

## BAB V

### KESIMPULAN

Uni Eropa sebagai organisasi internasional di kawasan Eropa tentunya memiliki kewajiban untuk memenuhi berbagai norma internasional. Namun, krisis migrasi Eropa tahun 2015 menjadi saat yang sulit, dimana konsistensi Uni Eropa terhadap nilai dan prinsip yang selama ini dipromosikan menjadi dipertanyanyakan. Uni Eropa mengeluarkan kebijakan ‘EU-Turkey Migration Deal’ pada tahun 2016 sebagai sebuah respon khusus terhadap krisis migrasi yang terjadi. Peneliti menemukan bahwa kesepakatan bersama dengan Turki tersebut berkontradiksi dengan nilai *sharing responsibilities* dan prinsip *non-refoulement* yang selama ini dipromosikan oleh Uni Eropa. Maka dari itu, peneliti melihat bahwa implementasi ‘EU-Turkey Migration Deal’ sebagai sebuah anomali karena kontradiksi yang terjadi. Penelitian ini pada akhirnya bertujuan untuk menjawab, “Bagaimana Uni Eropa bersama Turki dalam mengimplementasikan ‘EU-Turkey Migration Deal pada tahun 2016-2021?’” dengan menggunakan konsep *compliance*, teori rasionalisme, konsep krisis pengungsi, dan konsep organisasi internasional. Penelitian ini menemukan bahwa Uni Eropa dalam mengimplementasikan ‘EU-Turkey Migration Deal’ untuk mengurangi laju migrasi ke Uni Eropa melakukan pengembalian migran dari Yunani ke Turki, penempatan kembali migran Suriah dari Turki ke negara-negara anggota Uni Eropa, dan pencegahan terbentuknya rute migrasi baru ke Uni Eropa. Selain itu, Uni Eropa juga

memberikan sejumlah insentif ke Turki dalam pengimplementasian ‘EU-Turkey Migration Deal’ melalui bantuan dana finansial, liberalisasi visa, pembaharuan kerja sama *Custom Union*, serta penghidupan kembali proses akses untuk Turki.

Berdasarkan **konsep *compliance*** oleh Hedley Bull, penelitian ini menunjukkan bahwa kontradiksi antara ‘EU-Turkey Migration Deal’ dengan prinsip *non-refoulement* dan nilai *sharing responsibilities* dapat terjadi karena tipe *compliance* yang ada tidak mengakomodasi instrumen yang memaksa dan ketiadaan hubungan timbal balik di dalamnya yang hanya didasarkan pada kebiasaan internasional dan sifat altruisme, sehingga sulit untuk dilakukan. Kontradiksi ini yang kemudian menyebabkan kesepakatan antara Uni Eropa dan Turki ini menjadi sebuah kontroversi dan mendapatkan banyak kritikan dari masyarakat internasional. Namun terlepas dari hal itu, **teori rasionalisme** dari Hugo Grotius menjelaskan mengapa Uni Eropa tetap melaksanakan kesepakatan tersebut meskipun mendapatkan kritikan besar. Penelitian ini menunjukkan bahwa Uni Eropa sebagai organisasi internasional yang beranggotakan negara-negara berdaulat melihat bahwa pentingnya pelebagaan kepentingan bersama dengan Turki melalui ‘EU-Turkey Migration Deal’. Teori ini menunjukkan bahwa Uni Eropa melihat ‘EU-Turkey Migration Deal’ sebagai sebuah pilihan yang rasional dalam upaya untuk mengatasi krisis migrasi Eropa tahun 2015.

Penelitian ini mendeskripsikan bagaimana upaya operasional dalam pengimplementasian Uni Eropa bersama dengan Turki terhadap ‘EU-Turkey Migration Deal’ melalui sejumlah poin di dalam kesepakatan tersebut. Kesepakatan tersebut

memiliki beberapa objektif utama, dimana salah satunya adalah pengurangan laju migrasi ke Uni Eropa. Pemenuhan objektif tersebut dilakukan dengan cara, Uni Eropa dan Turki sepakat untuk mengembalikan seluruh *irregular migrants* baru atau pencari suaka yang aplikasinya telah dinyatakan tidak diterima dari Uni Eropa ke Turki. Kesepakatan tersebut diimplementasikan dengan memindahkan seluruh migran yang tiba di Uni Eropa memindahkan seluruh migran yang tiba di Yunani setelah tanggal 20 Maret 2016 ke Yunani.

Kedua, Uni Eropa dan Turki sepakat untuk setiap migran Suriah yang dikembalikan ke Turki dari Yunani akan terjadi *resettlement* untuk migran Suriah lainnya ke negara anggota Uni Eropa. Kesepakatan ini diimplementasikan dengan adanya proposal yang diajukan oleh Komisi Eropa untuk menyediakan lebih dari 54,000 kuota *resettlement* migran ke negara anggota Uni Eropa. Selain itu, diberlakukan *fast-track resettlement*. Ketiga, 'EU-Turkey Deal' mengharuskan Turki untuk melakukan segala tindakan untuk mencegah terbentuknya jalur migrasi baru yang tidak teratur dari Turki ke Uni Eropa. Kesepakatan ini diimplementasikan melalui Turki yang bekerja sama dengan negara tetangga untuk mencegah rute migrasi baru terbentuk, serta peningkatan terhadap kontrol pengawasan terhadap perbatasan maritim.

Keempat, kesepakatan ini juga menyepakati pengaktifan skema *voluntary humanitarian admission*. Hal ini dilakukan dengan mengundang negara anggota Uni Eropa dalam partisipasi dengan mempertimbangkan kapabilitas negaranya. Selain itu,

implementasi juga dilakukan dengan penyediaan perlindungan sementara kepada kelompok migran. Adapun, keputusan terakhir proses admisi migran juga dilakukan oleh negara anggota Uni Eropa.

‘EU-Turkey Migration Deal’ juga memiliki objektif untuk menjaga komitmen Turki dalam pengimplementasikan kesepakatan, dimana hal tersebut dilakukan dengan yang pertama meliberalisasi visa bagi masyarakat Turki salah. Implementasi dari hal ini dilakukan dengan sejumlah upaya pemenuhan persyaratan Turki untuk liberalisasi visa. Kedua, pengalokasian bantuan finansial sejumlah enam juta Euro dari Uni Eropa ke Turki. Hal tersebut diimplementasikan melalui *legal framework* fasilitas pengungsi Turki. Ketiga, Uni Eropa juga menjanjikan peningkatan kerjasama dengan Turki dalam *Custom Union* yang dilakukan melalui rekomendasi Komisi Eropa untuk memodernisasi *EU-Turkey Custom Union*. Keempat, kesepakatan mengenai penghidupan kembali proses akses Turki untuk menjadi bagian dari Uni Eropa yang dilakukan melalui konferensi berkala para pemimpin negara anggota Uni Eropa. Kelima, adanya kerjasama untuk peningkatan kondisi kemanusiaan di Suriah untuk mengatasi faktor pendorong migrasi.

Evaluasi terhadap pengimplementasian ‘EU-Turkey Migration Deal’ menunjukkan bahwa memang sejumlah objektif utama dari pembentukan kebijakan ini tercapai, yakni dengan jumlah kedatangan migran ke Uni Eropa yang turun secara signifikan setelah pemberlakuan kesepakatan pada tahun 2016. Adapun, objektif pengurangan laju migrasi dengan alasan untuk mencegah korban jiwa di antara migran

yang menempuh rute berbahaya masih terdapat migrain yang tewas karena justru memilih untuk menempuh rute yang lebih berbahaya. Terakhir, upaya operasional untuk menjaga komitmen Turki dalam kesepakatan juga tidak terpenuhi karena hubungan Uni Eropa dan Turki juga memburuk akibat dari stagnasi pemenuhan janji Uni Eropa kepada Turki melalui kesepakatan ini.

Secara garis besar, terdapat dua kesimpulan dari pengimplementasian 'EU-Turkey Migration Deal' oleh Uni Eropa dan Turki. Pertama, kesepakatan ini terbukti efektif dalam pengurangan laju migrasi ke Uni Eropa. Hal tersebut dapat dilihat dari penurunan signifikan angka kedatangan migran ke Uni Eropa setelah pemberlakuan kesepakatan tersebut. Namun, di satu sisi Uni Eropa tidak berhasil menjaga hubungan baik dengan Turki dalam pelaksanaan kesepakatan ini. Hal tersebut disebabkan karena terdapat stagnansi dalam pemenuhan berbagai insentif yang diatur dalam kesepakatan tersebut. Terakhir, 'EU-Turkey Migration Deal' juga tidak menjamin keselamatan migran, dimana masih terdapat migran yang kehilangan nyawa akibat menyebrangi rute migrasi dan tidak terpenuhinya hak-hak dasar migran yang dipindahkan ke Turki.

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