

ABSTRAK

Kekerasan terhadap perempuan dan anak sebagai kaum rentan dapat terjadi dalam segala situasi yakni saat konflik berlangsung, proses melarikan diri, maupun di tenda pengungsian. *The International Rescue Committee* melakukan survei pada tahun 2015 yang menunjukkan bahwa 40% dari 190 perempuan dan anak perempuan di Dara'a dan Quneitra telah mengalami kekerasan seksual dari para personel Organisasi Internasional saat mengakses layanan bantuan kemanusiaan. Kekerasan seksual yang terjadi di Suriah adalah tindak kekerasan seksual dengan penyalahgunaan kekuasaan, atau penyalahgunaan kepercayaan, untuk tujuan kepuasan seksual, maupun untuk memperoleh keuntungan dalam bentuk uang, sosial, politik dan lain sebagainya. Berdasarkan Pasal 7 Ayat (1) *Rome Statute of The International Criminal Court*, kekerasan seksual adalah tindak kejahatan terhadap kemanusiaan (*crimes against humanity*) yang masuk dalam kategori *The most Serious Crime*, sehingga Hukum Internasional punya peran dalam hal ini. Penelitian ini merupakan penelitian yuridis normatif, dimana membahas terkait asas dan konsep Hukum Internasional mengenai kedudukan Organisasi Internasional selaku Subjek Hukum Internasional yang memiliki *Legal Personality dan Legal Capacity*. Maka dari itu Organisasi Internasional dapat dimintai pertanggungjawaban atas tindakan personilnya. Berdasarkan pengaturan dalam *Draft Article on Responsibility of International Organization*, Organisasi Internasional sejauh ini hanya dapat memberikan sanksi administratif berupa tindakan penghentian, tindakan perbaikan, tindakan pemulihan, ganti kerugian serta pemuasan dalam bentuk permohonan maaf yang harus dilakukan oleh negara pengirim personil pelaku tindak kekerasan seksual tersebut. Bentuk sanksi terberat pun adalah pengembalian personil kepada negara yang diwakilinya. Adapun pertanggungjawaban pelaku secara individu dalam Hukum Internasional menjadi yurisdiksi Mahkamah Pidana Internasional.

Kata kunci: Kekerasan Seksual, *Crimes Against Humanity*, Tanggungjawab Organisasi Internasional, , *Draft Article on Responsibility of International Organization*.

ABSTRACT

Violence against women and children as vulnerable can occur in all situations, that is when conflict takes place, the process of escape, and in refugee camps. The International Rescue Committee conducted a survey in 2015 which showed that 40% of 190 women and girls in Dara'a and Quneitra had experienced sexual violence from personnel of International Organizations when accessing humanitarian assistance services. Sexual violence that occurs in Syria is an act of sexual violence with abuse of power, or abuse of trust, for the purpose of sexual satisfaction, as well as to gain profits in the form of money, social, political and etc. Based on Article 7 Paragraph (1) Rome's Statute of The International Criminal Court, sexual violence is a crime against humanity which is included in the category of the Most Serious Crime, so The International Law has a role in this matter. This research is a normative juridical study, which discusses the principles and concepts of International Law concerning the position of International Organizations as Subjects of International Law which have Legal Personality and Legal Capacity. Therefore The International Organizations can be asked for responsibility of the actions from their personnel. Based on the arrangement in the Draft Article on Responsibility of International Organization, International Organizations can only provide administrative sanctions in the form of termination measures, remedial actions, compensation and satisfaction in the form of apologies that must be carried out by sending countries as perpetrators of sexual violence. Even the heaviest form of sanction is the return of personnel to the country they represent. The responsibility of individual actors in International Law is the jurisdiction of the International Criminal Court.

Keywords: Sexual Violence, Crime Against Humanity, Responsibility of International Organization, Draft Article on the Responsibility of International Organization.