

Penggusuran paksa sebagai limitasi hak asasi manusia atas tempat tinggal menurut ICCPR dan ICESCR: analisis kasus penggusuran paksa Bukit Duri, Jakarta Selatan, tahun 2016 = Forced evictions as limitations to human rights to home under the ICCPR and the ICESCR: case analysis of Bukit Duri forced eviction South Jakarta, 2016

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Abstrak

**ABSTRAK**

Kovenan Internasional tentang Hak-Hak Sipil dan Politik dan Kovenan Internasional tentang Hak-Hak Ekonomi, Sosial, dan Budaya mengizinkan negara untuk melakukan penggusuran paksa selama memenuhi tolok ukur yang diberikan. Skripsi ini akan membahas secara komprehensif tolok ukur penggusuran paksa yang diatur oleh kedua kovenan hak asasi manusia internasional tersebut beserta aplikasinya di dalam yurisprudensi Komite Hak Asasi Manusia dan Komite Hak-Hak Ekonomi, Sosial, dan Budaya. Tolok ukur tersebut kemudian akan turut diaplikasikan di dalam kasus penggusuran paksa yang dilakukan di Bukit Duri, Jakarta Selatan, pada tahun 2016. Berdasarkan hasil studi pustaka dan wawancara yang telah dilakukan, negara dapat menjustifikasi penggusuran paksa jika memenuhi tolok ukur *lawful*; dan *non-arbitrary*. Penggusuran paksa di Bukit Duri tidak memenuhi kedua tolok ukur tersebut.

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**ABSTRACT**

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights allow states to conduct forced eviction as long as it is carried out within the given boundaries. This study will comprehensively elaborate each standards given by the two international human rights covenants as well as the implementation of those standards in the cases of Human Rights Committee and Committee on Economic, Social and Cultural Rights. The standards will then be applied to analyze the case of forced eviction in Bukit Duri, South Jakarta, in the year of 2016. Based on the literature review and the interviews that have been conducted, it can be concluded that states can justify their action of forced eviction if it fulfills the standards of *lawful* and *non arbitrary* . The Bukit Duri forced eviction did not fulfill those standards.