



**THE INADEQUATE TREATMENT FOR FAMILY OF DIPLOMATS'  
INVIOABILITY TO BE PROSECUTED FROM CRIMINAL OFFENSES  
DUE TO THE DIPLOMATIC IMMUNITY IN THE VIEWPOINT OF THE  
VIENNA CONVENTION 1961 ON DIPLOMATIC RELATIONS**

LEGAL WRITING

Submitted to Complete Assignments and Meet the Requirements to Complete the  
International Undergraduate Program (S1) in Law Study

By:  
**KEISHA ANNISA PUTRI**  
NIM 11000119190703

**FAKULTAS HUKUM  
UNIVERSITAS DIPONEGORO  
SEMARANG  
2023**

APPROVAL SHEET

**THE INADEQUATE TREATMENT FOR FAMILY OF DIPLOMATS' INVIOABILITY  
TO BE PROSECUTED FROM CRIMINAL OFFENSES DUE TO THE DIPLOMATIC  
IMMUNITY IN THE VIEWPOINT OF THE VIENNA CONVENTION 1961 ON  
DIPLOMATIC RELATIONS**

Legal Writing

Submitted to finish the assignments and fulfill the requirements in order to complete Bachelor

(S1) program in Law, by:

**KEISHA ANNISA PUTRI**

NIM 11000119190703

Final Legal Writing Project with the title above has been validated and approved for

reproduction

Acknowledged,

First Advisor



Prof. Dr. Nanik Trihastuti, S.H., M.Hum.  
NIP: 196402091988032001

Second Advisor



Dr. Adya Paramita Prabandari, S.H., M.L.I., M.H.  
NIP: 198402212009122003

**EXAMINATION SHEET**

**THE INADEQUATE TREATMENT FOR FAMILY OF DIPLOMATS'  
INVIOABILITY TO BE PROSECUTED FROM CRIMINAL OFFENSES  
DUE TO THE DIPLOMATIC IMMUNITY IN THE VIEWPOINT OF THE  
VIENNA CONVENTION 1961 ON DIPLOMATIC RELATIONS**

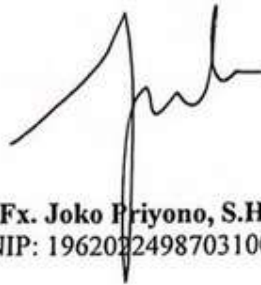
Prepared and written by:

**KEISHA ANNISA PUTRI**

**11000119190703**

Has been tested before the Board of Examiners on the date of Board of Examiners

Head of Examiner



**Prof. Dr. Fx. Joko Priyono, S.H., M.Hum.**  
NIP: 19620224987031001

Second Examiner



**Prof. Dr. Nanik Trihastuti, S.H., M.Hum**  
NIP: 196402091988032001

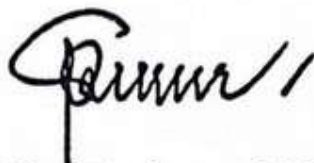
Third Examiner



**Dr. Adya Paramita Prabandari**  
NIP: 198402212009122003

Authorize:

Dean Faculty of Law Universitas Diponegoro



**Prof. Dr. Retno Saraswati, S.H., M.Hum.**  
NIP 196711191993032002

Recognize:

Ketua Program Studi S1 Ilmu Hukum



**Dr. Aditya Yuli Sulistyawan, S.H., M.Hum.**  
NIP 198407092008121002

## DECLARATION

I hereby declare that this Legal Writing has never been submitted for a bachelor's degree at another university, and with the best of my knowledge there are no works or opinions that have been written or published by anyone else, except for those referred to in writing in this manuscript and mentioned in the bibliography.

Semarang, 30 November 2023



**Keisha Annisa Putri**

11000119190703

## MOTTO AND DEDICATION

“When you get what you want, that is Allah SWT’s direction. When you don’t get what you want, that is Allah SWT’s protection”

***Believe in ALLAH SWT’s Grace and Redirection.***

***It leads you to where you are right now.***

*Give me permission to express my gratitude  
towards all the parties that directly and indirectly  
involved in the making of my thesis.  
I believe, every pieces that I wrote here are nothing without them.*

## ACKNOWLEDGEMENT

The author would like to express her gratitude to the presence of Almighty God, Allah SWT because with His blessing and grace the author was able to complete the legal writing/thesis with the title "The Inadequate Treatment for Family of Diplomats' Inviolability to be Prosecuted from Criminal Offenses Due to the Diplomatic Immunity in the Viewpoint of the Vienna Convention 1961 on Diplomatic Relations". This legal writing was prepared in order to complete the final assignment as a graduation requirement in the undergraduate (S1) program at the Faculty of Law, Diponegoro University. The completion of this legal writing can be realized with a lot of support from various parties. For this reason, the author would like to express her gratitude to all parties who have provided support to the author in the writing process until the writing of this thesis can be completed, namely to:

1. Prof. Dr. Yos Johan Utama S.H., M.Hum., as Chancellor of Universitas Diponegoro;
2. Prof. Dr. Retno Saraswati, S.H., M.Hum., as Dean of the Faculty of Law, Universitas Diponegoro;
3. Prof. Dr. Nanik Trihastuti, S.H., M.Hum, as Supervisor I who has provided direction, suggestions, input, constructive criticism, guidance, and overall been so dear to the author so far in completing this legal writing;
4. Dr. Adya Paramita Prabandari, S.H., M.L.I., M.H., as Supervisor II who has provided direction, suggestions, input, constructive criticism,

guidance and overall been such a sweetheart to the author in completing this legal writing;

5. Prof. Dr. Fx. Joko Priyono, S.H., M.Hum. as Examining Lecturer who has provided direction, suggestions, input and constructive criticism to the author in testing this legal writing ;
6. Mr. Pulung Widhi Hari Hananto, S.H., M.H., LL.M., as the author's Guardian Lecturer who has provided guidance and direction to the author in planning her study progress in each semester at the Faculty of Law, Universitas Diponegoro;
7. All lecturers at the Faculty of Law, Universitas Diponegoro, who have devoted a lot of their knowledge, time, energy and enthusiasm in the service of teaching to the author while studying at the Faculty of Law, Universitas Diponegoro;
8. All staff and employees of the Faculty of Law, Diponegoro University, who have helped a lot in providing services to the author while studying at the Faculty of Law, Diponegoro University;
9. Dr. Drs. Mokhamad Khifni, Ak. MM, and Mrs. Isti Berlianti, as my father and mother who have always supported, prayed for and blessed me until I have reached this point;
10. drg. Ninis and Sabitah as my sisters for the endless supports and always cheers me up in every situations;
11. I would like to thank my 2 best friends that always sticks together throughout thesis writing process, Faza Fuzzaina Bedinde Krapyak and

Eca Ecy Lady Teresa Mount, thank you for all the supports, companions, tears, laughters and random jokes that we shared throughout thesis writing process @ Peacockoffie Gombel to keep each other sane;

12. For Jeremia Ezra Daniel Naibaho for the support and the help for the thesis defense practice and thesis writing mechanism, and for genuinely be there for the writer;
13. I would like to thank my other college in Law Undip Batch 2019 dear friends, Akbarney, Hisyam, Cartier, Valen, Sasha, Hanna, Salman, Ica Carissa, Tongik, Anggit, Babang, Zarra, Khaliq, Wira, Phia, Djorghy, Fazahra, Febya, Alike, Marshya, Lovi, Winda, Darryl, Angga, Rasta, Kay, Lu Hendra, Michelle, Mega and others that names I can't mention one by one;
14. My college peer group, cewe keren only, Vena, Shierly, Melissa, Gra, and Agata;
15. My high school sweethearts, Nyaho. Which consists of Thirza, Desti, Laras, and Artia;
16. My high school fellas in Undip and companion in Semarang, Caca, Feby, Veriska, Gina, George, and Jovinka.
17. Board of Director ALSA LC Undip 2021-2022 Salman, Michelle, Winda, Rizky, Rania dan Muflih;



18. BPH Colleagues ALSA LC Undip 2021-2022 Irfan, Phia, Rara, Alsa, Faza, Ariiq, Mega, Ica, Rafi, Dittyo, Lovi, Darryl, Cartier, Lu Hendra, Natan.
19. To all members of English Development Division ALSA LC Undip since 2020-2022;
20. To all members, demissioners and alumnis of ALSA LC Undip;
21. Partners Bang Bhirawa, Bang Mangatta, Bang Sony as well as the Associates and other staffs Kak Gian, Kak Ayu, Kak Indy, Kak Listya, Bang Rizky, Bang Jason, Bang David etc. at Badranaya Partnership Law Firm;

## TABLE OF CONTENTS

<b>APPROVAL SHEET</b> .....	Error! Bookmark not defined.
<b>EXAMINATION SHEET</b> .....	ii
<b>DECLARATION</b> .....	i
<b>MOTTO AND DEDICATION</b> .....	ii
<b>ACKNOWLEDGEMENT</b> .....	iii
<b>ABSTRACT</b> .....	ix
<b>CHAPTER I INTRODUCTION</b> .....	1
<b>I. Background</b> .....	1
<b>II. Problem Formulation</b> .....	12
<b>III. Research Objectives</b> .....	13
<b>IV. Research Benefits</b> .....	13
<b>V. Systematic of Writing</b> .....	14
<b>VI. Research Method</b> .....	16
<b>CHAPTER II LITERATURE REVIEW</b> .....	19
<b>I. General Overview of Diplomatic Law</b> .....	19
<b>II. General Overview of the Diplomatic Immunities</b> .....	29
<b>III. General Overview of the Abuse of Diplomatic Immunities and Privileges for Diplomats and Their Family</b> .....	33
<b>CHAPTER III RESEARCH OUTCOMES AND DISCUSSIONS</b> .....	38
<b>A. Competence of the Family of Diplomats to Obtain Absolute Immunity Rights in regard to the 1961 Vienna Convention on Diplomatic Relations concerning Privileges and Immunities that are Being Implemented in the Extent of Abuse of Immunities are being Implemented in the Extent of Abuse of Immunities by Diplomats' Family Member(s) from Prosecution</b> .....	37
<b>1. The Role of Family Members of Diplomatic Representatives for Diplomatic Relations to Obtain Immunity Rights</b> .....	38
<b>2. The Effectiveness and Merit of Diplomatic Immunities Usage by Diplomatic Representatives' Family Members</b> .....	42
<b>3. The Contingency of Abuse of Diplomatic Immunities and Privileges by Family Members of Diplomats Frequency as well as the Adverse Consequences</b> .....	47
<b>B. Perseverance and Legal Efforts of the Legal Proceedings for the Immunity Rights for the Family Members of Diplomats Inviolability to be</b>	

<b>Prosecuted from Criminal Offenses to be Executed in order for the Justice to Remain Upheld .....</b>	<b>52</b>
<b>1. The Inviolability Principle for Family Members of Diplomats' Partaking in Enjoying the Diplomatic Immunities in accordance with Vienna Convention 1961 .....</b>	<b>52</b>
<b>2. The Capability of the Sending States, Receiving States and States in General for the Authority to Bring About Prosecution for the Family Members of Diplomats .....</b>	<b>54</b>
<b>3. Legal Efforts, Remedies and/or Proceedings to make the Family Members of Diplomats Who Committed Criminal Offense(s) Equivalent with the Other Perpetrators of Criminal Offenses as Civilians .....</b>	<b>56</b>
<b>CHAPTER IV CONCLUSION AND RECOMMENDATION.....</b>	<b>65</b>
<b>A. Conclusion .....</b>	<b>65</b>
<b>C. Recommendation .....</b>	<b>67</b>
<b>BIBLIOGRAPHY .....</b>	<b>69</b>

## ABSTRACT

The usage and/or abuse of power with realm of possibility is able to be coincided inevitably in every aspect of structured bodies or even life. One of the facets that to all intents occurred in diplomatic sphere feasibly rooted from the existence of diplomatic immunity, particularly for the family members of diplomats. The granting of immunities and privileges is sometimes being maltreated by diplomats' family members. Being reviewed from the 1961 Vienna Convention on Diplomatic Relations, it emphasizes the diplomatic mission towards the receiving state. While granting diplomatic immunity, it is vital to balance the need to protect victims and the requirement to discourage criminal offenses.

It is hoped that this research will be able to provide scientific knowledge about the importance of maintaining diplomatic relations between sending and receiving countries by not abusing diplomatic immunity. Through normative juridical research methods through existing legal instruments as the sources of data consists of primary, secondary and tertiary sources such as the 1961 Vienna Convention on Diplomatic Relation, and other correlated sources. The data collection method being used is library research method.

The research results shows that the 1961 Vienna Convention on Diplomatic Relations remains the foundation for diplomatic immunity, but its effectiveness can be situational and depends on various factors, such as the nature of the criminal offense, the consent of the sending state, negotiations between countries, and international conventions. Therefore, concrete legal efforts are required to strengthen the use of immunity rights by diplomats' families so that they are not misused for criminal offenses.

**Keyword : Abuse, Diplomatic Immunity, Family Members of Diplomats and Criminal Offenses.**