

ABSTRACT

Muhammad Dwiki Ramadhani (01051170234)

LEGAL ANALYSIS OF MYANMAR GOVERNMENT'S POLICY ON THE ROHINGYA TRIBE'S RETURN RIGHT BASED ON INTERNATIONAL LAW

International law, especially in international treaties or conventions, regulates human rights for every human being in any country or region. However, conflicts related to human rights violations are still common, one of which is the Rohingya ethnic conflict with the Myanmar government. The Burma Citizenship Law does not recognize Rohingya as citizens of Myanmar which makes them stateless. The Rohingya people often get violent actions from the Myanmar government officials, which then they are forced to flee to various countries. This has an impact on the existence of those who are not welcome in the countries where they are displaced or in the countries, they have made their 'home'. The purpose of this research is to find out the rights of residents of a country to return to their country of residence based on international law and to know the policies of the Government of Myanmar towards the Rohingyas who want to return to Myanmar in terms of international law. The type of research conducted is normative legal research. The types of data used consist of primary legal materials, secondary legal materials, and tertiary legal materials. The data was obtained through literature study. The approach of this research is the statutory and case approach. Data analysis in this research is descriptive analysis. The results of the study indicate that even though Rohingya are not considered as indigenous by Myanmar, Rohingya have the rights to be not relocated without their consent, without reasonable compensation and have the rights to return to the formerly Arakan region based on United Nations Declaration on the Rights of Indigenous Peoples. The right of the population to return is a universal right regulated in international conventions, especially for stateless persons in Convention Relating to Stateless Persons 1954 and Convention on the Reduction of Statelessness 1961. In addition, it is also regulated regarding other rights for residents who wish to return to their country. The Myanmar government's policy is to make the Rohingya people stateless. There is a gap for the Rohingyas who want to return to Myanmar by applying for naturalization even though many of Myanmar's policies are discriminatory against the Rohingyas.

References : 50 (1952-2022)

Keywords : International Law, Rohingya, Burma/Myanmar, Rights of Return