

SKRIPSI

**ASPEK LEGALITAS PENGGUNAAN KEKUATAN BERSENJATA DALAM
KERANGKA PENYELAMATAN SANDERA KORBAN PEMBAJAKAN DI
WILAYAH NEGARA LAIN DILIHAT DARI PERSPEKTIF HUKUM
INTERNASIONAL**

**(Suatu Studi Mengenai Kemungkinan Penggunaan Tentara Nasional Indonesia (TNI) Dalam
Kerangka Pembebasan Sandera Warga Negara Indonesia (WNI) Di Filipina)**

**Diajukan Sebagai Salah Satu Syarat Menyelesaikan
Program Strata I Pada Fakultas Hukum Universitas Andalas**



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LEGAL ASPECTS OF USE OF FORCE IN THE FRAMEWOEK OF SAVING HOSTAGE HIJACKING VICTIMS IN THE OTHER COUNTRY BASED ON INTERNATIONAL LAW PERSPECTIVE

(A study on the Possibility Using the Indonesian National Army (TNI) in the Framework of the Liberation of Indonesian Citizens Host (WNI) in the Philippines)

(Risky Rahmansyah, BP: 1210112041, Faculty of Law Andalas University, 80 Pages, 2017)

Pembimbing : Dr. Mardenis SH., M.Si dan Dr. Syofirman Syofyan SH., MH.

ABSTRACT

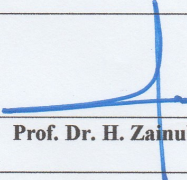
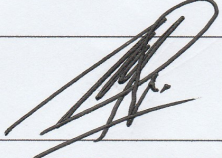
Piracy has been regulated in the 1982 Maritime Law Convention. Hijacking incidents often happen to Indonesian citizens, in this case piracy occurs in the jurisdiction of the Philippines and the crew is held hostage in the Philippines. The government that knows this is trying to send TNI troops to assist the Philippine government in the release of hostages but not allowed by the Philippine government and ending the failure of the Philippine government in saving hostages. So the Indonesian government's desire to send the TNI to rescue the Indonesian citizen held hostage, but in international law this is prevented by the principle of non-intervention and also violate the provisions of Article 2 paragraph 4 of the UN Charter. If this action is still carried out by the Indonesian government the question arises about the validity of the action. Therefore this study aims to know and analyze how the legality and requirements of the use of armed forces in international law, then how the validity of possible use of force used by Indonesia by sending TNI to save Indonesian citizens who are held hostage in the Philippines. This study uses the normative juridical method, ie research that uses the approach by looking at the law conceptualized as what is written in the rules or norms which is the benchmark to behave appropriately. This research consists of research on legal principles, research on the inventory of positive law and legal history. Based on the results of the research conducted, the use of its force has been prohibited in accordance with Article 2 paragraph 4 of the UN Charter but there are exceptions in respect of the actions permitted by Article 42 of the UN Charter, in the case of Self-Defense set forth in article 51 of the UN Charter, Which is based on the veto-holders and the use of force against opponents in the second world war but both of these are deemed impossible to implement. Possible actions taken by the Government of Indonesia are acts categorized as Intervention to Protect Nationals, these acts still reap the pros and cons but experts think that this may be justified based on the development of the use of armed forces prior to the Charter, based on Article 51 on Self -defence, the use of power which is based on Article 2, paragraph 4, as long as it does not deviate from the purpose of saving its citizens, and the last reason is based on the reason of Human Rights.

Kata Kunci : use of armed force, Intervention, *Self-Defence*

Skripsi ini telah dipertahankan didepan sidang penguji dan dinyatakan lulus tanggal 24 Juli 2017

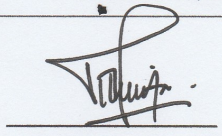
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