Pelanggaran Prinsip Non-Refoulement Terhadap Pengungsi Kelompok Minoritas Chin dan Kachin Myanmar Oleh Negara Malaysia

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ABSTRAK

Pengungsi merupakan bentuk keprihatinan banyak negara. Dari keprihatinan tersebut beberapa negara meratifikasi Konvensi 1951 dan Protokol 1967 tentang Status Pengungsi. Malaysia bukanlah negara yang meratifikasi konvensi tersebut dan diketahui melanggar pasal 33 Konvensi 1951 dan Protokol 1967 dengan memulangkan pengungsi ketika terjadi kudeta dengan alasan Covid-19. Meskipun alasan kesehatan itu mutlak untuk dilakukan refouler, namun Malaysia harus memberikan perlindungan atas dasar kemanusiaan kepada para pengungsi hingga situasi membaik. Jenis penelitian yang digunakan adalah penelitian yuridis normatif. Pendekatan masalah dilakukan dengan cara pendekatan *statute approach,* dan *conceptual approach.*

Kata kunci: *UNHCR, Non-Refoulement, Pengungsi*

Violation of the Principle of Non-Refoulement Against Refugees Chin and

Kachin Minority Groups of Myanmar by the Malaysian State

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ABSTRACT

Refugees are a form of concern for many countries. Based on these concerns, several countries ratified the 1951 Convention and the 1967 Protocol concerning the Status of Refugees. Malaysia is not a country that has ratified the convention and is known to have violated article 33 of the 1951 Convention and the 1967 Protocol by repatriating refugees when a coup occurred on the grounds of Covid-19. Even though it is absolutely necessary for refoulers to carry out health reasons, Malaysia must provide protection on humanitarian grounds to the refugees until the situation improves. The type of research used is normative juridical research. The problem approach is carried out using the statute approach and conceptual approach.

Keywords: UNHCR, Non-Refoulement, Refugees