BAB III

PENUTUP

A. Kesimpulan

Berdasarkan pembahasan yang telah dilakukan dalam skripsi ini, dapat ditarik dua kesimpulan sebagai berikut:

1. Perlindungan hukum terhadap anak yang direkrut sebagai tentara di Myanmar terlah diatur secara tegas dalam Pasal 38 CRC yang melarang keterlibatan anak di bawah usia 15 tahun dalam permusuhan. OPAC yang menaikkan standar usia menjadi 18 tahun serta mewajibkan negara mencegah perekrutan, membebaskan, dan merehabilitasi anak yang menjadi korban. Hukum Humaniter Internasional, melalui *Geneva Conventions* dan *Additional Protocols*, juga mengatur bahwa anak adalah pihak yang dilindungi dan tidak boleh direkrut oleh angkatan bersenjata maupun kelompok bersenjata non-pemerintah.
2. Upaya penanggulangan dilakukan melalui kerja sama antara Pemerintah Myanmar dan lembaga internasional, termasuk penandatanganan *Joint Action Plan* dengan PBB, keterlibatan UNICEF dan CTFMR dalam pemantauan, serta pelaksanaan mekanisme MRM untuk memverifikasi pelanggaran. Selain itu, berbagai lembaga di bawah PBB seperti Komite Hak Anak dan *Special Representative of the Secretary-General for Children and Armed Conflict* (SRSG-CAAC) turut mengawasi dan memberikan rekomendasi agar Myanmar menghentikan perekrutan anak.

Dalam konteks penegakan hukum, Statuta Roma 1998 mengkategorikan perekrutan tentara anak sebagai kejahatan perang, sehingga para pelaku secara prinsip dapat dimintai pertanggungjawaban di hadapan *International Criminal Court* (ICC). Dewan Keamanan PBB juga memiliki kewenangan untuk mengeluarkan sanksi terhadap individu atau kelompok pelaku. Namun, implementasi seluruh perlindungan, upaya penanggulangan, dan mekanisme penegakan hukum tersebut belum berjalan maksimal. Kondisi politik Myanmar yang tidak stabil, dominasi militer melalui Tatmadaw, serta terus berlanjutnya konflik internal menyebabkan praktik perekrutan dan penggunaan tentara anak masih terjadi, sehingga kesenjangan antara norma hukum internasional dan praktik di lapangan tetap sangat signifikan.

B. Saran

Pemerintah Myanmar perlu memperkuat komitmennya dalam mengakhiri praktik perekrutan anak sebagai tentara dengan menjalankan secara konsisten kewajiban yang bersumber dari *Convention on the Rights of the Child* (CRC), *Optional Protocol on the Involvement of Children in Armed Conflict* (OPAC), serta Hukum Humaniter Internasional. Langkah konkret yang perlu dilakukan antara lain mengintegrasikan larangan perekrutan anak secara eksplisit dalam regulasi nasional, memperkuat mekanisme pengawasan internal militer dan kelompok bersenjata, serta menegakkan sanksi administratif dan pidana yang efektif terhadap individu maupun komandan yang terlibat dalam praktik tersebut.

Selain itu, lembaga internasional, khususnya Perserikatan Bangsa-Bangsa, perlu meningkatkan peran pemantauan dan pendampingan teknis guna memastikan implementasi kebijakan perlindungan anak berjalan secara nyata di lapangan. Dalam hal pelanggaran terus berlanjut, komunitas internasional perlu mengoptimalkan mekanisme penegakan hukum internasional, termasuk mendorong akuntabilitas individual melalui *International Criminal Court* (ICC) atau penerapan sanksi oleh Dewan Keamanan PBB sebagai bentuk tekanan internasional. Upaya-upaya tersebut diharapkan dapat memberikan efek jera sekaligus memastikan penghentian praktik perekrutan dan penggunaan tentara anak secara menyeluruh di Myanmar.

DAFTAR PUSTAKA

BUKU

Andrey Sujatmoko, 2015, *Hukum HAM dan Hukum Humaniter*, Raja Grafindo, Jakarta.

Chen, Kai, 2024, *Children Affected by Armed Conflict in the Borderlands of Myanmar 2021 and Beyond*, Springer Nature, Singapore.

Emily Crawford dan Alison Pert, 2015, *International Humanitarian Law*, Cambridge University Press, Cambridge.

Jean-Marie Henckaerts dan Louise Doswald-Beck, 2005, *Customary International Humanitarian Law*, *Volume I*, ICRC dan Cambridge University Press, New York.

Mirsa Astuti, 2024, *Hukum Humaniter Internasional*, Cetakan Pertama, UMSU Press, Medan.

Muhaimin, 2020, *Metode Penelitian Hukum*, Cetakan Pertama, Mataram University Press, Mataram.

Muhammad Citra Ramadhan, 2021, *Metode Penelitian Hukum*, Cetakan I, Kaizen Sarana Edukasi.

Nils Melzer, 2019, *Hukum Humaniter Internasional: Sebuah Pengantar Komprehensif*, ICRC, Jakarta Selatan.

Nurul Qamar dan Farah Syah Rezah, 2020, *Metode Penelitian Hukum Doktrinal dan Non-Doktrinal*, Cetakan Pertama, Social Politic Genius (SIGn), Makassar.

Rangga Kusuma, 2024, *Hak Asasi Manusia "HAM"*, Prima Agus Teknik, Semarang.

Rhona K.M. Smith, dkk., 2008, *Hukum Hak Asasi Manusia*, Cetakan Pertama, Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia, Yogyakarta.

Ria Wierma Putri, 2011, *Hukum Humaniter Internasional*, Universitas Lampung, Bandar Lampung.

Simon Reich dan Scott Gates, 2010, *Child Soldiers in the Age of Fractured States*, Edisi Pertama, University of Pittsburgh Press, Pittsburgh.

Umar Suryadi Bakry, 2019, *Hukum Humaniter Internasional: Sebuah Pengantar*, Cetakan Pertama, Kencana Prenadamedia Group, Jakarta.

HASIL PENELITIAN TERDAHULU

Imam Arif Hidayat, 2015, *Peran United Nations International Children's Fund (UNICEF) dalam Menangani Kasus Perekrutan Tentara Anak di Myanmar*, Skripsi, Universitas Jember.

Bhagas Anindya Jati, 2017, *Perlindungan Hukum Terhadap Tentara Anak dalam Konflik Bersenjata di Yaman*, Skripsi, Universitas Atma Jaya Yogyakarta.

Indah Mustika, 2015, *Upaya UNICEF Melalui Joint Action Plan dalam Mengatasi Permasalahan Tentara Anak di Myanmar Tahun 2012–2013*, Skripsi, Universitas Islam Negeri Syarif Hidayatullah.

INSTRUMEN HUKUM INTERNASIONAL

Additional Protocol I to the Geneva Conventions and Relating to the Protection of Victims of International Armed Conflicts, 1977.

Additional Protocol II to the Geneva Conventions and Relating to the Protection of Victims of Non-International Armed Conflicts, 1977.

Convention on the Rights of the Child, 1989.

Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949.

Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949.

Geneva Convention III Relative to the Treatment of Prisoners of War, 1949.

Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, 1949.

Hague Convention (IV) Respecting the Laws and Customs of War on Land, 1907.

Optional Protocol I to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000.

Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, 2007.

Rome Statute of the International Criminal Court, 1998.

United Nations Charter, 1945.

Universal Declaration of Human Rights, 1948.

ARTIKEL/JURNAL

Aristya Nadya Azhari, dkk., 2025, "Tinjauan Hukum Berdasarkan Statuta Roma terhadap Perlindungan Perekrutan Tentara Anak di Bawah Umur dalam Konflik Bersenjata Internasional," *Journal of Administrative and Social Science*, Vol. 6 No. 2, Juli 2025, Universitas Tidar.

Yunan Prasetyo Kurniawan, dkk., 2025, "Dampak Putusan Mahkamah Pidana Internasional Mengenai Perekrutan Tentara Anak dalam Perang Kongo II terhadap Pemenuhan Hak Asasi Anak di Dunia," *Jurnal ISO: Jurnal Ilmu Sosial, Politik dan Humaniora*, Vol. 5 No. 1, 2025, Universitas Pancasila.

Nurlita Pratiwi, 2023, "Pelanggaran Prinsip-Prinsip Hukum Humaniter Internasional dalam Agresi Militer Israel ke Palestina," *Jurnal Hukum Indonesia*, Vol. 3 No. 2, April 2023, Universitas Sebelas Maret, Jawa Tengah.

Muh Risnain, 2015, "Problematika Perekrutan Anak dalam Konflik Bersenjata dan Permasalahannya di Indonesia," *Fiat Justisia: Jurnal Ilmu Hukum*, Vol. 8 No. 3, Universitas Mataram.

Rahadian Diffaul Barraq Suwartono, 2020, "Penggunaan Tentara Anak oleh Aktor Selain Negara Ditinjau dari Hukum Humaniter Internasional," *Jurnal Hukum Ius Quia Iustum*, Vol. 27 No. 3, Universitas Islam Indonesia.

I Gusti Ayu Sintiya Widayanti, dkk., 2019, "Penggunaan Tentara Anak dalam Konflik Bersenjata Ditinjau dari Perspektif Hukum Humaniter Internasional (Studi Kasus: Konflik Bersenjata di Sri Lanka)," *e-Journal Komunitas Yustisia*, Vol. 2 No. 2, Universitas Pendidikan Ganesha.

Rodrigo Wullur, dkk., 2021, "Pertanggungjawaban Pidana Individu Terhadap Pelaku Tindakan Persekusi Menurut Statuta Roma 1998 tentang International Criminal Court," *Lex Administratum*, Vol. IX No. 1, Jan–Mar 2021, Universitas Sam Ratulangi.

Mohd. Yusuf, dkk., 2024, "Nilai-Nilai Prinsip Perang dan Perlindungan dalam Perang," *Jurnal Ilmu Hukum, Humaniora dan Politik* (JIHHP), Vol. 4 No. 5, Juli 2024.

WEBSITE

Child Rights Connect, "Convention on the Rights of the Child: Concluding Observations", laman CRC Reporting, https://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-concluding-observations, diakses 11 Oktober 2025.

Council on Foreign Relations, "Global Conflict Tracker: The Rohingya Crisis (Myanmar)", https://www.cfr.org/global-conflict-tracker/conflict/rohingya-crisis-myanmar, diakses 6 Oktober 2025.

Equitas, Play It Fair! Human Rights Education Toolkit for Children, International Centre for Human Rights Education, Canada, 2008, https://equitas.org/wp-content/uploads/2021/08/Equitas-PIF-Toolkit-2008_En.pdf, diakses 1 Oktober 2025.

International Committee of the Red Cross, "Protected Persons: Civilians", ICRC, https://www.icrc.org/en/law-and-policy/protected-persons-civilians, diakses 10 April 2025.

International Committee of the Red Cross, 2025, "Armed Groups", Online Casebook, https://casebook.icrc.org/a_to_z/glossary/armed-groups, diakses 16 Oktober 2025.

International Criminal Court, "Statement of ICC Prosecutor Karim A.A. Khan KC: Application for Arrest Warrant in the Situation in Bangladesh/Myanmar", https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-

application-arrest-warrant-situation-bangladesh, diakses 27 November 2025.

Lindsay Maizland, "Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict", Council on Foreign Relations website, https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya, diakses 6 Oktober 2025.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Action Plans – Tools for Action", laman Children and Armed Conflict, https://childrenandarmedconflict.un.org/tools-for-action/action-plans/, diakses 2 Oktober 2025.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "A Mandate to Protect Children Affected by Conflict", brosur (PDF), https://childrenandarmedconflict.un.org/wp-content/uploads/2018/04/WEB-EN_Children-and-Armed-Conflict-Office-Brochure-web.pdf, diakses 2 Oktober 2025.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Child Recruitment and Use", United Nations, https://childrenandarmedconflict.un.org/six-grave-violations/child-soldiers/, diakses 19 September 2025.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Mandate", https://childrenandarmedconflict.un.org/about/the-mandate, diakses 2 Oktober 2025.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Monitoring and Reporting on Grave Violations – Tools for Action", laman Children and Armed Conflict, https://childrenandarmedconflict.un.org/tools-for-action/monitoring-and-reporting/, diakses 2 Oktober 2025.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)" (UN, Tools for Action), https://childrenandarmedconflict.un.org/tools-for-action/opac/, diakses 1 Oktober 2025.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "The Six Grave Violations" (UN, 31 January 2023), https://childrenandarmedconflict.un.org/six-grave-violations/, diakses 2 Oktober 2025.

Tin Shine Aung, "Authoritarian Legacy: Myanmar's Military and the Failure of Professionalization", Small Wars Journal,

https://smallwarsjournal.com/2025/10/06/authoritarian-legacy-myanmar-military/, diakses 6 Oktober 2025.

UNICEF, "Children Recruited by Armed Forces or Armed Groups", UNICEF, https://www.unicef.org/protection/children-recruited-by-armed-forces, diakses 19 September 2025.

UNICEF, Children's Version of the Convention on the Rights of the Child, UNICEF, https://www.unicef.org/child-rights-convention/convention-text-childrens-version, diakses 1 Oktober 2025.

UNICEF, "Strengthening the Convention on the Rights of the Child: Optional Protocols", UNICEF, https://www.unicef.org/child-rights-convention/strengthening-convention-optional-protocols, diakses 1 Oktober 2025.

UNICEF Armenia, "Four Principles of the Convention on the Rights of the Child", UNICEF Armenia, 24 June 2019, https://www.unicef.org/armenia/en/stories/four-principles-convention-rights-child, diakses 1 Oktober 2025.

United Nations Human Rights Office of the High Commissioner, "Introduction to the Committee on the Rights of the Child", OHCHR Website, https://www.ohchr.org/en/treaty-bodies/crc/introduction-committee, diakses 2 Oktober 2025.

LAPORAN/DOKUMEN

Consideration of reports submitted by States parties under article 44 of the Convention: Concluding Observations: Myanmar, CRC/C/MMR/CO/3-4.

Human Rights Watch, 2002, "My Gun Was as Tall as Me": Child Soldiers in Burma, https://www.hrw.org/reports/2002/burma/Burma0902.pdf

Human Rights Watch, 2007, Sold to Be Soldiers: The Recruitment and Use of Child Soldiers in Burma, Human Rights Watch, https://www.hrw.org/report/2007/10/31/sold-be-soldiers/recruitment-and-use-child-soldiers-burma

Rhianna Louise, Christina Hunter, dan Sally Zlotowitz, 2016, The Recruitment of Children by the UK Armed Forces: A Critique from Health Professionals, Medact, London.

Report of the Secretary-General on Children and Armed Conflict, A/75/873 – S/2021/437.

Report of the Secretary-General on Children and Armed Conflict, A/79/878 – S/2025/247.

Report of the Secretary-General on Children and Armed Conflict in Myanmar, S/2007/666.

Report of the Secretary-General on Children and Armed Conflict in Myanmar, S/2009/278.
Report of the Secretary-General on Children and Armed Conflict in Myanmar, S/2013/258.
Report of the Secretary-General on Children and Armed Conflict in Myanmar, S/2017/1099.
Report of the Secretary-General on Children and Armed Conflict in Myanmar, S/2018/956.
Report of the Secretary-General on Children and Armed Conflict in Myanmar, S/2020/1243.
Report of the Secretary-General on Children and Armed Conflict in Myanmar, S/2025/81.
UN Security Council, Resolution 1314 (S/RES/1314), 11 August 2000.
UN Security Council, Resolution 1539 (S/RES/1539), 22 April 2004.
UN Security Council, Resolution 1612 (S/RES/1612), 26 Juli 2005.