

Tinjauan Pertanggungjawaban Negara Myanmar Atas Pelanggaran Hak Asasi Manusia Etnis Rohingya Berdasarkan Doctrine of Imputability = "Overview of Myanmar State Responsibility for Violations Rohingya Ethnic Human Rights Based on Doctrine of Imputability"

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Abstrak

Penelitian ini membahas tentang pertanggungjawaban yang dapat dimintakan kepada negara Myanmar atas pelanggaran berat hak asasi manusia yang dialami oleh etnis Rohingya berdasarkan doctrine of imputability, dan tindakan yang harus dilakukan negara Myanmar berdasarkan prinsip pertanggungjawaban negara. Penelitian ini menggunakan jenis metode penelitian normatif dengan sifat penelitian deskriptif analitis melalui pendekatan kasus, dengan teknik pengumpulan data melalui studi kepustakaan. Kesimpulan penelitian ini bahwa Negara Myanmar dapat dimintakan pertanggungjawaban atas perlakuan dan tindakan terhadap etnis Rohingya karena melanggar ketentuan yang diatur dalam ketentuan Hak Asasi Manusia dalam Hukum Internasional. Bentuk pertanggungjawaban atas pelanggaran berat hak asasi manusia yang dialami oleh etnis Rohingya berdasarkan doctrine of imputability bahwa tindakan pelanggaran hak asasi manusia dilakukan oleh Junta Militer Myanmar dan pembiarannya dilakukan oleh Pemerintah Sipil, sehingga kejahatan yang dilakukan oleh Pemerintahan negaranya, baik militer maupun sipil yang merupakan organ negara, dimana atas tindakan pelanggaran atas genosida tersebut dapat dimintakan pertanggungjawaban negara. Myanmar harus melakukan reparasi berupa restitusi dengan menstabilkan keadaan politik dan ekonomi negara serta memberikan pernyataan sah tentang keberlakuan status kewarganegaraan melalui pengakuan eksistensi etnis Rohingya di Myanmar, serta wajib memberikan ganti kerugian atas kerusakan yang dilakukan terhadap fasilitas etnis Rohingya dengan melakukan pemberlakuan aturan tentang wilayah tempat tinggal yang sah serta memfasilitasi sekolah untuk pendidikan serta fasilitas kesehatan yang layak bagi etnis Rohingya. Myanmar juga harus memberikan kepuasan atau satisfaction dengan mengakui adanya pelanggaran berat hak asasi manusia kepada etnis Rohingya yang tindakannya dilakukan oleh Junta Militer Myanmar dan juga pengakuan atas pembiaran oleh Pemerintah Sipil serta memberikan permintaan maaf terbuka dan disuarakan di hadapan Internasional.

.....This study discusses the accountability that can be asked to the state of Myanmar for the gross violations of human rights experienced by the Rohingya ethnic based on the doctrine of imputability, and the actions that the state must take based on the principle of state responsibility. This study uses a normative research method with descriptive analytical research characteristics through a case approach, with data collection techniques through library research. The conclusion of this study is that the State of Myanmar can be held accountable for the treatment and actions of the Rohingya because it violates the provisions stipulated in the provisions of Human Rights in International Law. The form of accountability for gross violations of human rights experienced by the Rohingya ethnicity is based on the doctrine of imputability that acts of human rights violations are carried out by the Myanmar Military Junta and the omission is carried out by the Civilian Government, so that the crimes committed by the government of the country, both military and civilian, are organs. the state, where the act of violating the genocide can be held accountable for the state. Myanmar must make reparations in the form of restitution by stabilizing the country's political and

economic conditions and provide a valid statement of the validity of citizenship status through recognition of the existence of the Rohingya ethnicity in Myanmar, and must provide compensation for damage done to Rohingya ethnic facilities by enforcing rules regarding the area of residence. and facilitate schools for proper education and health facilities for the Rohingya. Myanmar must also give satisfaction or satisfaction by acknowledging the existence of gross violations of human rights against the Rohingya ethnic whose actions were carried out by the Myanmar Military Junta and also acknowledging the omission by the Civilian Government and providing an open and voiced apology before the international for gross violations of human rights and omissions that have been committed. carried out by the state of Myanmar against the Rohingya ethnic.