

Penyelidikan rahasia confidential inquiry sebagai mekanisme pemantauan pelaksanaan convention against torture and other cruel inhuman or degrading treatment or punishment 1984 = Confidential inquiry as monitoring mechanism for the implementation of the convention against torture and other cruel inhuman or degrading treatment or punishment 1984 / Rahmat Sah

Rahmat Sah, author

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Abstrak

ABSTRAK

Skripsi ini membahas penyelidikan rahasia sebagai mekanisme pemantauan pelaksanaan Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984. Penelitian ini berbentuk yuridis-normatif dengan desain deskriptif, bertujuan memberikan pemahaman mengenai ketentuan penyelidikan rahasia dan penerapannya terhadap Negara-Negara Peserta. Hasil penelitian menggarisbawahi dua kelemahan dari penyelidikan rahasia, yakni kebolehan Negara Peserta untuk menolak kunjungan anggota-anggota Committee against Torture dan lemahnya kekuatan hukum dari konsep “praktik penyiksaan sistematis”. Penelitian menyarankan pentingnya kodifikasi konsep “praktik penyiksaan sistematis” melalui amandemen terhadap Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.

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ABSTRACT

This study focuses on confidential inquiry as monitoring mechanism for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984. This normative juridical and descriptive research is addressed to discuss the provisions of confidential inquiry and analyze its implementation towards State Parties. This study finds two weaknesses of confidential inquiry, which are the ability of a State Party to refuse visitation by Committee against Torture members and the lack of enforcing “systematic practice of torture” concept legally upon an inquired State. The researcher suggests the importance of putting “systematic practice of torture” concept into codification through amendment of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.