

BAB V

KESIMPULAN

The EU-Turkey Statement merupakan kerjasama yang dilakukan oleh Eropa dengan Turki guna menghentikan seluruh lonjakan pengungsi yang masuk ke wilayah Eropa. Turki yang merupakan jembatan antara wilayah Timur Tengah dengan Eropa menjadi sasaran utama dalam perjanjian. Seluruh *irregular migrants* baik berasal dari Suriah atau non-Suriah akan dikembalikan ke Turki. Setiap orang yang dikembalikan maka akan mengirimkan satu pengungsi Suriah untuk dimukimkan kembali di Eropa yang dikenal dengan konsep ‘1:1 *Scheme*’. Praktik dari *the Statement* memunculkan berbagai perdebatan, baik dari kalangan para ahli, Institusi Eropa dan organisasi internasional terkait.

Turki harus dapat disebut sebagai negara aman ketiga sesuai dengan konsep *Safe Third Country* atau *First Country of Asylum* dengan menjaga hak asasi manusia pengungsi dan prinsip *non-refoulement*. Yunani dan Turki telah mengeluarkan aturan hukum dan deklarasi tertulis guna meyakinkan dan menjamin pihak-pihak yang terlibat bahwa Turki pantas untuk disebut sebagai negara ketiga yang aman. Namun, menentukan Turki sebagai negara ketiga yang aman juga harus dilihat bagaimana Turki mengimplementasikan jaminan tersebut. Terlihat dari berbagai kasus dan laporan, bahwa Turki tidak menjaga hak asasi manusia bagi pengungsi Suriah dan non-Suriah. Tidak hanya itu, bagi pengungsi non-Suriah memiliki risiko yang tinggi untuk terjadi deportasi. Hal tersebut tentu melanggar prinsip *non-refoulement*.

Salah satu hambatan lainnya adalah Turki masih menerapkan adanya *geographical limitation* yang berarti hanya dapat memberikan status pengungsi bagi orang yang secara langsung berasal dari Eropa. Status yang diberikan oleh Turki kepada orang-orang Suriah dan non-Suriah tidak mencakup hak selayaknya orang yang mendapatkan status pengungsi sehingga pada dasarnya Turki tidak memiliki kewajiban untuk melindungi mereka. Maka Turki tidak dapat dianggap sebagai negara aman ketiga dan dalam implementasi dari *the Statement* kemudian menjadi dipertanyakan karena Turki masih belum menjamin hak asasi manusia para

pengungsi dan menjaga prinsip *non-refoulement*.

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Perjanjian Internasional

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