

Criminal Law Analysis of Genocide as a Violation of Human Rights in Indonesia

Andi Muh Ismail
Airlangga Putera
Miftahul Jannah

Faculty of Law, Universitas Muslim Indonesia, Indonesia
Faculty of Law, Universitas Muslim Indonesia, Indonesia
Faculty of Law, Universitas Muslim Indonesia, Indonesia

The aim of this research is to understand and analyze legal regulations relating to genocide as a violation of human rights in Indonesia, both in Article 7 a and Article 8 of Law No. 26 of 2000 concerning Human Rights Courts, the old Criminal Code Regarding Genocide and Article 598 in Law No. 1 of 2023 concerning the Criminal Code which relates to genocide regulations. This study uses a normative research type (normative law research) or doctrinal legal research, namely legal research that uses legal material sources or is library research, a study of legal materials. The results of this study indicate that, First, the legal regulations relating to genocide as a violation of human rights in Indonesia, both in Article 7a and Article 8, have a definition of the crime of genocide. However, this article has advantages and disadvantages in interpreting and determining the crime of genocide. Second, actions that fall into the category of genocide in the old Criminal Code are often categorized as general crimes such as premeditated murder, serious abuse, or crimes against humanity. And third, the perpetrators are often only charged with general articles with lighter penalties than if there were special articles for genocide. So this will make the crime of genocide potentially committed by a group of people and result in loss of life throughout Indonesia in the future. Finally, Law No. 1 of 2023 includes genocide crime regulations in Article 598 which specifically regulates the crime of genocide. The suggestions from this study indicate the need for national regulatory officials, especially Article 7a and Article 8 of the Law on Human Rights Courts and Article 598 concerning genocide, to explain more clearly the crime of genocide, both in terms of definition, categorization of the crime of genocide and protection of victims.

INTRODUCTION

Rights interpreted as right base or right main like right life and rights get protection . [1]Human rights man is rights owned by everyone human and is A grace from God that is obtained since born . According to Rajab right basic man is right human , which is attached to human , where man gifted reason mind and heart conscience . [2]Human rights man is universal, meaning right valid worldwide with still respect and maintain custom customs or culture a country. Human rights humans are also human lasting , that is rights owned every man since from in content until died , so that right every man must respected and protected by the state, the law and everyone .

Rights man man own A principle , Principle right basic man launched in United Nations (UN) General Assembly in 1948. Where Human Rights man considered as guidelines standard for implementation enforcement of human rights for nations , especially those that join in the world's highest body , namely union nations (UN) to moment This . Principle This known with the "Universal Declaration of Human Rights", or Statement The Universe about Rights Basic Human . In the Universal Declaration of Human Rights, Human rights man must be apply a number of principles , such as principle dignity and rights equivalent For everyone , the principle of non-discrimination , the principle on life , the principle of non- slavery and principles equality in front law . Principle This must be become focus main and applied by citizens in various countries in the world.

In Indonesia, the regulation right basic man set up in opening The 1945 Constitution, paragraphs I and IV , where paragraph 1 explains " That indeed independence That is right all nation and therefore that , then colonization of the world must abolished , because No in accordance with humanity and justice ." And Paragraph IV " Then than That For to form a The Government of the Republic of Indonesia which protects all the Indonesian nation and all spilled Indonesian blood and for advance welfare general , intelligent life nation , and join carry out world order based on independence , peace eternal and justice social , then be arranged Independence Indonesian nationality is in a The Constitution of the Republic of Indonesia, which was formed in a the structure of the Republic of Indonesia which is sovereign of the people with based on to : Belief in the Almighty God, just and civilized humanity , Indonesian unity , and democracy led by wisdom wisdom in Consultation / Representation , and with realize a Justice social for all Indonesian people."

Apart from the opening 1945 Constitution paragraphs I and IV, rights basic humans are also regulated in Article 27 to Article 34 of the 1945 Constitution , Article 244, Article 245, Article 598, Article 599, Article 600, Article 601 and Article 602 of the Criminal Code No. 1 of 2023, Law Number 39 of 1999 concerning Human Rights Human , Law Number 26 of 2000 concerning Human Rights Court Human , Law Number 11 of 2005 concerning Validation Covenant International on Economic, Social and Cultural Rights , Law Number 12 of 2005 concerning Validation Covenant International on Civil and Political Rights and Presidential Decree No. 50 of 1993 which was then reinforced with Constitution Number 39 of 1999 concerning Human Rights.

In the meaning regulation law right basic human rights in Indonesia, Human Rights man must be respected , protected and fulfilled by anyone including countries. Because the country as stakeholders obligation must realize fulfillment right basic man to all inhabitant without except . If individual or the country itself No can fulfil or in meaning limit , revoke and also reduce right every citizens , then matter the will stated as human rights violations human . In general , violation right basic man is all action somebody or a group of people, including agency government , which with on purpose or No on purpose or negligent reduce , hinder , limit and/ or remove in a way oppose law right basic man somebody or a groups of people guaranteed by law this , and not get , or worrying No will to obtain settlement just and correct law , based on mechanism applicable law .[3]

Human Rights Violations Humans in Indonesia in general divided into two categories , namely human rights violations and gross human rights violations . Human rights violations in Indonesia are regulated in Article 1 number 6 of the Human Rights Law man yes reads " every action somebody or group of people including good state apparatus intentional and also No intentional or negligence that is oppose law reduce , hinder , limit , and or to pull out right basic man somebody or groups of people guaranteed by law this , and not get , or worrying No will to obtain settlement just and correct law , based on mechanism applicable law . " Whereas in gross human rights violations are regulated in Article 1 number 2 jo. Chapter. 7 Constitution Number 26 of 2000 includes crime genocide and crimes to humanity .[4]

On the way history case human rights violations humans in Indonesia have in progress since long time good in human rights violations and serious human rights violations committed in time before independence until after independence . But in two categories human rights violations in Indonesia, category gross human rights violations is the one who has the darkest history Because involving life a man that is crime genocide .[5] Crime genocide (crimes of genocide) is one of the the most serious crimes and become attention international . Community international has formulate that crime This is crime international and become jurisdiction Court Criminal International (ICC), results the agreement that has been created by the community international in Rome in 1999 .[6]

According to Peter Troboff crime genocide Alone is Crime to people man refers to the action murder mass with torture to body from the people, as a crime attack towards others. [7]In addition some scholars Connection international in Indonesia wide describe that " crime to people human being " as a very heinous act , on a very large scale , which was implemented For reduce race man

in a way overall .[7]

In Indonesia History is related crime category Genocide Already in progress before independence until after independence . Some example case crime category genocide before independence Among them , the Geger Pecinan incident which occurred in 1740, the incident construction of the Post Road in 1808-1811. [8]In category crime genocide after independence a number of Among them , the Mandor Incident in 1943-1945 , the Westerling Massacre , [9]Apart from the incident The Dutch Westerlings also did massacre Rawagede which occurred in the village Rawagede West Java Province 1947 , murder Mass in Central Kalimantan follows unrest between ethnicity 1965-1966 , then case East Timor 1975-1999 . From several example case crime category The genocide that ever happened happen in indonesia , it is necessary existence specific and applicable rules accommodate the sense of justice of the community after crime cruel the so that This can uphold human rights man especially involving dignity and honor individual somebody .

In general specific regulation related crime genocide in Indonesia has just been regulated 2000 in Article 7 (a) and article 8 of the Law Republic of Indonesia Number 26 of 2000 Concerning Human Rights Court Humans . Article 7 states , " Crimes genocide " is violation right basic heavy human . And inside Article 8 states , " Crimes genocide as meant in Article 7 is " every the act of committing with Meaning For destroy or to destroy all over or part group nation , race , group ethnic , religious groups , with method : a. kill member group , b. resulting in suffering physique or heavy mental to members group , c. create condition life the group that will result in destruction in a way physique Good all over or some of them, d . forcing purposeful actions prevent birth inside group , and e. move in a way force children from group certain to other groups " . [10]Article 8 of the Law Number 26 of 2000 above No arrange in a way firm When done crime genocide in time peace or at the time war , but only give threat punishment to perpetrator .

In the Criminal Code (KUHP) crimes genesis own differences , in the old Criminal Code the crime genocide No own chapter specifically that explicit arrange act criminal genocide . Actions that are included category genocide in the old Criminal Code often categorized as act criminal general like murder planning , persecution heavy , or crime to humanity . so that Absence arrangement special This is in the old Criminal Code which makes enforcement law to case genocide become difficult .[11] Perpetrator often only ensnared with articles general threat the punishment more light compared to If There is chapter special For genocide . So that This will make crime genocide potential will done a group of people and resulted in loss of life throughout corners of Indonesia in the future . As is known in Islam teach For No seize life someone , in the Al-Quran Surah Al-Isra verse 33. Translation : " Do not You killing someone who is forbidden by Allah (killing him) , except with a (reason) that is right . Who was killed in a way persecuted , indeed We have give power to his guardian . However , do n't he (his guardian) that) goes beyond the limits in murder (kisas) . Truly he is a person who gets help . " Different matter his with the new Criminal Code , crimes genocide is orchestrated in a way specific in article 598, Law No. 1 of 2023 but Still has pros and cons like definition that is not consistent , potential impunity and fear to principle restroactive .

Based on The description above can be concluded that , in Indonesia the regulations related crime genocide Not yet fully walk well , many problems in the future if regulation This not discussed and studied more continue , start from context explanation the definition until the fall criminal for perpetrator . The victim will Keep going No get a sense of justice or not comfortable if rule This only just rule written . as a nation that has the philosophy of Pancasila and the 1945 Constitution in black above white is very respectful tall dignity and honor Humans , This is what makes writer interested For research and discuss related analysis law criminal to genocide as human rights violations in Indonesia.

Based on description background behind the problem that has been writer described above , then can be identified problems that can be writer formulate that is :

How analysis Arrangement law related genocide as violation right basic humans in Indonesia?

How Analysis Arrangement law criminal related genocide as violation right basic human in indonesia in Law No. 1 of 2023 concerning the Criminal Code ?

METHOD

Types of research This is study law normative (normative law research) or study law doctrinal , based on research This aiming For understand and analyze Arrangement law related genocide as violation right basic humans in Indonesia Both in Article 7 a and Article 8 of Law No. 26 of 2000 concerning Court right basic human beings , the old Criminal Code concerning Genocide and Article 598 in Law No. 1 of 2023 concerning the related Criminal Code rule genocide . Research This use study law normative with analyze Legislation and Article in categorize as violation crime genocide .

Source material the law used in study This is material law , namely studies document or literature with method collect and check or to browse documents and literature that can give information or information needed by researchers . Source material law in study This shared become Primary Legal Material, consisting of among others, the 1945 Constitution of the Republic of Indonesia , the Criminal Code , Law No. 39 of 1999 concerning right basic human , law Number 26 of 2000 concerning Human Rights Court Human , Law Number 11 of 2005 concerning Validation Covenant International on Economic, Social and Cultural Rights , Law Number 12 of 2005 concerning Validation Covenant International concerning Civil and Political Rights and Law No. 1 of 2023 concerning the Law Book law criminal . And materials law secondary explanation material primary law .

In the research This do technique data collection in crime genocide with technique Study Bibliography . Data collection . Bibliography was obtained from various documents and literature Good it's the internet, books , works scientific journal and regulations Legislation results study as well as other related materials with things that are researched . Data obtained in study This analyzed with use method qualitative , namely method data analysis with method Data reduction , Data collected from various source about genocide simplified and focused on relevant aspects with research , then the data is classified based on categories certain , such as types of legal norms , themes , and issues discussed . Then the data is analyzed and interpreted . For find meaning and context from the legal norms contained in material primary and secondary law .

DISCUSSION

Analysis Relevant Legal Arrangements Genocide As Human Rights Violation Humans In Indonesia

Explanation of Article 7 a and Article 8 of the Law Number 26 of 2000 concerning Human Rights Court Man

In Article 7 (a) of the Law Number 26 of 2000 concerning Human Rights Court Man contains as following :

Article 7

Violation right basic heavy man includes :

- a. crime genocide ;
- b. crime to humanity .

Explanation of Article 7 a of the Law Number 26 of 2000 concerning Human Rights Court Man give jurisdiction For examine and judge violation right basic heavy man that is crime genocide . In the law said , crime genocide classified as Human Rights Violation Man gross violations of human rights which refer to standards international which has set in various instrument law international , such as Convention The 1948 Genocide and the Rome Statute of the Court Criminal International . In addition , crime This in a way firm called as extraordinary crimes (crimes) outside normal) which has an impact wide , good in a way national and also international , and not including in act regulated criminal law in the Criminal Code.

Meanwhile, in Article 8 of the Law Number 26 of 2000 concerning Human Rights Court Man containing as following :

Article 8

Crime genocide as meant in Article 7 letter a is every the act of committing with Meaning For destroy or to destroy all over or Part of the group nation , race , group ethnic , religious groups , with method :

kill member group ;

result in suffering physique or heavy mental to members group ;

create condition life the group that will result in destruction in a way physique Good all over or some of it ;

to force purposeful actions prevent birth inside group or

move in a way force children from group certain to other groups .

Explanation in Article 8 is description from Article 7 a, Where in the description arrange element related :

Element Objective (Actus Reus)

Element objective , or actus reus, refers to action physical activity performed by individuals or groups that can categorized as genocide . In the context of Constitution Number 26 of 2000 concerning Human Rights Court Humans in Indonesia Article 8 in particular clear identify various actions included in category genocide .[12]

Element subjective

Element subjective in Article 8 of Law no. 26 of 2000 refers to Dolus Specialis (Intention Special). Dolus Specialis refers to the necessary mental elements For prove that a action is crime genocide . [1] In the context of law , specialization indicates that perpetrator No only do action physical (actus reus) but must also own clear intention For destroy or to destroy group certain . Actions taken in Dolus specialis No nature random or incidental , but planned with objective specific . [2] Target in Dolus specialis description leading to group certain like group , identity ethnicity , race , religion, or nationality . This distinguishes genocide from other crimes that are not have specific targets . On the other hand proof of special dolus often involves collection evidence that shows that perpetrator own plan or motive for do action This . Based on the evidence in the form of document , statement witness , or pattern behavior that shows intention wicked has defined in chapter previously .[13]

From the Explanation both Articles above can be concluded that , these two Articles both Article 7 a and Article 8 of the Law Number 26 of 2000 establishes runway law For handle violation right basic man heavy in Indonesia, especially in context crime genocide . With emphasis on clear

definitions , as Article 7 a provides jurisdiction that violation right basic heavy man covers crime genocide and crimes to humanity , and Article 8 in particular specific define some action or Category in determine crime genocide .

Advantages and Disadvantages of Article 7a and Article 8 of the Law Number 26 of 2000 concerning Human Rights Court Man

Article 7 a and Article 8 as rule Laws in Indonesia that discuss about crime genocide own advantages and disadvantages in its implementation including :

Table 1. Contents of Article 7a

NO	Aspect	Excess	Weakness
1.	Definition and Scope	Definitions in this Article About violation right basic man weight , including crime genocide .	In his explanation Definitions in this Article too narrow and not covers all form possible violations will happen .
2.	Harmony with International Law	Aligning with principles law international , improve credibility Indonesian law in the eyes of the world.	There is n't any yet ratification to the Rome Statute , so that There is uncertainty about jurisdiction international .
3.	Focus on Serious Crimes	Focus attention to the most serious crimes , allowing more handling effective .	Handling another case that is also important Possible neglected consequence too much focus narrow .

Table 2. Contents of Article 8

NO	Aspect	Excess	Weakness
1.	Definition	Give comprehensive definition about actions included in genocide , so that genocide enter in crime outside extraordinary crime that is not knowing the limits of jurisdiction time and place . This is give attention special in enforcement law national ,	
2.	Proof	Definition and elements genocide in Article 8 of the Law Number 26 of 2000 concerning Human Rights Court set up For in harmony with provision law Indonesian national , such as procedures justice and tools evidence that is arranged in the Criminal Procedure Code (KUHP). Such as information witnesses , documents , goods evidence , and clues .	
3.	Harmony with International Law	Aligning with principles law international , improve credibility Indonesian law in the eyes of the world.	There is n't any yet ratification to the Rome Statute , so that There is uncertainty about jurisdiction international .
4.	The basis for Prosecution	Provide base strong law For prosecution perpetrator crime genocide in the human rights	Challenge in implementation and enforcement law can hindering an effective and fair

NO	Aspect	Excess	Weakness
		court .	judicial process .
5.	Execution time crime genocide	In Article 8 of the Crimes genocide No know statute of limitations, so that Perpetrator can on trial When just , even though after for years since crime done . This is give chance For look for justice for the victims, even though crime happened in the past .	Article 8 does not regulate in a way firm When started done crime genocide , well in time peace and also moment war , and also not determine When a genocide can considered has end .
6.	Threat punishment	Article 8 in particular consistent give prevention and punishment early .	Article 8 does not in a way clear set threat specific criminal offenses For every actions included in category genocide . This is can cause uncertainty law for perpetrators and victims, as well as make it difficult enforcer law in determine appropriate punishment .
7.	Victim Protection	In Article 8 the protected groups encompassing , nation , ethnicity , race , and religion. Groups This involuntary (not Can changed)	Article 8 in description protection Does not protect all aspect group (for example , group politics and groups social .

Analysis Criminal Law Regulations Related Genocide As Human Rights Violations Humans in Indonesia in Law No. 1 of 2023 concerning the Criminal Code

Description Arrangement law criminal related genocide in Law No. 1 of 2023 concerning the Criminal Code

Article 598 in the new Criminal Code (KUHP) regulates in Law no. 1 of 2023 is provisions that regulate about crime genocide . Existence chapter this is very important in context protection right basic humans in Indonesia especially to all over or part group nation , race , ethnicity , or religion, considering genocide is one of the violation right basic the most serious human being and has been become attention international . [3] The formulation of Article 598 states as following :

Article 598

" Convicted Because genocide , anyone who Meaning destroy or to destroy all over or part group nation , race , ethnicity , or religion, with method :

kill member group ;

result in suffering physique or heavy mental to member group ;

create condition life the group that is taken into account will result in destruction in a way physical , good all over and also part ;

to force purposeful action prevent birth in group ;

move in a way force child from group to group others , with criminal dead , criminal prison lifelong



live , or criminal imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years . "

Explanation meaning of this Article covers more carry on :

Intention (Mens Rea)

This article emphasize that action in category genocide must done with " intention" with Meaning For destroy or destroy " the group certain . Determination Intention This is element important in determine whether a action can categorized as genocide . Without existence the intention of the perpetrator , will difficult to determine determination criminalization category genocide .

Action (Actus Reus)

The actions mentioned in chapter This covers various form behavior that can considered as category genocide like :

Murder Member Group : This action is the most direct and most obvious. from crime genocide .

Suffering Physique or Mental: Action This shows that No only murder that is considered as genocide , but also actions that cause suffering heavy .

Condition Life : The Act of Creation condition a life that leads to annihilation physique reflect aspect systematic from genocide .

Prevent Birth : This action show dimensions genocide related with reproduction and sustainability life group .

Transfer of Children Force : This action is form frequent genocide happen in conflict armed and is violation heavy to right child .

Sanctions Criminal

Article 598 stipulates that sanctions sufficient punishment heavy for perpetrator crime genocide , including :

Criminal dead

Criminal dead reflect seriousness and impact from action genocide , which is considered as violation right basic the heaviest human being . Use criminal dead as sanctions For genocide show the state's commitment to give effect deterrent and enforce justice for the victims.

Criminal prison lifelong life

Criminal prison lifelong life in crime genocide as alternative from criminal dead , perpetrator genocide can also sentenced punishment prison lifelong live . Sanctions This give chance for perpetrator For to ponder action they , even though they No will Once return to public .

Criminal prison

This article also regulates that perpetrator genocide can charged criminal minimum 5 years and maximum 20 years in prison . Sanctions This applicable For cases certain that may be No fulfil criteria For sentenced criminal dead or prison lifelong life but still considered Serious .

From the explanation above that in Article 598 of the new Criminal Code give explanation about

framework law For handle crime genocide in Indonesia. With existence clear definition about actions included in category genocide and sanctions strict criminal sanctions are expected enforcement law to violation right basic man can done with more effective . However , the challenges in implementation still need overcome so that the goal protection right basic man can achieved in a way comprehensive .

Advantages and disadvantages Arrangement law criminal related genocide in Law No. 1 of 2023 concerning the Criminal Code

Table 3. Advantages and disadvantages Arrangement law criminal genocide Law No. 1 of 2023 concerning the Criminal Code

No	Aspect	Excess	Lack
1.	Definition	Article 598 of the new Criminal Code give clear definition about actions included in category genocide , such as murder member group , persecution weight , and creation condition detrimental life . This is help in identify and demand perpetrator genocide in a way more effective	
2.	Sanctions	New Criminal Code set sanctions sufficient punishment heavy for perpetrator crime genocide , including criminal dead , criminal prison lifelong life , and criminal imprisonment of at least 5 years and at most 20 years . This reflects the seriousness of the state in handle violation right basic man heavy	Sanctions criminal For crime genocide more light compared to with provision previously in Law no. 26 of 2000 concerning Human Rights Court . For example , the threat criminal maximum For genocide in the new criminal code is 20 years , while in Constitution Human Rights Court can reach 25 years . This is can cause perception that gross human rights violations viewed The same with crime normal .
3.	Harmony with rule	With enter arrangement genocide to In the new Criminal Code , the Indonesian government shows its commitment in rules in indonesia For align law national with standard international , such as Convention The 1948 Genocide and the Rome Statute , It provides legitimacy additions to the system Indonesian law in the eyes international .	With enter rule genocide to the new Criminal Code Arrangement crime genocide will more practical through Constitution special , not separate in the new Criminal Code . Based on such as : law the event different from criminal general Because type crime outside usually have a lot special properties .
4.	Meaning Regulation	Arrangement This can increase awareness public about importance protection right basic humans and prevention crime heavy . With existence clear definition , society expected more understand danger genocide and play a role active in prevention	Enter arrangement genocide to in the new Criminal Code can considered reduce characteristic outside normal from crime this , because handling No Again done through mechanism special like Constitution Human Rights Court . This can to blur difference between crime weight and action criminal general .

No	Aspect	Excess	Lack
5.	Challenge	Enter crime genocide to in the new Criminal Code expected can strengthen system justice criminal with give framework clear law For handle cases violation right basic man heavy .	Although There is framework clear law , challenges in implementation still there is . Proof intention evil (dolus specialis) often becomes obstacle main in the judicial process , especially when involving structure power or command .[14]

Comparison of the OLD Criminal Code with Law No. 1 of 2023 concerning the Criminal Code related crime genocide

Table 4. Comparison of the OLD Criminal Code with Law No. 1 of 2023 concerning the Criminal Code relating to crime genocide

No	Aspect	Old Criminal Code	New Criminal Code (Law No. 1 of 2023)
1.	Arrangement	Arrangement in the Old Criminal Code (Wetboek van Strafrecht) the old Criminal Code (legacy Dutch colonial), no arrange in a way specific about crime genocide . actions that include in category genocide often categorized as act criminal general like murder planning , persecution heavy , or crime to humanity .	In Article 598 specifically explicit arrange about crime genocide with clear definition . This includes action like kill member group , causing suffering physique or mental, and create condition detrimental life .
2.	Definition	Do not have definition specific about genocide . Actions the No identified in a way clear in context law .	Provide comprehensive definition about genocide , including intention For destroy or to destroy group certain based on identity ethnicity , race , religion, or nationality .
3.	Sanctions	Punishment For actions that are considered as genocide No set up in a way clear and often more light compared to with crime outside normal others . Sanctions criminal depending on the articles general charges imposed .	Set sanctions more criminal firm For crime genocide , including criminal dead , criminal prison lifelong life , and criminal imprisonment of at least 5 years and at most 20 years . This reflects the seriousness of the state in handle violation right basic man heavy .
4.	Proof	Not yet set Proof intention evil (dolus specialis) which is very difficult done Because No There is provision special that regulates about intention For destroy group certain .	There are rules in determination intention evil (dolus specialis) in prosecution case genocide like destroy group certain .
5.	Victim Protection	n't any settings that are explicit give protection to victims of crime genocide .	Definition of what and how to do it sanctions criminal For perpetrator genocide , which is clear give protection for victims with confirm that action the is crime serious . In the mechanism new Criminal Code protection for victims

No	Aspect	Old Criminal Code	New Criminal Code (Law No. 1 of 2023)
			involved in the legal process . For example , the victim can give testimony and participation in the judicial process , as well as own right For get information about development case they .

CONCLUSION

Genocide As Extraordinary Crime Genocide is one of form recognized gross human rights violations in a way international as crime outside ordinary (extraordinary crime). Act criminal This involving attack systematic and extensive which aims For destroy group certain based on identity race , ethnicity , religion, or nationality . Legal Regulation in Indonesia In Indonesia, legal regulation related genocide previously set up in Law no. 26 of 2000 concerning The Human Rights Court , which determined genocide as one of the act criminal international . However , with the ratification of the new Criminal Code (Law No. 1 of 2023), genocide in a way official integrated to in law criminal national . This is show the seriousness of the state in handle and prevent act criminal and protect right basic human . With enter crime This In the Criminal Code, Indonesia strengthens framework law that does not only enforcement oriented law , but also on effort prevention gross human rights violations .

Strengthening mechanism Socialization and Improvement of Legal Education by the Government need intensify socialization and education law about genocide , in particular to apparatus enforcer law , academics , and society wide . This is aiming For increase understanding about definition , elements , and impacts crime genocide . Increase Capacity Law Enforcement Training special must given to apparatus enforcer law , such as police , prosecutors and judges, so that they own adequate competence in handle case genocide . And increasing international cooperation , Indonesia needs to strengthen Work The same with institution international , such as Court Criminal International (ICC), for ensure that action genocide involving perpetrator cross country can handled with appropriate .

References

1. H. Sutami, 'Tim Redaksi Kamus Besar Bahasa Indonesia Pusat Bahasa, Kamus Besar Bahasa Indonesia Pusat Bahasa; Edisi Keempat', in Wacana, Journal of the Humanities of Indonesia, vol. 11, Jakarta: Gramedia Pustaka Utama, 2008, p. 474. doi: 10.17510/wjhi.v11i2.165.
2. R. M, Hak Asasi Manusia dan Demokrasi. Jakarta: PT Gramedia Pustaka Utama, 2002. Accessed: Apr. 15, 2025. [Online]. Available: [https://www.google.com/search?client=safari&rls=en&q=Radjab%2C+M.++\(2002\).+Hak+Asasi+Manusia+dan+Demokrasi.+Jakarta%3A+PT+Gramedia+Pustaka+Utama.&ie=UTF-8&oe=UTF-8](https://www.google.com/search?client=safari&rls=en&q=Radjab%2C+M.++(2002).+Hak+Asasi+Manusia+dan+Demokrasi.+Jakarta%3A+PT+Gramedia+Pustaka+Utama.&ie=UTF-8&oe=UTF-8)
3. A. Y. Yunara, 'Efektivitas Undang-Undang Nomor 26 Tahun 2000 Tentang Pengadilan Hak Asasi Manusia Dalam Penuntasan Pelanggaran Hak Asasi Manusia (HAM) di Indonesia (Studi Pengadilan HAM Makassar)', Jurnal Al-Dustur, vol. 2, no. 2, pp. 1-21, 2019.
4. T. A. Putri, 'Bentuk Pelanggaran HAM Ringan di Indonesia, Adakah?', Hukumonline. Accessed: Nov. 28, 2024. [Online]. Available: <https://www.hukumonline.com/klinik/a/pelanggaran-ham-ringan-lt622895820ea3c/>
5. I. M. P. Diantha, Hukum pidana internasional : Dalam dinamika pengadilan pidana internasional. Jakarta: Prenadamedia Group, 2014. Accessed: Apr. 15, 2025. [Online].

Available: <https://inlislite.uin-suska.ac.id/opac/detail-opac?id=26452>

6. M. H. Arsanjani, 'The Rome Statute of the International Criminal Court', *American Journal of International Law*. Accessed: Dec. 03, 2024. [Online]. Available: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>,
7. P. D. Trooboff, 'Law and Responsibility in Warfare; The Vietnam Experience', 1975.
8. L. H. Subroto and W. L. Ningsih, '5 Kejahatan Genosida yang Pernah Terjadi di Indonesia Halaman 2 diakses pada 3 desember 2024 - Kompas.com', *Kompas.com*. Accessed: Dec. 03, 2024. [Online]. Available: <https://www.kompas.com/stori/read/2021/12/15/080000279/5-kejahatan-genosida-yang-pernah-terjadi-di-indonesia?page=2%20diakses%20pada%203%20desember%202024>
9. Sejarah dan Sosial, 'Mengetahui Contoh Kejahatan Genosida di Indonesia dan Dunia', *kumparan.com*. Accessed: Jan. 04, 2025. [Online]. Available: <https://kumparan.com/sejarah-dan-sosial/mengetahui-contoh-kejahatan-genosida-di-indonesia-dan-dunia-21V5u2slW58>
10. H. Zainuddin, 'GENOSIDA DAN RAMIFIKASINYA DI INDONESIA', *GEMA: Media Informasi dan Kebijakan Kampus*. Accessed: Apr. 15, 2025. [Online]. Available: <https://uin-malang.ac.id/r/131101/genosida-dan-ramifikasinya-di-indonesia.html>
11. J. Alfaramona and S. Titahelu, 'Upaya Hukum Dalam Penyelesaian Konflik Kejahatan Genosida Antara Warga Dusun Ori dengan Warga Negeri Kariu', *Jurnal Pembangunan Hukum Indonesia*, vol. 5, no. 2, pp. 307-324, 2023.
12. H. Hassanah, 'KEJAHATAN GENOSIDA DALAM KETENTUAN HUKUM NASIONAL SEBAGAI KEJAHATAN TRADISIONAL', *MALE Law Journal*, vol. 1, no. 2, pp. 217-235, Oct. 2017, doi: <https://doi.org/10.56338/mlj.v1i2.75>.
13. G. E. Yudhoyono and J. Setiyono, 'Genosida Sebagai Pelanggaran Hak Asasi Manusia (HAM) Yang Berat', *Jurnal Interpretasi Hukum*, vol. 5, no. 2, pp. 1034-1042, 2024.
14. K. HAM, 'Pendangan Komnas HAM terkait Pengaturan Kejahatan Genosida, Kejahatan Terhadap Kemanusiaan, Kejahatan Perang dan Kejahatan Agresi dalam Hukum Indonesia', *Keterangan Pers*. Accessed: Apr. 15, 2025. [Online]. Available: <https://www.google.com/search?client=safari&rls=en&q=Komnas+HAM%2C+%E2%80%98Pendangan+Komnas+HAM+terkait+Pengaturan+Kejahatan+Genosida%2C+Kejahatan+Terhadap+Kemanusiaan%2C+Kejahatan+Perang+dan+Kejahatan+Agresi+dalam+Hukum+Indonesia%E2%80%99%2C+Keterangan+Pers%2C+14+Juni+2017.&ie=UTF-8&oe=UTF-8>