

DAFTAR PUSTAKA

Buku

- Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, Cetakan kesatu, (Bandung: PT Citra Aditya Bakti, 2004)
- Alf Ross, *A Textbook of International Law*, (Clark: Lawbook Exchange, 1947)
- Andreas Zimmermann, *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary*, (Oxford: Oxford University Press, 2011)
- Andrey Sujatmoko, *Hukum HAM dan Hukum Humaniter*, (Jakarta: Rajawali Pers, 2015)
- Bambang Sunggono, *Metodologi Penelitian Hukum*, (Jakarta: Rajawali Pers, 2013)
- Bryson Bates, *et al.*, *Climate Change and Water*, (Geneva: IPCC Secretariat, 2008)
- Frances Nicholson dan Judith Kumin, *A Guide to International Refugee Protection and Building State Asylum Systems*, (Geneva: Inter-Parliamentary Union and the United Nations High Commissioner for Refugees)
- Frank Laczko dan Christine Aghazarm, *Migration, Environment, And Climate Change: Assessing The Evidence*, (Jenewa: International Organization for Migration (IOM), 2009)
- Franz Magnis Suseno, *Etika Politik Prinsip-Prinsip Moral Dasar Kenegaraan Modern*, (Jakarta: Gramedia, 1994)
- Guy S. Goodwin-Gill, *The Refugee in International Law (Second Edition)*, (Oxford: Oxford University Press, 1988)
- Guy S. Goodwin-Gill dan Jane McAdam, *The Refugee in International Law (Third Edition)*, (Oxford: Oxford University Press, 2007)
- Hersch Lauterpacht, *The development of international law by the International Court*, (Canbridge: Cambridge University Press, 1982)
- Hersch Lauterpacht, *The Function of Law in the International Community*, (Oxford: Oxford University Press, 2011)

- International Federation of Red Cross and Red Crescent Societies, *Responding to Disasters and Displacement in a Changing Climate: Case Studies*, (Geneva: IFRC, 2020)
- Jack Donnelly, *Universal Human Rights in Theory and Practice*, (Ithaca & London: Cornell University Press, 2003)
- James C. Hathaway dan Michelle Foster, *The Law of Refugee Status 2nd Edition*, (Cambridge: Cambridge University Press, 2014)
- James Crawford, *The Creation of States in International Law (2nd Edition)*, (Oxford, Oxford University Press, 2006)
- Jane McAdam, *Climate Change and Displacement: Multidisciplinary Perspectives*, (Sydney: Hart Publishing, 2010)
- Jane McAdam, *Complementary Protection in International Refugee Law*, (Oxford: Oxford University Press, 2007)
- Jean-Yves Carlier, *et al.*, *Who is a Refugee? A comparative case law study*, (The Hague: Kluwer Law International, 1997)
- Jonathan M. Harris dan Brian Roach, *Environmental and Natural Resource Economics*, (New York: Routledge, 2018)
- Johny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif*, (Malang: Bayumedia Publishing, 2008)
- Manfred Nowak, *The U.N. on Civil and Political Rights: CCPR Commentary*, (Kehl am Rhein: N. P. Engel, 2005)
- Morris L. Cohen dan Kent C. Olson, *Legal Research in a Nutshell*, (St. Paul: West Publishing Co, 1992)
- M. Syamsudin, *Operasionalisasi Penelitian Hukum*, (Jakarta: PT Raja Grafindo Persada, 2007)
- Oksfriani Jufri Sumampouw, *Peubahan Iklim dan Kesehatan Masyarakat*, (Yogyakarta: Deepublish, 2019)
- Paul F. Diehl and Charlotte Ku, *The Dynamics of International Law*, (Cambridge: Cambridge University Press, 2010)
- Peter Davies, *Hak Asasi Manusia: Sebuah Bunga Rampai*, (Jakarta: Yayasan Pustaka Obor Indonesia, 1994)
- Peter Mahmud Marzuki, *Penelitian Hukum*, Cetakan kedua, (Jakarta: Kencana, 2008)

- Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, (Jakarta: Prenada Media Group, 2005)
- Rhona K. M. Smith, *et. al.*, *Hukum Hak Asasi Manusia*, (Yogyakarta: PUSHAM-UII, 2008)
- Robert Jennings dan Arthur Watts, *Oppenheim's International Law: Volume 1 Peace (9th Edition)*, (Oxford: Oxford University Press, 2008)
- Scott Davidson, *Hak Asasi Manusia, Sejarah, Teori, dan Praktik dalam Pergaulan Internasional*, (Jakarta: Grafiti, 1994)
- Soerjono dan H. Abdurahman, *Metode Penelitian Hukum* (Jakarta: Rineka Cipta, 2003)
- Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, (Jakarta: PT Raja Grafindo Persada, 2001)
- Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: Universitas Indonesia Press, 2010)
- Sri Mamudji, *Teknik Menyusun Makalah*, (Jakarta: Universitas Indonesia Press, 2006)
- Sri Mamudji, *et.al.*, *Metode Penelitian dan Penulisan Hukum*, (Jakarta: Fakultas Hukum Universitas Indonesia, 2005)
- Sudargo Gautama, *Hukum Perdata Internasional Indonesia Jilid II* (Bandung: Alumni, 1972)
- Thomas Buergenthal, *International Human Rights*, (St. Paul: West Publishing Co., 1995)
- Todung Mulya Lubis, *In search of Human Rights Legal-Political Dilemmas of Indonesia's New Order, 1966-1990*, (Jakarta: Gramedia, 1993)
- UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection (Reissued)*, (Jenewa: UNHCR, 2019)
- UNHCR, *Pengenalan Tentang Perlindungan Internasional, Melindungi Orang-Orang yang Menjadi Perhatian UNHCR*, (Jakarta: UNHCR, 2005)
- UNHCR, *The 1951 Convention Relating to the Status of Refugee and its 1967 Protocol*, (Jenewa: UNHCR, 2011)
- Vincent Chetail, *Human Rights and Immigration*, (Oxford: Oxford University Press, 2014)

Walter Kälin dan Jörg Künzli, *The Law of International Human Rights Protection*, (Oxford: Oxford University Press, 2009)

William Warwick Buckland dan Arnold Duncan McNair, *Roman law and Common Law: A Comparison in Outline*, (Cambridge: Cambridge University Press, 1965)

Konvensi/Perjanjian Internasional

Charter of the United Nations (Piagam Perserikatan Bangsa-Bangsa)

Convention Relating to the Status of Refugees 1951 (Konvensi Pengungsi 1951)

International Covenant on Civil and Political Rights/ICCPR (Kovenan Internasional tentang Hak-Hak Sipil dan Politik)

Statute of the International Court of Justice (Statuta Mahkamah Internasional)

Statute of the International Law Commission (Statuta Komisi Hukum Internasional)

United Nations Framework Convention on Climate Change/UNFCCC (Konvensi Kerangka Kerja Perubahan Iklim Perserikatan Bangsa-Bangsa)

Vienna Convention on the Law of Treaties 1969 (Konvensi Wina tentang Hukum Perjanjian 1969)

Instrumen Hukum Internasional Lain

Cancun Climate Agreement

Dhaka Ministerial Declaration

New York Declaration for Refugees and Migrants

The Nansen Initiative, “Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate”, Jenewa, 2015

U.N. Human Rights Committee, “General comment No. 36, Article 6: right to life”, CCPR/C/GC/36, (30 Oktober 2018)

U.N. Human Rights Committee, “General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment of Punishment”, (10 Maret 1992)

U.N. Human Rights Committee, “General comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant”, CCPR/C/21/Rev.1/Add.13, (26 Mei 2004)

Universal Declaration of Human Rights (Deklarasi Universal Hak Asasi Manusia)

Putusan

Ad Hoc Committee on Statelessness and Related Problems, UN Docs. E/1618 and E/ AC.32/5 (1950)

AF (Kiribati) [2013] NZIPT 800413, New Zealand: Immigration and Protection Tribunal, 25 Juni 2013

Chan v. Minister for Immigration & Ethnic Affairs [1989] HCA 62; (1989) 169 CLR 379 (Australia)

ECHR, Judgement, *Budayeva and others v. Russia*, Application No. 15339/02, 21166/02, 20058/02, 11673/02, dan 15343/02, (20 Maret 2008)

ECHR, Judgement, *Soering v. the United Kingdom*, Application No. 14038/88

General Assembly Resolution 174 (II), (21 November 1947)

ICJ Judgement, *North Sea Continental Shelf cases*, 1969

Immigration and Refugee Board of Canada, Appeal Division, Case No. 79-9002 [1979]

Minister for Immigration and Ethnic Affairs v. Guo Wei Rong [1997] HCA 22, (1997) 191 CLR 559, (1997) 144 ALR 567 (Australia)

Putusan Mahkamah Agung Selandia Baru, No. SC 7/2015 [2015] NZSC 107

Refugee Status Appeals Authority (New Zealand), Refugee Appeal No. 72635/01 (6 Desember 2002)

Refugee Status Appeals Authority (New Zealand), Refugee Appeal No. 72668/01 (5 April 2002)

Teitiota v. Chief Executive of the Ministry of Business, Innovation and Employment, No. NZHC 3125, 26 November 2013

U.N. General Assembly, *Protocol relating to the Status of Refugees*, 16 Desember 1966, No. A/RES/2198

U.N. General Assembly, Report of the Special Rapporteur on Extreme Poverty and Human Rights: Climate Change and Poverty, UN A/HRC/41/39, 17 Juli 2019

U.N. Human Rights Committee, *Aalbersberg and 2,084 other Dutch Citizens v. The Netherlands*, Decision, U.N. Doc. CCPR/C/87/D/1440/2005

U.N. Human Rights Committee, *Bejdou v. France*, Decision, U.N. Doc. CCPR/C/85/D/1400/2005

U.N. Human Rights Committee, *Ioane Teitiota v. New Zealand*, No. CCPR/C/127/D/2728/2016

Jurnal Internasional

Adrienne Anderson, *et al.*, “Imminence in Refugee and Human Rights Law: A Misplaced Notion for International Protection”, *International and Comparative Law Quarterly*, Vol. 68, No. 1, (2019): 111-140. DOI: 10.1017/S0020589318000398

Andrew T. Guzman dan Timothy L. Meyer, “International Soft Law”, *Journal of Legal Analysis*, Volume 2, No. 1, (2010): 171–225. DOI: <https://doi.org/10.1093/jla/2.1.171>

Atle Grahl-Madsen, “The Status of Refugees in International Law”, *American Journal of International Law*, Vol. 62, No.1, (1966): 231-232. DOI: 10.2307/2197553

Benoit Mayer, “The International Legal Challenges of Climate-Induced Migration: Proposal for an International Legal Framework”, *Colorado Journal of International Environmental Law & Policy*, Vol. 22, No. 3, (2011): 357-481. DOI: <https://ssrn.com/abstract=1755622>

Bruce Burson, *et al.*, “The Duty to Move People Out of Harm’s Way in the Context of Climate Change and Disasters”, *Refugee Survey Quarterly*, Volume 37, No. 4, (2018): 379–407. DOI: <https://doi.org/10.1093/rsq/hdy015>

Bryan H. Druzin, “Why does Soft Law Have any Power Anyway?”, *Asian Journal of International Law*, Vol. 7, No. 2, (2017): 361-378. DOI:10.1017/S2044251316000229

- Deborah Perluss dan Joan F. Hartman, “Temporary refuge: Emergence of a Customary Norm”, *Virginia Journal of International Law*, Vol. 26, (1986): 551-626. ISSN: 0042-6571
- Jane McAdam, “Protecting People Displaced by The Impacts of Climate Change: The UN Human Rights Committee and the Principle of Non-Refoulement”, *American Journal of International Law*, Vol. 114, No. 4, (2020): 708 – 725. DOI: <https://doi.org/10.1017/ajil.2020.31>
- Jane McAdam, "Swimming against the Tide: Why a Climate Change Displacement Treaty is not the Answer", Vol. 23, *International Journal of Refugee Law*, (2011): 2-27. DOI: <https://doi.org/10.1093/ijrl/eeq045>
- Jean Allain, “The *jus cogens* Nature of non-refoulement”, *International Journal of Refugee Law*, Vol 13, (2001): 533-558. DOI: 10.1093/ijrl/13.4.533
- Manoj Joshi, *et.al*, “Projections of When Temperature Change will Exceed 2°C Above Pre-industrial Levels”, *Nature Climate Change*, Vol. 1, No. 8, (2011): 407–412. DOI: <https://doi.org/10.1038/nclimate1261>
- Michael Bothe, “The United Nations Framework Convention on Climate Change—An Unprecedented Multi-level Regulatory Challenge”, *Heidelberg Journal of International Law*, Vol. 63, No. 2, (2003): 239-254. DOI: https://www.zaoerv.de/63_2003/63_2003_2_a_239_254.pdf
- Michèle Olivier, “The Relevance of Soft Law as a Source of International Human Rights”, *The Comparative and International Law Journal of Southern Africa*, Vol. 35, No. 2, (2002): 289-307. DOI: https://journals.co.za/doi/10.10520/AJA00104051_164
- Olivia V. Dun dan François Gemenne, “Defining Environmental Migration”, *Forced Migration Review*, Vol. 31, (2008): 10-11.
- Pierre-Marie Dupuy, “Soft Law and the International Law of the Environment”, *Michigan Journal of International Law*, Vol. 12, No. 2, (1990): 420-435. DOI: <https://repository.law.umich.edu/mjil/vol12/iss2/4>
- Prosper Weil, “Towards Relative Normativity in International Law?”, *American Journal of International Law*, Vol. 77, No. 3, (1983): 413-442. DOI: <https://doi.org/10.2307/2201073>
- Vishakha Singh Deshwal & Stuti Shrivastava, “The Curious Case of Environmental Refugees: Environmental Refugees May be Better Protected without Being Declared as ‘Refugees’”, *OIDA International Journal of Sustainable Development*, Vol. 12, No. 11, (2019): 31-42. DOI: <https://ssrn.com/abstract=3571737>

Jurnal Nasional

Sigit Riyanto, “Prinsip *Non-Refoulement* dan Relevansinya dalam Sistem Hukum Internasional”, Jurnal Mimbar Hukum Universitas Gadjah Mada Vol. 22, No. 3, Oktober 2010. 434-449.

Hasil Penelitian

Alexander Betts, “Towards a ‘Soft Law’ Framework for the Protection of Vulnerable Migrants”, Research Paper No.162: UNHCR, 2008

Ellina Levina dan Dennis Tirpak, “Adaptation to Climate Change: Key Terms”, Laporan Penelitian: Paris: Organisation for Economic Co-operation and Development and International Energy Agency, 2006

IPCC, “Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change 2014”, Laporan Penilaian: Jenewa: IPCC, 2014

IPCC, “IPCC First Assessment Report Overview and Policymaker Summaries and 1992 IPCC Supplement”, Laporan Penilaian: Jenewa: IPCC, 1990

Manfred Nowak, *et al.*, “Legal Status and Legal Treatment of Environmental Refugees”, Laporan Penelitian: Jerman: Federal Environment Agency Germany (*Umweltbundesamt*), 2010

Norman Myers dan Jennifer Kent, “Environmental Exodus: an Emergent Crisis in the Global Arena”, Laporan Penelitian: Washington DC: Project of The Climate Institute, 1995

Office of the High Commissioner for Human Rights, “Understanding Human Rights and Climate Change”, Laporan: 21st Conference of the Parties to the United Nations Framework Convention on Climate Change, 2015

Sabine Perch-Nielsen, “Understanding the Effect of Climate Change on Human Migration”, Master Thesis: Swiss: Department of Environmental Sciences Swiss Federal Institute of Technology, 2004

S. Dasgupta, *et.al.*, “The Impact of Sea Level Rise on Developing Countries: A Comparative Analysis”, Laporan Penelitian No. WPS 4136: Washington, DC: World Bank, 2007.

Sylvain Ponserre dan Justin Ginnetti, “Disaster Displacement - A Global Review, 2008-2018”, Laporan Tematik: Jenewa: Internal Displacement Monitoring Centre, 2019

WHO, "Climate and Health Country Profile: Kiribati 2017", Laporan: Jenewa: World Health Organization, 2018

Website/Internet

Adam Wernick, "UN asylum case opens the door to protections for climate refugees". <https://theworld.org/stories/2020-02-28/un-asylum-case-opens-door-protections-climate-refugees>, diakses pada 30 November 2021

Andrew Harper, "UN and Protections for Climate Refugees". <https://www.loe.org/shows/segments.html?programID=20-P13-00007&segmentID=5>, diakses pada 30 November 2021

Chiara Scissa, "Recognition and Protection of Environmental Migrants in International Law", <https://www.e-ir.info/2021/06/24/recognition-and-protection-of-environmental-migrants-in-international-law/>, diakses pada 23 November 2021

Daniel Thürer, "Soft Law", dalam Max-Planck *Encyclopedia of International Law*, (Oxford University Press, publikasi online <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1469#>), diakses pada 17 Desember 2021

Human Rights Education Associates (HREA), "The Rights of Refugees", <http://hrlibrary.umn.edu/edumat/studyguides/refugees.htm>, diakses pada 5 Agustus 2021

International Network for Economic, Social & Cultural Rights, "International Bill of Human Rights". <https://www.escr-net.org/resources/international-bill-human-rights>, diakses pada 27 Oktober 2021

Joana Apap, "The Concept of Climate Refugee, Towards a Possible Definition". <https://epthinktank.eu/2018/06/19/climate-refugees-towards-a-possible-definition/>, diakses pada 6 Agustus 2021

Office of the High Commissioner for Human Rights, "International Human Rights Law". <https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx>, diakses pada 2 November 2021

Tetsuji Ida, "Climate Refugees – the world's forgotten victims". <https://racetozero.unfccc.int/climate-refugees-the-worlds-forgotten-victims/>, diakses pada 29 November 2021

U.N., “UN human rights ruling could boost climate change asylum claims”, <https://news.un.org/en/story/2020/01/1055671>, diakses 28 Juli 2021

UNDP, “Kiribati”. <https://www.adaptation-undp.org/explore/asia-and-pacific/kiribati>, diakses pada 29 November 2021

UNFCCC, “The Need for Mitigation”. https://unfccc.int/files/press/backgrounders/application/pdf/press_factsh_mitigation.pdf, diakses pada 6 Agustus 2021

UNHCR, “Answers to Frequently Asked Questions on The New York Declaration for Refugees and Migrants”, <https://www.unhcr.org/584689257.pdf>, diakses pada 9 Desember 2021

UNHCR, “What is a Refugee?”. <https://www.unhcr.org/what-is-a-refugee.html>, diakses pada 5 Agustus 2021

United Nations, “What is the difference between a resolution and a decision?”. <https://ask.un.org/faq/14484>, diakses pada 12 Februari 2022

Volker Turk, “66th Session of the Executive Committee of the High Commissioner’s Programme Agenda point 5(a). Statement by Volker Türk, Assistant High Commissioner for Protection”, <https://www.unhcr.org/admin/dipstatements/56150fb66/66th-session-executive-committee-high-commissioners-programme-agenda-point.html>, diakses pada 9 Desember 2021

World Health Organization, “Climate Change and Health”. <https://www.who.int/en/news-room/fact-sheets/detail/climate-change-and-health>, diakses pada 28 Juli 2021

Kamus/Encyclopedia

European Center for Constitutional and Human Rights, *Online Glossary*. <https://www.ecchr.eu/en/glossary/hard-law-soft-law/>

Max-Planck, *Encyclopedia of International Law*, (Oxford University Press, <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1469#>), diakses pada 17 Desember 2021