

Konsep pertanggungjawaban joint criminal enterprise dalam hukum pidana internasional

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Abstrak

Konsep Joint Criminal Enterprise pertama kali diperkenalkan oleh Pengadilan Pidana Internasional untuk bekas wilayah Yugoslavia di dalam kasus Tadic pada tahun 1999. Setelah kasus Tadic, konsep Joint Criminal Enterprise diterapkan di berbagai pengadilan pidana internasional dan pengadilan hybrid supranasional untuk kasus kejahatan internasional. Di Indonesia, Kitab Undang-undang Hukum Pidana memuat konsep penyertaan, sebuah konsep yang menyerupai Joint Criminal Enterprise.

Tulisan ini membahas pengertian dan perkembangan konsep Joint Criminal Enterprise, penerapan Joint Criminal Enterprise di dalam pengadilan pidana internasional dan pengadilan hybrid supranasional, serta analisis kesamaan konsep Joint Criminal Enterprise dengan konsep penyertaan menurut hukum Indonesia dan apakah konsep Joint Criminal Enterprise dapat diterapkan di dalam Pengadilan HAM di Indonesia.

.....The concept of Joint Criminal Enterprise was first introduced by the International Criminal Tribunal for the Former Yugoslavia in the 1999 Tadic case. The concept was then applied in various international criminal tribunals and hybrid criminal courts for cases of international crimes. In Indonesia, the criminal code prescribes the concept of joint perpetration, a concept that is similar to the concept of Joint Criminal Enterprise.

This thesis discusses the definition and development of the concept of Joint Criminal Enterprise, the application of Joint Criminal Enterprise in various international criminal tribunals and hybrid criminal courts, as well as the concept of Joint Criminal Enterprise and its association with the concept of joint perpetration under Indonesian law. Finally, this thesis discusses whether Joint Criminal Enterprise can be applied in the Human Rights Court in Indonesia.