

SKRIPSI

KEBIJAKAN *TARGETED KILLING* OLEH AMERIKA SERIKAT (AS) DI AFGHANISTAN SEBAGAI PELAKSANAAN ASAS *SELF-DEFENSE* DITINJAU MENURUT PERSPEKTIF HUKUM INTERNASIONAL

Diajukan sebagai syarat untuk memenuhi gelar Sarjana Hukum

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No. Reg: 4664/PK-VII/I/2017

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(Listya Saraswati, 1210112228, Faculty of Law, Andalas University, 2017, 53 pages)

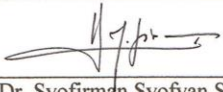
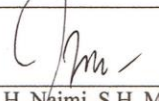
ABSTRACT

After the September 11, 2001, better known as 9/11 tragedy, the United States (US) issued a policy called targeted killing. This policy is a method to kill individual target or groups who are considered a threat to US security. One of targeted killing's method is to use drones, which they were launched from a location in the United States to execute the target in distant places like Afghanistan. The US argued that the use of this method is as a form of self-defense, as described in Article 51 of the UN Charter. Self-defense is regarded as customary international law which refers to the Caroline ship shooting incident in the early 19th century. The use of US drones in Afghanistan also raises a lot of polemics, that the US had violated the jurisdiction of another country. In addition, there is no clear requirement to be able to make individual or group as a target. It also violates the principle of presumption of innocent. Individuals or groups being targeted without due process of law. Moreover, losses incurred through the use of drones is very large. It also violates the principle of the laws of war, which is where the losses incurred must be smaller than the profits. What exactly is meant self-defense as contained in Article 51 of the UN Charter from the perspective of international law? How far the targeted killing policy by US in Afghanistan in the implementation of the principle of self-defense are reviewed according to international law? Those problems were analyzed using normative juridical approach, the nature of descriptive research, data collection through the study of documents. In order to get the results that Self-defense when viewed under international law, is not customary international law because it has not fulfilled the elements to be recognized as customary international law. Self-defense can only be done in an emergency response to the armed attack and the only way to defense the country is by doing self-defense. Targeted killing policy by the US in Afghanistan is not in accordance with the implementation of the principle of self-defense are reviewed according to International Law. Targeted killing US did use drones based on self-defense principle, actually is not self-defense because it did not meet the elements of self-defense. US invasion to Afghanistan which use drones without an armed attack was not self-defense, but is a form of pre-emptive strike. This doctrine is not recognized in international law.

Skripsi ini telah dipertahankan di depan sidang penguji dan dinyatakan lulus tanggal 19 Januari 2017

Abstrak ini telah disetujui oleh Penguji

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TARGETED KILLING POLICY BY THE UNITED STATES (US) IN AFGHANISTAN AS THE IMPLEMENTATION OF PRINCIPLES OF SELF-DEFENSE REVIEWED BY INTERNATIONAL LAW PERSPECTIVE

(Listya Saraswati, 1210112228, Faculty of Law, Andalas University, 2017, 53 pages)

ABSTRACT

After the September 11, 2001, better known as 9/11 tragedy, the United States (US) issued a policy called targeted killing. This policy is a method to kill individual target or groups who are considered a threat to US security. One of targeted killing's method is to use drones, which the drones was launched from somewhere in the United States to execute the target in distant places like Afghanistan. The US argued that the use of this method is as a form of self-defense, as described in Article 51 of the UN Charter. Self-defense is regarded as customary international law which refers to the Caroline ship shooting incident in the early 19th century. The use of US drones in Afghanistan also raises a lot of polemics, that the US had violated the jurisdiction of another country. In addition, there is no clear requirement to be able to make individual or group as a target. It also violates the principle of presumption of innocent. Individuals or groups being targeted without due process of law. Moreover, losses incurred through the use of drones is very large. It also violates the principle of the laws of war, which is where the losses incurred must be smaller than the profits. What exactly is meant self-defense as contained in Article 51 of the UN Charter from the perspective of international law? How far the targeted killing policy by US in Afghanistan in the implementation of the principle of self-defense are reviewed according to international law? Those problems were analyzed using normative juridical approach, the nature of descriptive research, data collection through the study of documents. In order to get the results that Self-defense when viewed under international law, is not customary international law because it has not fulfilled the elements to be recognized as customary international law. Self-defense can only be done in an emergency response to the armed attack and the only way to defense the country is by doing self-defense. Targeted killing policy by the US in Afghanistan is not in accordance with the implementation of the principle of self-defense are reviewed according to International Law. Targeted killing US did use drones based on self-defense principle, actually is not self-defense because it did not meet the elements of self-defense. US invasion to Afghanistan which use drones without an armed attack was not self-defense, but is a form of pre-emptive strike. This doctrine is not recognized in international law.