

Pemberlakuan sanksi ekonomi Dewan Keamanan Perserikatan Bangsa-bangsa bagi pemeliharaan perdamaian dan keamanan Internasional berdasarkan Bab VII Piagam Perserikatan Bangsa-Bangsa = the Imposition of economic sanction of the United Nations security Council for the maintenance of International peace and security under Chapter VII of the United Nations Charter

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Abstrak

Tesis ini membahas pemberlakuan sanksi ekonomi Dewan Keamanan Perserikatan Bangsa-Bangsa bagi pemeliharaan perdamaian dan keamanan internasional berdasarkan Bab VII Piagam Perserikatan Bangsa-Bangsa. Analisis permasalahan dilakukan dengan melihat mekanisme penetapan sanksi ekonomi berdasarkan Bab VII Piagam PBB, pemberlakuan sanksi ekonomi melalui resolusi Dewan Keamanan yang mengikat negara anggota PBB yang membutuhkan kerjasama internasional untuk mengoptimalkan pemberlakuan sanksi ekonomi, serta dampak sanksi ekonomi ditinjau dari perspektif hukum internasional dikaitkan dengan kondisi internal negara, dampak sanksi bagi rakyat sipil serta bagi negara ketiga. Dalam tesis ini, dirumuskan beberapa rekomendasi berkaitan dengan penetapan definisi dan parameter situasi yang merupakan ancaman terhadap perdamaian, pelanggaran perdamaian atau tindakan agresi sebagai landasan memberlakukan sanksi ekonomi; pelaksanaan mekanisme monitoring rutin ditindaklanjuti dengan peninjauan sanction exemption bagi alasan kemanusiaan; kerjasama Dewan Keamanan dengan badan internasional maupun badan regional keuangan dalam menyusun dan melaksanakan action-oriented proposal bagi negara ketiga.

.....The focus of this thesis discuss the imposition of economic sanction of the United Nations Security Council for the maintenance of international peace and security under Chapter VII of the United Nations Charter. Problems analysis is conducted by observing the mechanism to impose economic sanction under Chapter VII of the United Nations Charter, the imposition of economic sanction by means of Security Council resolution which is binding to the United Nations member states that requires cooperation to optimize the imposition of economic sanction, and impact of economic sanction from the perspective of international law in relation with state's internal situation, impact on civil population and on the third state. This thesis provides some recommendations in relation with the determination on definition and parameter of situation that constitutes action with respect to threats to the peace, breached of the peace and acts of aggression as a basis to impose economic sanction; implementation of routine monitoring mechanism and review sanction exemption for humanitarian reasons; cooperation between the Security Council and international or regional financial institution in developing and implementing an action-oriented proposal.