

**PENEGAKAN ATAS PELANGGARAN HUKUM PERANG YANG
DILAKUKAN RUSIA TERHADAP PENDUDUK SIPIL DI SURIAH
MENURUT HUKUM HUMANITER INTERNASIONAL (STUDI KASUS
SERANGAN RUSIA TERHADAP PENDUDUK SIPIL SURIAH)**

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ABSTRAK

Pasal 51 Konvensi Jenewa menyebutkan bahwa penduduk sipil dan orang-orang sipil harus mendapat perlindungan tidak boleh menjadi sasaran serangan, Tujuan konvensi ini agar setiap yang menjadi korban ancaman teror dilindungi sesuai dengan Konvensi Jenewa 12 Agustus 1949. Rumusan masalah yaitu: (1) Bagaimanakah penegakan hukum atas pelanggaran Hukum Humaniter Internasional?, (2) Kajian yuridis penegakan Hukum atas pelanggaran Hukum perang yang dilakukan oleh Rusia di Suriah?. Dalam penelitian ini penulis menggunakan jenis penelitian hukum normatif. Terdiri dari bahan yang digunakan adalah bahan Primer dan Sekunder. Teknik pengumpulan data dilakukan dengan penelitian kepustakaan, data dianalisis secara Kualitatif. Simpulan hasil penelitian: (1) Penegakan hukum atas pelanggaran Hukum Humaniter Internasional diatur di *Criminal Tribunal For the Former Yugoslavia (ICTY)*, Statuta Roma 1998, *Internasional Criminal Court (ICC)*, walaupun negara Suriah bukan negara peserta yang meratifikasi mahkamah pidana internasional, bukan berarti kejahatan perang yang dilakukan Rusia terhadap warga Sipil suriah tidak dapat diadili melalui Mahkamah Pidana Internasional. Karena semua warga negara berada dibawah yurisdiksi Mahkamah Pidana Internasional. (2) Kajian yuridis penegakan Hukum atas pelanggaran Hukum perang yang dilakukan oleh Rusia di Suriah, diatur dalam Konvensi Jenewa 1949, pada Pasal 49, Pasal 50, dan dalam Protokol Tambahan II 1977 terdapat pada Pasal 85 dan Pasal 86, dalam penyelesaian penegakan hukum atas pelanggaran hukum perang di suriah belum berjalan dengan maksimal, ada kesulitan yaitu kegagalan PBB memberi sanksi terhadap Rusia sebagai pemilik Hak Veto, Organisasi Non Pemerintah di bidang Internasional dapat berperan penting melindungi korban perang yang didasarkan pada *Responsibility to Protect*, aspek penyelesaiannya melalui pendekatan *soft approach* maupun *hard approach*, Jadi kekebalan terhadap hukum yang dimiliki oleh petinggi pemerintahan tidak berlaku.

Kata Kunci : Penegakan Hukum, Penduduk Sipil, Hukum Humaniter Internasional

**ENFORCEMENT OF WAR LAW BREACHED BY RUSSIAN CIVIL
RESIDENTS IN SYRIA ACCORDING TO INTERNATIONAL LAWS
(CASE STUDY OF RUSSIAN ATTACKS ON SYRIA CIVIL
POPULATIONS)**

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ABSTRACT

Article 51 of the Geneva Convention states that the civilian population and civilians must receive protection not to be the target of attack, This convention aims that everyone who is a victim of a terror threat is protected following the Geneva Convention of 12 August 1949. The formulation of the problem is: (1) How is it enforced the law for international humanitarian law violations? (2) Juridical study of law enforcement for violations of war law committed by Russia in Syria ?. In this study, the authors used a normative legal research type. Consists of the materials used are Primary and Secondary materials. The data collection technique was done by using library research; the data were analyzed qualitatively. The conclusions of the research results: (1) Law enforcement for violations of International Humanitarian Law is regulated in the Criminal Tribunal For the Former Yugoslavia (ICTY), Rome Statute 1998, International Criminal Court (ICC). However, the Syrian state is not a participant country that ratifies the international criminal tribunal. It does not mean that Russia's war crimes against Syrian civilians cannot be tried through the International Criminal Court because all citizens are under the International Criminal Court jurisdiction. (2) The juridical study of law enforcement for violations of the laws of war committed by Russia in Syria is regulated in the Geneva Conventions of 1949, in Article 49, Article 50, and in Additional Protocol II 1977 contained in Article 85 and Article 86, in settlement of law enforcement for violations. It is said that the law of war has not run optimally. There are difficulties, namely the United Nations' failure to impose sanctions on Russia as the owner of Veto Rights, Non-Governmental Organizations in the international field can play an essential role in protecting war victims based on the Responsibility to Protect. The resolution aspect is through a gentle approach or a challenging approach. So the immunity against the law which is owned by the top government officials does not apply.

Keywords: Law Enforcement, Civilians, International Humanitarian Law