

ABSTRAK

Konflik internal di Libya yang tiada henti membuat masyarakat internasional turut prihatin. Piagam PBB memberikan berbagai ketentuan mengenai langkah-langkah apa yang harus diambil oleh negara, baik sebagai anggota maupun bukan anggota PBB apabila terlibat dalam suatu konflik. Negara-negara mempunyai kewajiban menyelesaikan setiap konflik yang timbul diantara mereka secara damai. Pada tanggal 18 Maret 2011, Dewan Keamanan PBB mengeluarkan Resolusi S/RES/1973.(2011)11-26839-3 terkait konflik di Libya. Intervensi militer yang dilaksanakan oleh NATO yang diharapkan bisa menghentikan aktifitas tentara pro Khadafi, ternyata tidak sedikit mengakibatkan jatuhnya korban jiwa baik pihak militer maupun penduduk sipil. Berdasarkan uraian di atas maka penting dikaji secara hukum hal-hal yang berkaitan dengan legalitas tindakan intervensi militer NATO dalam penyelesaian konflik internal di Libya dan prinsip-prinsip Hukum Internasional apakah yang dilanggar oleh NATO dalam penyelesaian konflik tersebut.

Penulisan hukum ini dilakukan dengan pendekatan yuridis-normatif, oleh karenanya kasus tersebut diatas dideskripsikan dan dianalisis melalui bahan hukum primer, sekunder dan konvensi-konvensi seperti, Konvensi Den Haag 1907, Konvensi Wina 1969, Konvensi Jenewa 1949 dan Protokol Tambahan I & II, Piagam PBB dan Resolusi Dewan Keamanan PBB 1973, dengan mengkaitkan beberapa artikel tersebut terhadap serangan-serangan yang dilakukan NATO.

Dari hasil penelitian ini disimpulkan, bahwa berdasarkan Hukum Internasional maka intervensi yang dilakukan NATO terhadap Libya dapat dibenarkan selama didasari oleh alasan kemanusiaan. Intervensi diperbolehkan karena mendapatkan legitimasinya menurut Pasal 2 (4), 2 (5), dan 2 (7) Piagam PBB selama tidak melanggar tujuan PBB, dan karena telah mendapatkan mandat berupa Resolusi Dewan Keamanan PBB 1973. Namun, NATO dalam melaksanakan Resolusi Dewan Keamanan PBB ternyata melanggar beberapa prinsip dalam Hukum Internasional, seperti prinsip *Self-Determination*, Kedaulatan Negara, Non-Intervensi, dan *Responsibility to Protect*.

Kata Kunci : Intervensi, Konflik Libya, Resolusi Dewan Keamanan PBB, Hukum Internasional.

ABSTRACT

The ongoing internal conflict in Libya makes the international community concerned. The Charter of the United Nations provides various provisions regarding what steps should be taken by the state, both as a member and not a member of the United Nations when involved in a dispute. Countries have the obligation to resolve any disputes that arise between them peacefully. On March 18, 2011, the UN Security Council issued Resolution S / RES / 1973 (2011) 11-26839-3 regarding the conflict in Libya. The military intervention carried out by NATO which was expected to stop the activities of the pro-Khadafi army, in fact resulted in a number of casualties both the military and the civilian population. Based on the description above, it is important to legally review matters relating to the legality of NATO's military intervention in resolving internal conflicts in Libya and what International Law principles violated by NATO in resolving the conflict.

This legal writing is done by a juridical-normative approach, therefore the above case is described and analyzed through primary, secondary and conventions such as the Hague Convention of 1907, the 1969 Vienna Convention, the 1949 Geneva Convention and Additional Protocols I & II, the Charter The United Nations and UN Security Council Resolution 1973, linking some of these articles to NATO attacks.

From the results of this study, it was concluded that based on International Law, intervention by NATO on Libya could be justified as long as it was based on humanitarian reasons. Intervention is permissible because of its legitimacy according to Articles 2 (4), 2 (5) and 2 (7) of the United Nations Charter as long as it does not violate the objectives of the United Nations, and has obtained a mandate in the form of 1973 UN Security Council Resolution. The UN apparently violates several principles in International Law, such as the principle of Self-Determination, State Sovereignty, Non-Intervention, and the Responsibility to Protect..

Keywords: Intervention, Libyan Conflict, UN Security Council Resolution, International Law.