

ABSTRAK

YURISDIKSI *INTERNATIONAL CRIMINAL COURT* DALAM PENANGKAPAN RODRIGO DUTERTE TERKAIT KEBIJAKAN *WAR ON DRUGS* DI FILIPINA

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Yurisdiksi ICC dalam penangkapan Rodrigo Duterte terkait kebijakan *War On Drugs* masih diperdebatkan terkait legitimasinya akibat penarikan diri Filipina dari ICC. Penelitian ini melibatkan metode yuridis normatif, dengan pendekatan berdasarkan instrumen Statuta Roma, studi kasus, dan dokumen internasional dari ICC. Kajian ini menganalisis yurisdiksi ICC dalam menegakkan kejahatan internasional dan implementasi yurisdiksi ICC dalam kasus Rodrigo Duterte. Hasil penelitian menunjukkan bahwa penegakan yurisdiksi ICC di Filipina tetap sah berdasarkan Pasal 127(2) Statuta Roma, dimana kejahatan kemanusiaan di Filipina terjadi sebelum Filipina menarik diri. Penangkapan Rodrigo Duterte dilakukan berdasarkan dasar hukum Pasal 7(1)(a) dan Pasal 25 (3) (a) Statuta Roma dengan persetujuan implisit dari Pemerintah Filipina, dan kebijakan *War On Drugs* sah secara kedaulatan nasional akan tetapi operasinya telah melibatkan pembunuhan di luar proses hukum terhadap warga sipil secara luas dan sistematis dan bentuk pembunuhan ini sesuai dengan Pasal 7(1)(a) Statuta Roma masuk sebagai kategori kejahatan internasional di bawah yurisdiksi ICC. Penelitian ini memiliki urgensi dalam penegakan keadilan global dengan memperkuat implementasi yurisdiksi ICC terhadap pemimpin negara yang melakukan kejahatan internasional, terlepas dari penarikan diri negara mereka dari ICC.

Kata Kunci: *Yurisdiksi, International Criminal Court (ICC), War On Drugs, Kejahatan terhadap Kemanusiaan, Statuta Roma 1998.*

ABSTRACT

JURISDICTION OF INTERNATIONAL CRIMINAL COURT IN THE ARREST OF RODRIGO DUTERTE IN RELATION TO WAR ON DRUGS POLICY IN PHILIPPINES

By

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The ICC's jurisdiction in the prosecution of Rodrigo Duterte in relation to War On Drugs policy is still debated in terms of its legitimacy due to Philippines' withdrawal from the ICC. This study involves normative juridical method, using approaches based on Rome Statute instruments, case studies, and international documents from the ICC. This research analyzes ICC's jurisdiction in enforcing international crimes and implementation of ICC's jurisdiction in the case of Rodrigo Duterte. The results of this research shows that the enforcement of ICC's jurisdiction in Philippines remains valid based on the Article 127(2) of Rome Statute where crimes against humanity in Philippines occurred before Philippines withdrew. The arrest of Rodrigo Duterte was also carried out based on the legal grounds in Article 7 (1) (a) and Article 25 (3) (a) of Rome Statute with implicit consent by the Government of Philippines and War on Drugs policy is legal based on national sovereignty but its operation involved extrajudicial killings of civilians on widespread and systematic basis and this murder based on Article 7(1)(a) of Rome Statute falls within the category of international crimes under ICC's jurisdiction. This research has urgency to the enforcement in strengthening global justice by reaffirming implementation of ICC's jurisdiction for state leaders who commit international crimes, regardless of their country's withdrawal from the ICC.

Keywords: *Jurisdiction, International Criminal Court (ICC), War On Drugs, Crimes against Humanity, Rome Statute 1998.*