

**TINJAUAN YURIDIS *EMBEDDED JOURNALIST* DALAM KONFLIK
BERSENJATA MENURUT HUKUM HUMANITER INTERNASIONAL
DAN HUKUM NASIONAL INDONESIA**

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ABSTRAK

Wartawan dalam menjalankan tugasnya sering kali dihadapkan pada bahaya fisik yang ditimbulkan oleh tindakan perang, antara lain pengeboman dan penembakan bahkan tidak jarang pula wartawan seringkali dijadikan tawanan perang. Praktik *embedded journalist* yang diterapkan oleh Amerika Serikat dan Inggris pada saat Perang Irak 2003 semakin membuat wartawan dalam bahaya. Tidak jarang pula *embedded journalist* dijadikan tameng oleh negaranya dan pihak militer. Praktik ini menimbulkan pertanyaan mengenai kedudukan wartawan serta kredibilitas berita yang diperoleh.

Tujuan penelitian ini adalah untuk mengetahui status kedudukan para wartawan khususnya *embedded journalist* pada saat konflik bersenjata menurut hukum humaniter internasional dan untuk mengetahui perlindungan hukum yang diberikan oleh hukum nasional Indonesia pada *embedded journalist* di wilayah konflik bersenjata. Metode pendekatan masalah yang digunakan yaitu metode yuridis normatif, dan pendekatan yang digunakan yaitu pendekatan perundang-undangan serta pendekatan kasus. Metode analisa data yang digunakan adalah normatif kualitatif.

Konvensi Jenewa III dan Pasal 79 Protokol Tambahan I 1977 menyebutkan bahwa wartawan tidak dapat dijadikan target serangan militer dan harus dianggap sebagai warga sipil, sebab hukum humaniter internasional tidak memberikan perlindungan khusus untuk *embedded journalist*, sehingga praktik *embedded journalist* tidak mengubah status wartawan. Indonesia telah meratifikasi Konvensi Jenewa 1949 tentang Perlindungan Korban Perang melalui Undang-Undang Nomor 59 Tahun 1958 tentang Akses Negara Republik Indonesia terhadap Konvensi Jenewa 1949. Untuk melaksanakan ketentuan Konvensi Jenewa 1949 khususnya untuk melindungi wartawan dalam menjalankan profesinya pada saat sengketa bersenjata, Indonesia telah membuat Undang-Undang Nomor 40 Tahun 1999 tentang Pers dan Kode Etik Jurnalistik Wartawan Indonesia. Pasal 8 Undang-Undang ini mengatur secara tegas bahwa dalam melaksanakan profesinya wartawan mendapatkan perlindungan hukum.

Kata kunci : perlindungan, wartawan, *embedded journalist*

**JURIDICAL REVIEW OF EMBEDDED JOURNALIST IN ARMED
CONFLICT BASED ON INTERNATIONAL HUMANITARIAN LAW AND
INDONESIAN NATIONAL LAW**

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ABSTRACT

Journalists in carrying out their duties were often confronted with physical dangers posed by acts of war, including bombings and shootings, and it was not uncommon for journalists to be made prisoners of war. The practice of embedded journalism applied by the United States and British governments at the time of the Iraq War 2003 made journalists even more in danger. Embedded journalists frequently were used as shields by their state and the military. This practice also raised questions about the position of journalists and the credibility of the news obtained.

The purposes of this study were to determine the status of journalists, especially embedded journalists during armed conflicts according to international humanitarian law and to find out the legal protection provided by Indonesian national law to embedded journalists in areas of armed conflict. The approach method of this research was normative juridical method, and the approach used was statutory approach and case approach. The data analysis method used was normative qualitative.

The practice of embedded journalists essentially did not change the status of journalists who were in armed conflict according to international humanitarian law, as in the meaning of Geneva Convention III and Article 79 of Additional Protocol I 1977 that journalists cannot be targeted by military attacks and must be considered as civilians, because international humanitarian law did not provide special protection for embedded journalists. Indonesia had ratified Geneva Convention 1949 concerning the Protection of the Victim of War with Law Number 59 of 1958 concerning the accession of the Republic of Indonesia to Geneva Convention 1949. To implement the provisions of the Geneva Conventions 1949, especially to protect journalists in carrying out their profession in times of armed conflict, Indonesia had regulated the Law Number 40 of 1999 concerning the Press and the Code of Ethics for Indonesian Journalists. Article 8 of this constitution expressly stipulated that in carrying out their profession journalists got legal protection.

Key words : protection, journalist, embedded journalist