ABSTRAK

Setiap negara pasti membutuhkan negara lain dalam segala hal. Globalisasi seakan menghilangkan batasan-batasan negara untuk memungkinkan manusia saling menjangkau di segala bidang kehidupan. Hal yang demikianlah yang menuntut suatu negara untuk mengadakan suatu kerjasama dengan negara lain yang dapat dilakukan dengan suatu diplomasi. Salah satu pelaku yang melaksanakan diplomasi adalah diplomat. Seorang diplomat memiliki kekebalan tertentu yang berguna demi menjalankan tugasnya sebagai perwakilan negara, termasuk *inviolability* (kekebalan)pada *diplomatic bags* miliknya. Dewasa ini seringkali timbul kasus penyalahgunaan *inviolability diplomatic bags* yang digunakan sebagai moda penyelundupan narkotika, barang-barang terlarang, hingga hal-hal yang dilindungi dan dilarang dijual-belikan.Bahkan *diplomatic bags* juga digunakan sebagai sarana penculikan.

Pertanyaan-pertanyaan yang menjadi dasar penulisan skripsi ini, yang pertama adalah mengenaipengaturan *inviolability* yang melekat pada *diplomatic bags.* Pertanyaan yang berikutnya adalah mengenai penerapan dari pengaturan *inviolability diplomatic bags* dalam kasus-kasus penyalahgunaan dan/ atau pelanggaran *inviolability diplomatic bags* sebagaimana diketahui *diplomatic bags* tidak boleh dibuka atau ditahan.

Penelitian ini menggunakan studi pustaka (*library research*) terhadap pengaturan-pengaturan mengenai *diplomatic bags* baik dalam konvensi-konvensi internasional dan aturan nasional beberapa negara. Penelitiandilakukan dengan metodependekatanyuridis normatif, untuk kemudian penulis menganalisis data yang diperoleh secara kualitatif.Proses pengolahan data dilakukan dengan pendekatan komparatif, dengan demikian dapat dilihat perbedaan implementasi pengaturan *inviolabilitydiplomaticbags* baik secara internasional atau nasional beberapa negara.

Hasil penelitian yang didapat dari analisa beberapa kasus dengan dasar aturan-aturan yang ada, diketahui bahwa *inviolability diplomatic bags* tidak bersifat absolut. *Diplomatic bags* dapat dibuka, diperiksa, bahkan ditahan apabila adanya kecurigaan dan alasan kuat untuk dilakukan demikian. Namun pembukaan dan pemeriksaan *diplomatic bags* haruslah dengan seizin dari negara pengirim selaku pemilik *diplomatic bags*.Sebagaimana sifat diplomatik yang luwes, hukum diplomatik juga sangat menghormati kebijakan masing-masing negara termasuk pada kekebalan tersebut.Tidak ada hukuman mutlak bagi penyalahgunaan/ pelanggaran *inviolability* pada *diplomatic bags.*Penyelesaian kasus tergantung dari keputusan para pihak bersengketa yang terlebih dahulu dapat dilakukan dengan jalur diplomasi.

Kata kunci: ***Inviolability, Diplomatic Bags,*** **Hukum Diplomatik**

ABSTRACT

Each country is definitely in need of another country in every single things. Globalization seemed to eliminate the state borders to allow people to reach each other in all parts of life. Those things that require a country to hold a co-operation with other countries that can be done with diplomacy. One of the men whose carry out the diplomacy is called a diplomat. A diplomat has a certain immunity that is useful for the sake of performing his duties as a state representative, including inviolability (immunity) in his diplomatic bags. Nowadays are often found the cases of abuse of the inviolability on diplomatic bags that used as a mode of smuggling narcotics, prohibited items, until things are protected and prohibited bought and sold on the receiving state. The diplomatic bags even used as a means of abduction.

The basic questions as the point of this thesis,the first is on the regulations of the inviolability attached to diplomatic bags. The next question is about the implementation of the inviolability of diplomatic bags regulations in cases of abuse and / or violation of diplomatic bagsinviolability of as known diplomatic bags should not be opened or detained.

This study uses literature study (library research) the arrangements concerning diplomatic bags well in international conventions and national rules of some countries. The study was conducted with normative juridical approach, then the author analyze the data obtained qualitatively. Data processing is done by a comparative approach, and is therefore discernible the differences inviolability of diplomatic bags implementation arrangements either internationally or nationally on several countries.

The results of the study were obtained from analysis of several cases on the basis of the existing rules, it is known that the inviolability of diplomatic bags is not absolute. Diplomatic bags can be opened, inspected, even detained if only there's suspicion and a compelling reason to do so. But the opening and inspection of diplomatic bags must be with the permission from the sending state as the owner of the diplomatic bags. Diplomatic nature is flexible, so that diplomatic law also respect the policy of each country included about the immunity especially the diplomatic bags inviolability. There is no absolute punishment for the inviolability of diplomatic bags abuse/ violation. The dispute settlement of the case depends on the decision of the parties to the dispute that first can be done with diplomacy.