."

¹⁰ Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*.

¹¹ Ethan A. Nadelmann, "Global prohibition regimes: the evolution of norms in international society," *International Organization* 44, no. 4 (1990), <https://doi.org/10.1017/S0020818300035384>, <https://www.cambridge.org/core/article/global-prohibition-regimes-the-evolution-of-norms-in-international-society/6287A13ACAC18667C07B8EAC63A43506>.

¹² Richard K. Kerckhoff, "Outsiders: Studies in the Sociology of Deviance. By Howard S. Becker. New York: The Free Press of Glencoe, 1963. 179 pp. \$5.00," *Social Forces* 42, no. 3 (1964), <https://doi.org/10.1093/sf/42.3.389>, <https://doi.org/10.1093/sf/42.3.389>.

This research examines KontraS and Imparsial as norm entrepreneurs and their effectiveness in advocating human rights issues in Indonesia, specifically in the campaign against the death penalty. KontraS and Imparsial rely on powerful beliefs and values to diffuse the right to life. Their faith prompted them to form an advocacy network to promote norms through campaigns, studies, and community empowerment. The organizations consider the death penalty incompatible with the universal human rights norm. Both believe the government should comprehensively pay more attention to this issue, not partially. The right to live is obligatory, and the state -as duty bearer- must accomplish it. As a rationale, KontraS and Imparsial are boosted to promote the rejection of the penalty, as depicted in their campaigns. Therefore, both are consistent with pushing the ratification of Optional Protocol II of the International Covenant on Civil and Political Rights (ICCPR) -especially the abolition of the death penalty- because the ratification could be a corrective and preventive step for the state in protecting and upholding human rights.¹³

The significance of this paper shows that both KontraS and Imparsial implement a mixed strategy of campaigning for human rights in Indonesia. It calls a critical engagement approach.¹⁴ Not only do KontraS and Imparsial many critics of the government, but they also are trying to build a partnership with the government, conduct research, and empower the society, such as organizing training for students and public campaigns. Furthermore, the norm promoters successfully provide discussions and debates about capital punishment in the criminal justice reform process. Although they have been effective in doing so, some factors caused Indonesia's failure to eliminate the death penalty. Based on the explanation above, this research will elaborate on CSO KontraS and Imparsial as norm entrepreneurs in human rights campaigns in Indonesia.

Literature Review

Previous studies have discussed human rights and their implementation in social life, but there are very few studies on human rights advocacy focusing on the work of CSOs as norm entrepreneurs. More studies only focused on law enforcement and their assessment of politics.¹⁵ In Indonesia, human rights studies are dominated by research in terms of institutional perspective, particularly deterioration in disclosing and resolving past human rights violations.¹⁶ Moreover, many studies regarding the role of civil society organizations have only focused on strategies and approaches used to influence the policies and behaviour of the state.¹⁷ Therefore, this research is crucial to complement human rights

¹³ KontraS et al., *Naskah Akademik Pengesahan Konvensi Internasional bagi Perlindungan Semua Orang dari Penghilangan Paksa*

¹⁴ Ardianto Adiputra, "Imparsial and its Campaigns for Human Rights in Indonesia," interview by Muh Afif Khomsani, 8 March, 2021.

¹⁵ Irene Istiningsih Hadiprayitno, "Defensive Enforcement: Human Rights in Indonesia," *Human Rights Review* 11, no. 3 (2010/09/01 2010); Lefort Claude, "International Law, Human Rights, and Politics," *Qui Parle* 22, no. 1 (2013); Cyril Adjei, "Human Rights Theory and the Bill of Rights Debate," *The Modern Law Review* 58, no. 1 (1995); Kelly Kate Pease and David P. Forsythe, "Human Rights, Humanitarian Intervention, and World Politics," *Human Rights Quarterly* 15, no. 2 (1993); Yustina Trihoni Nalesti Dewi, "Hak Konstitusional Korban atas Pengadilan HAM yang Kompeten, Independen, dan Imparsial," *Jurnal Konstitusi* 11, no. 2 (2016)..

¹⁶ Ken Setiawan, "From Hope to Disillusion: The Paradox of Komnas HAM, the Indonesian National Human Rights Commission," *Bijdragen tot de Taal-, Land- en Volkenkunde* 172, no. 1 (2016); Jiwon Sub, "The Suharto Case," *Asian Journal of Social Science* 44, no. 1/2 (2016); N. Ganesan, "The Collapse of Authoritarian Regimes in Indonesia and Thailand: Structural and Contextual Factors," *Asian Journal of Social Science* 32, no. 1 (2004)..

¹⁷ Ryan Goodman and Derek Jinks, "Social Mechanisms to Promote International Human Rights," in *The Persistent Power of Human Rights: From Commitment to Compliance*, ed. Kathryn Sikkink, Stephen C. Ropp, and Thomas Risse, Cambridge Studies in International Relations (Cambridge: Cambridge University Press, 2013); Katharina Rietig, "The Power of Strategy: Environmental NGO Influence in International Climate Negotiations," *Global Governance* 22, no. 2 (2016); Catherine Olivier, Matthew R. Hunt, and Valéry Ridde, "NGO-Researcher Partnerships in Global Health Research: Benefits, Challenges, and Approaches that Promote

studies from the advocacy perspective of civil society organizations as norm entrepreneurs in civilian campaigns in Indonesia. Using the concept of norm life-cycle from Martha Finnemore and Kathryn Sikkink, this paper describes the role of KontraS and Imparsial as norm entrepreneurs in human rights campaigns in Indonesia.

Methodology

This study uses an intensive literature review and in-depth interviews as the primary sources. The researchers examined two civil society organizations in Indonesia, KontraS, and Imparsial, as the key actors. They were chosen as the objectives of this study because both have a long history of struggling for human rights in Indonesia, particularly the abolition of the death penalty. Both advocate abolition through research, publications, campaigns, and legal assistance. KontraS is a civil society organization that has long been concerned about upholding democracy and human rights in Indonesia. KontraS was born as resistance to many violations by the ruler of the New Order. KontraS has been actively assisting various cases of abuse and revocations of democracy and civil freedom.¹⁸ Unlike KontraS, which came from the dynamics of the political transition of 1998, Imparsial was born in 2002. This CSO appeared to respond to the emergence of repressiveness in Indonesia after the fall of Soeharto. Imparsial advocates security system reform (SSR), violation, religious freedom, and other human rights issues.

This study examines campaign activities, movements, and human rights advocacies conducted by KontraS and Imparsial to support the abolishment of capital punishment in Indonesia. Data were collected by conducting in-depth interviews and analyzing secondary data related to the organizations' human rights and campaign agenda. The interview with KontraS was held on March 6, 2021, with Nita Noviyanti Anugerah (Campaign and Network Division Staff). For Imparsial, the interview was done on March 9, 2021, with Ardimanto Adiputra (Deputy Director). The interviews aim to clarify and collect more detailed information about the campaign. In addition, the researchers used supporting data from various printed and electronic resources related to the topics, including papers, reports, research results, press releases, and news.

In the first stage of this paper, the researcher starts by examining activities by KontraS and Imparsial and the situation of upholding human rights in Indonesia. Then, the next explains the actors' strategies led to further analysis of how the norm emerges and influences.

Analysis

The change in upholding human rights in Indonesia differs from that of the New Order era. A transition from authoritarian to libertarian democracy in 1998 created a new political situation where people could express their opinions and make them free to gather without restrictions.¹⁹ Consequently, the press, mass media, and civil organizations could thrive up to the present.²⁰ However, the transition has been problematic instead of completely done. The press still got suppressed, and CSOs did not grow well due to many delimitations from the ruling power. Not only were the people free to convey

Success," *Development in Practice* 26, no. 4 (2016/05/18 2016); Arivia Tri Dara Yuliestiana, "Narasi tentang Advokasi Transnasional dalam *Self-Determination* Timor Timur," in *Transnasionalisme: Peran Aktor non Negara dalam Hubungan Internasional*, ed. Ani Widyani Soetjipto (Jakarta: Yayasan Pustaka Obor Indonesia, 2019).

¹⁸ Fauzan Ramadhan, "Strategi Kampanye HAM Civil Society Organizations (Studi Kasus Kampanye KontraS dalam Kasus Munir)" (Universitas Negeri Jakarta, 2016).

¹⁹ Jamhur Poti, "Demokratisasi media massa dalam prinsip kebebasan," *Jurnal Ilmu Politik dan Ilmu Pemerintahan* 1, no. 1 (2011).

²⁰ Bob S Hadiwinata, *The politics of NGOs in Indonesia: Developing democracy and managing a movement* (Routledge, 2003).

their criticism, but the 1998 early democracy was also denoted by the government's respect for human rights by legalizing the Human Rights Law and Amendment II of the 1945 Constitution and ratifying the ICCPR through Law Number 12 of 2005. The state recognition became a new hope for the human rights agenda in Indonesia.

Indonesia has already legitimized several principal regulations on human rights, but the country is still legalizing capital punishment. Although the reform indicated its esteem for human rights, Indonesia does not seem to respect this issue. KontraS considers that the implementation of such a penalty is opposed to Article 28 of the 1945 Constitution and the ICCPR regarding the right to life and to defend human life. Likewise, Imparsial construes such penalties as disregarding the Indonesian Constitution and international laws. Moreover, capital punishment practices are colonial and incompatible practice with modern punishment.

More reports and studies stated that the New Order regime by President Soeharto took part in several human rights violations in Indonesia.²¹ On the one hand, criticism and encouragement to try perpetrators of past humanitarian crimes and the fulfillment of justice for victims are the backgrounds of the emergence of KontraS and Imparsial. On the other hand, the two CSOs believe that the state carries out many violations. In addition, another factor explains that the weak institutions and regulations significantly impact the impunity for human rights enforcement in Indonesia. This part consists of explaining the background of KontraS and Imparsial as norm entrepreneurs, providing the progress of capital punishment and human rights in Indonesia, and analyzing a comparison between the death penalty in Indonesia and other countries. Therefore, this research will guide us to understand the Indonesian context regarding the death penalty and respect for human rights

a. KontraS and Imparsial

The presence of KontraS and Imparsial was inseparable from the roles of the prominent human rights activists, Munir Said Tholib or Munir. Munir is a vocal actor fighting for Indonesia's human rights and democracy issues. KontraS and Imparsial came from Munir's ideas to resolve human rights violations in Indonesia. The former was born on March 20, 1998. It was initially established to assist the victims (and their families) of kidnapping and violence in the New Order during 1996-1998. The letter "S" in KontraS" refers to "Soeharto"—hence the whole meaning of the name Kontra Soeharto 'against Soeharto'—because Soeharto was considered the prominent figure in many human rights violations during the period.

Many violations and disappearances of pro-democracy activists drove Munir and his colleagues to initiate the Independent Commission for Human Rights Monitoring (KIP-HAM), a task force established by civil society groups and community leaders to receive complaints from the public about acts of violence they experienced. KIP-HAM, later called KontraS, continued to immediately criticize and encourage the government to uncover kidnappings and violations during the New Order era. KontraS aims to be an organization working on democracy and human rights issues. It has the vision to realize democracy based on integrity and people's sovereignty through principles of the people free from fear, oppression, violence, and various forms of human rights violations for any reason. KontraS is actively giving legal aid to oppressed individuals, groups or victims. It is also vocal in criticizing the government for law impunities by doing demonstrations such as the *Aksi Kamisan* or on Thursdays, a weekly action in front of the State Palace to commemorate human rights violations. Moreover, KontraS makes many efforts to empower the community by organizing human rights training for youths (SeHAMA) and also utilizes digital platforms to promote human rights issues by using newspapers and social media.

²¹ Sub, "The Suharto Case."

Imparsial was established on June 25, 2002. Some human rights activists, including Munir Said Tholib, Todung Mulya Lubis, Pungki Indarti, Binny Buchory, Robertus Robert, and Nezar Patria, founded this organization.²² Compared to KontraS, which is closely related to the reform of 1998, Imparsial was born a few years after Soeharto's fall. Imparsial exists to respond to the repressive practices of the state that intensified after 1998. The name Imparsial means *impartial* (not partial) or neutral. Imparsial is an organization to help to advocate for the poor and marginalized groups. Munir is the first chairperson of Imparsial, which the board of it is chosen for five years. After the unsolved murder case of Munir in 2004, Rachland Nashidik led Imparsial in 2004 - 2008, Pungki Indarti in 2008 - 2015, Al-Araf in 2015-2020, and is currently under the leadership of Ghufon Mabruki from 2020 – now.

Initially, Munir and the founders focused on issues mainly related to Security Sector Reform (SSR) at the legislative level. They saw that the domination of the security apparatus, particularly the military, was a dominant factor contributing to the political chaos in Indonesia. Civil society was concerned with a definite problem: security sector reform (SSR). Then, this organization expanded the reach of human rights and democracy issues. There are five reasons why Imparsial appeared: upholding security sector reform (SSR), protecting human rights, rejecting the death penalty, resolving political problems in Papua, and giving attention to religious freedom.²³

In discussing human rights, Imparsial has a close relationship with KontraS regarding advocacy issues. They consistently rejected the implementation of the death penalty and thus became a space to consolidate ideas and movements, be it advocacy or demonstration. They believe the punishment contradicts the 1945 Constitution and international human rights laws. Some activities to deny the penalty include arranging policy briefs, analysis papers, social media campaigns, training, and demonstrations. Not only do they serve as a space for public awareness, but both organizations also provide legal aid for the convicted and their families.

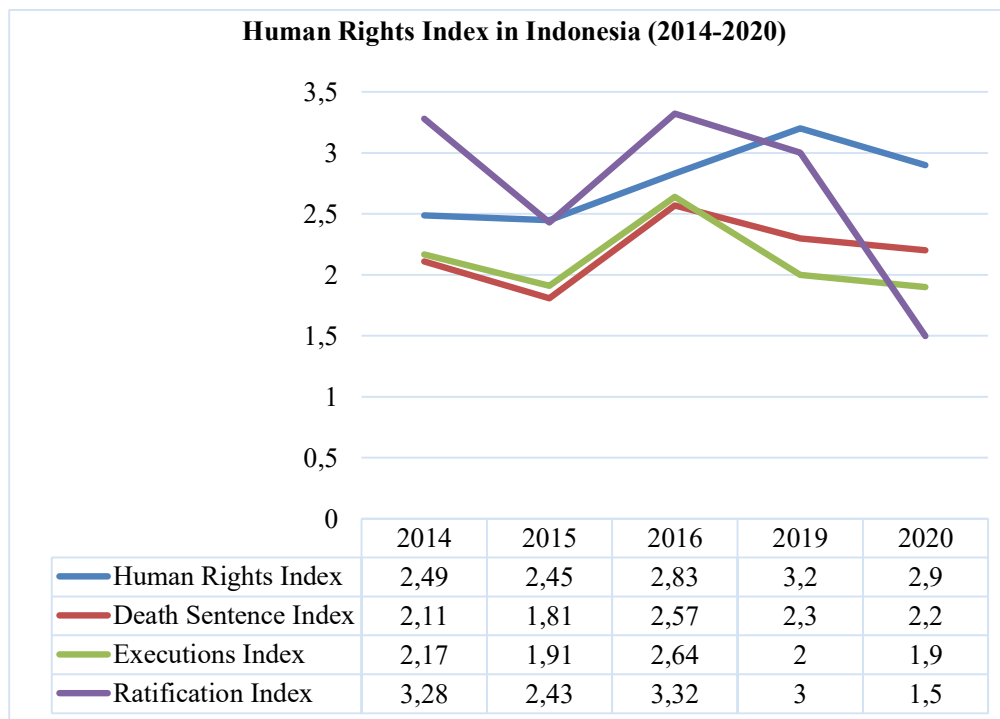
b. Death Penalty and Human Rights Development in Indonesia

The concept of human rights has been rooted in Indonesian socio-political discourses for a long time and has become a core value of the 1945 Constitution. Nevertheless, the ideas were never manifested in Indonesian laws until the reform of 1998. The reform period was a period that was very friendly to human rights. With the People's Consultative Assembly (MPR) Decree Number XVII of 1998, Indonesia's human rights protection and promotion have a robust legal basis. In addition to containing the Human Rights guides, the decree also mandates the President and other leaders of state institutions to promote and protect human rights, including ratifying international human rights treaties. Furthermore, this recognition lies in Article 28 of Amendment II of the 1945 Constitution and Law Number 39 of 1999 about Human Rights, strengthening the National Commission on Human Rights (Komnas HAM). Moreover, Indonesia has a National Human Rights Action Plan (RANHAM) as a guide to promote and to fulfil human rights.

Although human rights protection is regulated under Indonesian laws, the Human Rights Index declines in implementing the human rights agenda. According to SETARA Institute, Indonesia's Human Rights Index stood at 2.9 in 2020. This score fell 0.3 points from 3.2 in 2019 (see Table 1). Applying the death penalty with the slow progress of ratifying international treaties is contentious on the human rights plan in Indonesia. The trend is still at its peak. From October 2019 to October 2020, there were 173 cases with 210 defendants sentenced to death, dominated by drug abuse cases that accounted for 86% of the total cases.

²² Adiputra, interview.

²³ Adiputra, interview.



Source: compiled from SETARA Institute, 2020

Apart from the above cases, Indonesia faces legalizing international human rights instruments. However, the Indonesian government does not commit to supporting this rejection, as implied by President Jokowi and the Attorney General S. T. Burhanuddin will not eliminate this extreme punishment. As mentioned above, Indonesia has only ratified 8 of the 25 international human rights laws. Specifically, although Indonesia has ratified the ICCPR by Law Number 12 of 2005, there is no law to abolish the death penalty since Indonesia has not yet ratified the Optional Protocol II of ICCPR, even though the international community has long been pushing Indonesia to abolish the such penalty. The problem is caused by the lack of domestic support, including the political will to seek more humane alternate punishments.²⁴

Moreover, KontraS and Imparsial view that the extreme penalty indicates Indonesia's inconsistency in upholding human rights. KontraS states that it violates human rights and the 1945 Constitution. There are two reasons why both reject the death penalty in Indonesia. First, capital punishment eliminates the most crucial human right principle: the right to life. It further shows that Indonesia violates the 1945 Constitution and international laws, such as the Universal Declaration of Human Rights (UDHR), ICCPR, and Law Number 5 of 1998, about the ratification of UNCAT. Second, reforming a flawed criminal justice system, which is corrupt, unfair, and discriminatory, is more important than applying the inhuman penalty. For instance, this problem happened in the case of Zulfiqar Ali, who received an unfair trial, in which, until he died, he never obtained the answer to his request for clemency.

Although to this day, many countries have supported the abolition of the death penalty, on the contrary, the death penalty is still widely applied in some countries and jurisdictions. About 80 per cent of countries in the world have abolished the punishment in their legal systems or implemented a

²⁴ Leonardo Baccini and Johannes Urpelainen, "Before Ratification: Understanding the Timing of International Treaty Effects on Domestic Policies," *International Studies Quarterly* 58, no. 1 (2014).

moratorium on the death penalty.²⁵ Meanwhile, the number of countries still have and implement the death penalty system is decreasing. For example, the Council of Europe has been a pioneer in the abolition of the death penalty since the early 1980s, with the last execution of the death penalty in Europe in 1997.²⁶ Some countries, such as Canada since 1976 and Australia since 1990, have abolished the death penalty. However, many countries still apply the death penalty in their legal systems. Amnesty International data in 2020 showed that 17 people were executed in the US. Countries with authoritarian systems still apply the death penalty with many executions. Data for 2020 mentions some of these countries, such as China with more than 1000 executions, Iran with around 246 people, Egypt with around 107 people, Iraq with 45 people, and Saudi Arabia with 27 people.

In a global context, as explained earlier, the death penalty is still a debate among countries worldwide. Those who reject the death penalty consider it contrary to human rights. On the other hand, the death penalty is also not associated effectively with lowering crimes. Death sentences and executions are often not well-targeted with a corrupt and discriminating criminal justice system. On the other hand, the practice of those shows that there are still countries that support the practice of criminal punishment. For example, in Indonesia, although there were no executions of the death penalty in 2020-2021, Amnesty International Indonesia reported that death sentences were still high in Indonesia.²⁷ Compared to 2020, with 117 death sentences, 2021 has 114 cases with death sentences. It certainly shows that the death penalty is still the choice of law enforcement officials in upholding justice in Indonesia.

In Indonesia, debates occur between groups that reject and support the death penalty. Some of the arguments from the opposing groups are: (1) constitutionally, the death penalty is contrary to the universal norms of human rights and the 1945 Constitution, which guarantees the right to life for all Indonesian citizens, and (2) the issue of the verdict and execution of the death penalty in Indonesia is also accompanied by a process poor justice that does not provide access to justice for perpetrators, such as maladministration during the judicial process, discrimination against death row inmates, and political intervention in the judicial process.²⁸ On the other hand, groups that support the death penalty claim that the argument about the relevance of the death penalty in Indonesia is that the 1945 Constitution does not adhere to absolute human rights. Another argument states that the death penalty is relevant to protecting victims and preventing crimes.²⁹ This group explains that the law sides with the human rights of the perpetrators of crimes and the victims.

The above debate is also reflected in the Decision of the Constitutional Court of the Republic of Indonesia Number 2-3/PUU-V/2007 on the Judicial Review of the Death Penalty in Law Number 22 of 1997. Although the decision did not grant the request for the death penalty abolition, there was a debate of interest among Constitutional judges. Of the nine constitutional judges, four expressed dissenting opinions, and five expressed their opinion regarding the rejection of the application.³⁰ Constitutional Justice H. Harjono gave his opinion that foreign citizens can be granted legal standing

²⁵ AmnestyInternational, *Amnesty International Global Report: Death Sentences and Executions 2020* Amnesty International (London: Amnesty International, 2021).

²⁶ "Abolition of the Death Penalty in Europe," The Council of Europe, updated 10 October 2022, 2022, accessed 10 October, 2022.

²⁷ AmnestyInternational, *Laporan Amnesty International 2021*, Amnesty International (Amnesty International, 2022).

²⁸ "5 Alasan Mengapa Hukuman Mati Harus Dihapuskan," Amnesty International Indonesia, 2022, accessed 31 Oktober, 2022, <https://www.amnesty.id/5-alasan-mengapa-hukuman-mati-harus-dihapuskan/>.

²⁹ "Menyoal Hukuman Mati," Fakultas Hukum Universitas Indonesia, 2016, accessed 31 October, 2022, <https://law.ui.ac.id/topo-santoso-media-indonesia-menyoal-hukuman-mati/>.

³⁰ MahkamahKonstitusi, "Putusan Nomor 2-3/PUU-VI/2007," ed. Mahkamah Konstitusi (Jakarta: Mahkamah Konstitusi, 2007).

status. Based on Chapter XA of the 1945 Constitution, which explains human rights. That section explains that constitutional rights are for everyone, not based on citizenship status. Therefore, *a quo* petition with foreign citizenship must be accepted, not rejected. Another, Constitutional Judge H. Achmad Roestandi, stated that the right to life is a human right that cannot be reduced under any circumstances, and the death penalty is contrary to this. Referring to Article 28A of the 1945 Constitution, every person has the right to live and has the right to defend his life and life. Thus, the death penalty is contrary to the 1945 Constitution. The other two judges explained their views on foreign nationals' legal status and the petition's subject. Both stated that the application for the status of a foreign citizen should be the subject of discussion, namely the rejection of the death penalty.

The dynamics and differences in seeing the death penalty in Indonesia illustrate the endless debate about the types of criminal penalties. Indonesia can take a middle ground in responding to groups that support and reject the death penalty. If Indonesia's political agreement has not resulted in the abolition of the death penalty in the Indonesian legal system, the best way is to implement a moratorium on sentences and executions. When the death penalty is a threat, and the last alternative in prosecution and sentencing, the legal politics of the relevant apparatus (the Prosecutor's Office) is not to impose a death penalty on the defendant. Indonesia can follow the example of the Gambia, Burkina Faso, which since 2018 has declared a moratorium on the death penalty.³¹ In the context of democracy, the debate should be placed more as a legal, political commodity rather than a specific ideological issue.³² It means that the death penalty in Indonesia is the result of agreed political and democratic processes.

c. The Campaign against the Death Sentences by KontraS and Imparsial

Many rejections of capital punishment have emerged since the fall of Soeharto's regime, in which the sentence reappeared when the number of death sentences and executions increased in 2015-2016. The penalty in the first term of Jokowi's presidency rose by 236.6% compared to the previous regimes. In the era of President Habibie to Yudhoyono, the average was 13.13 verdicts per year, whereas, in 2014-2019, it reached 44.2 per year. The number of executions also increased. Eighteen convicts were sentenced to death in the same period, which increased 100% from the previous presidencies (see Table 2). **Figure 2** The Number of Death Executions in 2014-2019



Source: Imparsial, 2019

³¹ "Moratorium Hukuman Mati Perlu Dituangkan dalam Peraturan," hukumonline.com, 2019, accessed 1 November, 2022, <https://www.hukumonline.com/berita/a/moratorium-hukuman-mati-perlu-dituangkan-dalam-peraturan-lt5cae2c79643af>.

³² Sirin Khaeron, "Hukuman Mati dalam Wacana Demokrasi (Perdebatan antara Hukum Islam dan HAM di Indonesia)," *Al-Risalah* 13, no. 01 (2013 2013), <https://doi.org/10.30631/al-risalah.v13i01.441>.

The increasing number of verdicts and executions confirms the government's statement about capital punishment. As a result, drug trafficking has become more widespread. To eradicate drug abuse, President Jokowi would not forgive the dealers by punishing them to death, an act that prompted many critical responses from many parties, including KontraS and Imparsial. They see no correlation between the death penalty and the decline in drug trafficking.³³ Campaigning for the rejection of the death penalty, KontraS and Imparsial have a strategy for overspreading ideas and influencing actors to act based on their beliefs. According to Keck and Sikkink in *Activist Beyond Borders: Advocacy Networks in International Politics*, their campaigns are conducted by diffusing and framing issues related to the death penalty to influence policy actors to abolish it. Both use social and mass media to diffuse their ideas by creating content and disseminating universal human rights values related to the death penalty.

In addition, campaigns are also done using information politics strategies, such as street actions, public discussions, and social media publications regarding the rejection of the death penalty (See Figure 3 and Figure 4). Using this, they frame issues to get public attention or leverage politics. For example, KontraS holds an annual discussion to commemorate World Day Against Death Penalty on October 10. They consistently reject the death penalty and consider it a violation of the 1945 Constitution of international law. Besides, they frequently criticize Indonesia's criminal law system deemed corrupt and not fair. The death sentence has procedural problems, where the perpetrators often experience torture, insufficient legal assistance, and unfair trials.



Figure SEQ Figure * ARABIC 3. Public Dialog to reject the death penalty



Figure SEQ Figure * ARABIC 4. Campaign to Merri Utami

Two advocacy strategies frequently carried out by civil society organizations are collaborative and adversarial.³⁴ The first strategy is implemented by collaborating with several parties, including the government, which could be done through education, research, and community empowerment. Meanwhile, the second strategy situates CSOs vis-à-vis the states and treats them as the object of criticism by public pressure. KontraS and Imparsial use a mixed adversarial and collaborative strategy (see Table 1). The former continues to construct a critical engagement strategy. Not only criticizing the government, but KontraS also seeks to build discussions and collaborations with the government through research, education, and community empowerment. Like KontraS, Imparsial's works are divided into conducting research, lobbying the policymakers, and campaigning issues. In

³³ "Imparsial Sebut Eksekusi Mati pada Era Jokowi-JK meningkat Tajam," kompas.com, updated 10 October 2010, 2019, accessed 21 March, 2021, <https://nasional.kompas.com/read/2019/10/10/16193521/imparsial-sebut-eksekusi-mati-pada-era-jokowi-jk-meningkat-tajam?page=all>.

³⁴ L. David Brown, Alnoor Ebrahim, and Srilatha Batliwala, "Governing International Advocacy NGOs," *World Development* 40, no. 6 (2012/06/01/ 2012), <https://doi.org/10.1016/j.worlddev.2011.11.006>.

addition, Imparsial conducts theoretical studies to formulate a briefing paper or alternative policy. Moreover, Imparsial lobbies the government to encourage human rights issues and campaigns to obtain public support.

Table 1 Strategies of KontraS and Imparsial processed by the Researchers

	Collaborative	Adversarial
KontraS	Research, education, and social empowerment	Campaign, demonstration, legal aid
Imparsial	Research and social empowerment	The campaign, demonstration, and legal aid

d. *The Norm Life-Cycle in Human Rights Campaigns*

Norm is a set of standards that regulate how actors behave. Norms emerge from domestic norms endorsed by norm entrepreneurs.³⁵ These norm entrepreneurs diffuse norms to the minority by overspreading international norms and principles to strengthen their position in local debates. In *International Norm Dynamics and Political Change*, the authors described how norms influence actors and state behaviours: norm emergence, norm cascade, and internalization. First, norms are promoted by agents concerned with societal norms and values. In other words, norms do not emerge from a vacuum. Instead, they are motivated by a commitment and belief in universal values. There are two important things at this level: *norm entrepreneurs* and *organizational platforms*. Norm entrepreneurs are paramount because they can build framing issues to attract people’s attention.

Moreover, organizational platforms are essential vehicles that promote and overspread norms. By this, the initiators of norms need to ensure the support of state actors to promote norms and influence them to be implemented as state policies. Finnemore and Sikkink call it a tipping point, the phase between the norm emergence and norm cascades.

Table 2 The Norm Life-Cycle in the Human Rights Campaign of KontraS and Imparsial

	<i>Tipping point</i>		
	Norm Emergence	Norm Cascades	Internalization
Actors	<i>Human Rights CSOs (KontraS and Imparsial)</i>	<i>States</i>	<i>Law Enforcement</i>
Motivations	<i>Right to Life, Law Enforcement of International Treaties</i>	<i>To abolish capital punishment</i>	<i>Advancement of human rights</i>
Mechanisms	<i>The campaign, the use of social media</i>	<i>Socialization, institutionalization, demonstration</i>	<i>Institutionalization of Optional Protocol II ICCPR</i>

Civil society organizations (CSOs) are essential to Indonesia’s socio-political reforms. As a part of civil society, the existence of CSOs is expected to create fair relations between the society, state, and market. Apart from those, CSOs often carry out their function to conduct advocacy, spread

³⁵ Finnemore and Sikkink, "International Norm Dynamics and Political Change."

norms and values, mobilize the people, and increase community participation (Edwards 2009; Ottaway and Carothers 2000). It is noteworthy because an equal relationship is the main prerequisite to giving justice to society.

The second is the norm cascade phase. In this phase, changes emerge due to social movements influenced by the norm carriers. This “forces” the state to be involved in promoting norms by various state policies. At this stage, the state, as a part of the international community, is urged to adopt norms by pressures from other countries. The third is internalization, in which actors widely accept and internalize norms. It should be noted that there are two possibilities after norms are internalized: norms will be a great power because of their suitability or have no impact because state actors do not consider them.

e. KontraS and Imparsial as Norm Entrepreneurs

KontraS and Imparsial play essential roles as initiators of norms in their campaigns to abolish the death penalty in Indonesia. They focus on the narratives about self-determination: the right to life and defend life and the right to be free of violations. They attempt to reconstruct the many mistakes of the judicial process in the death penalty. Referring to two international human rights treaties (UNCAT and ICCPR) and the Constitution of 1945, KontraS and Imparsial conclude that such penalty mixes many human rights violations—the right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment, rights to law, and rights to a fair trial.

The death penalty abolition respects the fundamental human rights value: self-determination. In *Self-Determination: A Human Rights Approach*, Robert McCorquodale explains that self-determination applies in any situation and for suppressed, exploited, and pressured. KontraS and Imparsial suggest that the judicial process is unfair, discriminatory, full of pressures, and corrupt in terms of the death penalty. For example, in the case of Zainal Abidin, he was questioned without a legal advisor. Consequently, he received his request for judicial review after ten years, only two days before he was executed.

There is a debate about conflicting norms between state and non-state actors (CSOs) regarding self-determination. There are two ways in which a norm affects another: order cluster and justice cluster.³⁶ As a realist, the states consider political stability more important (order cluster) than the death penalty. The Indonesian government will only fulfil and enforce human rights that fit their national interests, so it rejects abolishing the death penalty and granting clemency to criminals, particularly drug abusers.

Concerning the death sentence, there are four narratives from the government as contained in Constitutional Court Decision Number 2-3/PUU-V/2007. Firstly, the death penalty is not synonymous with the development of civilization. In contrast, the death penalty aims to protect human civilization. Secondly, the penalty does not contradict the Constitution of 1945 and international laws. According to the court’s decision, Article 28I is limited by some aspects, namely law, moral, religious value, and security sector, so there are exceptions in the 1945 Constitution for drug dealers. In addition, the death penalty also does not violate Article 6 of the ICCPR because it is categorized as the most severe crime. Finally, the death penalty also does not contradict the Universal Declaration of Human Rights (UDHR) because there are human rights restrictions in Article 29, Paragraph 2:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely to secure due recognition and respect for the rights and freedoms

³⁶ John McFarlane, "Transnational Organized Crime; Corruption, Crony Capitalism, and Nepotism," *Transnational Organized Crime* 4, no. 4 (1998).

of others and to meet the just requirements of morality, public order, and the general welfare in a democratic society.

Thirdly, Islamic law supports such punishment, as stated in the Cairo Declaration by the Organization of Islamic Cooperation (OIC) on Islamic human rights. The declaration clarifies that the death penalty is not contrary to Islamic law as long as the process is based on Islam and states an emergency. Fourthly, Indonesia is in danger of drugs as the Criminal Code (KUHP) perspective protects the community from worse effects.

To respond to the government’s narratives, KontraS and Imparsial assess that the death penalty practice contradicts the principle of self-determination. The two are consistent in their commitment that KontraS and Imparsial see the death penalty as contrary to the fundamental human rights principles stated in the UDHR, ICCPR, and the 1945 Constitution. Moreover, the death penalty is not an urgent need for Indonesia—totally reforming the criminal law system to be more transparent, fair, and accountable. The correlation between the death penalty and the crime rates decline (including drugs) is considered a myth. In converse, the fact shows that drug users continue to increase. The following points explain the reasons why the death penalty in Indonesia should be abolished:

1. A colonial punishment

The death penalty does not depict the aims of modern crime as an instrument of social justice. On the contrary, this punishment tends to be like a colonial form, which motivates revenge.

2. A violation of the Constitution

The death penalty neglects the right to life as described in Article 28I, paragraph 1 of the 1945 Constitution, and Article 6 of the ICCPR. Furthermore, this sentence indicates that the stated parties do not respect international laws.

3. Indifferences of the rights of the convicted person

Pointed by three waves of executions during 2015-2016, many practices neglect the convict’s rights regarding clemency and other judicial errors, as happened to Zulfiqar Ali and Zainal Abidin.

4. Unfair judicial process

Several discriminatory judicial processes of the 18 people executed in 2015-2016. Some convicts experienced coercions, neglected legal assistance rights, and got slow administrative processes.

If summarized in a table, the narratives and counter-narratives between the Indonesian government and KontraS and Imparsial are as follows:

Table 3 The narrative debates from the government and the CSOs

The Government	KontraS and Imparsial
To protect civilization from damages caused by drugs.	The death penalty is not proven to cause the decline in drug trafficking. In addition, the death penalty is a colonial legacy.
There is no conflict with the 1945 Constitution, ICCPR, UDHR, and the OIC Declaration on Islamic Human Rights. Therefore, the death penalty would be applied selectively.	It is contrary to the fundamental rights of human rights, namely the right to life as non-derogable rights. Capital punishment also contradicts Article 28I of the 1945 Constitution, the right to self-determination described in the ICCPR and UDHR.

The death penalty can be applied in emergencies, such as drug abuse, genocide, and a war crime.

There is no urgent need for the imposition of the death penalty. However, conversely, there needs to be a reform of the criminal justice system in Indonesia.

As advocacy groups, KontraS and Imparsial's views frequently differ from the government regarding the norms of the death penalty. The characteristic of such groups is determined by undesirable issues or events in human rights, which are against their strong beliefs of appropriate community behaviour.³⁷ The debate between the government and KontraS and Imparsial shows a rivalry to compete in the public sphere. It follows Finnemore and Sikkink's proposition, stating that norms emerge from nothing. Norms will continue to be debated and fought to be a standard of appropriateness for various policies or regulations (internalization).

Struggling to abolish the death penalty, KontraS and Imparsial, together with other CSOs, formed the Coalition for the Abolition of the Death Penalty (HATI). The HATI Coalition is a forum for civil society groups that reject the death penalty in Indonesia. This Coalition actively voices its penalty denial by building talks with the government, public campaigns, and routine press conferences to respond to Indonesia's death penalty. Furthermore, the Coalition stated that this punishment could be implemented in a fraudulent law system. In this condition, the application of the death penalty may cause errors in verdicts and executions.



Figure SEQ Figure * ARABIC 5. Press Conference of the HATI Coalition in The Executive Office of the President of the

This coalition appears to respond to the errors in 14 death executions in early 2015. First, the Attorney General's Office executed six death convicts on January 18, 2015, and the other eight were executed three months later. The coalition found several errors in the legal process prior to the executions, such as in the execution of Marco Arcfter Cardoso Moreira. Moreira was executed with a psychological illness. Another misconduct also happened to Zainal Abidin, who admitted that he was tortured during the process and not accompanied by legal advisors at the first inspection. Apa yang terjadi dengan terdakwa yang tervonis hukuman mati tersebut menunjukkan bahwa proses vonis dan eksekusi hukuman mati seringkali didahului dengan proses peradilan yang buruk, termasuk perlakuan terhadap terpidana. Situasi ini yang kemudian menjadikan salah satu alasan mengapa hukuman mati harus dihapuskan di Indonesia.

³⁷ Dwi Ardhanariswari Sundrijo, *Regionalizing Global Human Rights Norms in Southeast Asia* (Springer Nature, 2020).

Furthermore, the Coalition explained that the death penalty does not impact reducing the number of crimes in Indonesia, one of which is drug crimes. Referring to Amnesty International, Table 4 shows that, on average, around 79 per cent of death sentences were handed down for drug abuse crimes in 2017-2021. Although the number of death sentences is still high, drug trafficking in Indonesia in 2021 will be even higher. Drug evidence seized in 2003 was 3.31 tons of methamphetamine (shabu), 115.1 tons of marijuana, 50.5 hectares of marijuana land, and 191,575 ecstasy pills.³⁸ Besides, drug trafficking cases involving high-ranking police officers also raise doubts about the judicial process and a clean eradication of corruption. Two reasons for the ineffectiveness of the death penalty against the low crime rate and poor judicial process are the main factors pushing for the death penalty and execution in Indonesia.

No	Year	Total Verdict	Drug Cases (%)
1	2017	44	70 %
2	2018	44	81 %
3	2019	80	75 %
4	2020	117	86 %
5	2021	114	82 %

Table 4 the Number of Capital Punishments in Indonesia (2017-2022)

Source: Amnesty International (AI) Indonesia

In May 2016, the HATI Coalition discussed this with the government (see Figure 3). This forum was initiated by Imparsial and welcomed by Ifdal Kasim, a staff of the Presidential Staff Office. The Coalition urged the government to stop the planned execution of batch III. Reflecting on the previous two waves of executions, the government should have stopped the death penalty when a corrupt justice system exists. The Coalition also advised the government to pay greater attention to the Criminal Code (RKHUP) draft being discussed by the House of Representatives (DPR), in which there are more alternatives than the death penalty. The Coalition is also active in carrying out actions to commemorate World Day Against the Death Penalty on October 10 every year.

The HATI Coalition emerged from the awareness of human rights norms related to the right to life. KontraS and Imparsial realize that the right to life is a right that no one, including the legal system, can revoke. This belief refers to universal human rights values. According to the concept of norm life-cycle, Norms about the importance of these rights encourage both organizations to play an active role in promoting, advocating and campaigning for the death penalty in Indonesia. In this case, both show that norms are not born from a vacuum but result from discussions and bonds of commitment and belief in universal values. Furthermore, the importance of the HATI Coalition is to become an organizational platform to strengthen their movement. The HEART Coalition is also important to ensure these norms are widely spread and noticed by current authorities.

³⁸ "Sepanjang 2021, BNN Ungkap 760 Kasus Tindak Pidana Narkoba," VOA Indonesia, 2021, accessed 12 October, 2022, <https://www.voaindonesia.com/a/sepanjang-2021-bnn-ungkap-760-kasus-tindak-pidana-narkoba-6375450.html>.

The government's acceptance through the Office of the Presidential Staff indicates that the campaign and promotion of the HATI Coalition for the abolition of the death penalty have received attention from the government. This stage in Finnemore and Sikkink's concept is referred to as a tipping point, where norms have succeeded in influencing state actors. On several occasions, the Coalition has also been involved in legal assistance for those sentenced to death. The Coalition served as the attorney for the death convicts Humprey Jefferson and Zulfiqar Ali. The Coalition failed to assist Jefferson in avoiding the death penalty, and he was executed on July 29, 2016. In Zulfiqar Ali's case, the Coalition helped with the clemency application process, but Zulfiqar died on May 31, 2018, due to his illness.

However, the Coalition did not reach the stage of influencing incumbents. The HATI Coalition failed to influence the government to abolish the death penalty. Norms for abolishing the death penalty cannot affect power and are internalized in state policy. Despite criticism from civil society groups and international communities, the Attorney General's Office still executed four death convicts. The third wave of executions occurred on Friday, July 29, 2016. The Coalition reported the Attorney General to the Indonesian Prosecutor's Commission and the Indonesian Ombudsman about procedural errors in these executions. The Coalition considers that the Attorney General's Office hid the execution process from the public by concealing the convict's identity and not waiting for the legal process to be completed. This situation shows that the norm cascade and internalization stages do not occur in the campaigns and movements initiated by the HATI Coalition.

f. The Effectiveness of the Advocacy Network: Factor Analysis

Although the campaign and advocacy of the Coalition did not have an impact on the abolition of the death penalty -due to several factors- the HATI Coalition provided several positive notes regarding the role of civil society in democratic life in Indonesia. The HATI Coalition also provided an example that civil society has an important role in the policy-making process. The emergence of the HATI Coalition to respond to the practice of sentences and the death penalty in Indonesia indicates that civil society in the dynamics of democracy in Indonesia is still responsive to vital issues, including the death penalty in Indonesia. The HATI Coalition has contributed to the re-emergence of debate about implementing the death penalty in Indonesia. By referring to international principles and norms regarding the right to life and a portrait of the flawed justice system in Indonesia, the HATI Coalition explained that the death penalty is against the Indonesian Constitution and international law, such as the ICCPR and UDHR. On the other hand, the existence of verdicts and executions of the death penalty in Indonesia does not impact reducing crime rates such as drug trafficking. On the other hand, the criticism of the HATI Coalition is that the Indonesian government must first improve the criminal justice system, which is still corrupt, flawed, and discriminatory.

The effectiveness of advocacy is influenced by the ability of advocacy networks to use political strategies in advocacy.³⁹ Two significant factors in the failure of the HATI Coalition's advocacy to encourage the Indonesian government to abolish the death penalty. The first is the internal factor, which is the factor that comes from the Coalition per se. The Coalition has not maximized the advocacy strategy described by Keck and Sikkink. Although the HATI Coalition succeeded in using strategies for information politics and symbolic politics, the Coalition failed in using leverage politics and accountability politics. As stated by Keck and Sikkink, the information politics strategy refers to the strategy used by norm promoters to initiate and campaign for norms against the death penalty. They used communication media like social media and newspapers to overspread the rejection issue. The HATI coalition also uses symbols in its campaign against the death penalty. This strategy is part

³⁹ Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*.

of building common awareness and influencing power actors. The symbolic politics strategy is carried out by campaigning on social media and demonstrations on the street.

Moreover, the HATI coalition cannot maximize itself as a civil society organization, and human rights are important issues convincing state actors to take policy. The concept in the advocacy strategy is called political leverage and political accountability. Referring to Keck and Sikkink, this strategy is the main negotiation force.⁴⁰ By utilizing politics to increase bargaining power in negotiations, accountability politics is an effort to encourage more actors to implement strong principles by advocates of norms. Concerning human rights issues, the promoter's norm must be able to make the issue related to significant state interests, such as security, economy, and other international relations. However, its implementation efforts by the HATI Coalition have not been able to make the issue of the abolition of the death penalty an important matter for the state. Of course, many factors influence it.

The Coalition also failed to involve influential and abroad actors, so the actors involved were limited to local CSO groups and the mass media. Another internal factor is the lack of advocacy for setting an agenda. Well-organized planning for an advocacy agenda will optimally generate media attention, public debate, and public support. In this case, the network formed by this Coalition is relatively new. Although similar coalitions have existed before, the HATI Coalition tends to be a reactive form of the many previous executions, so the advocacy agenda was not maximally formed. Referring to the results of the Death Penalty Project survey in 2020, 69 per cent of the public support maintaining the death penalty in the country's legal system.⁴¹ However, this high level of support is influenced by misunderstanding and misinformation about the retention and application of the death penalty in Indonesia.

The second is external factors. This factor arose from the socio-political dynamics that developed in the country. In *Setting the Advocacy Agenda: Theorizing Issue Emergency and Nonemergency in Transnational Advocacy Networks*, R. Charli Carpenter explains that socio-political dynamics influence the emergence and development of advocacy issues. Whether the human rights advocacy will be effective is determined by political support from the state institutions, either international or national structures. Based on the discussion mentioned earlier and internal factors, the socio-political dynamics played a significant role in the failure of the KontraS and Imparsial's campaign with the Coalition to abolish the death penalty. However, the death penalty opponents should deal with the fact that many people support that kind of sentence. Significant people assume the death penalty is not against religion. Apart from that, political leadership plays an essential role in the efforts of the HATI Coalition to encourage the abolition of the death penalty.⁴² President Jokowi, in his statements, said that there is no forgiveness for drug traffickers. The decision implies that President Jokowi supports the death penalty.

Conclusion

KontraS and Imparsial have a long history as the organs of civil society movements that focus on Indonesia's struggle for human rights. The two organizations were born due to the unresponsiveness of the state in protecting and advancing human rights. As advocacy groups, they can disseminate norms by using strategies to process information by human rights campaigns, especially on issues of the death penalty. In spreading the norm, both KontraS and Imparsial combine adversarial

⁴⁰ Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*.

⁴¹ Carolyn Hoyle and Diana Batchelor, *Investigating Attitudes to the Death Penalty in Indonesia*, The Death Penalty Project and LBH Masyarakat (The Death Penalty Project and LBH Masyarakat, 2020).

⁴² Dave McRae, "Indonesian Capital Punishment in Comparative Perspective," *Bijdragen tot de Taal-, Land- en Volkenkunde* 173, no. 1 (2017), <http://www.jstor.org/stable/26281573>.

and collaborative strategies. In addition to conducting criticism and demonstration actions, the two are active in conducting studies, education and community empowerment, and campaigns utilizing technological advances. As the initiators of norms, KontraS and Imparsial overspread different narratives from the government. The existence of a narrative constellation between the government and KontraS/Imparsial shows that norms do not emerge from a vacuum. Instead, norms are brought to match and create a public debate on an issue.

KontraS and Imparsial have successfully played their role as norm initiators. They can raise contested norm debates over existing norms on the issue of capital punishment. Internal and external factors failed to influence state actors and policies to abolish the death penalty. Finally, we have tried to show why CSOs could be effective in their activities. Many factors cause the effectiveness of advocacy networks. Only the CSOs are insufficient to emerge norms. Moreover, we believe this paper is good in examining the role of CSOs. It will encourage scholars to think more broadly about this issue, particularly in explaining social and political dynamics influencing the works of CSOs.

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