

Pusat Studi Hukum Humaniter & HAM (terAs)
Zoom Webinar, 25 Agustus 2021

HARYOMATARAM WEBINAR
SERIES-2



Taliban & Peperangan di Afganistan

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Perspektif Hukum Humaniter Internasional

1. Sejarah singkat Peperangan di Afganistan
2. Jenis konflik bersenjata di Afganistan
3. Para pihak
4. Hukum yang berlaku



POKOK BAHASAN

KRONOLOGIS SINGKAT PEPERANGAN

Mujahiddin + AS, China,
Pak, Saudi , IAC

Civil Wars

NIAC

NIAC
70% - 30%

Peace ?

1971-1989

1992-1996

1996-2001

2001-2018

2020-2021

Soviet
(komunisme)

Faksi gerilyawan
Mujahiddin

Rezim Taliban
WTC 9/11

Amerika Serikat

Kesepakatan
Damai Doha,
Rezim Taliban



**JENIS
KONFLIK BERSENJATA**

KLASIFIKASI KONFLIK BERSENJATA



KBI

Pasal 2 GC/49 - 3 situasi
Pasal 1 (4) AP-I/77 - 3 situasi
CIHL



KBNI

Pasal 3 CA-GC/49 - 2 situasi
AP II/1977 - 2 situasi
CIHL, IHRL

3

NEG-NEG

COLONIAL DOM, RACIST REG,
APARTHEID

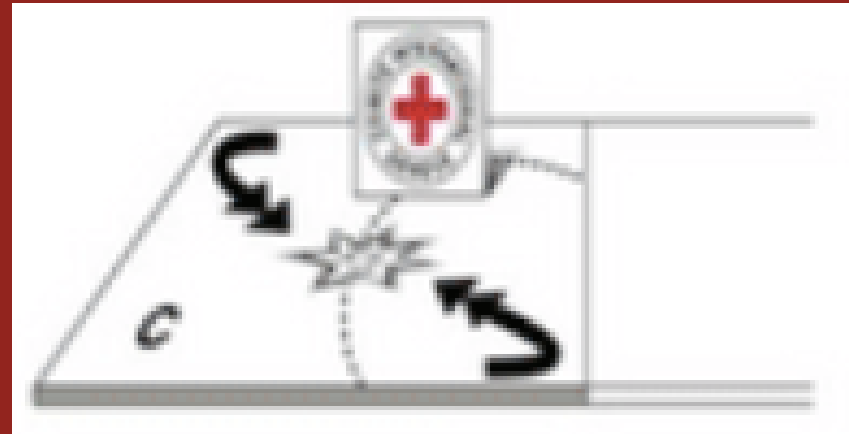
4

NEG - NSA

DISSIDENT AF, OAG, NSA



KONFLIK BERSENJATA NON-INTERNASIONAL



2

KBNI

Pasal 3 CA-GC/49 - 2 situasi
AP II/1977 - 2 situasi
CIHL, IHRL

4

NEG - NSA

DISSIDENT AF, OAG, NSA





KAPAN TERJADI KBNI

KBNI

PASAL 3 CA 1949:
TIDAK DITENTUKAN

KBNI

LIMAJ CASE, ICTY 2005:
INTENSITAS KONFLIK
ORGANISASI PARA PIHAK



KBNI DI AFGANISTAN

Afganistan vs Taliban

6 Agustus 2021 : Taliban menguasai sebagian besar wilayah, termasuk Kabul.

Afganistan vs IS-KP

Sejak 2015

Taliban vs IS_KP



INTENSITAS KONFLIK

NUMBER, DURATION, AND INTENSITY OF
INDIVIDUAL CONFRONTATIONS

TYPES OF WEAPONS & MILITARY EQUIPMENT

NUMBER OF PERSONS AND TYPES OF
FORCES PARTICIPATING IN THE FIGHTING

CASUALTIES, MATERIAL DESTRUCTION,
NUMBER OF CIVILIANS FLEEING

THE INVOLVEMENT OF THE UNSC



TALIBAN

1996, AHMAD SHAH MASSOUD

2001, X PEMTH AFGANISTAN & US

15 TAHUN - INVASI US

2016, HELMAND , KUNDUZ

2018, 15-18 JUNI: CEASEFIRE



IS-KP

2015, SERANGAN TERHADAP CIVILIAN,
AFGHAN TROOPS

2019, X TALIBAN, NANGARHAR

2020, DECREASED INTENSITY, NOT CEASED

2020, DEC - 2021, , CONTINUED



INTERVENSI ASING

2001-2014, NATO COMMANDED THE INTERNATIONAL SECURITY ASSISTANCE FORCE (ISAF)

2015. NATO (NON-COMBAT) OPERATION RESOLUTE SUPPORT, TRAIN, ASSIST AND ADVICE AFGHAN SECURITY FORCES

2001-2018, US, WITHDREW MAY 2021

THE UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN (UNAMA): NIAC

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) : NIAC



DERAJAT ORGANISASI

THE EXISTENCE OF A COMMAND
STRUCTURE

DISCIPLINARY RULES AND MECHANISMS

THE ABILITY TO PROCURE, TRANSPORT,
AND DISTRIBUTE ARMS

THE ABILITY TO PLAN, COORDINATE
AND CARRY OUT MILITARY OPERATIONS

THE ABILITY TO NEGOTIATE AND CONCLUDE
AGREEMENTS, E.G. CEASE FIRE OR PEACE
AGREEMENTS



DERAJAT ORGANISASI TALIBAN



ORGANIZED COMMAND STRUCTURE

STRONG OPERATIONAL CAPACITY

ESTABLISH PARALLEL JUSTICE STRUCTURES
IN CONTROLLED TERRITORIES

PARTICIPATE IN THE NEGOTIATIONS OF
AGREEMENTS

CLAIM AN INTERNAL DISCIPLINARY
MECHANISM BASED ON SHARIA LAW

DERAJAT ORGANISASI IS-KP

ORGANIZED COMMAND STRUCTURE

2014 - TERBENTUK DI PAKISTAN

2015 - BEROPERASI DI AFGANISTAN,
KHURASAM

2016 - SERANGAN US

2020 - REKRUTMEN STRATEGI, PERNYATAAN
RESKI MELALUI MASS MEDIA





HUKUM YANG BERLAKU

CA 3 GC 1949

AP II 1977

CIHL

IHRL

DOMESTIC LAWS

TERIMA KASIH