

BAB V

PENUTUP

V.1 Kesimpulan

Berdasarkan pemaparan yang telah dilakukan, maka terlihat bahwa terorisme sendiri merupakan sebuah permasalahan yang cukup kompleks, dimana kajian yang dilakukan perlu memerhatikan berbagai faktor, seperti aspek historis sebuah jaringan atau kelompok teroris tertentu, faktor perkembangan dan faktor pendekatan yang digunakan dalam mengkaji terorisme secara keseluruhan. Kompleksitas ini juga mengakibatkan belum terdapatnya sebuah definisi terorisme yang disepakati secara universal. Perkembangan aktivitas terorisme, terutama terkait sasaran dan metode aksi terorisme yang digunakan berbagai jaringan atau kelompok teroris tertentu dari masa ke masa sangat berpengaruh kepada perkembangan pengaturan terkait penanggulangan terorisme internasional, baik yang diatur dalam berbagai Konvensi Internasional maupun berbagai Resolusi Dewan Keamanan PBB. Pengaturan terkait penanggulangan terorisme dalam Hukum Internasional dapat dikatakan menjadi sebuah pengaturan yang bersifat lintas-sektor atau terdapat berbagai persinggungan antara berbagai bidang dari Hukum Internasional, selaras dengan yang dicantumkan dalam *Paragraph 6* Resolusi Dewan Keamanan PBB Nomor 1456. Hal ini disebabkan bahwa terorisme yang kompleks tersebut, kerap kali menyinggung berbagai macam hal yang dilindungi oleh berbagai bidang dari Hukum Internasional, seperti Hukum Pidana Internasional, Hukum Humaniter Internasional, Hukum Hak Asasi Manusia Internasional, dan juga Hukum Pengungsi Internasional.

Aktivitas terorisme yang mulai meningkat sejak abad ke-20, terkhusus pasca terjadinya tragedi 11 September 2001, mengakibatkan Dewan Keamanan PBB membentuk sebuah komite khusus penanggulangan terorisme yakni *United Nations Counter-Terrorism Committee (CTC)* melalui Resolusi Dewan Keamanan PBB Nomor 1373, yang kemudian melanjutkan membentuk *United Nations Counter-Terrorism Committee Executive Directorate (CTED)* berdasarkan Resolusi Dewan Keamanan PBB Nomor 1535 sebagai organ khusus yang melakukan peninjauan terkait implementasi resolusi tersebut. Peranan CTED sebagai peninjau implementasi

Resolusi Dewan Keamanan PBB terkait penanggulangan terorisme menjadi kian penting seiring perkembangan waktu, dimana hambatan dan permasalahan implementasi yang dialami oleh berbagai negara anggota PBB terus terjadi, seperti kurangnya kapasitas negara yang bersangkutan dalam mengimplementasikan resolusi tersebut, hingga terjadinya berbagai macam pelanggaran Hak Asasi Manusia dalam upaya implementasi oleh negara-negara yang bersangkutan. Tentunya, eksistensi CTED dengan melakukan berbagai peninjauan dan diseminasi hukum terkait penanggulangan terorisme diharapkan dapat mengatasi berbagai masalah implementasi tersebut.

Berdasarkan analisis yang telah dilakukan penulis, Dewan Keamanan PBB sesuai fungsinya sebagai organ utama PBB dalam pemeliharaan perdamaian dan keamanan internasional berdasarkan *Article 24 (1) United Nations Charter*, berwenang untuk menerbitkan sebuah resolusi yang mengikat seluruh negara anggota PBB terkait isu yang menyangkut perdamaian dan keamanan internasional, sebagaimana tercantum dalam *Article 25 United Nations Charter*. Walaupun demikian, dampak yang diberikan oleh resolusi tersebut masih dikatakan tidak dalam keadaan yang optimal, dimana hal ini disebabkan adanya perbedaan kapasitas negara-negara anggota PBB dalam mengimplementasikannya, dan juga Dewan Keamanan PBB tidak melakukan penjelasan lebih lanjut terkait langkah konkrit yang dapat ditempuh oleh negara-negara yang bersangkutan. Terkait eksistensi CTED itu sendiri, yang secara hukum merupakan bagian dari CTC, sehingga penyusunan oleh Dewan Keamanan PBB tersebut sudah sesuai dengan *Article 29 United Nations Charter*, namun CTED memiliki keanggotaan, fungsi dan tugas yang berbeda dari CTC. Kehadiran CTED sebagai pelaksana peninjauan dan diseminasi hukum terkait penanggulangan terorisme tentunya merupakan perkembangan yang luar biasa dalam sejarah upaya penanggulangan terorisme oleh Dewan Keamanan PBB, namun sayangnya hal tersebut kerap kali tidak diimbangi oleh keberhasilan CTED dalam meningkatkan kapasitas negara-negara anggota PBB dalam penanggulangan terorisme, dan bahwa upaya diseminasi hukum dan *follow-ups* atau tindak lanjut yang dilakukan CTED kepada negara-negara anggota PBB yang bermasalah dalam implementasi resolusi terkait masih pada tingkat yang minimal.

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