

CHAPTER I

INTRODUCTION

A. Writing Objective

International Convention was made to protect human being from the inhuman action that ever happened in the Second World War. People try to changing their paradigm in the past and starting to respect human right then uphold it. In 1948 there was a universal declaration of Human Rights that uphold human basic rights, such as right to live, right to participate in politics, and to erase all forms of discrimination. But unfortunately at that time, the death penalty didn't include to the one of the issues of human rights violation.

Then along with the development of people mind and the increasing of the respecting toward Human Rights, people try to put the prohibition of death penalty in one of International convention which is International Covenant on Civil and Political Rights. Almost half of United Nation member's countries have ratified and stops the implementation of death penalty. But there are also some countries that have not stopped it.

The prohibition of the implementation of the death penalty is develop and it is more serious, then the international convention on the right of the child was born and prohibit the implementation of the death sentence for Juveniles or those who below the age of eighteen. But since 2005 until 2008 the international human rights Nongovernmental organization record that Islamic Republic of Iran has became the leader of the World in the implementation of Juvenile death sentence.

Islamic Republic of Iran gets many protest from NGOs which want Iran to stop its inhuman action. Those NGOs argued that Iran is the state party of International Covenant on Civil and Political Rights and International Convention on the Rights of the Child. It means that Iran should not implement juvenile death sentence in its country, because it is contradict with International law. As a sovereign state it is not easy for Iran to change the law in its country just because of the protest of international nongovernmental organization.

Starting from that point, the writer feels that it is necessary to discuss the issue of death penalty in the Islamic Republic of Iran especially toward the juveniles. The problem of international law and national law and also the action of Iranian government to respond the protest from the international world became some of important things that the writer want to explain in this thesis. Therefore having viewed the above phenomenon the writer agrees on writing the topic under the title: **The Implementation of the Death Sentence for Juveniles in the Islamic Republic of Iran.**

B. Problem Background

The Second World War crime had leaved a lot of changes for all people in the whole of the world. People try to create new rule that could be used to improve the moral lot of human race, then United Nation General Assembly developing Universal Declaration of Human Right in 1948¹. One of the aims of this

¹Carlo A Gheradi, "The Death Penalty: From Acceptance to Universal Abolition in 100 years" *Journal of European Studies* Volume IV- No.2(2008): 21

Declaration is the abolition of the Death Penalty. The implementation of Death penalty violated a human basic right that is right of life.

Juvenile death sentence in International law is absolutely prohibited. Around 161 countries in this world had agreed with this law, and specifically prohibit capital punishment of person under 18 at the time of the offence². It shows that the awareness of government and its people at those countries toward human right increase, especially in protecting children rights. In 1994 the UN Human Rights Committee stated that it considered the prohibition against executing children to be part of international customary law, and thus not open for reservation. Regional Human rights treaties for Africa, the Americas, and Europe all ban the Juvenile death penalty in all circumstances.³

International Covenant on Civil and Political rights and the Convention on the rights of the child are the International treaty that contains some points which guarantees the right of life and prohibits the death penalty for persons under the age of eighteen⁴. Those conventions are made to protect human basic right and children right. Those conventions are the proven, that almost all states in this world concern to the human right. Every state has ratified or acceded to treaties obligating them to ensure that juvenile' offenders, persons under 18 at the time of

²The last Holdout Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, and Yemen. Author: Human Rights Watch

³Ibid

⁴*International law and the Juvenile Death Penalty*, March 2005 (access November 17, 2008) available from <http://lawofnations.blogspot.com/2005/03/international-law-and-juvenile-death.html>,

the crime are never sentenced to death⁵. The overwhelming majority of states comply with this obligation, with several states including the United States and China in recent years moving to ban the juvenile death penalty and strengthen juvenile justice protections⁶.

According to the Part III Article 1 and 5 of the International Covenant on Civil and Political Rights relative to the protection of human basic rights and the protection for Juveniles, it is mentioned that :

- (I) Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.⁷
- (II) Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.⁸

Both of the articles above explain about the responsibility of the states that have ratified the convention to protect the right of life its entire citizen with law, whether the law is International law or National law. And should not give the death penalty for those who are below the age of eighteen and pregnant woman. The state may give other sentence which act in humanitarian way for crimes committed by person below the age of eighteen and pregnant woman.

⁵UN: *Five Countries responsible for All Executions of Juveniles offenders since 2005*, September 2008 (access November 17, 2008) available from <http://www.hrw.org/en/news/2008/09/07/un-five-countries-responsible-all-executions-juvenile-offenders-2005>,

⁶ *Ibid*

⁷ Human Rights Library, University of Minnesota, *International Covenant on Civil and Political Right, March 1976*. (access November 17, 2008) available from <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>,

⁸ *Ibid*

The other International treaty that prohibited the Death Sentences for Juveniles is Convention on the Rights of the Child. According to the Article 37 point (a), it is mentioned that:

- (I) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;⁹

It means that persons below the age of eighteen are children, we should not treat them inhumanly, moreover give the death penalty for crimes that committed by them.

Almost all countries in this world agree to stop or even end the death sentences to the minors, but in 2005 there are five countries that force by United Nation to Stop Juveniles death penalty. Those countries are: Iran, Saudi Arabia, Sudan, Pakistan, and Yemen. Since 2005 those countries are known to have executed at least 32 juvenile's offenders: Iran (26), Saudi Arabia (2), Sudan (2), Pakistan (2), and Yemen (1)¹⁰.

Republic Islam Iran is one of the countries which have ratified the International Covenant on Civil and Political Right and Convention of the Child¹¹. It means that Iran should not give death sentence for Juveniles crime. But practically Iran became the world leader for Juveniles executed, because it is the

⁹Office of the High Commissioner for human right. *Convention on the right of the child*. November 1989, (access November 17, 2008) available from <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

¹⁰The last Holdout Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, and Yemen. Author: Human Rights Watch

¹¹*Iran executions of Juvenile offenders rising*, August 2008 (access on November 17,2008) available from <http://www.hrw.org/en/news/2008/08/25/iran-executions-juvenile-offenders-rising>,

only one country that still implement death sentence for Juveniles in 2008. Iran has executed 6 juvenile offenders in this year.¹² According to Clarisa Bencomo a researcher on children's rights in the Middle East at Human Rights Watch "Everywhere else, countries are moving to end this abhorrent practice, but in Iran the numbers of death sentences seem to be increasing."¹³

Iran is the most populous country in the Middle East, with a population of approximately 71.4 million people. Practically the whole of the population is Muslim; Shi'a Muslims represent 89% and the Sunni Muslims 9%, the gap between male and female (85.6% for male and 73% for female) serving as a reminder of the constant discriminations that women have to face in the Iranian society.¹⁴ As a Muslim country, Iran implements the value of Islamic Teaching in its governmental system. Iranian national law dominated by Shi'a Muslim law. The implementation of the death sentence for juveniles by the government of Iran gets a lot of attention from many people and human rights organization in this world. Iranian penal code permitted the Juveniles death sentence because it is appropriate with Islamic Law. There is a contradiction between Iranian national laws with International law.

In 2000, Iran had said it only carries out the death penalty when a prisoner reaches the age of 18 and rejects western accusation of rights abuses, saying it is

¹² *Iran Leads the world in executing Children*, June 2007 (access November 17, 2008) available from <http://www.hrw.org/en/news/2007/06/19/iran-leads-world-executing-children>,

¹³ *Iran executions of Juvenile offenders rising*, August 2008 (access on November 17,2008) available from <http://www.hrw.org/en/news/2008/08/25/iran-executions-juvenile-offenders-rising>,

¹⁴ Making Children Rights to Work: Country Profile on Iran

following Islamic Sharia law.¹⁵ But then according to Shirin Ebadi, winner of the 2003 Nobel Peace Prize for her human rights work in Iran; the death sentence has continued to be imposed on young offenders convicted of murder, rape, or drug smuggling, in direct contravention of the international Treaty on Civil and Political Rights.¹⁶

Iran has signed and ratified the Convention but it still implements the death penalty for the crimes committed by the Juveniles, the Iranian government action gets a lot of attention from international human right organization and international society. They blamed Iran as the state that violated human rights, especially children right. There are 24 international and regional human rights organization, lawyers and activists that asked the Iranian government to stop giving the death penalty for its citizen. Then those human rights organization “Human Rights Watch and Child Rights Information Network -CRIN” have taken initiative to make petition that aims to end all the juvenile execution¹⁷. They invite all NGOs; local, national, regional, and international to sign the petition and it will be submitted to the UN General Assembly in the middle of October this year.¹⁸

The petition urges the UN member states to realize the urgency of the current situation by calling for an immediate moratorium on all executions of juvenile

¹⁵ *Iran Nobel winner seeks end to juvenile executions*, November 2008 (access on December 14 2008) available from http://www.rferl.org/content/Iran_Nobel_Winner_Seeks_End_To_Juvenile_Execution/1352944.html

¹⁶ *ibid*

¹⁷ *An International Call to End All Executions of Juvenile Offenders*, September 2008 (accessed on December 15, 2008) available from <http://iranhr.net/spip.php?article668>

¹⁸ *CAMPAIGN: End the Execution of Juvenile Offenders*, September 2008 (accessed on December 15, 2008) available from <http://www.crin.org/resources/infoDetail.asp?ID=18321>

offenders and commutation of existing death sentences to custodial or other sentences in conformity with international juvenile justice standards. Overall the aims of this petition to make UN member's countries force the states that still implement Juvenile execution in their states to be ended, especially in Iran.

United Nations High Commissioner for Human Rights (OHCHR) urges the Iranian government not to impose the death penalty on juvenile offenders; it is the result of the 300 NGOs petition and Human Right Watch annual reports, which found the fact that the Iranian government has still implemented the death penalty for Juveniles since 2005. And the amounts of the victims are increasing each year until 2008. Many countries consider Iran as a cruel state because of her death penalty policy. By this Iranian Government action Iran can get sanction from UN such as embargo, or another sanction.

Most of the victims are being executed when they are in the age of 15 to 17. For instance is Behnam Zare the six Juvenile Offenders in 2008 that being executed in the age of 15, he was born on May 24, 1989. According to International Georgian calendar he would be 16 years old at the time of the offence under the calendar commonly used in Iran¹⁹. The others victims are: Syed Mohammad Reza Mousavi Shirazi, was executed when he was 16 in Adel Abd on April 2007, Sa'id Qanbar Zahi was executed when he was 17 years old in Zahedan on May 2007, Makwan Mouloudzadeh, 20 was sentence for the crime committed

¹⁹ *Iran Leads the world in executing Children*, June 2007 (access on November 17,2008) available from <http://www.hrw.org/en/news/2007/06/19/iran-leads-world-executing-children>,

when he was 13 years old²⁰. And Nazanin, the young Iranian woman sentenced because she tried to assist herself from a man who wants to rape her in March 2005²¹. There are many others Juveniles offenders that still in the death rows waiting for their death sentence implementation.

Children are different from adults; they lack the experience, judgment, maturity and restraint of an adult. The Iranian government policy that permitted juvenile execution should be ended because the death sentence is not a good solution to make society become better and leave criminal action. It even will bring the negative effect to the physic of the victims and the psychology of the society in the whole of the world especially children, through media, etc. Children are the creature whom we should protect, teach and help them to improve their moral when they make mistake, not directly punish them with death sentence.

C. Research Question

By the explanation above about the Islamic Republic of Iran as the World leader in the Death Sentence for Juveniles, the question that emerges in the writer mind is, “*Why does the Government of Iran still implement the Death Sentence for Juveniles whereas it has ratified the international covenant on civil and political rights and the convention of the child?*”

²⁰ Iran executions of Juvenile offenders rising, August 2008 (access on November 17,2008)available from <http://www.hrw.org/en/news/2008/08/25/iran-executions-juvenile-offenders-rising>

²¹ *Campaign builds against Iran Juvenile Death Penalty*, February 2006 (access on November 20,2008) available from http://ipsnews.net/new_focus/deathpenalty/columnsdeath2.asp

D. Purpose of Research

The purposes of this research are mentioned below:

1. To explain the violation toward Human Right/Children Right in the Islamic Republic of Iran through the Implementation of Death Sentence.
2. To describe the effectiveness of International law and International treaty those have been ratified by Iran that prohibit Juvenile Death Sentence.
3. To compare between the power of national law and the power of international law.

Writing the issue of Human Rights violation in Islamic Republic of Iran, the writer expects that this research will provide the comprehensive understanding about Human Basic Right, that is the right to life. All human being have their own right to life and state should protect each of its citizens. The writer wishes to contribute this research to give explanation about the Implementation of Death Sentence for Juveniles in The Islamic Republic of Iran.

E. Theoretical Framework

The writer wishes to explain the above problem by using concept and theory. Concept is an abstraction that represents an object, characters, of an object, or a

certain phenomenon, one of its functions is to organize ideas, perception, and symbols in the form of classification and generalization.²²

Theory helps to explain and predict a certain phenomenon. According to McCain and Segal, theory is a series of related statements consisting (1) sentences that introducing terms that refer to the basic concepts; (2) sentences that relating the basic concepts; (3) sentences that relating several theoretical statements with groups of probable empirical analysis on the object (hypothesis).²³

Model of Rational Actor Decision

According to Graham T. Allison foreign policy decisions are assumed to be rational responses to a particular situation, formulated by a single unitary state actor.²⁴ One of the decision making model by Allison is Rational Actor Decision. This model based on the idea of comprehensive rationality from the ideal behavior, it means that the decision maker will decide a policy by looking for the optimum wisdom selection (found the ideal alternative).²⁵

In this model, foreign policy viewed as the result of the rational actor to achieve the goal. The decision of foreign policy is described as an intellectual process. The behavior of the government analogically with individual behavior that is reasonable and coordinated. In this analogy, the individual try to determine chosen of the alternative. Thereby, the foreign policy maker should focus on

²² Mochtar Mas' oed. *Hubungan Internasional Disiplin dan Metodologi*

²³ Ibid

²⁴ Chris Brown, *Understanding International Relations*, Macmillan Press Ltd., London, 1997, hal.75.

²⁵ Mochtar Mas' oed, *Studi Hubungan Internasional : Tingkat Analisis dan Teorisasi*, PAU-UGM, Yogyakarta, 1989, hal.62.

prediction of national interest and the aims of one nation. The alternatives direction could be taken by the government itself and the calculation of the benefit and the loss on each alternative.

The implementation of the foreign policy is the best chosen, based on the strategic aims of that nation, that certain brings benefit for that nation national interest.²⁶ Based on this model, the foreign policy is made because of the rational thought processes, which consider loss and profit. In case of the implementation of Juveniles death sentence in Iran, the government of Iran consider the lose and profit of this policy, in one side Iran is a state that has ratified the International convention which prohibit the implementation of juvenile death sentence but in other side the Iranian government still implement juvenile death sentence it until now.

The calculation of lose and profit for Iranian government if she still implement juveniles death sentence will be described in the table below.

²⁶ Mochtar Mas' oed, Ilmu Hubungan Internasional: Disiplin dan Metodologi, LP3ES, Jakarta,1990, hal.234

Table 1

The scale of Lose and Profit in the Implementation of the death sentence for Juveniles in the Islamic Republic of Iran

Comparator Factor	There is Implementation of Death Sentence for Juveniles	There is no Implementation of Death Sentence for Juveniles
Benefit	<ol style="list-style-type: none"> 1. Iran can implement its national law that based on the Islamic law. In other side Iran can implement the dualism theory that separated national law and international law 2. The Image of Iran as a Sovereignty state is more respected in international community. Iran seems strong and powerful in deciding it domestic policy. 	<ol style="list-style-type: none"> 1. There are no protests from many NGOs that concern to the Human Right problem. 2. Iran will not report to the UN High Commissioner for Human Rights (OHCHR) for the juvenile execution.
Lose	<ol style="list-style-type: none"> 1. There are protests from many NGOs that concern to the Human Right problem. And regard Iran as a state that violated Human Right especially children right. 	<ol style="list-style-type: none"> 2. Iran could not implement Islamic law in its national law

Now days, Iran faced 300 NGOs that want the Iranian government to end the implementation of Juvenile death sentence and give moratorium for those juveniles in the death row. Those Human rights organization regard Iran as a state that has been violated human rights especially children right, but the Iranian government has calculated lose and profit if she implement juveniles death sentence. The government of Iran will get a lot of protests by NGOs that concern to the human rights problem. But Iran still can achieve its national interest which is the implementation of Islamic law in all aspect of life in Iran.

NGOs have an important role in international relation, one of International relation actor is NGO, and they took concern to the problem that sometimes could not be handling by government. In some case NGOs are succeeding in bringing the issue to UN member's countries in order that the policy could be changed. For example, the environmental issue. But now those NGOs faced problem that related to the sovereignty of a state. After the Islamic revolution in 1979, there was a big change in the regime from secular to religious. Iran wants that all aspects of its state lives should be based on the Islamic law. When there is a protest from a lot of NGOs that said Iran already break the law, Iran said that the Iranian Government does not break the law because according to the Iran national law which based on Islamic law, someone could be categorized as an adult for boys are 15 years old and for girls are 9 years old. So when Iran give those people sentence to death, they are adult enough based on Iran national law.

Those NGOs have notion that Iran already ratified the International convention which contains prohibition of giving death penalty for those who are below the age of eighteen. While most of the victim are sentence below the age of eighteen, and according to International law they are not adult enough. The problem between Iran and NGOs will be explained using Dualism theory that means there is separation between national law and international law.

Dualism Theory

Dualism theory could be used to explain the reason why the government of Iran still implements death penalty for juveniles although it is prohibited by the international law. Dualism theory said that International law and National law are separated, those things that became the reason of the differences are: the law source, the subject, and the force of law.²⁷ Those who believe in this theory said that International law and National law are different; we cannot combine both of the laws to be integrated.

The source of national law is based on custom and the written law of a state, while international laws based on custom and the law that create by collective intention of states in International society. The source of Iran national law is Islamic law, since the Islamic revolution in 1979, there was a change in nature of the regime from secular to religious. It brings drastic and fundamental changes in the social, economic and political structure of Iran. It also affects both on domestic legislation and international convention. International and domestic

²⁷ Boer Mauna. *Hukum Internasional Pengertian Peranan dan Fungsi dalam Era Dinamika Global*, P.T. ALUMNI, (Bandung 2003), 12-13

legislation must be appropriate with the Islamic law. While the source of International law base on the statute of the International Court of Justice article 38

(1) mention that:

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.²⁸

The source of international law that mentioned in that point above is the result of the combination of Idea and custom from many countries which are having different background and custom to each other. Republic Islam Iran itself as a Muslim country will prefer to use it national law that based on the Islamic law rather than international law to manage its citizen.

The Subjects of National law is Individual in a state while the subjects of International laws are the states member countries of International society. State has full authority toward its individuals in the implementation of national law, while the international law only focus on the relation among states; if there is a problem among the states, then we can use international law to solve it. Iran give death sentence only for it citizen, there is no victim from outside Iran. Iran only implements its national law to its own citizen. The force of law of National law fully binding and perfect compare with International law which only rule the

²⁸ *Statute of the court International Court of Justice* (accessed on December 1st 2008) : available from http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER_II

relation among states horizontally, based on this point we can conclude that national law is stronger than international law.

The law primacy lay on national law, this is based on the Dualism theory that emphasize in a state sovereignty. To explain more about the reason why the government of Iran still implements the death penalty for juveniles, we can use the Sovereignty concept. There is closed relation between Dualism theory and sovereignty concept to explain about Iran problem.

Sovereignty Concept

According to Jean Bodin Sovereignty is a supreme authority in political community²⁹. This peculiarity of the state is given by the citizen for represent them in political community. State has fully right to decide policies for its entire citizen in political community. A sovereign state is often described as integrity, which is free and independent. The concept of sovereignty is one of the most controversial ideas in political science and international law it is closely related to the difficult concepts of state and government and of independence and democracy.³⁰ Bodin's sovereign was restricted by the constitutional law of the state and by the higher law that was considered as binding upon every human being.³¹

Then the idea of Bodin was developed by Hobbes in Leviathan (1651), in which the sovereign was identified with might rather than law. Law is what the

²⁹ Henry J. Schamandt, *Filsafat Politik*, Pustaka Pelajar,(Yogyakarta 2005), 282-283

³⁰ *Sovereignty- Britannica online Encyclopedia* (accessed on December 18, 2008) available from <http://www.britannica.com/EBchecked/topic/557065/sovereignty>

³¹ *ibid*

sovereign commands, and it cannot limit his power; sovereign power is absolute. In the international sphere this condition led to a perpetual state of war, one sovereign trying to impose his will by force on all other sovereigns. This situation has changed little over time, with sovereign states continuing to claim the right to be judges in their own controversies, to enforce by war their own conception of their rights, to treat their own citizens in any way that suits them, and to regulate their economic life with complete disregard for possible repercussions in other states.³²

There are five types of sovereignty in cogitation of a state that are the sovereignty of God, Sovereignty of King, and Sovereignty of the State, Sovereignty of People and the Sovereignty of Law. Most of the countries in this world are using Sovereignty of People and Sovereignty of Law.

The Republic Islam Iran is a state which is free and independent; it uses the concept of Sovereignty of Law in its state. It has freedom to decide the best system of law for its entire citizen in all aspect of life. It also could solve the problem faced by its citizen without any interfere from others countries, by using its national law. Iran national law is based on the Iranian Constitution which is based on Islamic law. In Iran based on Sha'ria law the measurement for adulthood for girls are 9 years old and for boys are 15 years old. No one can change this law, because Iran believes that the most appropriate source for its national law is based on Islamic law. And Iran has fully authority to decide the implementation of it national law because Iran is a state that has Sovereignty of law.

³² ibid

There are three aspects of sovereignty, those are: *extern sovereignty aspect*, *Intern sovereignty aspect and territorial sovereignty aspect*³³. Extern sovereignty aspect means that every state has right to decide its freedom to make relation with various state or groups without any interference from other state. Iran has used it extern sovereignty aspect with makes good relation with others states and participate to save the world by sign and ratified the International Convention for Human Being. Intern sovereignty aspect means that, an exclusive right of a state to make its institutions and the regulation of those institutions. As an Islamic Republic, Iran makes all the regulation and institution based on the Islamic law, Iran has authority to do that because Iran is a state which has sovereignty of law, it is means that Iran could implement Islamic law to its national law without any fear that there will be protest or interfere from other state or international organization. Territorial sovereignty aspect means that, a state has fully right and authority of the Individuals and all the things in its region.

Iran upholds its Territorial sovereignty aspect, which said that the fully right of each individual is in the hand of the state. When the Republic Islam Iran decide to implement death sentences for juveniles, it is legal based on its national law. Iran believes that this sentence is appropriate to punish the criminal action done by the Juvenile. This Iranian government action is justifiable because Iran has fully right toward its entire citizen, Iran could sentence them to death. No others state can interfere it. This Iranian government action doesn't break the International convention that had been ratified by it, as long as Iran doesn't give

³³ Boer Mauna. *Hukum Internasional Pengertian Peranan dan Fungsi dalam Era Dinamika Global*, P.T. ALUMNI, (Bandung 2003), 24

death sentence for other states citizen. International society can judge and bring Iran to International Court of Justice and also force Iran to stop give death sentence for Juveniles if Iran has sentence the citizen from other countries. When Iran only give this sentence to its citizen it is legal based on its state law and Justifiable for Sovereignty state. This is the main idea of territorial sovereignty; Iran has fully right to decide what she will do to its entire citizen.

F. Hypotheses

The Hypotheses are:

- The action of Iranian Government in implementing death sentence for juveniles have been calculated, with the implementation of Juveniles death sentence Iran can show its power as state that has sovereignty of law to make law by itself. As a state that has sovereignty of law, Iran has fully rights to decide the best law system that it wants to use in its national law system. And the best system that Iran wants to use is Sha'riah law or Islamic law system, no other state or International organization that could change it.

G. Method of Research and Data Analysis

In order to conduct the research and discussing the material mentioned in the system of writing, the writer utilizes several methods below:

- Study of Literature, this method used to examine the relevant data related to the case in order to discuss the main problem as the starting point of this research. The data might be obtained through

library (books), magazine, internet based sources as well as the scripts and journal (secondary data)

- Data analysis, the relevant data that are obtained through the study of literature will be analyzed and examined in order to gain the validity and relevancy to be used as the source in the research.
- Verification of Hypothesize. It is derived from discussion of the problem and data analysis

H. System of Writing

The writer uses chapter one as the foundation of the research which become the proposal of the research. This chapter covers introduction, writing objective, writing purpose, problem background, research question, theoretical framework, hypotheses, method of research, and system of research.

In chapter two, the research begins with the explanation of the extending Death Sentence for Juveniles in the world. This chapter focuses on the polemic of the death sentence for juveniles and the international convention that prohibit it. There are four main phases that the writer wants to highlight in this chapter. First is the history of the sentence of death penalty, these include the general description of the death penalty practice in this world, and the controversy of the death penalty in article 6 of International Covenant on Civil and Political Rights. Second is the role of international convention on the right of the child, these include, the history of the convention making, the article that prohibit the extending of the death sentence, and the other International convention that

prohibit the death penalty for juveniles. Three is the International world critics toward the implementation of Juveniles death penalty in Iran. And four is the International Organization of Human Rights Protection.

Chapter three is the main chapter in this research. This chapter provides the answer of the research question given in the first chapter by using the chosen theoretical framework. This chapter covers the explanation on the action of Iranian government that still implements the death sentence for Juveniles although it has ratified the conventions that prohibit this action. The action of Iranian government that gives the death sentence for Juveniles will be explain in four main points. First is, the Islamic revolution in 1979, these include the establishment of the Islamic Republic government and the Constitution of the Islamic Republic of Iran. Second is the Political system of Islamic Republic of Iran. Third is the Iranian law treats child as an adult, these include the explanation of Iranian Penal Codes and the Article 49 about children punishment.

Chapter four provides conclusion, evaluation and suggestion of this research. The writer specifies this chapter to summarize all the discussion and gives the evaluation toward this research.