

ABSTRAK

Menerima atau menolak sebuah permintaan penanggalan hak kekebalan diplomatik perlu diteliti berdasarkan faktor tertentu, penulis menganalisa berdasarkan kasus di Korea Selatan dan kasus di Amerika Serikat. Permasalahan yang diteliti dalam penulisan hukum ini mengenai bagaimana pengaturan nasional di Selandia Baru, Korea Selatan, Vatikan dan Amerika Serikat terhadap penanggalan hak kekebalan diplomatik dan bagaimana komparasi atas penanggalan hak kekebalan pejabat diplomatik dalam kasus pelanggaran hukum oleh pejabat diplomatik Selandia Baru di Korea Selatan dan kasus pelanggaran hukum oleh pejabat diplomatik Vatikan di Amerika Serikat.

Metode pendekatan yang dilakukan dalam penulisan hukum ini yaitu yuridis normatif. Spesifikasi penelitian yang digunakan adalah deskriptif analitis, metode pengumpulan data dengan studi kepustakaan, data yang digunakan yaitu data sekunder. Analisis data dilakukan dengan menggunakan metode kualitatif.

Hasil Penelitian menunjukkan Selandia Baru, Korea Selatan, Vatikan dan Amerika Serikat telah membuat pengaturan nasional di negaranya terhadap penanggalan hak kekebalan. Komparasi atas penanggalan hak kekebalan diplomatik yaitu jenis jabatan diplomat Selandia Baru adalah staf diplomatik Kedutaan Selandia Baru dan diplomat Vatikan adalah *high-ranking bishop* yang ditugaskan menjadi diplomat di Kedutaan Vatikan; Jenis hak kekebalan yang dimiliki sama namun diplomat Vatikan tidak dapat menggunakan hak kekebalan bagi anggota keluarganya; Tindakan pelanggaran hukum yang dilakukan diplomat Selandia Baru adalah menganiaya dan menghalangi penyelidikan kepolisian dan diplomat Vatikan memiliki konten pornografi anak; Inisiasi permintaan penanggalan hak kekebalan diplomatik untuk kasus di Korea Selatan dimintakan oleh Selandia Baru selaku *Sending State* dan kasus di Amerika Serikat dimintakan oleh Amerika Serikat selaku *Receiving State*; Akibat hukum yang terjadi, Selandia Baru dan Amerika Serikat tidak dapat menerapkan yurisdiksi nasional negaranya, Vatikan dan Korea Selatan dapat menerapkan yurisdiksi nasional negaranya.

Kata kunci: Komparasi, Penanggalan Hak Kekebalan, Pelanggaran Hukum

ABSTRACT

Accepting or rejecting a request for diplomatic immunity waiver needs to be determined based on certain factors, which the author analyzed based on the case in South Korea and the case in the United States of America. The problems examined in this research are about national regulations in New Zealand, South Korea, Vatican and United States of America upon diplomatic immunity waiver and the comparison for diplomatic immunity waiver in cases of violation of the law by New Zealand diplomatic agent in South Korea and violation of the law by Vatican diplomatic agent in United States of America.

The method of approach taken in writing this research is normatively juridical. The research specifications used is descriptive analytical, methods of data collection is done by library study, the data used is secondary data. Data analysis was done using qualitative methods.

Research showed that New Zealand, South Korea, Vatican and United States of America have made national regulations in their own countries upon diplomatic immunity waiver. Comparison for diplomatic immunity waiver by the type of position, the New Zealand diplomat is a New Zealand Embassy diplomatic staff and the Vatican diplomat is a high-ranking bishop who is assigned at the Vatican Embassy; the type of immunity possessed is same, but Vatican diplomats cannot use the immunity for family members; the violations of the law carried out by the New Zealand diplomat was assault and obstructing police investigations and Vatican diplomat was possessing child pornography content; the initiation of a request for diplomatic immunity waiver for the case in South Korea was requested by New Zealand as Sending State and for the case in United States of America was requested by the United States of America as Receiving State; the legal consequences, New Zealand and United States of America cannot implement their national jurisdiction, Vatican and South Korea can implement their national jurisdiction.

Keywords: Comparison, Immunity Waiver, Violations of the Law