

ABSTRAK

Konflik bersenjata internal di Sudan antara militer nasional dan kelompok paramiliter Rapid Support Forces (RSF) berdampak luas bagi keamanan penduduk sipil, termasuk 1.209 Warga Negara Indonesia (WNI) yang mayoritas merupakan pelajar. Ditinjau dari perspektif Hukum Humaniter Internasional, warga negara asing (WNA) yang tidak terlibat dalam permusuhan memiliki kedudukan sebagai non-kombatan (penduduk sipil) yang hak-hak dasarnya dilindungi secara mutlak melalui distinction principle (prinsip pembedaan). Penelitian ini bertujuan untuk menganalisis bentuk perlindungan hukum oleh Negara Sudan jika terjadi pelanggaran hak-hak WNA selama konflik, serta menguji kesesuaian implementasinya berdasarkan instrumen internasional, seperti Konvensi Jenewa IV 1949, Protokol Tambahan 1977, serta Konvensi Wina 1961 dan 1963.

Penelitian ini menggunakan jenis penelitian hukum normatif (doktrinal) dengan pendekatan perundang-undangan (statute approach) dan pendekatan konseptual (conceptual approach). Teknik pengumpulan bahan hukum dilakukan melalui studi pustaka terhadap bahan hukum primer dan sekunder, yang selanjutnya dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa Sudan selaku negara penerima dan pihak dalam konflik bertanggung jawab secara internasional (international responsibility dan delictual liability) untuk menjamin perlakuan manusiawi, pemenuhan kebutuhan logistik, serta keamanan evakuasi WNA di wilayah yurisdiksinya sesuai Pasal 1 Konvensi Jenewa IV 1949 dan Pasal 9 Konvensi Montevideo 1933. Namun, dalam implementasinya, pertanggungjawaban Negara Sudan dinilai lemah akibat minimnya perlindungan keamanan yang stabil. Kondisi ini menuntut peran aktif negara pengirim (Indonesia) dalam mengoptimalkan perlindungan diplomatik dan konsuleran (mandatory consular notification) berdasarkan Pasal 36 Konvensi Wina 1963 serta jaminan hukum domestik seperti UU No. 37 Tahun 1999 dan Permenlu No. 5 Tahun 2018 untuk mengevakuasi warganya secara mandiri dari zona konflik.

Kata Kunci: Pertanggungjawaban Negara, Warga Negara Asing, Konflik Bersenjata Sudan, Hukum Humaniter Internasional, Konvensi Jenewa IV 1949

ABSTRACT

The internal armed conflict in Sudan between the national military and the Rapid Support Forces (RSF) paramilitary group has widely affected civil security, including 1,209 Indonesian citizens (WNI), mostly students. From the perspective of International Humanitarian Law, foreign nationals not participating in hostilities hold the status of non-combatants (civilians) whose fundamental rights are absolutely protected through the distinction principle. This study aims to analyze the legal protection framework provided by the State of Sudan in the event of rights violations during armed conflict and examine the compliance of its implementation with international instruments, such as the Fourth Geneva Convention of 1949, Additional Protocols of 1977, and the Vienna Conventions of 1961 and 1963.

This study employs normative (doctrinal) legal research with a statutory approach and a conceptual approach. Legal materials consist of primary and secondary sources collected through literature reviews and analyzed qualitatively.

The results indicate that Sudan, as the receiving state and a party to the conflict, bears international responsibility and delictual liability to ensure humane treatment, supply essential logistical needs, and secure evacuation routes for foreign nationals within its jurisdiction pursuant to Article 1 of the Fourth Geneva Convention of 1949 and Article 9 of the Montevideo Convention of 1933. However, in practice, Sudan's state responsibility is considered weak due to the lack of stable security guarantees. This situation demands active measures from the sending state (Indonesia) to maximize diplomatic and consular protection (mandatory consular notification) under Article 36 of the Vienna Convention of 1963, as well as domestic legal instruments like Law No. 37 of 1999 and Minister of Foreign Affairs Regulation No. 5 of 2018 to evacuate its citizens independently from the conflict zone.

Keywords: State Responsibility, Foreign Nationals, Sudan Armed Conflict, International Humanitarian Law, Fourth Geneva Convention 1949.