

ABSTRAK

Penelitian ini bertujuan; (1) Untuk mengetahui, penerapan prinsip *non-refoulement* dalam Hukum Internasional. (2) Untuk mengetahui, penolakan pemerintah Polandia terhadap imigran dianggap melanggar Hukum Internasional. Pemerintah Polandia menerapkan kebijakan imigrasi yang melegalkan pengusiran pencari suaka dari Timur Tengah di perbatasan Polandia-Belarusia. Padahal, dalam *Refugee Convention* dikenal prinsip *non-refoulement* yang melarang negara untuk mengusir atau mengembalikan pencari suaka ke wilayah dimana kehidupannya akan terancam. Polandia dinilai gagal menjalankan kewajibannya menurut hukum internasional dalam menerapkan prinsip *non-refoulement* terhadap pencari suaka Timur Tengah di perbatasan negara Polandia dan Belarusia berdasarkan *Refugee Convention*. Metode yang digunakan adalah yuridis normatif dengan menggunakan pendekatan undang-undang, pendekatan kasus, pendekatan sejarah, pendekatan perbandingan, dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa Prinsip *non-refoulement* merupakan norma fundamental dalam hukum internasional yang melarang negara mengusir atau memulangkan seseorang ke negara di mana ia menghadapi risiko penyiksaan, penganiayaan, atau perlakuan tidak manusiawi. Prinsip ini tercantum dalam berbagai instrumen internasional seperti Konvensi 1951 tentang Pengungsi (Pasal 33) dan Konvensi Menentang Penyiksaan. Penerapannya bersifat non-derogable (tidak bisa dikesampingkan), termasuk dalam situasi darurat sekalipun. Penolakan pemerintah Polandia terhadap imigran, khususnya dengan memaksa mereka kembali ke perbatasan tanpa proses penilaian suaka, dianggap melanggar hukum internasional karena bertentangan dengan prinsip *non-refoulement*. Polandia menolak masuk atau mendeportasi pengungsi tanpa proses yang adil, itu bisa melanggar prinsip *non-refoulement* yang bersifat jus cogens tidak boleh dilanggar dalam keadaan apapun.

Kata Kunci : Kebijakan, Imigrasi, Polandia

ABSTRACT

This study aims to; (1) Determine the application of the principle of non-refoulement in International Law. (2) Determine whether the rejection of immigrants by the Polish government is considered a violation of International Law. The Polish government implements an immigration policy that legalizes the expulsion of asylum seekers from the Middle East on the Polish-Belarusian border. In fact, the Refugee Convention recognizes the principle of non-refoulement which prohibits a country from expelling or returning asylum seekers to an area that will endanger their lives. Poland is considered to have failed to carry out its obligations under international law in implementing the principle of non-refoulement to Middle Eastern asylum seekers on the Polish-Belarusian border based on the Refugee Convention. The method used is normative juridical using a legislative approach, case approach, historical approach, comparative approach, and conceptual approach. The results of the study indicate that the principle of non-refoulement is a basic norm in international law that prohibits a country from expelling or returning someone to a country that is at risk of torture, persecution, or inhumane treatment. This principle is stated in various international instruments such as the 1951 Refugee Convention (Article 33) and the Convention against Torture. The application of this principle is non-derogable, even in emergency situations. The Polish government's rejection of immigrants, especially by forcing them back to the border without going through the asylum assessment process, is considered a violation of international law because it is contrary to the principle of non-refoulement. Poland's refusal to accept or deport refugees without going through a fair process may violate the principle of non-refoulement, which is a jus cogens principle that must not be violated under any circumstances.

Keywords: Policy, Immigration, Poland

