

# Analysis of Crime Actions of Human Rights Violations Performed by Myanmar Against its Rohingya Ethnic View from an International Criminal Law Perspective

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**Abstract:** Human Rights Violation (Human Rights) is a felony that causes or wounds many victims, and then it is committed intentionally and by accident in order to injure or deprive a person of his human rights. In the case of Myanmar's attack on her ethnicity Rohingya. In this act, many of the crimes of human rights abuses such as the difference in status, rape, murder and unrecognized civil rights by the government of Myanmar, even the police and Myanmar soldiers have also contributed to provoking some of the Myanmar ethnic attacks against her people. Then in 2017 Myanmar made an effort to purge his Rohingya ethnicity in the event Myanmar also committed the brutal act of assaulting his Rohingya ethnicity in Rakhine province. The Rohingya has undergone various forms of human rights violations since 1938. So the problem that can be raised from this journal is that the Myanmar government's actions to its Rohingya are a form of human rights violation because many of its Rohingya do not feel that there is freedom between caste and religion and the act of economic crisis that causes the Rohingya to become difficult. Writing this journal is using the normative method that is using the method of literature, The basis of Theories and opinions of experts. An attempt to make the case obsolete is the first way to stop the existence of violence wherever it is psychological or other is detrimental to human rights

**Keynote:** Violation, Human Rights, Confection

## Introduction

Every man has Human Rights Humans (HAM) who have There is since born and here Still Lots case human rights violations occurred as did the Minnmar State tedap ethnicity Rohingnya. Term Human Rights Violations Man is something form follow crime committed by someone or group of people with like rape, murder, war in a manner intentional nor No intentionally caused wound mental, physical and deep trauma against victims of these human rights violations . As for inside Constitution Number 39 of 1999 also explains about right basic man that is rights inherent in humans since born which is grace. There are all kinds of Human Rights man like right economics, rights politics, right culture and others.

Criminal law international is bunch governing rules and principles about crime internationally carried out by the subjects the law For reach something objective certain. According to Muhammad Mochtar Kusumaatmadja Criminal law international is whole governing rules and principles connection problems that cross the boundaries of several countries<sup>1</sup> with countries <sup>2</sup> with subject law. The subject of criminal law international is country, organization internationall or individual .

Actually case that happened to ethnicity the spirit Can categorized as human rights violations and crimes Genocide Where government Myanmar do violence as well as discriminated against to ethnicity rohingnya. Dari here treatment discrimination by Mnymar has force become man boat and left The spirit For looking for another country . Response government Mnymar about Crisis to ethnicity the spirit Government Myanmar follow concerned on the conflict that occurred in Myanmar. Above That Minnmar also accepted pressure and criticism from community international including from the US that protects inhabitant civil .

The solution is carried out by the government Myanmar to The spirit that is First with method stop violence and discrimination in shape Because here ethnicity rohingnya, Background behind Myanmar No accept ethnicity the spirit because of the residents ethnicity the spirit have a different status from other countries so government mynmar reject existence ethnicity the Rohingya are in Myanmar .

And ethnicity the spirit is also considered as dark inhabitants so from That's government Myanmar reject ethnicity the spirit so that chase away existence ethnicity spirits them in their country .

Violence to ethnicity the rohingnya carried out by Myanmar make a lot of ethnic trauma the spirit violence the test like I swear Islamic militant groups also attacked several guard posts on the border of Bangladesh so Lots take lives as many as nine apparatus. Maka since incident That happen Lots more from hundred ethnic people the spirit dead consequence attack from Myanmar about 150 thousand victims no get decent life \_ start from child child even adults and parents and hundreds other detained by troops Military Myanmar. About 150 thousand inhabitant No get drugs and more raped women and more \_ from 1,200 homes inhabitant scorched by troops military Myanmar .

Military Myanmar also prohibits volunteers who want to follow help For No follow as well as or No follow mix.Help humanity in a manner No direct postponed by the government Myanmar and troops military directed to the Maungdaw , Buthidaung, and Rathdaeng in the Rakhine.So about 162 thousand that during it also depends from help humanity PBB. Consequences from deed troops military Myanmar This Lots inhabitant ethnicity the spirit who occupied.From here Already can concluded that the country of Myanmar has do crime genocide and deed violate Human Rights human .

From incident This Lots ethnicity the spirit For leave and run away from government Myanmar consequence Lots discrimination until violence that violates human rights Humans. The role of Indonesia for help ethnicity the spirit done like help problem ethnicity the spirit continues continuously eat many victims of the spirit consequence the actions of the Myanmar state because of the outline political Indonesia's foreign countries are also based The 1945 State Constitution namely with method guard world peace and peace based eternal \_ justice social .

## RESEARCH METHODS

The types of research methods used in writing This is normative research supported by research empirical Where something procedure inside \_ study For find truth based on knowledge logic science from side normative his, then from this normative side No from Constitution just even Can from theory law opinion of experts study law empirical is study law to identification law and effectiveness law .

As for according Soejano Seokanto say approach normative that is law is carried out with method researching material References or secondary as base for researched with method provide related literature with the problems studied. Besides That method study This juga use descriptive analysis that is with method develop, describe and present Then then analyzed and developed \_ become A standard sentence.

## RESEARCH RESULTS AND DISCUSSION

### 1. Acts Committed by Myanmar To ethnicity The spirit Is Form Crime Violating Human Rights

Related differences with religion ethnicity is sensitive and many issues eat conflict.like swallow many victims, many case discrimination until violence that is not stop like matter what happens to ethnicity spirits who has become victims of discrimination from the country of Myanmar. Form action egoism government Myanmar to ethnicity the spirit This make Lots inhabitant his spirit feels bankruptcy and impact human rights violations Humans, Consequences from deed government Myanmar a number of ethnicity The spirit move to other countries,

In Myanmar ethnicity the spirit difficulty life until get Lots case discrimination, racism even difficulty economy until severe torture Keep going manage No stop done government Myanmar with objective make effect wary to ethnicity rohingnya. The

conflict that caused these two countries that is ethnicity the spirit as minority and ethnic Rakhine as majority. From here already can be concluded that government Myanmar lots do discrimination or difference so that lots eat the victims that follow involved in selfishness government Myanmar this.

Reason The conflict that occurred in Rakhine Province which involved ethnicity Rohingya and ethnic Rakhine such as :

A. Discrimination by the government Myanmar to ethnicity The spirit

Resident Myanmar No Once Want to confess inhabitant The spirit Bengali which is part from ethnicity them. Here they also assume Muslim procession or Burmese Muslims are pinned name The spirit as ridicule...here No only intimidating Burmese government they government Myanmar also joined as well as muddy atmosphere and being part from provocateurs in part part campaign hostile ethnicity the spirit .

B. ethnicity The spirit Bengali which is not acknowledged as resident original Myanmar in shape his Constitution 1982 is what makes ethnicity the spirit bengal This No acknowledged his nationality make fate they become rambling For live in their country even part from they evacuate to another country . Deeds Myanmar like rape, discrimination, torture, murder make they disappointed or not get Human Rights The proper human being .

From here Can writer conclude that Myanmar 's actions to ethnicity the spirit This is one form action violate Human Rights Man Lots action negative even cruel and not human to ethnicity rohingnya. Role Indonesian government for follow as well as help ethnicity rohingnya. Form human rights violations Man among them slaughter or crime genocide, crime Humanity and war. Found exists effort cleaning ethnicity clash between apparatus police with border ethnicity the spirit is something form annoyance consequence deed discrimination that is not accepted by ethnicity the spirit .

Form discrimination the among others are: Prohibition traveling without letter permission from authority authorities , Space Scope The motion limited and exist action systematic and continuous discrimination. Closing access This make Lots difficulties experienced \_ about 30 rub child ethnicity the spirits who lost their parents. Setekag exists the massacre that took place in August 2017 ethnicity the spirit want to evacuate to to another country and search decent life should .

Indonesia's role is constrained ethnicity the spirit here Indonesia also has sufficient role help Indonesia because dash big based on Indonesian politics Constitution For guard peace and justice between country. Indonesia also accepts arrival The spirit because For uphold high Human Rights Human and as form care. There is several alternative solutions offered by the Indonesian state against refugees ethnicity the spirit This i.e. help departure they give they facility live and place decent stay, no exists discrimination between people and violence other . final Urge government Myanmar For complete conflict or problem bloody that makes ethnicity minority That leave his country.

## 2. Alternative Completion dispute between government Myanmar with ethnicity The spirit from criminal law perspective International

Completion dispute international is stage important thing to do method used \_ with method reconcile the countries that are being dispute. settlement dispute this too can done in two ways that is with method Litigation and non- litigation. Litigation is the finishing process disputes made with method court while Non litigation that is event completion \_ with method outside the judge or called with alternative solutions dispute .Settlement attempt dispute international This is a frequent event used For finish cases of disputed countries or caught conflict like case the Myanmar case This to ethnicity The rohingnya exists a number of way you can done For finish Settlement dispute outside court namely :

### I. Negotiation

Is method settlement dispute carried out internationally with method do negotiating and engaging party third. here too some resolved disputes For everyday with method This reason that settlement dispute also got done dispute and done based on agreement from second split party.In Constitution The UN Charter states that article 2 paragraph 3 About The UN Charter namely : The UN Charter must resolved in a manner peace settlement in a manner peace This in accordance with article 33 section the UN charter that can distinguished into two parts namely : Settlement made \_ outside court and in court .

So in general settlement dispute This Can just classified be two ways that is with method forced or violence. Deep settlement dispute in a manner peace This is something settlement positive dispute ( Provisions must bind enforced ) where that user violence within the state must Already abolished and also prohibited .

Completion dispute negotiation this also works done with method give consultation Where consultation This is activity each other exchange thoughts and ideas so can Can find solution or road middle can taken.And if the parties agreed so will poured in bilateral agreement between disputing parties . On the other hand , settlement dispute in a manner negotiation it also has something weakness his namely : If party senhketa No balanced so strong side will push the weak side , that is both processes are also very slow and needy a long time for wait, and the third if disputing parties still hard to establishment so settlement dispute This will Keep going dragged on .

### II. Mediation

Mediation is method settlement disputes that can done and usually twist party three who followed involvedie it could be the state, the United Nations ( Organization International ), or individual ( Politician, para scientists and experts law ) that follows as well as active in negotiations. If proposal the No accepted then the mediator can use suggestion such. So from here can concluded that the role of the mediator is facilitating dialogue between party, give solution For disputing parties and indicate and explore the required information. Legal basis for settlement dispute got in Constitution

Articles 3 and 4 of the Hague Of Pacific Settlement Of International Disputes Year 1970, Chapter 6 Articles 33-38 UN.

### III. Conciliation

Conciliation is form or acra settlement nature of the dispute more formal than mediation. Conciliation This is method settlement disputes made by the parties third or something commission formed parties, commission This called conciliation. Commission this too can finish dispute For tie second split party. So can concluded from a number of settlement tight yyang For worthy used that is with method mediation the reason Because Mediation This is form settlement dispute in a manner right and cheap so that can take the best decision. so party Can feel exists justice

### 3. Indonesia's Role To ethnicity The spirit from Criminal Law Perspective International

Indonesian government in make an effort For overcome problems faced by the government Myanmar that is form fulfillment need base refugees Spirit and effort diplomatic. Action Actions Please Help with method fulfillment Basic needs of Refugees The spirit Here the Indonesian government is also preparing matter necessary thing \_ For dealing with refugees like fulfillment medicines, food, clothes and so on . There are many Indonesian governments do contribution as well as help for the country 's spirits and search place decent stay For they stay .

Furthermore the Indonesian government also Reducing number conflict according to Oersano mention that root problem Muslim the spirit is conflict between ethnicity he riled with ethnicity buddha. conflict the Enough eat many casualties and peak \_ was in 2012 with \_ eat many victims as many as 192 people died , 265 cindremata and 8,614 buildings destroyed and 100,000 people displaced

Role of government For follow as well as help ethnicity the spirit This that is with method communicate with government Myanmar to control security in Rakhine so No Lots continual loss of life and the country No can separated in settlement problem case The spirit this. Myanmar and Bangladesh have to anyway follow as well as each other help and reduce exists discrimination between fellow countries. Said Retno Minister marine .

Finally the Minister of Maritime Affairs Retno Marsudi metesimikan alliance existing institutions in society in the field humanity with objective For help crisis humanitarian to ethnicity Rohingnya and residents affected civilians in Rukhaine, Myanmar. There are also many programs here help those in need especially ethnicity the rohingnya. As for help the that is with way :

a) Founded House sick,

This done the Indonesian government observes that ethnicity the spirit really needs it help This development This done as form Indonesia's commitment to Keep going push development constructive as well as guard effort recovery affected communities conflict in Rukhaine.

b) Muffle action violence

Some ethnicity the spirit feel lots of trauma deed or action by the military Myanmar like action violence, rape discrimination and others that consume many casualties . Maka from That the Indonesian government wants muffle action violence This with method make decent facilities and provide counseling about action violence

### Conclusion

From the description discussion on so can concluded as following :

Actions taken by Myanmar To ethnicity the spirit This is A discriminatory act Because Lots violence and other differences in religious status . Actions committed by Myanmar This to ethnicity the spirit is human rights violations Where's the Heavy Man ? something crime outside usually results \_ or which harm other people in general. Victim from Human rights violations can also resulted wound heavy like damage physical, mental, suffering emotional and loss other .

Generally in Human Rights Man this , humans also have inherent rights human for a reason it's Human Rights Man can done When course. Rights Fundamental humans can too done principle that is not can repealed. Crime Genocide this too can arranged in A articles 400 and 401 regulate about the crime of genocide. Process settlement disputes can also done with three method that is through negotiation, conciliation, and Mediation. The way that often used that is negotiation because more easy and simple as well uphold a sense of justice in resolver dispute the .

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