

## CHAPTER V

### CLOSING

#### A. Conclusion

Based on the results of research and discussion that have been carried out, the following conclusions can be drawn:

1. The regulation on waiver of diplomatic immunity according to the 1961 Vienna Convention on Diplomatic Relations, particularly in Article 32, stated that the sending state has the right to waive diplomatic immunity. In practice, the implementation on waiver of diplomatic immunity is sufficient for the head of the representative who declares the waiver of diplomatic immunity from a diplomatic staff. The head of the representative in this case is the representative of the sending state. The waiver of diplomatic immunity must be clearly stated (in written statement) and must show a desire to waive diplomatic immunity from the person concerned. This waiver must also be submitted to the government or the court of the receiving state. In cases where the receiving state wanted to waive the diplomatic immunity of a diplomatic representative being placed in its territory, the receiving state may submit a formal request to the sending state regarding the waiver of the diplomatic immunity.
2. The mechanism of the waiver of diplomatic immunity by Malaysia and law enforcement in the case of Mohammed Rizalman in New Zealand, started

with waiver Rizalman's diplomatic immunity by Malaysia and extraditing him back to New Zealand in October 2014. Rizalman has committed indecent assault against Tania Billingsley in New Zealand. Before the trial began, he and his family returned to Malaysia with their diplomatic immunities. New Zealand filed a protest and asked Malaysia to extradite Rizalman to New Zealand to continue the court proceedings. After Malaysia extradited Rizalman, the trial began. At the beginning of his prosecution, Rizalman was sentenced to ten years in prison on charges of robbery and assault. As the trial progressed, it was found that he was not proven to have committed robbery, but for the indecent assault, he could be sentenced to a maximum of seven years in prison. At the trial, Rizalman was sentenced to twenty seven months in prison. Then, the Judge gave the reduction several times. The first reduction was four months, it became twenty three months in prison. The second is a three month reduction and an additional ten percent discount from the proceeds, meaning that twenty three months in prison is reduced by five months in prison to eighteen months in prison. New Zealand law regulates that a sentence of eighteen months in prison can be converted into a home detention sentence. Therefore, the judge suited Rizalman's sentence according to the New Zealand law. In his final statement, the Judge stated that Rizalman did not need to carry out the standard conditions of detention as stated in Section 80N of the Sentencing Act of 2002 and could immediately be deported back

to Malaysia, and with his consideration the sentence of eighteen months of home detention was changed to nine months of home detention.

## **B. Recommendation**

Based on the conclusions above, it can be suggested things such as:

1. Each member of diplomatic agents who is accredited in the receiving state should maintain and respect the laws and regulations of the receiving state. The granting of diplomatic immunity rights does not mean that a diplomatic agent is free to act against the law;
2. Diplomatic agents as the person in charge of maintaining good relations with the receiving state, should behave and do well in creating mutually beneficial diplomatic relations with the state concerned.

