

Menguak penghilangan paksa: suatu tinjauan dari segi politik dan hukum internasional

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Abstrak

Enforced disappearance or involuntary disappearance is a method used by the authority of state to vanish the unwanted actors in society by doing some act like arresting without justifiable warrant or even kidnapping. The main factor of this act is the implementation of national security doctrine based on political consideration. This illegal act is not just against human rights, furthermore it makes the existence human being as a person vanish, as a result, law does not be able to provide protection guarantee. This existing illegal acts done by some government toward their inferiors are the reason why international law provides protection to society by declaring the enforced disappearance as a serious crime against fundamental rights in some international instrument such as Declaration on the Protection of All Persons from Enforced Disappearance and Inter-American Convention on Forced Disappearance. Since 1999, United Nations Commission in Human Rights has produced Draft International Convention on the Protection of All Persons from Forced Disappearance. This article addresses those issue with the picture of cases happened in Indonesia.