

**ANALISIS YURIDIS DALAM PENANGGALAN KEKEBALAN  
DIPLOMATIK BERDASARKAN KONVENSI WINA 1961  
MENGENAI HUBUNGAN DIPLOMATIK  
(Studi tentang Kasus Penyerangan Tidak Senonoh Dilakukan oleh  
Staf Diplomatik Malaysia Mohammed Rizalman di New Zealand pada 2014)**

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**ABSTRAK**

*Berdasarkan Konvensi Wina 1961, kekebalan dan keistimewaan diplomatik diberikan kepada agen diplomatik dan anggota keluarganya yang tinggal bersama. Dalam praktiknya, tidak sedikit perwakilan diplomatik yang melakukan pelanggaran di negara penerima dan berlindung dengan hak kekebalan dan keistimewaan yang diberikan kepadanya. Pada 2014, terjadi pelanggaran oleh Asisten Atase Militer Malaysia, Mohammed Rizalman, di Wellington, New Zealand. Ia terlibat kasus penyerangan tidak senonoh di wilayah rumahnya di Wellington, New Zealand. Sebelum proses persidangan dimulai, ia kembali ke Malaysia menggunakan hak kekebalan dan keistimewaan diplomatiknya.*

*Tujuan penelitian ini adalah untuk mengetahui pengaturan mengenai penanggalan kekebalan diplomatik menurut Konvensi Wina 1961 tentang Hubungan Diplomatik dan menganalisis mekanisme penanggalan kekebalan diplomatik terhadap Mohammed Rizalman dan penegakan hukum kasusnya oleh New Zealand. Penelitian ini menggunakan metode pendekatan yuridis normatif dengan spesifikasi penelitian deskriptif analitis. Sumber data yang digunakan adalah data sekunder. Metode pengumpulan data dilakukan dengan studi kepustakaan yang disajikan dengan teks naratif. Metode analisis data yang digunakan adalah metode normatif kualitatif.*

*Berdasarkan hasil penelitian, diketahui bahwa Konvensi Wina 1961 mengatur kekebalan diplomatik dalam Pasal 29 dan 31. Kekebalan diplomatik ini dapat ditanggalkan oleh negara pengirim sesuai dengan Pasal 32. Dalam kasus ini, Mohammed Rizalman selaku perwakilan diplomatik Malaysia yang melakukan pelanggaran di New Zealand telah ditanggalkan kekebalan diplomatiknya oleh Malaysia selaku negara pengirim dan diekstradisi kembali ke New Zealand untuk melanjutkan proses persidangan. Oleh Pengadilan New Zealand, Mohammed Rizalman dijatuhi hukuman sembilan bulan tahanan rumah di kediamannya di Wellington, New Zealand atas dakwaan penyerangan tidak senonoh. Mohammed Rizalman kemudian dideportasi ke negaranya, Malaysia, saat ia sudah menyelesaikan hukumannya di New Zealand.*

**Kata kunci:** Konvensi Wina 1961, staf diplomatik, penanggalan kekebalan diplomatik.

**JURIDICAL ANALYSIS ON WAIVER OF DIPLOMATIC IMMUNITY  
BASED ON THE 1961 VIENNA CONVENTION ON  
DIPLOMATIC RELATIONS  
(Case Study on Indecent Assault Committed by Malaysian Diplomatic Staff  
Mohammed Rizalman in New Zealand in 2014)**

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**ABSTRACT**

According to the 1961 Vienna Convention, diplomatic immunities and privileges are granted to diplomatic agents and members of their families who live with them. In practice, many diplomatic agents commit violations in the receiving state and take advantage with the right of immunities and privileges granted to them. In 2014, there was a violation committed by Assistant to the Defense Staff of the Malaysian High Commission to New Zealand, Mohammed Rizalman, in Wellington, New Zealand. He was involved in indecent assault cases in his house area in Wellington, New Zealand. Before the trial started, he returned to Malaysia using his diplomatic immunities and privileges.

The purpose of this study was to find out the regulation regarding the waiver of diplomatic immunity according to the 1961 Vienna Convention on Diplomatic Relations and to analyze the mechanism of waiver of diplomatic immunity against Mohammed Rizalman and its law enforcement of his case by New Zealand. This study used a normative juridical approach method with analytical descriptive research specification. The data source used was secondary data. The method of data collecting was carried out by literature study, which presented with narrative text. The data analysis method used was a normative qualitative method.

Based on the results of the research, it is known that the 1961 Vienna Convention regulates diplomatic immunity in Articles 29 and 31. This diplomatic immunity can be waived by the sending state in accordance with Article 32. In this case, the diplomatic immunity of Mohammed Rizalman as the diplomatic staff who committed indecent assault in New Zealand, was waived by Malaysia as the sending state, and extradited back to New Zealand to continue the court proceedings. By the New Zealand Court, Mohammed Rizalman was sentenced to nine months of home detention at his residence in Wellington, New Zealand for committing indecent assault. Mohammed Rizalman deported to his country, Malaysia, when he had completed his sentence.

**Keywords:** The 1961 Vienna Convention, diplomatic staff, waiver of diplomatic immunity.