

Konsep pertanggungjawaban pidana dalam hukum pidana internasional
analisis konsep pertanggungjawaban individual dalam kasus prosecutor
v, thomas lubanga dyilo pada tahun 2012 di international criminal court
= The concept of criminal responsibility under international criminal
law analysis of the concept of individual criminal responsibility in
prosecutor v thomas lubanga dyilo case in 2012 at international criminal
court

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Abstrak

ABSTRAK

Skripsi ini membahas mengenai konsep pertanggungjawaban pidana dalam hukum pidana internasional dan secara spesifik membahas konsep pertanggungjawaban individual yang diatur dalam Statuta Roma. Konsep pertanggungjawaban individual mulai dikenal dalam hukum internasional moderen pada masa Perang Dunia II tepatnya dalam Peradilan Nuremberg, dengan menghukum individu atas kejahatan internasional. Konsep ini selanjutnya diterapkan di berbagai peradilan pidana internasional. dan mengalami perkembangan dengan munculnya konsep pertanggungjawaban pimpinan dalam Peradilan Tokyo dan konsep Joint Criminal Enterprise dalam International Court for Former Yugoslavia (ICTY). Konsep pertanggungjawaban individual mengalami perubahan ketika diterapkan dalam International Criminal Court (ICC) yang terlihat didalam putusan Prosecutor v. Thomas Lubanga Dyilo. Dalam putusan tersebut, majelis hakim menyatakan bahwa Thomas Lubanga Dyilo bersalah atas kejahatan perang dalam perekrutan tentara anak dan bertanggung jawab secara individu atas dasar turut melakukan (co-perpetration).

ABSTRACT

This thesis analyzes the concept of criminal responsibility under international criminal law, specifically discusses the individual criminal responsibility under Rome Statute. Individual criminal responsibility was first applied during the Second World War, which was in the Nuremberg Trials. The concept punishes individual for International crimes. The concept of individual criminal responsibility was then applied in various international criminal tribunals, and has developed with the introduction of the concept of superior responsibility in International Military Tribunal for The Far East and the concept of joint criminal enterprise in International Criminal Tribunal for Former Yugoslavia. The concept of criminal responsibility has evolved in the International Criminal Court, as it can be seen in Prosecutor v. Thomas Lubanga Dyilo Case. The trial chamber punished Thomas Lubanga

Dyilo for the warcrime of recruiting child soldier under co-perpetration.