

TINJAUAN YURIDIS PELANGGARAN HAK HIDUP DALAM *EXTRAJUDICIAL KILLING* BERDASARKAN HUKUM INTERNASIONAL
(Studi tentang Pembunuhan Tanpa Proses Peradilan Kebijakan *War on Drugs* pada Pemerintahan Presiden Filipina, Rodrigo Duterte, 2016)

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ABSTRAK

Sejak pemilihan presiden pada 2016, Filipina dipimpin oleh Rodrigo Duterte. Saat awal kedudukannya sebagai Presiden Filipina, Duterte berusaha membasmi perdagangan obat-obatan terlarang di Filipina melalui kebijakan *War on Drugs* dalam bentuk operasi *double barrel*. Presiden Duterte memerintahkan aparat Kepolisian Nasional Filipina untuk menangkap dan menembak mati di tempat para penyalahguna narkoba yang menolak untuk ditahan. Hak hidup adalah hak asasi manusia yang paling mendasar. Negara Filipina sudah meratifikasi Kovenan Internasional Hak-Hak Sipil dan Politik 1966 pada 1986 dan dalam lingkup nasional jaminan perlindungan hak hidup diatur di dalam Konstitusi Republik Filipina 1987, namun dalam praktiknya negara tersebut melakukan tindakan pembunuhan tanpa proses hukum.

Penelitian ini bertujuan untuk mengetahui pengaturan hak hidup dalam hukum internasional serta mengetahui pemberlakuan *extrajudicial killing* dalam kebijakan *War on Drugs* di Filipina ditinjau dari hukum internasional. Penelitian ini merupakan penelitian yuridis yang menggunakan pendekatan perundang-undangan. Data yang digunakan adalah data sekunder. Data-data tersebut diperoleh, dianalisis, dan dijabarkan berdasarkan norma hukum yang berkaitan dengan objek penelitian. Analisis penelitian dilakukan dengan metode normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan, diketahui bahwa pengaturan hak hidup dalam hukum internasional diatur dalam Deklarasi Universal Hak Asasi Manusia 1948 dan Kovenan Internasional Hak-Hak Sipil dan Politik 1966. Hasil penelitian juga menunjukkan pemberlakuan *extrajudicial killing* kebijakan *War on Drugs* yang dijalankan oleh Presiden Duterte telah melanggar ketentuan internasional tentang hak hidup yaitu Pasal 3 Deklarasi Universal Hak Asasi Manusia 1948 dan Pasal 6 Kovenan Internasional Hak-Hak Sipil dan Politik 1966 serta hukum nasional Filipina yaitu Pasal 3 Konstitusi Republik Filipina 1987.

Kata Kunci: hak hidup, *extrajudicial killing*, *war on drugs*, hukum internasional.

**JURIDICAL REVIEW ON VIOLATIONS OF THE RIGHT TO LIFE IN
EXTRAJUDICIAL KILLING BASED ON THE INTERNATIONAL LAW
(Study of Murder Without Due Process of the War on Drugs Policy in the
Government of the President of the Philippines, Rodrigo Duterte, 2016)**

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ABSTRACT

Since the presidential election in 2016, the Philippines has been leading by Rodrigo Duterte. During his early tenure as President of the Philippines, Duterte sought to eradicate the illegal drug trade in the Philippines through the War on Drugs policy in the form of double barrel operations. President Duterte began ordering Philippine National Police officers to arrest and shoot dead drug offenders who refused to be detained. The right to life is the most fundamental right for every human being. The Philippine has ratified the International Covenant on Civil and Political Rights 1966 in 1986 and within the national sphere, the guarantee of right to life protection is regulated in the 1987 Constitution of the Republic of the Philippines, but in practice the country commits acts of murder without due process.

This research aims to determine the arrangement of the right to life in international law as well as to know the enforcement of extrajudicial killing in the policy of War on Drugs in the Philippines reviewed from international law. This research is a juridical research that uses a statutory approach. The data used is secondary data. The data obtained is analyzed and described based on legal norms relating to research objects. Research analysis is conducted with qualitative normative.

Based on the results of research and discussion, it is known that the arrangement of right to life under international law is regulated by the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966. The results also showed the enforcement of the extrajudicial killing on the War on Drugs policy violated the international provisions regulating the right to life as set out in Article 3 of the Universal Declaration of Human Rights 1948 and Article 6 of the International Covenant on Civil and Political Rights 1966 as well as the Philippine national law that is article 3 of the Constitution of the Republic of the Philippines 1987.

Keywords: right to life, extrajudicial killing, war on drugs, international law.