

**PENGATURAN PERLINDUNGAN HUKUM TERHADAP SEMUA
ORANG DARI UPAYA PENGHILANGAN PAKSA DITINJAU DARI
*INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL
PERSONS FROM ENFORCED DISAPPEARANCE (ICPPED) 2006 DAN
IMPLEMENTASINYA DI INDONESIA***

Dewi Sartika,¹ Deswita Rosra, S.H., M.H.¹ Surya Prahara, S.H., M.H.¹
¹Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Bung Hatta,
Email : dewisyartika24@gmail.com

ABSTRAK

Pasal 1 ICPPED disebutkan bahwa tidak ada seorangpun yang boleh dihilangkan secara paksa karena merupakan pelanggaran Hak Asasi Manusia. Tujuan dari konvensi ini adalah agar setiap orang yang ditangkap, diculik atau bentuk-bentuk perampasan kemerdekaan mendapat perlindungan dengan adanya *International Convention for the protection off all persons from enforced disappearance (ICPPED) 2006*. Rumusan masalah yaitu 1) Bagaimanakah pengaturan perlindungan hukum terhadap semua orang dari upaya penghilangan paksa di tinjau dari *International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) 2006* ? 2) Bagaimanakah implementasi *International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) 2006* di Indonesia ? Metode penelitian yang digunakan pada penelitian ini adalah hukum normatif, dengan sumber data sekunder yang terdiri dari bahan hukum primer dan sekunder, teknik pengumpulan data yang digunakan adalah penelitian kepustakaan, data yang digunakan di analisa secara kualitatif . Simpulan hasil penelitian 1) Pengaturan perlindungan hukum terhadap semua orang dari upaya penghilangan paksa di atur di *International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) 2006* terdapat pada Pasal 1, Pasal 3, Pasal 6, Pasal 8 ayat 2 dan Pasal 18 ayat 2 menjelaskan bahwa tidak ada seorang pun boleh dihilangkan paksa, setiap negara harus melakukan tindakan apabila terjadi penghilangan paksa, negara juga harus menjamin hak-hak korban dan memberikan perlindungan terhadap korban 2) Implementasi *International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) 2006* di Indonesia. Indonesia sampai saat ini belum meratifikasi konvensi ini kedalam peraturan nasionalnya, dan dalam penyelesaian kasus penghilangan paksa di Indonesia belum berjalan maksimal, ada kesulitan yang menghadang yaitu kesulitan pembuktian, kesulitan teknis prosedural, hadangan kekuatan politik pendukung rezim terdahulu dan tantangan dari kelompok masyarakat tertentu, termasuk korban, keluarga korban.

Kata Kunci : Perlindungan Hukum, Penghilangan Paksa,ICPPED .

LEGAL PROTECTION ARRANGEMENTS OF ALL PERSONS FROM FORCED REMOVAL REVIEWS FROM THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE (ICPPED) 2006 AND ITS IMPLEMENTATION IN INDONESIA

**Dewi Sartika, Deswita Rosra, S.H., M.H.1 Surya Prahara, S.H., M.H.1
1Legal Studies Program, Faculty of Law, Bung Hatta University,
Email: dewisyartika24@gmail.com**

ABSTRACT

Article 1 of ICPPED states that no one may be forcibly disappeared because it is a violation of human rights. The purpose of this convention is that every person who is arrested, kidnapped, or other forms of deprivation of liberty are protected by the International Convention for the protection of all persons from enforced disappearance (ICPPED) 2006. The formulation of the problem is 1) How are the legal protection arrangements for an enforced disappearance in review from the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) 2006? 2) How is the implementation of the 2006 International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) in Indonesia? The research method used in this research is normative law, with secondary data sources consisting of primary and secondary legal materials, data collection techniques used are library research, the data used are analyzed qualitatively. Conclusion of the research results 1) The regulation of legal protection against enforced disappearance is regulated in the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) 2006 in Article 1, Article 3, Article 6, Article 8 paragraph 2 and Article 18 paragraph 2 explaining that no one can be forcibly disappeared, every state must take action in the event of enforced disappearance, the state must also guarantee the rights of victims and provide protection for victims 2) Implementation of the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) 2006 in Indonesia. Indonesia has not yet ratified this convention into its national regulations, and in resolving cases of enforced disappearance in Indonesia it has not run optimally, difficulties are facing them, namely difficulties of proof, technical procedural difficulties, obstacles to political forces that support the past regime and challenges from certain groups of society, including the victim, victim's family.

Keyword : Legal Protection, Enforced Disappearances, ICPPED.