

**ANALISIS YURIDIS TINDAK PIDANA PENGANIAYAAN
MENGAKIBATKAN LUKA-LUKA DAN KEMATIAN YANG
DILAKUKAN OLEH MANDOR KEPADA ANAK BUAH KAPAL
INDONESIA DALAM PERSPEKTIF HUKUM PIDANA
INTERNASIONAL
(Studi Kasus Putusan Nomor 823/Pid.B/2020/PN Btm)**

Oleh

**Angel Maulani Manik
NIM. 170574201086**

ABSTRAK

Ada beberapa bentuk pelanggaran yang terjadi kepada ABK salah satunya ABK mendapatkan tindakan penganiayaan yang melanggar kaidah hukum, khususnya Hukum Pidana Internasional. Merujuk kepada kasus ABK Indonesia yang mendapat tindak pidana penganiayaan dari mandor yang bernama Song Chuanyun yang terjadi di kapal berbendera China. Adapun permasalahan berdasarkan pokok pemikiran yaitu bagaimana analisis yuridis tindak pidana penganiayaan mengakibatkan luka-luka dan kematian yang dilakukan oleh mandor kepada abk Indonesia dalam perspektif hukum pidana internasional (Studi Kasus Putusan No.823/Pid.B/2020/PN Btm)?. Bertujuan untuk mengetahui analisis yuridis tindak pidana penganiayaan mengakibatkan luka-luka dan kematian yang dilakukan oleh mandor kepada abk Indonesia dalam perspektif hukum pidana internasional (Studi Kasus Putusan No.823/Pid.B/2020/PN Btm). Metode penelitian yang digunakan ialah normatif. Mandor tersebut dinyatakan bebas dikarenakan penganiayaan yang menyebabkan ABK Indonesia Luka-luka hingga berakibat matinya korban Hasan Apriadi yang dilakukan mandor Song Chuanyun di luar wilayah Indonesia sehingga mandor Song Chuanyun dibebaskan. Hasil dari penelitian ini bahwa ada beberapa ketentuan Hukum Pidana Internasional yang menerangkan terkait dengan tindak pidana penganiayaan tertera pada konvensi-konvensi hukum pidana internasional. Penganiayaan tersebut terjadi di kapal Lu Huan Yuan Yu 118 berbendera China, sehingga Negara China lah yang memiliki wewenang memeriksa dan mengadili. Kesimpulan Sesuai dalam Pasal 94 UNCLOS menjelaskan terkait dengan tugas bendera kapal melaksanakan yurisdiksi dan pengawasannya sesuai dengan teori yurisdiksi ekstra teritorial itu sendiri. Dalam hal ini pentingnya turut andil kementerian Luar Negeri dalam menyelesaikan kasus ini karena yang memiliki wewenang melakukan upaya diplomatik untuk menjamin pemenuhan hak dan perlindungan Pekerja Indonesia di Luar Negeri secara optimal yaitu Kementerian Luar Negeri.

Kata Kunci : Anak Buah Kapal, Penganiayaan, Hukum Pidana Internasional, Yurisdiksi

**JURIDICAL ANALYSIS OF THE CRIMINAL ACTION OF MASSAGE
RESULTING IN INJURY AND DEATH PERFORMED BY THE
FOREWORD TO INDONESIAN CHILDREN IN THE PERSPECTIVE OF
INTERNATIONAL CRIMINAL LAW
(Case Study of Decision Number 823/Pid.B/2020/PN Btm)**

By

**Angel Maulani Manik
NIM. 170574201086**

ABSTRACT

There are several forms of violations that occur to ABK, one of which is ABK getting acts of persecution that violate the rule of law, especially International Criminal Law. Referring to the case of Indonesian crew members who received a criminal act of persecution from the foreman named Song Chuanyun which occurred on a Chinese-flagged ship. The problem is based on the main idea, namely how is the juridical analysis of the criminal act of persecution resulting in injuries and death by the foreman to Indonesian crew in the perspective of international criminal law (Case Study Decision No. 823/Pid.B/2020/PN Btm)?. Aims to find out the juridical analysis of criminal acts of persecution resulting in injuries and deaths by the foreman to Indonesian crew in the perspective of international criminal law (Case Study Decision No. 823/Pid.B/2020/PN Btm). The research method used is normative. The foreman was declared acquitted because of the persecution that caused the Indonesian crew members to be injured and resulted in the death of the victim Hasan Apriadi by the foreman Song Chuanyun outside the territory of Indonesia, so that the foreman Song Chuanyun was released. The results of this study are that there are several provisions of International Criminal Law that explain related to criminal acts of persecution listed in international criminal law conventions. The persecution took place on the Chinese-flagged Lu Huan Yuan Yu 118, so that the State of China had the authority to examine and prosecute. Conclusion In accordance with Article 94 of UNCLOS, it is explained in relation to the duties of the flag of the ship to carry out its jurisdiction and control in accordance with the theory of extra-territorial jurisdiction itself. In this case, it is important to take part in the role of the Ministry of Foreign Affairs in resolving this case because the one who has the authority to make diplomatic efforts to ensure the optimal fulfillment of the rights and protection of Indonesian Workers Abroad is the Ministry of Foreign Affairs.

Keywords: Ship's crew, Persecution, International Criminal Law, Jurisdiction