

## Indonesia dan persoalan hak pencari suaka periode 1999-2006

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### Abstrak

#### **ABSTRAK**

Penelitian ini berfokus pada persoalan hak pencari suaka di Indonesia, khususnya periode 1999-2006. Terkatung-katungnya nasib sekitar 350 pencari suaka asal Afganistan, Irak dan Iran di Indonesia selama kurang lebih lima tahun perlu mendapat perhatian khusus. Anehnya realita tersebut nyaris tidak terdengar. Pemerintah Indonesia, khususnya Direktorat Jenderal Imigrasi berdalih bahwa berdasarkan UU No. 9 Tahun 1992 Tentang Keimigrasian, para pencari suaka tersebut tergolong imigran gelap.

Komisi Tinggi PBB Urusan Pengungsi (UNHCR) dan Organisasi Internasional Urusan Migrasi (IOM) mempunyai pandangan yang berbeda. UNHCR melihat mereka sebagai pencari suaka. IOM memperlakukan mereka sebagai irregular migrant, yang membedakannya dengan illegal migrant.

Teori John Rawls mengenai keadilan "Justice as fairness" dan konsep keamanan manusia (human security) digunakan dalam meneliti persoalan tersebut. Penelitian ini bersifat kualitatif dan metode yang digunakan adalah studi pustaka, disamping wawancara.

Dari analisis terhadap data dan hasil wawancara, disimpulkan bahwa pemerintah Indonesia telah melakukan pembiaran (act of ommission) terhadap para pencari suaka dan hal tersebut merupakan ketidakadilan (injustice) bagi mereka. Oleh karena itu perlu dilakukan upaya ratifikasi dan pembentukan peraturan perundang-undangan mengenai masalah pencari suaka di Indonesia sehingga hak-hak pencari suaka terlindungi dan keadilan (justice) ditegakkan.

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#### **ABSTRACT**

The focus of this-study is the issue of asylum seekers' rights in 1999-2006 in Indonesia. The situation of being in limbo of about 350 asylum seekers, particularly those from Afganistan, Iraq and Iran who have been in Indonesia for about five years needs special attention from the government. On the contrary, the government of Indonesia, especially the Directorate General of Immigration argues that based on the Act No. 9 Year of 1992 (Immigration Act), asylum seekers are illegal immigrants.

Despite the argument of the Indonesian government, the United Nations High Commissioner for Refugees (UNHCR) perceives the issue as asylum seekers' issue. On the other hand, the International Organization for Migration (IOM) treats them as irregular migrants.

The theory of John Rawls "Justice as fairness" and the concept of human security is used to analyze the issue. This research is qualitative and the data collected by means of literature study and deep interviews.

This research concludes that the government of Indonesia has conducted act of ommission, which is a

violation against the asylum seekers' rights and that the government has performed injustice for them. Therefore it is recommended that the government of Indonesia ratify the conventions regarding asylum seekers/refugees and regulate the issue. By ratifying and regulating the issue, it is expected that justice can be enforced to asylum seekers in Indonesia.</i>