

## ABSTRAK

Instrumen hukum internasional telah mengatur perlindungan serta mengatur batas minimum usia perekrutan anak dalam konflik bersenjata, Namun terdapat perbedaan standar usia minimum dalam rekrutmen tentara anak. Konvensi Jenewa 1949, Protokol Tambahan 1977, dan Konvensi Hak Anak (CRC) 1989 menetapkan batas usia minimum 15 tahun dalam rekrutmen anak. Sementara itu, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (OPAC) Tahun 2000 menetapkan batas usia minimum adalah 18 tahun. Perbedaan tersebut tentunya akan berimplikasi terhadap perlindungan hak anak, serta penegakan Hukum Humaniter Internasional.

Jenis penelitian yang penulis gunakan adalah penelitian normatif, dengan menganalisis pengaturan batas usia perekrutan tentara anak dalam berbagai instrumen hukum internasional. Sedangkan pendekatan yang digunakan adalah pendekatan perundang undangan (*statute approach*) serta, pendekatan konseptual (*conceptual approach*).

Hasil dari penelitian ini adalah bahwa perbedaan standar usia minimum dalam perekrutan tentara anak 15 tahun dalam Konvensi Jenewa dan Protokol Tambahannya dinilai sudah tidak relevan dengan perkembangan perlindungan anak pada saat ini. Perbedaan tersebut berdampak pada ketidakseragaman kebijakan antarnegara dalam perekrutan tentara anak, Anak kehilangan hak atas rasa aman, perlindungan dari kekerasan, serta trauma fisik dan psikologis. Dalam penegakan HHI meskipun telah terdapat berbagai mekanisme seperti PBB dan organisasi lainnya, dalam praktiknya pelanggaran terhadap anak masih terus terjadi hingga saat ini. Oleh karena itu, diperlukan komitmen negara-negara untuk melakukan perubahan terhadap Konvensi Jenewa beserta Protokol Tambahannya dengan mengacu OPAC 2000, guna memberikan perlindungan yang lebih tinggi terhadap hak anak serta memperkuat penegakan HHI.

Kata kunci: perekrutan tentara anak, perlindungan hak anak, penegakan HHI, konflik bersenjata

## ***ABSTRACT***

International legal instruments have regulated the protection and minimum age limit for the recruitment of children in armed conflict, but there are differences in the minimum age standards for the recruitment of child soldiers. The 1949 Geneva Convention, the 1977 Additional Protocol, and the 1989 Convention on the Rights of the Child (CRC) set a minimum age limit of 15 years in child recruitment. Meanwhile, *the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (OPAC) of 2000 sets the minimum age limit at 18 years. These differences will certainly have implications for the protection of children's rights, as well as the enforcement of International Humanitarian Law.

The type of research used by the author is normative research, by analyzing the setting of the age limit for the recruitment of child soldiers in various international legal instruments. While the approach used is the legislative approach (*Statute approach*) as well as, conceptual approaches (*Conceptual Approach*).

The result of this study is that the difference in the minimum age standard in the recruitment of 15-year-old child soldiers in the Geneva Convention and its Additional Protocols is considered irrelevant to the current development of child protection. These differences have an impact on the inconsistency of policies between countries in the recruitment of child soldiers, children losing the right to a sense of security, protection from violence, and physical and psychological trauma. In the enforcement of HHI, although there have been various mechanisms such as the United Nations and other organizations, in practice violations against children still continue to occur to this day. Therefore, a commitment by countries is needed to make changes to the Geneva Convention and its Additional Protocols with reference to OPAC 2000, in order to provide higher protection of children's rights and strengthen the enforcement of human rights.

Keywords: recruitment of child soldiers, protection of children's rights, enforcement of human rights, armed conflict