AUTHENTICITY DECLARATION OF RESEARCH

بسم الله الرحمن الرحيم

I hereby declare that the thesis under entitled "THE URGENCY OF RATIFICATION 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES BY REPUBLIC OF INDONESIA", its content is truly the work of my own and I did not plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I'm ready to bear the risk / any sanctions imposed to me in accordance with applicable regulations, if the future found a breach of scientific ethics, I'm willing to accept the sanctions.

Written by

Name	: Fachrul Muhammad
Student Number	: 20120610122
Faculty	: Law
Major	: International Program for Law and Sharia
University	: Universitas Muhammadiyah Yogyakarta

Yogyakarta, 2016

Fachrul Muhammad

MOTTO PAGE

اجهد ولا تكسل ولا تك غافلا فندامة العقب لمرن يتكسل

(المرحفوظات)

لا يكلف الله نفسا الا وسعها

(البقرة:256)

"Don't ever let someone tell you that you can't do something. Not even me. You got a dream, you got to protect it. When people can't do something themselves, they are got to tell you that you can't do it. You want something. Go get it.

(Will Smith, the Pursuit of Happiness, Film)

DEDICATION PAGE

This undergraduate thesis is dedicated to:

God Almighty, the one and only Allah SWT

My amazing Ayah and Mama

My lovely Brothers and Sisters

All of my Families

IPOLianS and my fabulous partners in batch 2012

PREFACE

Assalamu'alaikum Wr. Wb.

Alhamdulillahirabbilalamin, thanks to Allah SWT, the most merciful and most gracious for the opportunity to finish undergraduate thesis untitled "The Urgency of Ratification 1951 Convention Relating to The Status of Refugees By Republic of Indonesia", thank you for blessing, guidance and protection along the way.

Let me thanks to Bapak Nasrullah S.H., S.Ag. MCL as the director of International Program for Law and Sharia and as my fabulous advisor, thank you for teaching me how to be a tough student, to always be great for what I do and thank you so much for your support and guidance to finish my undergraduate thesis.

Then, I would like to say thanks to my great advisor, Bapak Dr. Nur Islami, S.H., M.Hum and Bapak Yordan Gunawan, S.H., MBA, for the support and guidance to finish my undergraduate thesis also for the knowledge which has been shared to me. Thank you for all the lectures of Faculty of Law, Bapak Iwan Satriawan, S.H., MCL, Bapak Endrio Susilo, S.H., MCL, and Ibu Fadia Fitriyanti, S.H., M.Hum., M.Kn., thanks for all the support and motivation throughout these years.

A special gratitude to my amazing parents: Ardiansyah S.H., M.Kn., and Roslinawati for always being there for me through ups and downs, to be grateful for what I have and to not take anything for granted. Your pray, support, guide, and affection are being my strength all the way through my life. I love you so much. Thank you to my lovely sister and brother, Dita Julia Anggraeni and Ahmad Ibrahim Majid, for the unconditional love and support and to Nur Syaffia Suri who encourage me and always cheers me up.

To all my gorgeous friends in batch 2012, for the challenges value I had in the last 3 years. I would never be who I'm now if I never see you. I'm lucky enough to have you within my 3 years study in this faculty. All I can say you are the good people. Keep fighting and see you on top guys!

Special thanks to my best friends, Dwi kurniaji, Oki Dwi Saputra, Andika Putra, Yovi Cajapa Endyka, Dicky Kurniawan, Rizaldy Anggriawan, Murdian, and Munandar, for letting me know what a true friends is. Thanks for the good times we had and all those crazy stupid stuff that we have done together. I'm very grateful to know such marvelous people like you guys!

To end with, I realize that there are so many mistakes in my undergraduate thesis. That's why my suggestions in order to develop the undergraduate thesis are very welcome. I hope that this undergraduate thesis could give benefits for us.

Wassalamu'alaikum Wr. Wb.

Yogyakarta, 21 April 2016

Fachrul Muhammad

TABLE OF CONTENTS

APPROVAL PAGE	i
VALIDATION PAGE	ii
AUTHENTICITY DECLARATION OF RESEARCH	iii
MOTTO PAGE	iv
DEDICATION PAGE	v
FOREWORD	vi
ABSTRACT	viii
TABLE OF CONTENT	ix

CHAPTER ONE: INTRODUCTION

A. Background	1
B. Research question	3
C. Objective of Research	4
D. The Benefit of the Research	4
E. Overview of the Chapter	5

CHAPTER TWO: LITERATURE REVIEW

A.	The Definitions of Refugee and Asylum Seekers	. 7
B.	The 1951 Convention as Monumental Effort for the Refugees	. 9
C.	Non-Refoulement Principle	15

CHAPTER THREE: RESEARCH METHOD

А.	Type of Research	20
B.	The Data	21
C.	Technique of Collecting Data	22
D.	Analysis	23

CHAPTER FOUR: FINDING AND ANALYSIS

B.	The Importance of The Ratification of The 1951 Convention on the Status
	of Refugee
	1. The Absence of National Law
	2. Lack of Capacity and Facility
	3. Violance and Negligence of Refugees and Asylum
	Seekers
	4. Non-Resettlement Australian Policy
C.	The Barriers in Ratification of the 1951 Convention on the status of
	Refugee
D.	Advantages and Disadvantages of Ratification 1951 Convention on the
	Status of Refugee
	1. The Advantages of Ratifying the 1951 Convention 55
	2. Disadvantages of Ratifying The 1951 Convention 59

CHAPTER FIVE: CONCLUSION AND RECOMMENDATION

А.	Conclusion	62
B.	Recommendation	65
IDI I		

BIBLIOGRAPHY

TABLE OF FIGURES

Picture 1 Rohingya Refugees Seeking for Shelter in Indonesia	28
Picture 2 Refugees Children Living in The Edequate Shelter in Indonesia	. 43
Picture 3 Australian Navy Expel Refugees Boat From Their Territory	. 45

LIST OF STATUTES

Indonesia

1945 Constitution of Indonesia

Immigration Law Number 6 Year 2011

Foreign Relation Law Number 37 Year 1999

The Regulation of the Directorate General Immigration 2010 on Illegal Migrant and its Protocol

International

The 1951 Convention Relating to The Status of Refugees The Refugees Convention of Organization of African Unity The Universal Declaration of Human Rights 1948

LIST OF ABBREVIATIONS

UNHCR	United Nation High Commissioner for Refugees
OUA Convention	Organization of Unity Africa Convention
IRO	International Refugee Organization
IOM	International Organization for Migration
IDC	Immigration Detention Center