BAB IV

KESIMPULAN

Dalam menjawab pertanyaan penelitian berupa **"bagaimana pemerintah Kenya melakukan sekuritisasi komunitas Dadaab yang mengalami penurunan kualitas hidup akibat krisis pengungsi Somalia?"** teori Sekuritisasi dan dibantu konsep keamanan komunitas, pengumpulan data dan analisis yang dilakukan oleh penulis menghasilkan kesimpulan inti **berupa terwujudnya kesadaran baru mengenai pengungsi Somalia sebagai ancaman terhadap komunitas Dadaab akibat penurunan kualitas hidup yang mereka sebabkan**. Kesadaran baru tersebut terbentuk dari usaha pemerintah Kenya dalam melakukan sekuritisasi komunitas Dadaab yang mengalami penurunan kualitas hidup akibat krisis pengungsi Somalia melalui perilisan pernyataan pemerintah, dokumen resmi, pelaksanaan operasi Usalama Watch, serta didukung oleh rilisan-rilisan media massa yang membingkai pengungsi Somalia sebagai suatu ancaman keamanan.

Secara spesifik, kesimpulan dari penelitian ini didukung oleh tiga hal yang menjadi penemuan inti dari penelitian ini. **Pertama,** influks pengungsi Somalia di Kenya yang tidak kunjung surut dan bahkan menyebabkan Kompleks Pengungsian Dadaab menjadi suatu 'kota kecil' merupakan suatu bentuk ancaman akibat menyebabkan penurunan kualitas hidup komunitas Dadaab. Influks pengungsi tersebut menyebabkan sektor keamanan fisik, ekonomi, dan sosial dari kehidupan komunitas Dadaab mengalami penurunan. Dalam sektor

keamanan fisik, terpuruknya kualitas hidup komunitas Dadaab terjadi akibat maraknya kejahatan transnasional di Kenya. Pada 2013, Al-Shabaab menyerang Westgate Mall dan menewaskan setidaknya 72 jiwa. Di tahun selanjutnya, serangan di Mpeketoni menyebabkan 60 korban meninggal, termasuk di antaranya lima pelaku. Puncaknya adalah penyerangan Universitas Garissa pada tahun 2015 yang merenggut setidaknya 148 jiwa dan menjadi tindak terorisme terbesar di Kenya sejak tahun 1998. Ketiga penyerangan tersebut juga memiliki pola yang sama, yakni adanya *profiling* berdasarkan ras dan agama, yang mana pelaku menargetkan warga beretnis non-Somalia dan beragama non-Muslim. Sementara dalam sektor ekonomi, terjadi kelangkaan sumber daya, bantuan sosial, serta infrastruktur bagi komunitas Dadaab sebagai *host community*. Muncul kecemburuan sosial akibat timpangnya infrastruktur dan bantuan yang diberikan oleh NGOs terhadap pengungsi dan komunitas Dadaab, sementara pengungsi turut menggunakan fasilitas komunitas Dadaab karena fasilitas di dalam kompleks tidak lagi mencukupi jumlah mereka. Kehidupan komunitas Dadaab di sektor sosial pun ikut memburuk, sebab diskriminasi dan xenofobia terhadap masyarakat Somalia Kenya kini ramai dilakukan baik oleh pemerintah, aparat keamanan, dan juga masyarakat sipil akibat perbedaan identitas komunitas Dadaab sebagai "orang Kenya" dan pengungsi Somalia, maupun warga negara Kenya dengan etnis Somalia sebagai "asing".

Kedua, Menteri Interior Kenya Joseph Ole Lenku dan Komite Pertahanan dan Keamanan Nasional dalam Majelis Nasional Kenya merupakan aktor sekuritisasi yang melakukan konstruksi sosial terhadap keberadaan pengungsi Somalia sebagai suatu isu

keamanan akibat wewenang yang mereka miliki dalam perumusan dan implementasi kebijakan terkait pengungsi Somalia. Selain itu, mereka berhasil mendapatkan perhatian dari masyarakat Kenya mengenai diskursus tersebut. Sebagai aktor sekuritisasi, jajaran aktor pemerintah tersebut melancarkan berbagai pernyataan dan tindakan sekuritisasi. Bentuk *speech act* paling awal dikemukakan pada sesi rapat Komite Parlemen Kenya untuk Keamanan Nasional di 1 Oktober 2013. Dalam *speech act* yang dikeluarkan, pemerintah menggunakan dialek khusus yang berguna untuk membingkai pengungsi Somalia sebagai suatu komunitas "asing" yang tidak berhak hidup di Kenya karena merupakan suatu ancaman bagi kehidupan komunitas Dadaab. Dialek-dialek tersebut di antaranya adalah penggunaan kata *"crook",* penekanan pada pentingnya isu ini diselesaikan secepat-cepatnya, penyamaan ancaman pengungsi Somalia dengan kasus 9/11 di Amerika Serikat, dan pada ujungnya, pengutaraan pengungsi Somalia sebagai suatu *"existential threat"* oleh William Ruto. Rentetan *speech act* tersebut seringkali dikeluarkan di waktu yang mendekati penyerangan-penyerangan oleh Al-Shabaab untuk memanfaatkan momentum emosional masyarakat.

Ketiga, meskipun Pemerintah Kenya telah berhasil membentuk diskursus keamanan dan masyarakat mengamini persepsi keamanan berupa pengungsi Somalia sebagai ancaman, masyarakat Kenya beserta Pengadilan Tinggi Kenya tidak menyetujui penutupan Kompleks Pengungsian Dadaab sebagai bentuk kebijakan luar biasa yang diambil. Keberhasilan pemerintah dalam membentuk diskursus keamanan yang menempatkan pengungsi Somalia sebagai suatu bentuk ancaman dapat dilihat dari hasil survey IPSOS pada 2016 silam, yang

menunjukan bahwa 69% atau mayoritas dari warga Kenya mendukung keputusan pemerintah untuk melakukan repatriasi pengungsi Somalia atas dasar keamanan masyarakat Kenya. Dukungan tersebut dikatakan juga sebagai suatu dukungan informal. Namun, pemerintah tidak mendapatkan dukungan formal dari institusi yang dapat melegalkan keputusan *extraordinary action*-nya. Kenyan National Commission on Human Rights dan Pusat Konsultasi Hukum Kituo Cha Sheria bersama Amnesty International sebagai 'interested Party' menggugat Government of Kenya dengan terkait "*threatened & imminent refoulement of Refugees and Asylum seekers of Somali origin by the Government of Kenya*" dan gugatan tersebut berhasil dimasukkan ke dalam Constitutional Petition 227 of 2016 bagi Pengadilan Tinggi Kenya, serta menghasilkan keputusan di mana Pengadilan Tinggi Kenya membatalkan rencana penutupan Kompleks Pengungsian Dadaab karena tidak sesuai dengan hukum internasional. Penutupan Kompleks Pengungsian Dadaab oleh pemerintah Kenya bukan repatriasi, namun *refoulement*, sehingga bersifat ilegal jika berdasarkan 1951 *UN Refugee Convention* dan *1967 Protocol*, *1969 OAU Refugee Convention on the Specific Aspects of Refugee International Covenant on Civil and Political Rights,* serta *African Charter on Human and Peoples' Rights.*

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