

**JURIDICAL STUDIES ON LAW ENFORCEMENT MECHANISMS BY THE
INTERNATIONAL CRIMINAL COURT (ICC) AGAINST GROSS HUMAN RIGHTS
VIOLATIONS IN RELATION TO THE CONCEPT OF STATE SOVEREIGNTY**

(enforcement practices against gross human rights violations in Indonesia)

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ABSTRACT

On of the basic principles of a rule of law is the protection of human rights. And one of the principles international relations that is already in effect is the protection of human right. Therefore, human rights are not only protected in a limited way by the state, but are also protected by international institutions. Based on this, the authors are interested in discussing this problem in a thesis entitle "Judicial Study of Law Enforcement Mechanisms by the International Criminal Court (ICC) Against Serious Human Rights Violations Relating to the Concept of State Sovereignty." and how to enforce the law regarding gross human rights violations in Indonesia. In order for the objectives and benefits of this research to be achieved, a method that serves as a guideline is needed. The research typology that the writer uses in this paper is normative legal research. From the research on law enforcement mechanisms by the International Criminal Court (ICC) to investigate crimes that have been committed, the Security Council of United Nations can ask the International Criminal Court (ICC) to investigate crimes that have been committed. In enforcing the law regarding human rights violations in Indonesia, it is operationalized through the MPRS Decree No. XIV / MPRS / 1966 which stipulated the formation of an ad hoc committee to prepare a draft charter for human rights and the rights and obligations of citizens. In order for the law enforcement mechanism by the International Criminal Court (ICC) to be achieved, the ratification of the Rome Statute for the enforcement of human rights law in member countries must be immediately followed by the ratification of rules and implementation carried out through the synchronization stage of the Rome Statute into the national criminal law of the country.

Keyword : Law Eforcement International Criminal Court (ICC), The Concept Of State Sovereignty.

**KAJIAN YURIDIS TENTANG MEKANISME PENEGAKAN HUKUM OLEH
INTERNASIONAL CRIMINAL COURT (ICC) TERHADAP PELANGGARAN HAM
BERAT KAITANNYA DENGAN KONSEP KEDAULATAN NEGARA**

(praktek penegakan terhadap pelanggaran HAM berat di Indonesia)

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ABSTRAK

Salah satu prinsip dasar negara hukum yakni perlindungan terhadap hak asasi manusia. Dan salah satu prinsip hubungan internasional yang sudah berlaku adalah perlindungan hak asasi manusia. Karenanya, hak asasi manusia tidak hanya dilindungi secara terbatas oleh negara, tetapi juga dilindungi oleh lembaga internasional. Berdasarkan hal ini penulis tertarik membahas masalah ini dalam sebuah skripsi berjudul “Kajian Yuridis Tentang Mekanisme Penegakan Hukum Oleh *International Criminal Court (ICC)* Terhadap Pelanggaran Ham Berat Kaitannya Dengan Konsep Kedaulatan Negara” masalah dalam penelitian ini dapat dirumuskan yakni bagaimana mekanisme yang terjadi di suatu negara dan bagaimana penegakkan hukum tentang pelanggaran HAM Berat di Indonesia. Agar tujuan dan manfaat dari penelitian ini dapat tercapai maka perlu metode yang berfungsi sebagai pedoman. Tipologi penelitian yang penulis gunakan dalam penulisan ini adalah penelitian hukum normatif. Dari penelitian mekanisme penegakkan hukum oleh *International Criminal Court (ICC)* untuk menginfestigasi kejahatan yang telah dilakukan, *Security Council of United Nations* dapat meminta *International Criminal Court (ICC)* untuk menginvestigasi kejahatan yang telah dilakukan. Dalam penegakkan hukum tentang pelanggaran HAM di Indonesia dioperasionalisasikan melalui TAP MPRS No. XIV/MPRS/1966 yang menetapkan pembentukan panitia ad hoc untuk menyiapkan rancangan piagam hak asasi manusia dan hak-hak serta kewajiban warga negara. Agar mekanisme penegakan hukum oleh *International Criminal Court (ICC)* tercapai maka peratifikasian *Statute Roma* bagi penegakkan hukum hak asasi manusia di negara anggota harus segera diikuti dengan pengesahan aturan dan implementasi yang dilakukan dengan melalui tahap skrinkronisasi dari *Statute Roma* tersebut kedalam hukum pidana nasional negara.

Kata Kunci : Penegakan Hukum *International Criminal Court (ICC)*, Konsep Kedaulatan Negara.