

**TINJAUAN YURIDIS KEDUDUKAN *INTERNATIONAL
CRIMINAL COURT (ICC)* TERHADAP INVESTIGASI
KASUS PELANGGARAN HAM BERAT
PALESTINA DAN ISRAEL**

Oleh

Yusuf Hofni Junior Kilikily, NIM. 2114101060

Program Studi Ilmu Hukum

ABSTRAK

Penelitian ini membahas mengenai Tinjauan Yuridis Kedudukan *International Criminal Court (ICC)* terhadap Investigasi Kasus Pelanggaran HAM Berat Palestina dan Israel. Tujuan Penelitian ini adalah (1) Mengetahui bagaimana pengaturan peran *International Criminal Court (ICC)* dalam penyelesaian investigasi kasus pelanggaran HAM berat berdasarkan Statuta Roma 1998 (2) Mengetahui bagaimana kedudukan *International Criminal Court (ICC)* terhadap investigasi kasus pelanggaran HAM berat Palestina dan Israel. Penelitian ini merupakan penelitian hukum normatif bersifat deskriptif dengan pendekatan perundang-undangan, pendekatan historis, dan pendekatan konseptual. Hasil penelitian yang diperoleh yaitu (1) *International Criminal Court (ICC)* memiliki peran penting dalam menyelesaikan kasus pelanggaran HAM berat berdasarkan Statuta Roma, dengan kewenangan khusus untuk dapat melakukan investigasi *proprio motu* secara mandiri dan independen (2) Kedudukan *ICC* dalam proses investigasi terhadap Israel sebagai pengadilan utama. Karena adanya ketidakmampuan dan ketidakmauan pengadilan nasional Israel dalam menangani dugaan kasus yang dilakukan oleh Benjamin Netanyahu, maka kasus diambil alih oleh *ICC*. Pelaksanaan proses investigasi mengalami hambatan dan tantangan, yaitu adanya intervensi oleh Dewan Keamanan PBB yang dapat menunda proses investigasi terhadap kasus pelanggaran HAM berat Palestina dan Israel sesuai dengan Pasal 16 Statuta Roma.

Kata Kunci: *International Criminal Court*, Investigasi, Pelanggaran HAM Berat.

***A JURIDICAL ANALYSIS OF THE INTERNATIONAL CRIMINAL
COURT'S AUTHORITY IN INVESTIGATING
GROSS HUMAN RIGHTS VIOLATIONS
IN PALESTINE AND ISRAEL***

By

Yusuf Hofni Junior Kilikily, NIM. 2114101060

Legal Studies Program

ABSTRACT

This study discusses the juridical review of the status of the International Criminal Court (ICC) in relation to the investigation of gross human rights violations in Palestine and Israel. The objectives of this research are: (1) to understand the regulatory framework concerning the International Criminal Court's (ICC) role in resolving investigations of gross human rights violations based on the Rome Statute of 1998, and (2) to analyze the ICC's position concerning the investigation of gross human rights violations in Palestine and Israel. This study employs a descriptive normative legal research method with a statutory, historical, and conceptual approach. The findings indicate that (1) the International Criminal Court (ICC) plays a crucial role in resolving cases of gross human rights violations under the Rome Statute, possessing the specific authority to initiate proprio motu investigations independently (2) the ICC's position in the investigation process concerning Israel is that of a primary court; due to the inability and unwillingness of Israel's national courts to address the alleged cases involving Benjamin Netanyahu, the ICC has assumed jurisdiction. However, the implementation of the investigation process faces obstacles and challenges, primarily the intervention of the United Nations Security Council, which can defer the investigation of gross human rights violations in Palestine and Israel, as stipulated in Article 16 of the Rome Statute.

Keywords: *International Criminal Court, Investigation, and Gross Human Rights Violations.*