

Kewenangan membuat jenis sanksi pidana yang menyimpang dari Pasal 10 Kitab Undang-undang Hukum Pidana (Suatu tinjauan atas hukuman cambuk yang diatur didalam Qanun Aceh)

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Abstrak

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Hal yang menjadi permasalahan dalam tesis ini adalah bolehkah hukuman cambuk di berlakukan di Nanggroe Aceh Darussalam karena hukuman cambuk tidak ditetapkan atau dirumuskan di dalam pasal 10 KUHP Indonesia. Tujuan penulisan tesis ini adalah menjelaskan kedudukan hukuman pidana cambuk di Propinsi Nanggroe Aceh Darussalam apakah hal ini bertentangan dengan sistem hukum pidana nasional atau tidak. Penulisan tesis ini menggunakan metode penelitian kepustakaan dengan data skunder sebagai sumber datanya. Hasil penelitian menunjukkan bahwa hukuman pidana cambuk tidak bertentangan dengan sistem hukum pidana nasional karena adanya undang-undang khusus yang mengatur keistimewaan Aceh serta berlakunya asas *lex specialis derogat legi generali*.

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ABSTRACT

Rachmad, Andi. ?The Authority to Establish Types of Criminal Sanctions Which Straying From Article 10 of Indonesia Penal Code Act (A Review of Caning Punishment Which Regulated in Acehnese Qanun).? Thesis, Magister, Faculty of Law University of Indonesia, 2011, 85 pages. Bibliography 84 (1983-2010). The main problem of this thesis is if caning punishment at Nanggroe Aceh Darussalam legitimated because caning punishment is not regulated in Article 10 of Indonesia Penal Code Act. The purpose of this thesis is to explain the position of caning punishment at Nanggroe Aceh Darussalam whether its contradicted to national penal law system or not. The research of this thesis is using bibliography research methods with secondary data as its data source.

The result of this research shows that caning punishment is not contradicted to national penal law system because the privilege of Aceh governed by special law and the enactment of the principle *lex specialis derogat legi generali* for that legislation.

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