

**KONSISTENSI NEGARA PIHAK ICCPR DAN ICESCR TERKAIT
PRINSIP NON-DISKRIMINASI: KASUS PEMBEDAAN PERLAKUAN
BERDASARKAN AGAMA DALAM PASAL 2 DAN PASAL 6
CITIZENSHIP (AMENDMENT) ACT, 2019 YANG DIBERLAKUKAN
OLEH PEMERINTAH INDIA**

Kevin Adi Temara Suryadinata

Fakultas Hukum

Pembimbing:

1. Dr. Wisnu Aryo Dewanto, S.H., LL.M., LL.M.
2. Suhariwanto S.H., M.Hum.

ABSTRAK

Prinsip Non-Diskriminasi telah dituangkan dalam *International Covenant on Civil and Political Rights (ICCPR)* dan *International Covenant on Economic, Social and Cultural Rights (ICESCR)* dan telah menjadi hukum Hak Asasi Manusia Internasional yang mengikat negara pihak secara hukum. Dalam hal ini, India sebagai negara pihak kedua kovenan tersebut telah memberlakukan *Citizenship (Amendment) Act, 2019* yang memiliki ketentuan pembedaan perlakuan berdasarkan agama didalamnya. Penelitian ini dimaksudkan untuk menganalisis konsistensi ketentuan dalam *Citizenship (Amendment) Act, 2019* dengan Prinsip Non-Diskriminasi dalam *ICCPR* dan *ICESCR*. Metode penelitian yang digunakan adalah metode yuridis normatif, yaitu dengan cara melakukan studi kepustakaan. Hasil penelitian adalah bahwa *Citizenship (Amendment) Act, 2019* tidak konsisten dengan Prinsip Non-Diskriminasi dalam *ICCPR* dan *ICESCR*.

Kata Kunci: *Citizenship (Amendment) Act 2019, ICCPR, ICESCR, India, Prinsip Non-Diskriminasi.*

**THE CONSISTENCY OF STATE PARTIES OF THE ICCPR AND ICESCR
RELATED TO NON-DISCRIMINATION PRINCIPLES: CASE OF
DIFFERENT TREATMENT BASED ON RELIGIOUS IN ARTICLE 2 AND
ARTICLE 6 CITIZENSHIP (AMENDMENT) ACT, 2019 IMPLEMENTED BY
THE GOVERNMENT OF INDIA**

Kevin Adi Temara Suryadinata

Law / Legal Studies

Advisors:

1. Dr. Wisnu Aryo Dewanto, S.H., LL.M., LL.M.
2. Suhariwanto S.H., M.Hum.

ABSTRACT

The Principle of Non-Discrimination has been stated in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and has become International Human Rights law that binds state parties legally. In this case, India as a state party to both covenant has enacted the Citizenship (Amendment) Act, 2019 which has provisions for differentiating treatment based on religion in it. This research is intended to analyze the consistency of the provisions in the Citizenship (Amendment) Act, 2019 with the Principles of Non-Discrimination in the ICCPR and ICESCR. The research method used is the normative juridical method, namely by conducting a literature study. The results of the study are that the Citizenship (Amendment) Act, 2019 is not consistent with the Principles of Non-Discrimination in the ICCPR and ICESCR.

Keywords: Citizenship (Amendment) Act 2019, ICCPR, ICESCR, India, Principles of Non-Discrimination