

Hybrid tribunal sebagai salah satu alternatif penyelesaian sengketa internasional (studi kasus Kamboja dan Sierra Leone) = Hybrid tribunal as one of the alternative international dispute settlement (study case Cambodia and Sierra Leone)

Triadi Adhikusuma, author

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Abstrak

[Tesis ini membahas tentang unsur-unsur penting yang terdapat dalam Extraordinary Chambers in the Courts of Cambodia (ECCC) dan Special Court for Sierra Leone (SCSL) serta tanggung jawab pidana individu yang dapat diterapkan dalam hybrid tribunals. Penelitian ini menggunakan metode deskriptif analitis. Penulis menganalisa perbandingan antara ECCC dan SCSL sebagai hybrid tribunal dan dari hasil analisa tersebut ditemukan beberapa persamaan dan perbedaan dari kedua hybrid tribunal tersebut. Adapun persamaan diantara keduanya meliputi unsur-unsur yang digunakan dalam peradilan, antara lain instrumen hukum yang digunakan, komposisi hakim, jaksa dan pengacara. Selain itu juga, latar belakang berdirinya kedua hybrid tribunal tersebut memiliki kesamaan. Latar belakang tersebut antara lain tidak memadainya sumber daya di tingkat nasional, adanya hambatan dari sistem hukum domestik, tidak memadainya sistem hukum domestik dan ingin memberikan kontribusi terhadap hak, keadilan dan pengadilan yang efektif.

.....This thesis discusses the important elements contained in the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the Special Court for Sierra Leone (SCSL) and also the criminal responsibility of individuals that can be applied in hybrid tribunals. This research uses descriptive analytical method. The author analyzes the comparison between the ECCC and SCSL as a hybrid tribunal and as the results of the analysis, the author found some similarities and differences of the two hybrid tribunal. The similarities between the two covering elements used in court, among other legal instruments are used, the composition of judges, prosecutors and lawyers. Also, the background of the establishment of the two hybrid tribunals have in common. These background include inadequate resources at the national level, the barriers of the domestic legal system, inadequate domestic legal system and the tribunal wishes to contribute to the rights, justice and effective court., This thesis discusses the important elements contained in the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the Special Court for Sierra Leone (SCSL) and also the criminal responsibility of individuals that can be applied in hybrid tribunals. This research uses descriptive analytical method. The author analyzes the comparison between the ECCC and SCSL as a hybrid tribunal and as the results of the analysis, the author found some similarities and differences of the two hybrid tribunal. The similarities between the two covering elements used in court, among other legal instruments are used, the composition of judges, prosecutors and lawyers. Also, the background of the establishment of the two hybrid tribunals have in common. These background include inadequate resources at the national level, the barriers of the domestic legal system, inadequate domestic legal system and the tribunal wishes to contribute to the rights, justice and effective court]