

Urgensi legislasi hukum pengungsi dan kendalanya di Indonesia

Sigit Riyanto, author

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Abstrak

Throughout the world and over the centuries, societies have welcomed frightened, weary foreigners, the victims of prosecution and violence in their place of habitual residence. Basically every State has the responsibility of protecting refugees and asylum seekers within its territory. Protection of refugees and asylum seekers is a classical issue in International law. Nowadays more than 140 States have adopted International Instruments of Refugee Law. Eventhough the right to seek asylum has been enshrined in the Indonesian Constitution and the Human Rights Act: up to now Indonesia has not ratified or acceded to any international instrument on Refugees and has no national operational legislation dealing with the protection of refugee and asylum seeker. The objective of this paper was to discuss the urgency and the stumbling blocks of incorporating international instruments on Refugees into the Indonesian law. It should be born in mind that a national legislation concerning the protection of refugees and asylum seekers indicate commitment of a State to the protection and promotion of Human Rights in general An incorporation of refugee laws into the Indonesian legal system would fill the gap concerning the unavailability of operational legal instrument dealing with refugees and asylum seekers in Indonesia.