

BAB V

KESIMPULAN

Konflik yang terjadi di Semenanjung Krimea pada 2013-2015 menjadi permasalahan besar dalam penegakan hak sipil dan politik masyarakat Krimea, hal ini juga mempengaruhi kegagalan *International Covenant on Civil and Political Rights* sebagai rezim internasional dalam menghadapi kasus pelanggaran hak sipil dan politik yang terjadi di Semenanjung Krimea pada tahun 2013-2015. Kegagalan tersebut dipengaruhi oleh beberapa faktor jika mengacu pada konsep keberhasilan rezim internasional.

Faktor pertama yang mempengaruhi kegagalan *International Covenant on Civil and Political Rights* sebagai rezim internasional dalam menghadapi kasus pelanggaran hak sipil dan politik yang terjadi di Semenanjung Krimea pada tahun 2013-2015 adalah adanya keterlibatan Rusia dalam konflik Semenanjung Krimea yang dilakukan untuk mempertahankan kepentingannya di wilayah tersebut, yang meliputi kepentingan ekonomi, politik dan militernya, karena Krimea secara geografis berada di wilayah yang strategis yang menghubungkan dengan benua Eropa serta berada di antara Laut Hitam dan Laut Azov yang secara umum menguntungkan bagi Rusia jika dapat mempertahankan bahkan merebut wilayah Krimea. Mengacu pada bab tiga penelitian ini, keterlibatan

Rusia dalam konflik Krimea memicu terjadinya pelanggaran hak sipil dan politik terhadap warga Krimea, terutama bagi mereka yang tidak berpihak pada Rusia.¹⁰⁷

Faktor penyebab kegagalan yang kedua yaitu memburuknya hubungan antara Rusia dengan Ukraina. Pasca pecahnya konflik di Semenanjung Krimea, hubungan antara Rusia dan Ukraina semakin memanas, ditandai dengan terjadinya ancaman-ancaman antar kepala negara kedua negara hingga yang terburuk adalah pemutusan hubungan pada berbagai bidang (ekonomi, militer). Selain itu, hubungan buruk antara kedua negara memicu ketidakjelasan perundang-undangan yang diberlakukan di Krimea, karena Krimea yang secara hukum masih merupakan bagian dari Ukraina, masih menerapkan hukum Ukraina, begitu pula dengan Rusia, yang menganggap pasca referendum wilayah tersebut menjadi milik Rusia walaupun tidak mendapat pengakuan. Ketiadaan hukum yang diberlakukan di Krimea rawan akan terjadinya pelanggaran hak sipil dan politik karena tidak ada yang mengatur secara jelas perilaku dan aktivitas masyarakat Krimea.¹⁰⁸

Faktor ketiga yang menyebabkan kegagalan rezim internasional ini yaitu perbedaan latar belakang masyarakat Krimea yang terdiri atas berbagai etnis mulai dari mayoritas etnis yaitu etnis Rusia yang pastinya pro-Rusia, hingga etnis pro-Ukraina seperti masyarakat Tatar Krimea menjadikan pandangan terhadap politik dan konflik berbeda-beda dan rawan terjadinya pemanfaatan kepentingan. Hadirnya etnis Rusia dimanfaatkan Rusia untuk melakukan referendum untuk

¹⁰⁷ Jan Eichler, *War, Peace and International Security: From Sarajevo to Crimea* (London: Palgrave Macmillan, 2017).

¹⁰⁸ Paul Goble, "Ukraine Threatens to Block Russian Shipping on the Danube," *Jamestown*, May 01, 2018, , <https://jamestown.org/program/ukraine-threatens-to-block-russian-shipping-on-the-danube/>.

melepaskan diri dari Ukraina, dan memicu konflik dengan masyarakat etnis yang pro-Ukraina. Tentu, tidak adanya hubungan yang baik dalam suatu komunitas masyarakat, mendorong kegagalan ICCPR sebagai rezim internasional karena faktor tersebut membuat ICCPR tidak dapat diimplementasikan dengan baik di masyarakat.¹⁰⁹

Kegagalan ICCPR sebagai rezim internasional tentu menjadi persoalan besar dalam penegakan hak sipil dan politik di Semenanjung Krimea, hak yang tidak terpenuhi menjadi ancaman bagi masyarakat Krimea untuk bisa hidup secara wajar. ICCPR sebagai rezim internasional seharusnya bebas dari kepentingan aktor, agar ICCPR sebagai rezim internasional dapat menjadi pedoman tanpa harus dipengaruhi oleh pihak lain. ICCPR juga harus memperkuat perannya.

¹⁰⁹ Razumkov Centre. "Specificity of Socio-Cultural and Civil Identity Of The Dominant Ethnic Groups In Crimea." National Security and Defence. No. 1 (2008)

DAFTAR PUSTAKA

Konvensi & Perjanjian

Article 49, Geneva Convention IV.

Universal Declaration of Human Right. December 10, 1948. Paris.

Russian Federation law "On the Accession of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol" (21 Maret 2014).

Code of Administrative Offenses of the Russian Federation ("Carrying out missionary activity in violation of the requirements of the law")

United Nations General Assembly Resolution 68/262

Jurnal

OHCHR. "International Law". diakses 7 Oktober 2017.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>.

ECHR. "European Convention on Human Rights." European Convention on Human Rights - Official texts, Convention and Protocols.

<http://www.echr.coe.int/pages/home.aspx?p=basictexts>.

Amnesty International "One Year On. Violations of the right to freedom, expression and association in Crimea", Maret 2015

OHCHR. Rights to a Fair Trial Due Process in the Context of Countering Terrorism, October 2014.

"Верхнє додаткове меню." Women's Rights and Gender Equality in Ukraine – Ukrainian Helsinki Human Rights Union. Diakses July 2018.

<http://helsinki.org.ua/advice/poluchenye-vyda-na-zhytelstvo-dlya-hrazhdan-pozhelavshyh-sohranyt-ukraynskoe-hrazhdanstvo-y-prozhyvayuschyh-postoyanno-na-terrytoryy-kryima/>

"Information on the Situation in the Republic of Crimea (the Russian Federation) within the Scope of UNESCO Competence. As of April 8, 2015." Permanent Delegation of the Russian Federation to UNESCO. April 14, 2015. Diakses June 2018. <http://russianunesco.ru/eng/article/2070>.

OSCE. "Freedom of Assembly in Crimea Occupied by the Russian Federation." SUPPLEMENTARY HUMAN DIMENSION MEETING FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION, WITH EMPHASIS ON FREEDOM OF ASSOCIATION, 2015.

Buku

Archer, Clive. "Classification of organizations." In *International organizations*, 50-52. 3rd ed. London: Routledge, 200

Creswell, John W. "The Selection of a Research Design." In *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 25-26. 3rd ed. California, USA: SAGE Publications. Inc., 2009.

Forsythe, David P. *Human Rights in International Relations*. 2nd ed. Cambridge, United Kingdom: Cambridge University Press, 2006.

Keohane, Robert Owen., and Joseph S. Nye. *Power and interdependence: world politics in transition*. 4th ed. Pearson Education, Inc.

Krasner, Stephen D. *International Regimes*. Ithaca, NY: Cornell University Press, 1985.

Mingst, Karen A. "Essentials of international relations". 2nd ed. New York: W.W. Norton & Company, 2003.

Quinn, Peter T. "Human Security And Development: The Case Of Cambodia". The Australian National University, 2009.

Rajan, Menon, and Rumer Eugene. "Conflict in Ukraine: the unwinding of the post-cold war order". Cambridge, Mass: The MIT Press, 2015.

Eichler, Jan. *War, Peace and International Security: From Sarajevo to Crimea*. London: Palgrave Macmillan, 2017.

Rosefielde, Steven. *The Kremlin Strikes Back: Russia and the West after Crimeas Annexation*. New York, NY: Cambridge University Press, 2017.

Press Release

"Agreement On the accession Of the Republic Of Crimea To the Russian Federation Signed." President Of Russia. Maret 18, 2014. Diakses July 2018. <http://en.kremlin.ru/events/president/news/20604>.

Artikel berita

Herszenhorn, David M. "Ukraine President Claims Win for Pro-West Parties." *The New York Times*. 26 Oktober, 2014. <https://www.nytimes.com/2014/10/27/world/europe/ukrainian-parliamentary-elections.html?mcubz=1>.

Kir, Paul. "Russias gas fight with Ukraine." *BBC News*. 31 Oktober, 2014. diakses 9 Oktober, 2017. <http://www.bbc.com/news/world-europe-29521564>.

Yakutenko, Anna. "Lavrov admits Russian involvement in instigating the war ...". *Kyivpost*. 2 Juli, 2017. diakses 5 Oktober , 2017.

<https://www.kyivpost.com/ukraine-politics/lavrov-admits-russian-involvement-instigating-war-eastern-ukraine.html>.

"EU mediates Russia, Ukraine gas dispute talks." *Reuters*. 9 Desember, 2016. diakses 8 Oktober, 2017. <http://www.reuters.com/article/ukraine-crisis-russia-gas/eu-mediates-russia-ukraine-gas-dispute-talks-idUSL5N1E4316>.

"Article 2: Physical and Mental Integrity, Freedom and Security." Startseite: Die Charta Der Rechte Hilfe- Und Pflegebedürftiger Menschen. Diakses July 10, 2018. <https://www.pflege-charta.de/en/the-charter/eight-articles/articles-of-the-charter/news/detail/News/article-2-physical-and-mental-integrity-freedom-and-security.html>.

National Commissions for UNESCO of France and Germany. "Claiming Human Rights." Claiming Human Rights in Africa. Diakses May 10, 2018. http://claiminghumanrights.org/right_to_life_definition.html.

"Russia-Ukraine Gas Dispute." *TASS*. Diakses October 5, 2017. <http://tass.com/russia-ukraine-gas-dispute>.

"Ukraine ceasefire: New Minsk agreement key points." *BBC News*. Februari 12, 2015. <http://www.bbc.com/news/world-europe-31436513>.

"Two Die in Rallies outside Crimean Parliament, Says Ex-head of Mejlis - Feb. 26, 2014." *KyivPost*. Februari 26, 2014. Diakses July 1, 2018. <https://www.kyivpost.com/article/content/euromaidan/two-die-in-rallies-outside-crimean-parliament-says-ex-head-of-mejlis-337708.html>.

Gander, Kashmira. "Ukraine: Naval Officer Shot Dead by Russian Solider in Crimea." *The Independent*. April 07, 2014. Diakses Maret 22, 2018. <http://www.independent.co.uk/news/world/europe/ukraine-naval-officer-shot-dead-by-russian-solider-in-crimea-9243306.html>.

"History Repeats Itself as Moscow Cracks down on Crimea's Tatars." *Financial Times*. November 04, 2014. Diakses Februari 10, 2018. <https://www.ft.com/content/0fb85596-636c-11e4-8a63-00144feabdc0>Laporan Organisasi

"Article 6 - Right to Liberty and Security." European Union Agency for Fundamental Rights. April 23, 2018. Diakses July 10, 2018. <http://fra.europa.eu/en/charterpedia/article/6-right-liberty-and-security>.

Burridge, Tom. "Ukraine Nationalist Blockade Threatens Economy and Severs Ties with East." *BBC News*. Maret 02, 2017. Diakses April 1, 2018. <https://www.bbc.com/news/world-europe-39139633>.

Carroll, Oliver. "Crimean Tatars' Border Blockade Could Invite Forceful Response from Russia." *The Independent*. September 22, 2015. Diakses June 9, 2018. <https://www.independent.co.uk/news/world/europe/mid-ukraine-crisis->

crimean-tatars-border-blockade-of-their-occupied-peninsula-could-strangle-the-10513363.html

RIA Novosti. "ФМС РФ: 3427 крымчан отказались от российского гражданства." РИА Новости Украина. April 22, 2014. Diakses Maret 2018. https://rian.com.ua/CIS_news/20140422/345528247.html.

Macfarquhar, Neil. "Gazprom Cuts Russia's Natural Gas Supply to Ukraine." *The New York Times*. June 16, 2014. Diakses June 2018. <https://www.nytimes.com/2014/06/17/world/europe/russia-gazprom-increases-pressure-on-ukraine-in-gas-dispute.html>

"Subscribe to the FT to Read: Financial Times Why Crimea Matters to Russia." *Financial Times*. Diakses Mei 2018. <https://www.ft.com/content/514abee5-c09b-34f6-9a3a-865a64540a65>.

"Russia Reinforces Military Presence in Crimea." *Euronews*, diakses Januari 14, 2018. <http://www.euronews.com/2018/01/14/russia-reinforces-military-presence-in-crimea>.

Laporan Resmi

Human Right Watch, "Ukraine Events of 2016," diakses 2 Oktober 2017, <https://www.hrw.org/world-report/2017/country-chapters/ukraine>.

"About number and composition population of Autonomous Republic Of Crimea by data All-Ukrainian population census'." All Ukraine Population Census 2001. <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/Crimea/>.

"Human Rights." Представництво ООН в Україні. <http://www.un.org.ua/en/resident-coordinator-system/human-rights>.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine 2014. Annual Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report of the High Commissioner for Human Rights of the Russian Federation 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine April 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine August 2014. Report. 2015.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine December 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine June 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine June 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine May 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine May 2015. Report. 2015.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine October 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Report on the Human Rights Situation in Ukraine September 2014. Report. 2014.

Office of the United Nations High Commissioner for Human Rights. Situation of Human Rights in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol (Ukraine) 2013-2015. Report. 2015.