

## ABSTRAK

Penelitian ini bertujuan untuk mengetahui putusan pengadilan mengenai jenis kejahatan-kejahatan yang dilakukan oleh Milan Lukic dan Sredoje Lukic yang tergolong dalam kejahatan terhadap kemanusiaan yang berdasarkan pada Pasal 5 Statuta ICTY terhadap prinsip-prinsip hukum humaniter internasional. Milan Lukic dan Sredoje Lukic dikenal sebagai penjahat yang kejam, oleh sebab itu pada tanggal 28 Juli 2009 ICTY memutus bersalah atas tindakan kejahatan yang dilakukan selama konflik bersenjata di kota Visegrad, Bosnia & Herzegovina. Melihat dari uraian diatas, penting untuk diketahui alasan pengadilan memutus bersalah atas tindakan kejahatan yang tergolong dalam kategori kejahatan terhadap kemanusiaan serta prinsip-prinsip hukum humaniter apa saja yang dilanggar dengan menganalisa alasan-alasan putusan hakim yang mengadili Lukic bersaudara berasal dari konvensi-konvensi internasional terkait, hukum kebiasaan humaniter internasional, dan yurisprudensi-yurisprudensi.

Penulisan hukum ini dilakukan dengan pendekatan yuridis-normatif dan menggunakan metode analisis kualitatif. Kasus diatas dideskripsikan dan dianalisis melalui bahan hukum primer, sekunder dan Konvensi Jenewa 1949 beserta Protokol Tambahan I & II, dengan mengkaitkan beberapa artikel tersebut terhadap tindakan-tindakan yang dilakukan oleh Milan Lukic dan Sredoje Lukic selama konflik bersenjata.

Dari hasil penelitian ini disimpulkan berdasarkan kewenangan ICTY yang dapat mengadili pelaku-pelaku kejahatan di wilayah bekas Yugoslavia telah terbukti memenuhi unsur-unsur tindakan kejahatan terhadap kemanusiaan yang tercantum dalam Pasal 5 Statuta ICTY dengan melakukan kejahatan yang terdiri dari pembunuhan, pembasmian, tindakan keji dan tindakan tidak manusiawi serta persekusi. Pada pelaksanaan kejahatan tersebut telah menewaskan 152 penduduk sipil etnis Muslim-Bosnia serta persekusi terhadap penduduk sipil etnis non-Serbia. Maka dapat disimpulkan mereka telah melanggar prinsip kemanusiaan, prinsip pembeda, dan prinsip kepentingan militer, dan dapat dikenai hukuman.

**Kata Kunci: Hukum Humaniter Internasional, Kejahatan Terhadap Kemanusiaan, Pengadilan Pidana Internasional untuk Bekas Yugoslavia, Milan Lukic dan Sredoje Lukic**

## **ABSTRACT**

*The purpose of this research to find out trial judgement regarding crimes have been done by Milan Lukic and Sredoje Lukic which classified as crimes against humanity according to Article 5 ICTY Statute towards international humanitarian law principles. Milan Lukic and Sredoje Lukic well known as notorious criminals, therefore on 28 July 2009 International Criminal Tribunal for the former Yugoslavia convict guilty with atrocities that had been done in times of armed conflict in Visegrad, Bosnia & Herzegovina. In accordance to description above, it is important to know the reasons ICTY convict guilty their atrocities which classified as crimes according to crimes against humanity and which international humanitarian law principles that had been violated through analyse trial judgement script which adjudicate Lukic brothers from international conventions, international customary humanitarian law, and jurisprudences .*

*This thesis is done by using juridical normative approaching and qualitative analysis method. The case is described and analyzed through the primary source and secondary source from Geneva Convention 1949 and the Protocols I & II, with linked to several articles to the conduct taken by Milan Lukic and Sredoje Lukic during armed conflict.*

*Based on the study results, can be inferred through competence of International Criminal Tribunal that able to prosecute the perpetrators in the former of Yugoslavia territory was proven fulfil crimes against humanity's elements according to Article 5 ICTY by doing following crimes such as murder, extermination, cruel act and inhumane act and persecutions. Milan Lukic and Sredoje Lukic were proven guilty as crime against humanity criminals based on Article 5 ICTY Statute. Dead victims were collected up to 152 Bosniaks civilian and persecute upon non-Serbia civil population. Therefore, can be conclude they were violate principle of humanity, principle of distinction, and principle of military necessity and shall be punished.*

**Keywords:** *International Humanitarian Law, Crimes Against Humanity, International Criminal Tribunal for the former Yugoslavia, Milan Lukic and Sredoje Lukic*