

ABSTRACT

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IMPLEMENTATION OF HUMAN RIGHTS PROTECTION FOR ASYLUM SEEKERS AND REFUGEES IN INDONESIA ACCORDING TO THE CONVENTION RELATING TO THE STATUS OF REFUGEE 1951: COMPARISON STUDY WITH THE NETHERLANDS

(xv + 149 pages – 4 figures)

Enforcement of human rights is mandatory for every country in the world to implement. One of the human rights that must be protected is the right to seek asylum. The international community has agreed on the existence of signs for the protection of human rights for refugees and asylum seekers contained in the Refugee Convention. Indonesia as a country that recognizes the protection of human rights in the world also recognizes the existence of the right to seek asylum which is regulated in the Article 28G paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Even so, the implementation of this constitutional mandate is still not very clearly regulated in Indonesia. The rules regarding the handling of refugees and asylum seekers are regulated in Presidential Regulation Number 125 of 2016. However, this regulation is still unable to answer the problems of upholding the protection of human rights for asylum seekers and refugees in Indonesia which are increasing every year. Moreover, Indonesia also has not ratified the Refugee Convention. Therefore, in this study the authors took a comparison country, namely the Netherlands, which had ratified the Refugee Convention and had adequate national regulations in terms of acceptance and protection for refugees and asylum seekers. Normative legal research will be used with legal principles, legal systematics, and legal comparative approach. It is found from this thesis that Netherlands has regulated the reception and protection procedure for refugees and asylum seekers more comprehensively than Indonesia. Netherlands also has institutions that specifically deal with the asylum problem, making it easier for both aliens applying an asylum application in and the government to process the application. It is expected that this comparative study will provide an analysis that can be used for the development of regulations in Indonesia that could protect the rights of refugees and asylum seekers in accordance with the Refugee Convention.

References: 27 books, 21 journals. 2 research papers (50, 1986-2022)

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