

**JUDUL: KONSEKUENSI HUKUM BAGI NEGARA PIHAK PERJANJIAN
INTERNASIONAL YANG MEREKRUT TENTARA ANAK DI BAWAH
UMUR : STUDI KASUS PEREKRUTAN TENTARA ANAK DI
MYANMAR**

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ABSTRAK

Abstrak - Penulisan ini bertujuan untuk menganalisa konsekuensi bagi negara yang telah melanggar kewajiban internasional sebagai pihak dari suatu perjanjian internasional khususnya mengenai keterlibatan anak-anak dalam konflik bersenjata yang bersifat non internasional. Dalam konflik yang terjadi di Myanmar anak-anak dibawah umur menjadi bagian aktif dalam konflik bersenjata yang sengaja direkrut oleh Tatmadaw Kyi maupun Kelompok Pemberontak (*Belligerent*). Praktik ini tidak sesuai dengan kaidah hukum humaniter yaitu pasal 8 angka 3 huruf (c) Protokol Tambahan II dan pasal 38 Konvensi Hak Anak 1989 dan pasal 1, 2, 3, 4, dan 6 Protokol Tambahan Hak Anak 2000. Akibat pelanggaran terhadap pasal tersebut menimbulkan tanggungjawab negara sebagaimana diatur dalam pasal 31 *Draft Article State Responsibility* yaitu memberikan ganti kerugian berupa rehabilitasi, restitusi, kompensasi, dan jaminan untuk tidak mengulangi perbuatan tersebut dan mengadili para individu yang terlibat dalam praktik perekrutan tentara anak di Myanmar.

Kata Kunci : Konflik Bersenjata Non Internasional ; Hukum Humaniter Internasional ; Perekrutan Tentara Anak ; Tanggungjawab Negara

**LEGAL CONSEQUENCE FOR COUNTRIES WITHIN THE
INTERNATIONAL TREATY PARTY THAT RECRUIT UNDERAGE
CHILDREN AS SOLDIERS: A CASE STUDY OF UNDERAGE
CHILDREN SOLDIER RECRUITMENT IN MYANMAR**

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ABSTRACT

Abstract – The purpose of this study was to analyze the consequence for the country that violated their international obligation as a party of the international treaty concerning the involvement of underage children in a non-international armed conflict. In the conflict in Myanmar, underage children had become an active part of the armed conflict, and they were intentionally recruited by Tatmadaw Kyi or the Rebellion Group (*Belligerent*). This practice violated the Humanitarian Law Article 8 Number 3 Letter (c) Additional Protocol II and Article 38 Children's Right Convention 1989 and Article 1, 2, 3, 4, and 6 Additional Protocol of Children's Right in 2000. As a result of the violation of the articles, the country was held responsible as regulated in Article 31 of Draft Article State Responsibility which was giving compensation in the form of rehabilitation, restitution, compensation, and guarantee that the actions would not be recurring and put all the individuals involved in the practice of underage children recruitment in Myanmar in court.

Keywords: Non-International Armed Conflict; International Humanitarian Law; Underage Soldier Recruitment; Country's Responsibility