

# Extra-Judicial Killing Against Robbery in Medan City from a Human Rights Perspective

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## Abstract

*Extrajudicial killing* is a murder carried out by state officials outside of a court decision. This research aims to find out how legal protection is for criminals in Medan City using extra-judicial killing based on human rights. The research method used is a normative jurisprudential research method. Normative research requires a statutory approach and a conceptual approach. The data collection technique used is through document and library studies of secondary data in the form of primary, secondary, and tertiary legal materials. The results of this research conclude that extrajudicial execution is an arbitrary act, does not have a clear legal basis, and is a serious violation of human rights stipulated by law and international documents, thus the perpetrator will not receive legal certainty and justice. and this violates human rights, especially Article 28 Letter A and also Law Number 39 of 1999 concerning Human Rights.

**Keywords:** *Extrajudicial Killing*; Robber; HAM

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## INTRODUCTION

The Indonesian state is a state of law, the simple definition of a state of the law is a state that exercises its governmental powers based on law, in Article 3 Paragraph (1) of the 1945 Constitution it is stated that "the Indonesian state is a state of law", further in the explanation of the 1945 Constitution 1945 stated that "The Indonesian state is based on the law (rechtstaat) not based on mere power (machstaat), therefore the state may not carry out its activities based on mere power but must be based on law"(Hare, 2002).

The rule of law requires that all actions or deeds of the authorities have a clear legal basis or legality, whether based on written or unwritten law. Some say that the legitimacy of the state's rule is because the state is a neutral institution, does not take sides, stands above all groups of society, and serves the public interest (Budiman, 1996).

In the concept of a rule of law, the function of law enforcement plays a very important role because it is part of the legal process itself. Law enforcement efforts can be said to be an activity that includes monitoring violations of the law, investigations, inquiries, prosecutions, examinations in court hearings, the imposition of sanctions or punishments, the imposition of criminal sanctions by judges, and the implementation of crimes based on judges' decisions as well as correctional activities in correctional institutions.

The application of criminal law means that we discuss efforts to overcome crime in society, namely discussing criminal policy or "crime policy". Criminal policy is a rational effort by the government/society to tackle crime. Efforts to combat crime in society operationally can be carried out with "criminal" criminal law and non-criminal criminal law. "Criminal" and non-criminal activities complement each other.

Recently there was a robbery in the city of Medan, the police took firm action to take action against the perpetrator by shooting him dead. This incident occurred on July 10, 2023. The Medan Police Chief and his team succeeded in paralyzing one of the perpetrators of this brutal crime. "Theft is very worrying," Bobby tweeted, thieves and criminals disturb the peace and security of the people of Medan City. "We appreciate this because thieves and criminals have no place in Medan City because they disturb the peace and security of the community," continued Bobby in his tweet (S. Dian Adriyanto, 2023).

This then reaps pros and cons from the community. The Commission for Missing Persons and Victims of Violence in North Sumatra (KontraS SUMUT) responded to Bobby's statement on his Instagram account, saying that what the Mayor of Medan did was haphazard law enforcement or an extrajudicial decision. According to this organization, law enforcement must be carried out using appropriate mechanisms and must not violate the law. Then he said that Bobby's statement seemed to put the police in a difficult position. The police have many regulations regarding the application of human rights principles in law enforcement, especially regarding shootings. Don't let the act of shooting criminals cause the police to be seen as violating human rights. Police Brigadier General Abiyoso Seno instructed his members to take firm action against the perpetrators of the robbery, the police chief instructed them to shoot the perpetrators on sight.

One of the law enforcement agencies in Indonesia, namely the National Police of the Republic of Indonesia, hereinafter abbreviated to (Polri), is a state instrument that plays a role in maintaining security and public order. enforce and protect the law. These tasks are essentially not hierarchical and cannot be separated because they are related to each other. This means that the implementation of the task of protecting and protecting the community can be achieved by enforcing the law in the corridor of maintaining security and public order. It can also be understood that police actions in the form of law enforcement are principally aimed at protecting and protecting the wider community from crime to ensure security and social order.

Along with technological advances and the development of human civilization from time to time, human needs are increasing. This certainly has a negative impact because it will increase the possibility of crime. One form of crime that has recently occurred frequently in every region and is widely discussed is the case of mugging. This case seriously disturbs public security and order. This case of theft has been happening for a long time in every region, but only recently has it been highlighted by the public or mass media. Initially, it was thought that the robbery was only the



work of a few people. However, as time went by, this action was carried out in a coordinated manner with various groups. Its members consist not only of men but also women.

This is not the first time police have shot at robbers on the spot. In 2018, during the Asian Games in Indonesia, the National Police Chief asked his members to take firm action against thieves by shooting on sight. The authority of the National Police of the Republic of Indonesia is to carry out inquiries and investigations into all criminal acts by the Criminal Procedure Law and other legal regulations. However, prevention efforts are still prioritized through the formulation of the principles of prevention and the principles of general police duties, especially maintaining security and public order. The phenomenon of arrests and shootings on the spot by police is an action that is still a matter of pros and cons among the public and legal experts. Every time they act, the police have the right to act by their judgment and this is what the police sometimes abuse. This authority is written in Article 18 paragraph (1) of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia containing:

*"In the public interest, officials of the Indonesian National Police in carrying out their duties and authority can act according to their judgment."*

This article can be called discretionary authority. The definition of police discretion according to Thomas J. Aaron is "an authority given to the police, to make decisions in certain situations that require their consideration and involve moral issues, and lie on the boundary line between law and morals"(Faal, 1991).

In practice, the police usually carry out shooting on the spot against suspects, and shooting on the spot against suspects is situational, namely based on the principle of proportionality in dealing with violence and firearms must be applied in certain circumstances. When police handle individual cases, individual action is also required. Based on the character of this profession, the Police apply the principle or principle of discretion. With this principle of discretion, a police officer may and can make his own decisions and actions, based on individual considerations. A police officer who is carrying out an operation can decide for himself whether he needs to shoot or not. After he decides to "pull the trigger" or "not pull the trigger" the police officer concerned will be responsible for his decision to his superiors.

To achieve law enforcement targets, all actions of law enforcers are adjusted to Pancasila. One of them can be seen in Law Number 8 of 1981 concerning Criminal Procedure Law and Law Number 48 of 2009 concerning Judicial Power, which protects human dignity. On the other hand, the implementation of shoot-to-kill instructions for perpetrators suspected of committing robbery in several regions in Indonesia is an action that is currently becoming a crucial problem where on the one hand the police are permitted by law to shoot on the spot based on the principle of active discretion, on the other hand also there have been police actions that have violated human rights and there have also been extra-judicial killings or killings outside of court decisions.

In Law no. 39 of 1999 concerning Human Rights, Article 18 paragraph 1 states: 3

*"Every person who is arrested, detained, and charged because he is suspected of committing a criminal act has the right to be considered innocent, until his guilt is legally proven in a court hearing and is given all the legal guarantees necessary for his defense, by the provisions of the laws and regulations," as well as Article 34 which states that: "everyone must not be arrested, detained, tortured, isolated, exiled or exiled arbitrarily"*

In the study of criminal law, there are general principles that must be in place regarding suspects' rights in the eyes of the law, including the presumption of innocence, that is, before there is a court decision, a person is still declared innocent and human rights are still upheld. Extra-judicial killing is a violation of a person's right to life. Every person's right to life is guaranteed by the 1945 Constitution and is a human right that cannot be reduced whatever the circumstances (non-derogable right). In cases of shooting someone who is suspected of being a criminal or suspect, this shooting of course also violates other rights guaranteed by the 1945 Constitution, Law no. 39 of 1999 concerning Human Rights or international human rights law provisions, such as the right to a fair and balanced trial. A person will not be able to be tried fairly and impartially to prove the accusations presented to him if his life has already been taken.



Apart from that, the National Police Chief Regulation Number 1 of 2009 (Perkap 1/2009) and the National Police Chief Regulation Number 8 of 2009 (8/2009) emphasize that the use of force with the control of firearms can only be carried out if members of the National Police do not have other reasonable and reasonable alternatives to do so. stop the actions of criminals or suspects. This means that shooting can only be carried out as a last resort or last resort and this action is carried out to stop the perpetrator of a crime or suspect, not to kill.

Formally the procedures for using firearms have been regulated. However, whether its implementation is by these provisions and does not conflict with other applicable laws. Of course, formal procedures are standard operating procedures in carrying out police duties, but policies in the field determine what a police officer does. Because, apart from formal policies, there are informal policies in the Police Work Unit, for example, situational ones. Namely the use of firearms and executions without due legal process. For example, the order to "shoot on sight" is directed at perpetrators of crimes in the recidivist category or who are sadistic in committing their crimes.

Based on a very serious problem, especially in the city of Medan, namely Shoot Dead Begal in Place, the statement made by the Mayor of Medan sparked a lot of controversy from various parties who regretted the attitude expressed by a mayor, who should be protective and not give baseless statements, based on this The problem in this article is how the extra-judicial killing of robbers in the city of Medan is based on a human rights perspective.

## RESEARCH METHODS

This research is a type of legal research that uses a normative juridical approach (Soekanto, 2009). The normative juridical approach is an approach based on legal materials by examining theories, concepts, legal principles and statutory regulations related to the research carried out. Normative juridical research is also known as research with a library research approach, namely by studying statutory regulations, books, and other documents related to the research title. (Rantau, 2019).

In this research, the data source used is secondary data, where secondary data consists of:

1. Primary Legal Materials, namely legal materials that follow applicable laws and regulations such as Law Number 23 of 2006 concerning Population Administration as amended by Law 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration; Government Regulation Number 40 of 2019 concerning Implementation of Law Number 23 of 2006 concerning Population Administration as amended by Law 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration; Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 14 of 2020 concerning Guidelines for Nomenclature of Population and Civil Registration Services in Provinces and Regencies/Cities; and several other legal regulations that are still related to research titles (Akili & Achmad, 2023).
2. Secondary legal materials, namely legal materials that provide explanations of primary legal materials obtained from literature studies in the form of literature related to research problems.
3. Tertiary legal materials, namely legal materials that provide instructions and explanations for primary and secondary legal materials related to this research include newspapers, the internet, legal dictionaries, and the Big Indonesian dictionary.

Technical Analysis of this data is carried out using the analytical method, namely by interpreting the symptoms that occur, analysis of legal materials is carried out by collecting all the necessary legal materials which are not numbers and then connecting them to existing problems.

## RESULTS AND DISCUSSION

### Extrajudicial Killing in a Human Rights Perspective

*Extrajudicial killings* are the deliberate, planned, and structured use of lethal force in the form of long-range shooting, close-range shooting, missiles, use of vehicle bombs, by the state or by their intermediaries acting under their authority as state administrators, or by an organized armed group in armed conflict, against certain individuals who are not in the



custody of the perpetrator (Alston, 2017). Extrajudicial killing is an action carried out by state officials that causes the death of a person which is carried out without going through a legal process. The actions taken by state officials were not carried out in self-defense or carrying out statutory orders.

This action is categorized as a serious human rights violation. This has been explicitly regulated in Article 104 of Law Number 39 of 1999 concerning Human Rights because it has taken someone's life arbitrarily outside of a court decision.

*Extrajudicial killing* is strictly prohibited by international human rights and also the constitution in force in Indonesia because this action violates the human right to life, which is a right that cannot be violated under any circumstances (non-derogable right). Several provisions for extrajudicial killing in the Indonesian constitution in the aspect of human rights violations, namely: First, it is regulated in Article 28A of the 1945 Constitution of the Republic of Indonesia (1945 Constitution the Republic of Indonesia) which reads "everyone has the right to live and the right to defend his or her life and existence". Therefore, every person has the right to have their human rights protected and the state is obliged to protect every human right of its citizens without any reduction in the slightest. This is an absolute consequence of Indonesia's ratification of the Declaration of Human Rights (DUHAM). (Erniyati, 2018).

*Second*, Article 28 I of the 1945 Constitution of the Republic of Indonesia reads: "The right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person in public, and the right not to be prosecuted for The basis of retroactive law is human rights which cannot be reduced under any circumstances." In this article, it is also very clear that every citizen has the same constitutional rights without the slightest difference between each other. Therefore, respect for human rights is very important in enforcing criminal law in Indonesia because human rights are fundamental rights that every human being has without exception.

Then, Article 2 of Law Number 39 of 2009 concerning Human Rights reads: "The Republic of Indonesia recognizes and upholds human rights and basic human freedoms as rights that must be protected, respected and upheld for the sake of increasing human dignity and welfare. happiness, intelligence, and justice."

Therefore, every living human being cannot have his human rights taken away for any reason because Indonesia is a country based on law (*rechtstaat*) not based on power (*machtstaat*) as regulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. A country based on law prioritizes guarantees of human rights for every citizen because human rights are universal and absolute basic rights found in every human being. Therefore, the human rights of every human being must be protected, respected, maintained, and must not be ignored or taken away by anyone and in any way. (Astawa & Munasto, 2022).

The scope of extrajudicial killings contained in The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary, and Summary Executions better known as the Minnesota Protocol on the Investigation of Potentially Unlawful Death includes: (a) political killings; (b) death resulting from torture or ill-treatment in prison or detention; (c) death resulting from enforced disappearance; (d) death resulting from the use of excessive force by law enforcement officers; (E) execution without legal process; and (f) acts of genocide (United Nations 1991) ("Minnesota Protoc. Investig. Potential. Unlawful Death 2016," 2018).

*Unlawful death* (unlawful death) in the Minnesota Protocol also explains the situation of extrajudicial killing as a crime of extra-legal, arbitrary, and summary executions committed by the government or its agents, or which occurs under detention, or the failure of the state to uphold human rights which then becomes the jurisdiction The main unlawful deaths as part of the concept of extrajudicial killing include:



- a) Deaths caused by acts or omissions of the state, its organs or agents, or which may be connected with the state, in violation of its obligations to respect the right to life. In this case, we can give examples of all deaths that may be caused by law enforcement officers or other state agents who are suspected of acting under the direction or with permission or approval of the state and deaths caused by military or private security forces carrying out state functions.
- b) Death that occurs while a person is detained by or in the custody of the state, its organs, or agents. Deaths in these situations, like all people who die in prison, elsewhere in detention (official or otherwise), and in other facilities where the state exercises increased control over their lives.

Deaths occur when the state has failed to fulfill its obligations to protect human rights (HAM). This is like, any situation where the state fails to carry out due diligence in protecting a person or persons from future violence or threats by non-state actors. There is also a general duty on the state to investigate every suspicious death, even where it is not alleged or suspected that the state caused the death or unlawfully failed to prevent it.

### Extrajudicial Killing Without Legal Basis

Extrajudicial defined as actions, whatever their form, which cause someone to die without going through legal processes and court decisions carried out by state officials based on this simple definition, there are several important characteristics of extrajudicial killing, namely:

- 1) committing an act that causes death;
- 2) carried out without going through a valid legal process;
- 3) the perpetrators are state officials;
- 4) The action that caused the death was not carried out in self-defense or carrying out a legal order.

From the first characteristic, the action is an action that causes death; From the examples of cases above, all the suspects died as a result of actions taken by police law enforcement officers. Some died because they were shot directly on the spot, and some died due to torture that was so cruel that it caused the suspect to die from serious injuries resulting from the action. For example, in the Siyono case, forensic examination results revealed torture wounds that were so severe that several of his bones were broken and some penetrated his heart. And that's why the suspect died.

The second characteristic is that it is carried out without going through a valid legal process. The criminal justice mechanism is carried out through several stages or processes. Each criminal justice system may be the same or different in terms of regulating the stages or processes of criminal justice. However, in general, these stages can be divided into at least three, namely (Hidayat, 2015):

- (1) Stages before the court trial (pre-adjudication or pre-trial processes);
- (2) Stages of examination in court (adjudication or trial processes);
- (3) Stages after the court trial is completed (post-adjudication or post-trial processes)

This stage of the criminal justice process applies to all criminal acts, including criminal acts of terrorism. So the actions that caused death carried out by law enforcement officers in this case, namely Densus 88, were actions carried out outside the valid legal process.

The third characteristic is Extrajudicial Killing, it is said that the action is carried out by state officials or law enforcement officials "In general Extrajudicial Killing killing is the killing by law enforcement authorities without the sanction of any judicial proceeding or legal process. Though a person is being suspected as a criminal, he has the legal and constitutional right to have justice"(Erniyati, 2021).

The fourth characteristic is that the action that caused the death was not carried out in self-defense or carrying out a legal order. So there is no justification or excuse for the murder carried out by these officers. A criminal act cannot be held accountable to the perpetrator if there is a justification or excuse for the act (Heatubun et al., 2022)

### Police Actions Against Extrajudicial Killing



Extrajudicial killing is defined as any form of action that causes a person suspected of committing a criminal act to die without being tried by a court. The characteristics of extrajudicial killing are:

- a. causing death;
- b. carried out without legal process where the perpetrator is an officer who is given certain authority;
- c. This situation is not carried out in self-defense or carrying out statutory orders.

The apparatus, in this case, the Indonesian Police, has limitations regarding discretion in carrying out its duties and authority. It is stated in Article 18 paragraph (1) of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia, states:

*"In the public interest, officials of the Indonesian National Police in carrying out their duties and authority can act according to their judgment."*

Of course, when carrying out these actions, you must observe and uphold human rights. Then regarding the term discretion, according to Article 15 paragraph (2) letter k, it is known as "Other powers" of the police, especially in handling cases, discretionary actions must fulfill several conditions, namely (Luntung, nd):

- a. does not conflict with legal provisions, in this case in Indonesia, there is positive law, customary law, religious law, and customs.
- b. in line with legal obligations that require taking action.
- c. must be appropriate, reasonable, and included in the environment of the position. This means that it can be accepted as reasonable for the environment in which the action is taken.
- d. reasonable consideration based on compelling circumstances. This means that in certain circumstances during its implementation unexpected things happen, such as the suspect fighting back with a firearm and so on.
- e. respect human rights. As regulated in the 1945 Constitution of the Republic of Indonesia regarding human rights.

In terms of criminal liability, a police officer who commits a discretionary act will "not necessarily" be punished because the act must be proven by cross-examination of the existing facts and the law that regulates it. In the construction of the Criminal Code we find the term "functional command" or justification, as well as the proposition *iddamum dat qui iubet dare; euius vero nulla culpa est, cui parrere necesse sit*, which means that accountability will not be required from those who obediently carry out orders but will be required from those who give orders (Rommelink, 2003).

Meanwhile, according to R. Soesilo, when someone kills another person it is a crime, but when an operation takes place at a certain time, a team must take action and the team leader issues a warning. Subordinates must obey orders. If they kill, then it could be argued that they cannot be punished because they acted in carrying out official orders from an authority. Meanwhile, according to Moeljatno, there are 2 (two) reasons related to valid motives, that is (Iriyanto & Halif, 2021):

- a. subjectively, in the mind of the person being ordered must think that the order is valid, both in terms of the official who issued the order and in terms of the type of order; And
- b. the existing facts, based on the facts must be reasonable if the defendant thought the order was legal or authorized then what was ordered was objectively that in reality (Moeljatno, 2018).

However, this must also take into account actual conditions and actual incidents must also be carefully considered as extrajudicial law enforcement actions. Because the act of taking another person's life without going through legal procedures can violate that person's human rights. Therefore, accountability must always be carried out by providing reports based on actual events. This is important to do because this is not just an illegal practice based on subjectivity alone.

## Extrajudicial Killing as a Violation of Human Rights



In this law, it is written that human rights are basic rights that are naturally inherent in humans, are universal and eternal, therefore they must be protected, respected, and maintained, and cannot be ignored, reduced, or taken away by anyone. Human rights are protected through statutory regulations, including national and international laws and regulations that conflict with extrajudicial killings, including:

1. The right to life, the right not to be tortured, the right to personal freedom, thought, and conscience, the right to religion, the right not to be enslaved, the right to be recognized as an individual and equal before the law, the right not to be prosecuted based on retroactive laws are human rights. which cannot be reduced under any circumstances and by anyone.”
2. Perkap Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in Carrying Out the Duties of the National Police of the Republic of Indonesia. Human Rights in emergencies states that there are civil rights and political rights that cannot be reduced in the face of emergencies, namely:
  - a. right to live;
  - b. the right not to be tortured;
  - c. the right not to be enslaved;
  - d. the right not to be imprisoned for failure to fulfill an obligation;
  - e. the right not to be found guilty of criminal acts which were not criminal acts at the time they were committed, whether under national or international law; And
  - f. the right to freedom of thought, belief, and religion
3. The 6th UN Resolution of 1980 concerning the Prevention of Crime and the Treatment of Offenders, firmly condemns and emphasizes that acts such as extrajudicial killing are "a very disgusting crime whose eradication is the highest international priority".

According to John Locke, one of the philosophers who adheres to natural law or natural law, when basic human rights are not violated, there will be peace and the creation of an ideal society. According to him, these rights are not handed over to the authorities when implementing a social contract. This power can't be absolute, precisely because it has the power to protect natural rights from dangers that may threaten them, whether coming from within or from outside. Laws made in the country also have the task of protecting these basic rights (Bernad L Tanya, 2013).

Immanuel Kant also had more explicit thoughts about law as protecting the human rights and freedoms of its citizens. According to Kant, humans are creatures with intelligence and free will. The state is tasked with upholding state rights and laws. Therefore, basic human rights must not be violated by authorities. The implementation of these basic rights must not be hindered by the state.

According to the theory of the rule of law, Sudargo Gautama said that "in a rule of law, there are restrictions on the state's power over individuals. The state is not omnipotent. The state cannot act arbitrarily. The state's actions against its citizens are limited by law.

Sudargo Gautama stated that to realize the ideals of a rule of law, it is an absolute requirement that the people are also aware of their rights and are ready to stand upright to defend those rights. What's the point of people being given the right to protect their freedoms if they don't want to or don't know how to exercise that right? (Sidargo Gautama, 1983).

According to Sri Soemantri, a legal state has at least the following characteristics:(Soemantri, 1997)

1. The government in carrying out its duties and obligations must be based on laws or statutory regulations;
2. There are guarantees for human rights (citizens);
3. There is a division of power within the state;
4. There is supervision from judicial bodies;

A legal state has recognition and guarantees of basic human rights which are upheld as "basic requirements". whether developed by continental countries or Anglo-Saxon countries, the basic rights of the people must be free from arbitrary actions from the authorities. Therefore, in a legal state, the main thing is that there are restrictions on power by law. In a state, power is limited or based on law. So the ruler's power is not based on power alone, that concept is called the rule of



law (rechtsstaat)(Rukmini, 2007). The statement that humans are born free and have equal rights is a very fundamental human right. As a manifestation of these same rights is the principle of presumption of innocence.

In 1946, the Commission on Human Rights was formed within the United Nations (UN). The Commission is tasked with formulating human rights which include civil and political rights as well as economic, social, and cultural rights. The results of the commission's work were announced on December 10, 1948, in the "Universal Declaration of Human Rights". So it can be concluded that human rights include civil and political rights and economic, social, and cultural rights. The "presumption of innocence" or the principle of presumption of innocence is contained in Article 11 of UDHR (Universal Declaration of Human Rights) in 1948. So the principle of presumption of innocence is a form of protection for human rights and if these rights are violated or set aside then it can be said that the act has also violated human rights.

So, the act of extrajudicial killing, based on the author's research, is an act that is contrary to the principle of the presumption of innocence, so it is automatically contrary to Human Rights which is also the root of the birth of this principle and human rights should always be guaranteed and protected in a rule of law, so that neglect against acts of extrajudicial killing is not in line with the vision of the Indonesian state which declares itself to be a state of law. Moreover, the right that has been violated is the right to life, which is the most basic right possessed by humans.

## CONCLUSION

Protection of human rights for victims as victims of acts *Extra-Judicial killing that was carried out by law enforcement officers, in this case shooting the robber dead on the spot, was an extrajudicial act that resulted in a baseless act which resulted in the victim's death and this is contrary to a person's constitutional rights as stated in Article 28A which reads: "Everyone has the right to live. and defend their lives and livelihoods"* and is continued by the hierarchy of laws and regulations contained in Law Number 39 of 1999 concerning Human Rights as well as conflicting with international and national legal documents on human rights. The principle of presumption of innocence is an expression of human rights, in particular a basic legal principle in carrying out executions outside the judicial process related to criminal acts. Executions outside the judicial process are classified as acts that ignore the principle of the presumption of innocence and legal procedures must be taken when this can give rise to legal liability for law enforcement officials related to the act. Thus, extrajudicial killings that continue to occur in society from year to year are the responsibility of the state and government to ensure the protection and promotion of the human rights of every citizen. This responsibility cannot be reduced for political, economic, or cultural reasons.

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