

DAFTAR PUSTAKA

BUKU

- Abdussalam, 2006, *Hukum Pidana Internasional 1*, Restu Agung, Jakarta.
- Ali, Zainuddin, 2010, *Metode Penelitian Hukum*, cet. Ke-2, Sinar Grafika, Jakarta.
- Ardhiwisastro, 2003, Yudha Bhakti, *Hukum Internasional: Bunga Rampai*, PT. Alumni, Bandung.
- Ashri, Muhammad, 2018, *Hak Asasi Manusia*, Social Politic Genius, Makassar.
- Atmasasmita, Romli, 2016, *Pengantar Hukum Pidana Internasional*, Refika Aditama, Bandung.
- Banakar, Reza, 2015, *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, Springer, New York.
- Bassiouni, M. Cherif, 2002, *Post Conflict Justice*, Transnational Publisher, New York.
- Cryper, Robert and Friends, 2010, *An Introduction To International Criminal Law And Procedure*, second edition, University Press, Cambridge.
- Cryer, Robert Hakan Friman, Darryl Robinson and Elizabeth Wilmshurst, 2010, “*An Introduction to International Criminal Law and Procedure*”, Cambridge University Press, New York.
- Dellyana, Shant, 1988, *Konsep Penegakan Hukum*, Liberty, Yogyakarta.
- Diantha, I Made Pasek, 2014, *Hukum Pidana Internasional: Dalam Dinamika Pengadilan Pidana Internasional*, Prenadamedia Group, Jakarta.
- Efendi, Jonaedi dan Johny Ibrahim, 2020, *Metode Penelitian Hukum Normatif dan Empiris*, Kencana, Jakarta.
- ELSAM, 2000, *Statuta Roma: Mahkamah Pidana Internasional*, ELSAM, Jakarta.
- Hass, Michael, 2004, *International Human Rights: A Comprehensive Introduction*, Rudledge, London.
- Hiariej, Eddy O.S., 2009, *Pengantar Hukum Pidana Internasional*, Penerbit Erlangga, Jakarta.
- Ishaq, H., 2017, *Metode Penelitian Hukum: Penulisan Skripsi, Tesis Serta Disertasi*, Alfabeta, Bandung.

- Jurdi, Fajlurrahman, 2019, *Logika Hukum*, cet ke-2, Kencana, Jakarta.
- Jones, Adam, 2006, *Genocide: A Comprehensive Introduction*, 2nd ed, Routledge, New York.
- Kelsen, Hans, 2006, *Essays in Legal and Moral Philosophy* (Hukum dan Logika), Cet. Ke-3 diterjemahkan oleh B. Arief Sidharta, PT. Alumni, Bandung.
- Lubis, Todung Mulya, 1993, *In Search of Human Rights: Legal-Politival Dillemas of Indonesia's Order, 1966 – 1990*, Gramedia Pustaka Utama, Jakarta.
- Macedo, Stephen, 2004, *Universal Jurisdiction: National Courts and the Prosecution of Serious Crimes undr International Law*, University of Pennsylvania Press, Philadelphia.
- Mauna, Boer, 2005, *Hukum Internasiona: Pengertian, Peranan dan Fungsi Dalam Era Dinamika Global*, edisi ke-2, Alumni, Bandung.
- Muladi, 2011, *Statuta Roma Tahun 1998 Tentang Mahkamah Pidana Internasional; Dalam Kerangka Hukum Pidana Internasional dan Implikasinya Terhadap Hukum Pidana Nasional*, PT. Alumni, Bandung.
- Sefriani, 2018, *Hukum Internasional: Suatu Pengantar*, cet ke-9, PT Raja Grafindo Persada, Depok.
- Siswanto, Arie, 2015, *Hukum Pidana Internasional*, Andi Offset, Yogyakarta.
- Suarda, I Gede Widhiana, 2012, *Hukum Pidana Internasional: Sebuah Pengantar*, PT Citra Aditya Bakti, Bandung.
- Sujatmoko, Andrey, 2015, *Hukum HAM dan Hukum Humaniter*, Rajawani Pers, Jakarta.
- Sumaryono, E., 2002, *Etika dan Hukum: Relevansi Teori Hukum Kodrat Thomas Aquinas*, Kanisius, Yogyakarta.
- Soekanto, Soerjono dan Sri Mamudji, 1985, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Rajawali Press, Jakarta.
- Soemitro, Ronny Hanitijo, 1985, *Metodologi Penelitian Hukum*, Ghalia Indonesia, Jakarta Timur.
- Sotjipto, Ani W., 2015, *HAM Dan Politik Internasional: Sebuah Pengantar*, Yayasan Pustaka Obor Indonesia, Jakarta.
- Sunggono, Bambang, 2010, *Metodologi Penelitian Hukum*, Rajawali Press, Jakarta.
- Shaw, Malcolm N., 2017, *International Law*, 8th Edition, University Press, Cambridge.

- Smith, Rhona K. *et al.*, 2018, *Hukum Hak Asasi Manusia*, PUSHAM-UII, Yogyakarta.
- Starke, J.G, 1988, *Pengantar Hukum Internasional Edisi Kesepuluh*, Sinar Grafika, Jakarta.
- Starke, J.G, 1977, *Introduction to International Law*, Butterworths, London.
- Sturma, Pavel, 2019, *The Rome Statute of the ICC at Its Twentieth Anniversary: Achievements and Perspectives*, Brill Nijhoff, Leiden.
- Syamsudin, M., 2007, *Operasionalisasi Penelitian Hukum*, PT Raja Grafindo Persada, Jakarta.
- Permanasari, Arlina, *et al.*, 1993, *Pengantar Hukum Humaniter*, ICRC, Jakarta.
- Politi, Mauro and Giuseppe Nesi, 2016, *The Rome Statute of The International Criminal Court: A Challenge to Impunity*, Routledge, London And New York.
- Rahayu, 2015, *Hukum Hak Asasi Manusia*, Badan Penerbit Universitas Diponegoro, Semarang.
- Tomuschat, Christian and Jean-Marc Thouvenin, 2006, *The Fundamental Rules of The International Legal*, Martinus Nijhoff Publishers, Leiden.
- Thontowi, Jawahir dan Pranoto Iskandar, 2006, *Hukum Internasional Kontemporer*, PT Refika Aditama, Bandung.
- Vos, Jan Anne, 2013, *The Function of Public International Law*, Asser Press, The Netherlands.
- Wahjoe, Oentoeng, 2011, *Hukum Pidana Internasional: Perkembangan Tindak Pidana Internasional & Proses penegakannya*, Erlangga, Jakarta.
- Whisnu Suteni, F. A., 1989, *Identifikasi dan Reformulasi Sumber-Sumber Hukum Internasional*, CV. Mandar Maju, Bandung.

JURNAL

- Adirini Pujayanti, “Indonesia Dan Tragedi Kemanusiaan Rohingnya”, *Majalah Info Singkat Hubungan Internasional: Kajian Terhadap Isu Aktual dan Strategis*”, Vol. IX, September 2017.
- Asril Gunawan, “Tinjauan Hukum Internasional Terhadap Pelanggaran Hak Asasi Manusia Dalam Kejahatan Genosida Suku Rohingnya di Myanmar”,

Skripsi, Departemen Hukum Internasional Fakultas Hukum Universitas Sumatera Utara, 2015.

Arianta, Mangku D. G.S, “Perlindungan Hukum Bagi Kaum Etnis Rohingnya Dalam Perspektif Hak Asasi Manusia Internasional”, *Jurnal Komunitas Yustisia*, vol. 3, No. 2, 2020.

Danel Aditia Situngkir, “Eksistensi Kedaulatan Negara Dalam Penerapan Yurisdiksi Mahkamah Pidana Internasional”, *Jurnal Lex Librum*, Vol. IV, No. 2, Juni 2018.

Dedy Nursamsi, “Instrumen dan Institusi Internasional Dalam Penegakan HAM”, *SALAM: Jurnal Sosial dan Budaya Syar-I*, Vol. 2, No. 2, 2015.

Dewa Gede Sudika Mangku, “Pemenuhan Hak Asasi Manusia Kepada Etnis Rohingnya di Myanmar”, *Jurnal Perspektif Hukum*, Vol. 21, No. 1, Mei 2021.

Diajeng Wulan Christianti, “Why We Need *Erga Omnes* Character for Obligations to Combat Impunity for International Crimes”, *Padjajaran Jurnal Ilmu Hukum*, Vol. 4, No. 2, 2017.

Diajeng Wulan Christianti, “The “Modern” Concept of *Erga Omnes* to Establish the Obligation of Impunity Eradication: Towards the Primacy Jurisdiction of the International Criminal Court”, *Padjajaran Jurnal Ilmu Hukum*, Vol. 5, No. 2, 2017.

Hendro Valence Luhulima, “Identifikasi Dan Validitas Norma-Norma Jus Cogens Dalam Hukum Internasional”, *Jurnal Hukum Justitia Et Pax*, Vol. 34, No. 1, Juni 2018.

Indah Sari, “Kejahatan-Kejahatan Internasional (Tindak Pidana Internasional) Dan Peranan International Criminal Court (ICC) Dalam Penegakan Hukum Pidana Internasional”, *Jurnal Ilmiah Hukum Dirgantara*, Vol. 6, No. 1, September 2015.

Jawahir Thontowi, “Perlakuan Pemerintah Myanmar terhadap Minoritas Muslim Rohingnya Perspektif Sejarah dan Hukum Internasional”, *Jurnal Pandecta*, Vol. 8, No. 1, Januari 2013.

Ketut Alit Putra, Ni Putu Rai Yuliartini, dan Dewa Gede Sudika Mangku, “Analisis Tindak Kejahatan Genosida Oleh Myanmar Kepada Etnis Rohoingnya Ditinjau dari Perspektif Hukum Pidana Internasional”, *Komunitas Yustisia Universitas Pendidikan Ganesha*, Vol. 1, Maret 2018.

Komang Ayu Dita Febriyani, “Pelanggaran HAM Dalam Tindak Kejahatan Genosida Etnis Rohingnya di Myanmar Dari Perspektif Hukum Pidana

Internasional”, *e-Journal Komunitas Yustisia Universitas Pendidikan Ganesha*, Vol. 4, No. 3, November 2021.

Luc Walley, “Universal Jurisdiction: Lessons from the Belgian Experience¹”, *Yearbook of International Humanitarian Law*, Vol. 5, Desember 2002.

Mahnoor Khan, “The Broken Promise of “Never Again”: Myanmar’s Genocide Analyzed Under the U.N. Genocide Convention and the International Criminal Tribunal for Rwanda’s Interpretation of the Convention”, *Cornell International Law Journal*, Vol. 53, Issue. 4, Winter 2020.

Matteo Del Chica, “Universal Jurisdiction as Obligation to Prosecute or Extradite”, *WMU Journal of Maritime Affairs*, Vol. 11, March 2012.

M. Angela Merici Siba dan Anggi Nurul Qomari’ah, “Pelanggaran Hak Asasi Manusia Dalam Konflik Rohingnya”, *Islamic World and Politics*, Vol. 2, No.2, July – December, 2018.

M. Cherif Bassiouni, “International Crimes: *Jus Cogens And Obligatio Erga Omnes*”, *Law and Contemporary Problems*, Vol. 59, No. 4, Autumn 1997.

M. Cherif Bassiouni, “Universal Jurisdiction for International Crimes: Historical Perspective and Contemporary Practice”, *Virginia Journal of International Law*, Vol. 42, Issue 1, Fall 2001.

Michael Scharf, “The Letter of the Law: The Scope of The International Legal Obligation to Prosecute Human Rights Crime”, *Law And Contemporary Problems*, Vol. 59, No. 4, Autumn 1996.

Michelle Knorr, “The International Crime of Genocide: Obligation *Jus Cogens* and *Erga Omnes*, and their Impact on Universal Jurisdiction”, *Essex Human Rights Rev*, 7, 2011.

Mochammad Tanzil Multazam, “Prinsip “*Jus Cogens*” Dalam Hukum Internasional”, *Jurnal Universitas Muhammadiyah Sidoarjo*, 2007.

Neriah Yue, “The “Weaponization” of Facebook in Myanmar: A Case for Corporate Criminal Liability”, *Hastings Law Journal*, Vol. 71, Issue. 3, April 2020.

Nalom Kurniawan, “Kasus Rohingnya dan Tanggung Jawab Negara dalam Penegakan Hak Asasi Manusia”, *Jurnal Konstitusi*, Vol. 14, No. 4, Desember 2017.

Ni Putu Rai Yulianti dan Dewa Gede Sudika Mangku, “Tindakan Genosida Terhadap Etnis Rohingnya Dalam Perspektif Hukum Pidana Internasional”, *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijaya Kusuma*, Vol. 21, No. 1, Maret 2019.

Program in Law and Public Affairs, *The Princeton Principles on Universal Jurisdiction*, United States of America: Princeton university, 2001.

Rahim Hesenov, “Universal Jurisdiction for International Crimes – A Case Study”, *European Journal on Criminal Policy and Research*, Vol. 19, No. 3.

Roozbeh B. Baker, “Universal Jurisdiction and the Case of Belgium: A Critical Assessment”, *ILSA Journal of Int’l & Comparative Law*, Vol. 16, No. 1, 2009.

Setiyani dan Joko Stiyono, “Penerapan Prinsip Pertanggungjawaban Negara Terhadap Kasus Pelanggaran HAM Etnis Rohingnya di Myanmar”, *Jurna Pembangunan Hukum Indonesia*, Vol. 2, No. 2, Tahun 2020.

Wahyuni, “Kejahatan Genosida Terhadap Etnis Rohingnya Dalam Perspektif Humaniter dan Pertanggungjawaban Berdasarkan Statuta Roma (ICC)”, *Jurnal JOM Fakultas Hukum*, Vol. III, No. 2, Oktober 2016.

Zinda Rahma Ilfana, “Ambiguitas Sikap Politik Aung San Suu Kyi Terhadap Masalah Segregasi Etnis Rohingnya”, Skripsi, Jurusan Ilmu Hubungan Internasional Fakultas Sosial Ilmu Politik Universitas Muhammadiyah Malang, 2017.

SUMBER HUKUM INTERNASIONAL

Convention Against Torture and Other-Cruel, Inhuman or Degrading Treatment or Punishment 1975

Convention on the Prevention and Punishment of the Crime of Genocide 1948

Convention on the Elimination of All Forms of Racial Discrimination 1965

Convention on the Elimination of All Forms of Discrimination against Women 1981

Convention on the Rights of the Child 1990

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1975

Draft Code of Offences against the Peace and Security of Mankind 1954

International Covenant on Civil and Political Rights 1966

International Covenant on Economic, Social and Cultural Rights 1966

International Convention on the Elimination of All Forms of Racial Discrimination

Rome Statute of the International Criminal Court 1998

The Convention Relating to the Status of Refugees 1951

The Charter of The United Nations 1945

Vienna Convention on the Law of Treaties 1969

INTERNET

BBC News Indonesia, 'Genosida' Muslim Rohingnya di Myanmar: Aung San Suu Kyi Meyangguh Tuduhan di Mahkamah Internasional, ['Genosida' Muslim Rohingnya di Myanmar: Aung San Suu Kyi menyangguh tuduhan di Mahkamah Internasional - BBC News Indonesia](#), diakses 13 Agustus 2022.

BBC News Indonesia, Myanmar: Mengapa Militer, Yang Berjuluk Tatmadaw, Begitu Brutal dengan Rakyat Sendiri Termasuk Muslim Rohingnya, [Myanmar: Mengapa militer, yang berjuluk Tatmadaw, begitu brutal dengan rakyat sendiri termasuk Muslim Rohingnya? - BBC News Indonesia](#), diakses 13 Agustus 2022.

International Criminal Court, "State Parties – Chronological list", [States Parties - Chronological list | International Criminal Court \(icc-cpi.int\)](#), diakses 14 Januari 2023.

International Criminal Court, "ICC Judges Authorise Opening of an Investigation into the Situation in Bangladesh/Myanmar", [ICC judges authorise opening of an investigation into the situation in Bangladesh/Myanmar | International Criminal Court \(icc-cpi.int\)](#), diakses 3 Februari 2023.

International Criminal Court, "ICC Prosecutor, Fatou Bensouda, request judicial authorization to commence an investigation into the situation in Bangladesh/Myanmar", [ICC Prosecutor, Fatou Bensouda, requests judicial authorisation to commence an investigation into the situation in Bangladesh/Myanmar | International Criminal Court \(icc-cpi.int\)](#), diakses 3 Februari 2023.

Internatinal Court of Justice (ICJ), *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*, [ICJ, Arrest Warrant of 11 April 2000](#)

[\(Democratic Republic of the Congo v. Belgium\).pdf](#), 14 February 2002, diakses 14 Maret 2023.

Firmansyah Teguh, 2021, “Korban Genosida Rohingnya Bersaksi Lawan Militer Myanmar”, News <https://www.republika.co.id/berita/qy2mwd377/korban-genosida-rohingya-bersaksi-lawan-militer-myanmar>, diakses 15 Mei 2022.

Heru Susetyo, “Yurisdiksi Universal dan Pengadilan Penjahat Kemanusiaan”, [Yurisdiksi Universal dan Pengadilan Penjahat Kemanusiaan \(hukumonline.com\)](http://hukumonline.com), diakses 30 Januari 2023.

Maung Zarni, Sejarah dan Asal Usul Genosida Myanmar atas Etnis Rohingnya, [Sejarah dan Asal-usul Genosida Myanmar atas Etnis Rohingnya | Republika Online](#), diakses 12 Agustus 2022.

Mohammad Amin Madani, Genosida Etnis Rohingnya, Tragedi Kemanusiaan di Tahun 2017, [Genosida Etnis Rohingnya, Tragedi Kemanusiaan di Tahun 2017 | Republika Online](#), diakses 13 Agustus 2022.

Novi Christiastuti, “PBB: Panglima Militer Myanmar Harus Diadili Atas Genosida Rohingnya”, Detiknews, [PBB: Panglima Militer Myanmar Harus Diadili Atas Genosida Rohingnya \(detik.com\)](#), diakses 20 Mei 2022.

Novi Puji Astuti, Penyebab Konflik Rohingnya di Myanmar, [Penyebab Konflik Rohingnya di Myanmar, Berikut Penjelasannya | merdeka.com](#), diakses 12 Agustus 2022.

Pandasurya Wijaya, 2022, “Mengenal Tatmadaw, Militer Myanmar Yang Terkenal Brutal dan Kejam”, merdeka.com <https://www.merdeka.com/dunia/mengenal-tatmadaw-militer-myanmar-yang-terkenal-brutal-dan-kejam.html>, diakses 15 Mei 2022.

Prosecutor v. Ntuyahaga, Case No. ICTR-98-40-T, Decision on Prosecutor’s Motion to Withdraw the Indictment, 18 March 1999, [Ntuyahaga - Decision on the Prosecutor's Motion to Withdraw the Indictment \(umn.edu\)](#), diakses 30 Januari 2023.

The UN Refugee Agency, “Rohingya Refugee Crisis Explained”, [Rohingya Refugee Crisis Explained \(unrefugees.org\)](http://unrefugees.org), diakses 11 Januari 2023.

UN News Global Perspective Human Stories, “ Halt ‘rushed plans’ to return Rohingya to Myanmar, pleades UN expert fearing repeated abuses”, [Halt ‘rushed plans’ to return Rohingyas to Myanmar, pleads UN expert fearing repeated abuses | UN News](#), diakses 12 Januari 2023.

United Nations Human Rights Office of The High Commissioner, “Myanmar Report Details Ongoing Human Rights Violation”, [Myanmar report details ongoing human rights violations | OHCHR](#), diakses 17 Januari 2023.

United Nations Human Rights Office of The High Commissioner, “Oral Update on the Human Rights Situation in Myanmar to the Human Rights Council”, [Oral update on the human rights situation in Myanmar to the Human Rights Council | OHCHR](#), diakses 17 Januari 2023.

United Nations Office for the Coordination of Humanitarian Affairs, “Rohingya Refugee Crisis”, [Rohingya Refugee Crisis | OCHA \(unocha.org\)](#), diakses 11 Januari 2023.

United Nation Human Rights Treaty Bodies, “UN Treaty Body Database”, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx, diakses 19 Januari 2023.

United Nations, “Desperate Rohingya Refugees Use Home-Made Rafts to get to Bangladesh”, [Desperate Rohingya refugees use home-made rafts to get to Bangladesh – UN | United Nations](#), diakses 11 Januari 2023.

Unicef Bangladesh: For Every Child, [Rohingya Refugee Crisis | UNICEF](#), diakses 2 Februari 2023.

Unicef For Every Child, [2023-HAC-Bangladesh.pdf](#), diakses 2 Februari 2023.

USA for UNHCR The UN Refugee Agency, “Rohingya Refugee Crisis”, [Rohingya Refugee Crisis: Supporting the Stateless Minority Fleeing Myanmar | USA for UNHCR \(unrefugees.org\)](#), diakses 11 Januari 2023.

USA for UNHCR The UN Refugee Agency, “Refugee Statistics: Rohingya Refugee Emergency”, [Refugee Statistics | USA for UNHCR \(unrefugees.org\)](#), diakses 11 Januari 2023.

Lain-lain

Burma Citizenship Law of 1982, [WORKING PEOPLE \(burmalibrary.org\)](#).

Convention on the Elimination of All Forms of Discrimination against Women, 2019, C/MMR/CO/EP/1, [N1907579.pdf](#).

Dissenting Opinion of Judge Van Den Wyngaert, [121-20020214-JUD-01-09-EN.pdf](#)

General Assembly, [A RES 58 318-EN.pdf](#).

Human Rights Council, A/HRC/40/37, “Situation of Human Rights of Rohingya in Rakhine State, Myanmar”, [G1906406.pdf](#).

Human Rights Council, 2020, A/HRC/43/18, [G2030489.pdf](#).

Marc Henzelin, “Universal Jurisdiction”, *European Criminal Bar Association Spring Conference 2009 Madrid*, 24 – 25 April, [Henzelin_ECBAApr09_universaljurisdiction.pdf](#).

Negotiated Relationship Agreement between the International Criminal Court and the United Nations, [BAHASA ENG, Negotiated Agreement Between Security Council PBB and ICC.pdf](#).

Security Council, Resolution 1593, [S RES 1593\(2005\)-EN.pdf](#).

Security Council, [S RES 827\(1993\)-EN.pdf](#).

Security Council, [S RES 955\(1994\)-EN.pdf](#).

Security Council, Resolution 1970, [S RES 1970\(2011\)-EN.pdf](#).

United Nations Treaty Collections, [UNTC](#).

United States Commission on International Religious Freedom, “Factsheet Rohingya Refugees”, [LEGISLATION FACTSHEET 2020, Rohingya Refugee\[5481\].pdf](#).