

BAB V

KESIMPULAN

Pada hakekatnya, negara sebagai aktor utama atau subjek hukum internasional memiliki kewajiban dan tanggung jawab untuk melindungi hak asasi setiap masyarakatnya. Sama seperti negara, organisasi internasional yang juga merupakan subjek hukum internasional pada dasarnya memiliki kewajiban dan tanggung jawab dalam melindungi hak asasi masyarakatnya.

Akan tetapi dewasa ini tidak dapat dipungkiri bahwa justru terkadang negara atau pemerintahanlah yang malah melanggar hak asasi masyarakatnya. Dalam halnya krisis kemanusiaan yang terjadi di Myanmar, diketahui bahwa Tatmadaw (Militer Myanmar) secara sewenang-wenang melakukan pengambilalihan pemerintahan Myanmar secara paksa.

Selain itu, Tatmadaw diketahui juga telah melanggar hak asasi setiap masyarakat Myanmar yang melakukan aksi demonstrasi sebagai bentuk penolakan atas adanya kudeta. Pelanggaran ini dilakukan dengan menggunakan kekerasan dalam merespons aksi demonstrasi tersebut.

Hal ini mengakibatkan Tatmadaw mendapatkan kritikan pedas dari sejumlah masyarakat internasional dan sejumlah organisasi-organisasi internasional. Akan tetapi, kritikan pedas tersebut diketahui tidak hanya dilontarkan kepada Tatmadaw saja, melainkan juga kepada ASEAN sebagai organisasi regional yang menaungi kawasan Asia Tenggara.

Adapun alasan dikritiknya ASEAN adalah karena respon dari ASEAN sendiri sejauh ini dinilai lemah karena terbentur dengan prinsip non-intervensi yang sangat kaku dalam lingkup ASEAN.

Sementara itu, apabila mengacu kepada *ASEAN Declaration of Human Rights*, khususnya Pasal 39, pada dasarnya dapat dipahami bahwa ASEAN sebagai suatu organisasi internasional memiliki kewajiban dan tanggung jawab untuk mengatasi pelanggaran hak asasi manusia di Myanmar sebagai bentuk komitmennya dalam menghormati dan menegakkan hak asasi manusia.

Selain mengacu kepada Pasal 39 AHRD, tanggung jawab ASEAN dalam merespon peristiwa pelanggaran hak asasi manusia di Myanmar juga muncul dalam rangka memajukan dan melindungi hak asasi manusia sebagaimana tercantum dalam pembukaan Piagam ASEAN, Pasal 1 angka 7 Piagam ASEAN, dan Pasal 2 huruf i Piagam ASEAN.

Akan tetapi, dalam pengimplementasiannya sendiri terhadap peristiwa di Myanmar sejak 1 Februari 2021, tampak bahwa respon yang diberikan oleh ASEAN beserta dengan negara-negara anggota masih berbeda-beda dan masih belum tegas.

Dengan kata lain tampak bahwa ASEAN masih belum konsisten dalam menjunjung tinggi penghormatan terhadap hak asasi manusia sebagaimana dimaksud dalam Pasal 2 huruf i Piagam ASEAN dan juga *ASEAN Human Rights Declaration* yang lahir sebagai bentuk perwujudan komitmen ASEAN dalam memajukan dan melindungi hak asasi manusia di kawasan Asia Tenggara.

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