

SKRIPSI

**KONFLIK ANTARA KEPENTINGAN NEGARA DENGAN KEWAJIBAN
NEGARA MENEGAKKAN PRINSIP NON-REFOULEMENT DALAM
KASUS KEDATANGAN PENGUNGSI ROHINGYA DI ACEH TAHUN 2023**

*Diajukan Guna Memenuhi Persyaratan
Untuk Memperoleh Gelar Sarjana Hukum*

Oleh :

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PROGRAM KEKHUSUSAN HUKUM INTERNASIONAL (PK VI)



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UNIVERSITAS ANDALAS

PADANG

2024

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**KONFLIK ANTARA KEPENTINGAN NEGARA DENGAN KEWAJIBAN NEGARA
MENEGAKKAN PRINSIP NONREFOULEMENT DALAM KASUS KEDATANGAN
PENGUNGSY ROHINGYA DI ACEH TAHUN 2023**

(Jordan Jesse Kirana S. , 89 Halaman, Fakultas Hukum, Universitas Andalas, 2024)

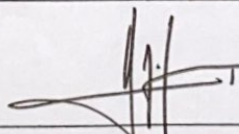
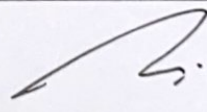
ABSTRAK

Convention Relating to the Status of Refugees 1951 berisikan salah satu bentuk perlindungan yang melindungi pengungsi dari pemulangan sepihak dan sewenang-wenang ke negara asalnya saat mereka sedang menghadapi resiko yang mengancam jiwa dan kebebasannya yang dikenal dengan nama prinsip *non-refoulement*. Pelaksanaan prinsip *non-refoulement* menimbulkan konflik ketika negara dirugikan dan harus mendahulukan kepentingan negaranya, namun juga harus mengingat kewajibannya untuk menegakkan prinsip *non-refoulement* sebagai *peremptory norm of general international law*. Rumusan masalah dalam penelitian ini yaitu (1) Bagaimana pengaturan terhadap perlindungan pengungsi dalam kerangka hukum internasional dan nasional? (2) Bagaimana konflik antara kepentingan negara dengan kewajiban negara menegakkan prinsip *non-refoulement* dalam kasus kedatangan pengungsi rohingya di Aceh pada tahun 2023?. Penelitian ini menggunakan metode penelitian hukum yuridis normatif dengan menggunakan studi kepustakaan. Hasil dari penelitian ini memuat pembahasan mengenai (1) Pengaturan terhadap perlindungan pengungsi dalam kerangka hukum internasional dan nasional yang meliputi *Convention Relating to the Status of Refugees* 1951, *Protocol Relating to the Status of Refugees* 1967, *Universal Declaration of Human Rights* 1948, *Responsibility of State for Internationally Wrongful Acts* 2001, Peraturan Presiden No. 125 Tahun 2016 tentang Penanganan Pengungsi Luar Negeri, Peraturan Dirjen Imigrasi Nomor IMI-1489.UM.08.05 Tahun 2010 tentang Penanganan Imigran Ilegal (2) Konflik antara kepentingan negara dengan kewajiban negara menegakkan prinsip *non-refoulement* dalam kasus kedatangan pengungsi rohingya di Aceh pada tahun 2023

Kata Kunci: Kepentingan Negara, Non-Refoulement, Pengungsi, Rohingya.

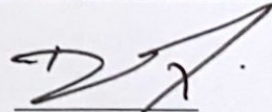
Skripsi ini telah dipertahankan di depan Tim Penguji dan dinyatakan lulus pada 11 November 2024.

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	No. Alumni University	Jordan Jesse Kirana Saptiajie	No. Alumni Faculty						
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THE CONFLICT BETWEEN THE STATE RIGHTS TO MAINTAIN NATIONAL SECURITY AND THE STATE OBLIGATION TO UPHOLD THE PRINCIPLE OF NON-REFOULEMENT IN THE CASE OF THE ARRIVAL OF ROHINGYA REFUGEES IN ACEH IN 2023

(Jordan Jesse Kirana S. , 89 Pages, Faculty of Law, Universitas Andalas, 2024)

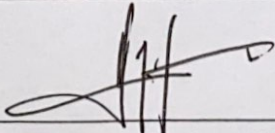
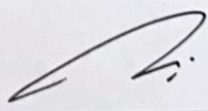
ABSTRACT

Convention Relating to the Status of Refugees 1951 contains a form of protection that protects refugees from being return one-sidedly and unjustified into their country of origin when they are facing a risk to their life and freedom, known as the principle of non-refoulement. The implementation of the principle of non-refoulement creates a conflict when the state is disadvantaged and must prioritize the interests of its country, but must also remember its obligation to enforce the principle of non-refoulement as a peremptory norm of general international law. The formulation of the problems in this study are (1) How is the regulations of refugee protection in the international and national legal framework? (2) How is the conflict between the interests of the state and the state's obligation to uphold the principle of non-refoulement in the case of the arrival of rohingya refugees in Aceh in 2023?. This research uses normative juridical legal research methods using literature studies. The results of this study contain a discussion of (1) Regulations on the protection of refugees in the framework of international and national law which include the Convention Relating to the Status of Refugees 1951, Protocol Relating to the Status of Refugees 1967, Universal Declaration of Human Rights 1948, Responsibility of State for Internationally Wrongful Acts 2001, Presidential Regulation No. 125 of 2016 concerning the Handling of Overseas Refugees, Regulation of the Director General of Immigration Number IMI-1489.UM.08 of 2010 concerning Handling Illegal Immigrants (2) Conflicts between state interests and state obligations to uphold the principle of nonrefoulement in the case of the arrival of rohingya refugees in Aceh in 2023. .05 Year 2010 on Handling Illegal Immigrants (2) Conflict between the interests of the state and the state's obligation to uphold the principle of non-refoulement in the case of the arrival of rohingya refugees in Aceh in 2023.

Keywords: *State Interest, Non-Refoulement, Refugees, Rohingya.*

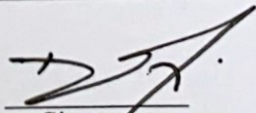
This Minor Thesis has been succesfully defended and regarded to graduate by November 11, 2024.

Examiner,

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