

ABSTRAK

Konflik bersenjata yang terjadi di Sudan sejak April 2023 telah mengakibatkan jutaan penduduk mengungsi ke negara-negara tetangga, termasuk Mesir. Sebagai negara pihak Konvensi 1951 dan Protokol 1967, Mesir memiliki kewajiban untuk memberikan perlindungan terhadap pengungsi, melalui penerapan prinsip *non-refoulement*. Namun, dalam praktiknya, pemerintah Mesir dilaporkan melakukan penangkapan, penahanan, dan pengusiran terhadap sejumlah pengungsi Sudan yang memasuki wilayahnya, sehingga menimbulkan pertanyaan mengenai kesesuaian tindakan tersebut dengan hukum pengungsi internasional dan kewajiban hak asasi manusia. Penelitian ini bertujuan untuk menganalisis kesesuaian tindakan pengusiran pengungsi Sudan oleh Pemerintah Mesir dengan ketentuan Konvensi 1951 tentang Status Pengungsi, Undang-Undang Suaka Mesir Nomor 164 Tahun 2024, serta mengkaji bentuk pertanggungjawaban internasional Mesir apabila terbukti melakukan pelanggaran terhadap prinsip *non-refoulement*. Penelitian ini merupakan penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*), dan pendekatan kasus (*case approach*). Bahan hukum yang digunakan terdiri atas bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif dengan metode deskriptif-analitis. Hasil penelitian menunjukkan bahwa meskipun Mesir telah mengadopsi prinsip *non-refoulement* dalam Undang-Undang Suaka Nomor 164 Tahun 2024, praktik pengusiran terhadap pengungsi Sudan yang dilakukan tanpa penilaian risiko secara individual berpotensi bertentangan dengan Pasal 33 Konvensi 1951, Pasal 3 *Convention against Torture* (CAT), serta Pasal 6 dan Pasal 7 *International Covenant on Civil and Political Rights* (ICCPR). Berdasarkan teori tanggung jawab negara dan *Articles on Responsibility of States for Internationally Wrongful Acts* (ARSIWA), tindakan tersebut dapat memenuhi unsur *internationally wrongful act* karena merupakan pelanggaran terhadap kewajiban internasional yang dapat diatribusikan kepada negara. Oleh karena itu, Pemerintah Mesir berkewajiban untuk menghormati prinsip *non-refoulement*, menjamin perlindungan hak-hak pengungsi sesuai standar hukum internasional, dan melaksanakan kebijakan suaka secara konsisten dengan kewajiban internasional yang telah diterimanya.

Kata Kunci: Pengungsi Sudan, Mesir, Konvensi 1951, *Non-Refoulement*, Tanggung Jawab Negara.

ABSTRAK

The armed conflict that erupted in Sudan in April 2023 has forced millions of people to flee to neighboring countries, including Egypt. As a State Party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, Egypt is obligated to provide protection to refugees, particularly through the implementation of the principle of non-refoulement. However, in practice, the Egyptian government has reportedly arrested, detained, and deported a number of Sudanese refugees entering its territory, raising questions regarding the compatibility of such actions with international refugee law and international human rights obligations. This study aims to analyze the conformity of Egypt's deportation of Sudanese refugees with the provisions of the 1951 Convention Relating to the Status of Refugees, Egypt's Asylum Law No. 164 of 2024, and to examine Egypt's international responsibility should such actions constitute a violation of the principle of non-refoulement. This research employs a normative legal research method using a statutory approach, a conceptual approach, and a case approach. The legal materials consist of primary, secondary, and tertiary legal sources, which are analyzed qualitatively through a descriptive-analytical method. The findings indicate that although Egypt has incorporated the principle of non-refoulement into Asylum Law No. 164 of 2024, the practice of deporting Sudanese refugees without conducting an individualized risk assessment may contravene Article 33 of the 1951 Convention, Article 3 of the Convention against Torture (CAT), and Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR). Based on the theory of State responsibility and the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), such conduct may constitute an internationally wrongful act, as it represents a breach of international obligations attributable to the State. Accordingly, the Egyptian government is required to uphold the principle of non-refoulement, ensure the protection of refugees' rights in accordance with international legal standards, and implement its asylum policies consistently with its international obligations.

Keywords: Sudanese Refugees, Egypt, 1951 Convention Relating to the Status of Refugees, Non-Refoulement, State Responsibility.