

BIBLIOGRAPHY

Books

- Goodwin-Gill, Guy S. and Jane McAdam. *The Refugee in International Law* (Oxford: Oxford University Press, 4th edn, 2021).
- Indrayana, Denny. *Indonesian Constitutional Reform 1999-2002: An Evaluation of Constitution-Making in Transition* (Jakarta: Kompas, 2008).
- Kusumaatmadja, Mochtar, and Etty R. Agoes, *Pengantar Hukum Indonesia* (Bandung: Penerbit P.T. Alumni, 2nd Edition, 2019).
- Pratiwi, Cekli Setya, Shinta Ayu Purnamawati, Fauzi, and Christina Yulita Ourbawati. *Penjelasan Hukum: Asas-Asas umum Pemerintahan Yang Baik* (Jakarta: JSSP, CILC and LEIP, 2016).
- Sakharina, Iin Karita and Kadarudin, *Buku Ajar Hukum Pengungsi Internasional* (Makassar: Pustaka Pena Press, 2016).
- Strauss, Anselm, and Juliet Corbin. *Dasar-dasar Penelitian Kualitatif Tatalangkah dan Teknik- teknik Teoritisasi Data* (Yogyakarta: Pustaka Pelajar, 2007).
- Van Dijk, Pieter, et al., *Theory and Practice of the European Convention on Human Rights* (Deventer: Kluwer Law and Taxation Publishers, 2005).
- Wiratraman, Herlambang P., Cekli Setya Pratiwi, and Alfeus Jebabun. *Studi SosioLegal: Asas-Asas Umum Pemerintahan yang Baik (AUPB)* (Jakarta: JSSP, CILC and LEIP, 2017).

Journal Articles

- Battjes, Hemme. "In Search of a Fair Balance: The Absolute Character of the Prohibition of Refoulement under Article 3 ECHR Reassessed." *Leiden Journal of International Law* 22 (3): 583-621.
- Bedner, Adriaan. "Indonesian Legal Scholarship and Jurisprudence as an Obstacle for Transplanting Legal Institutions." *Hague Journal on the Rule of Law* 5, no. 2 (2013): 253-273.
- Bedner, Adriaan dan Jacqueline Vel. "Legal Education in Indonesia." *Indonesian Journal of Socio-Legal Studies* 1, No.1 (2021): 1-30.
- Butt, Simon. "The Position of International Law within the Indonesian Legal System." *Emory International Law Review* 28, no.1 (2014): 1-28.
- Chimni, Bhupinder Singh. "The Geopolitics of Refugee Studies: a View from the South." *Journal of Refugee Studies* 11, no.4 (1998): 350-374.
- Crouch, Melissa. "The Challenges for Court Reform after Authoritarian Rule: The Role of Specialized Courts in Indonesia." *Constitutional Review* 7, no.1 (May 2021): 1-25.
- Dehm, Sara. "Sovereignty, Protection, and the Limits to Regional Refugee Status Determination Arrangements." *Merkourios: Utrecht Journal of International and European Law* 28, issue 75 (June 2012): 53-60.
- Durieux, Jean-François, and Agnès Hurwitz. "How Many is Too Many? African and European Legal Responses to Mass Influxes of Refugees." *German Yearbook of International Law* 47 (2004): 105-159.

- Gil-Bazo, María-Teresa. "The Safe Third Country Concept in International Agreements on Refugee Protection." *Netherlands Quarterly of Human Rights* vol.33, no.1 (2015): 42-77.
- Gilbert, Geoff. "UNHCR and Courts: *Amicus Curiae*.... *sed curia amica est?*" *International Journal of Refugee Law* 28, no.4 (2016): 623-636.
- Greenman, Kathryn. "A Castle Built on Sand? Article 3 ECHR and the Source of Risk in *Non-Refoulement* Obligations in International Law." *International Journal of Refugee Law* 27, no.2 (2015): 264-296.
- Koh, Harold Hongju. "Reflections on *Refoulement* and *Haitian Centers Council*." *Harvard International Law Journal* vol. 35, no.1 (Winter 1994): 1-20.
- Legomsky, Stephen. "Secondary Refugee Movements and the Return of Asylum Seekers to Third Countries: The Meaning of Effective Protection." *International Journal of Refugee Law* 15, issue 4 (October 2003): 567-677.
- Liliansa, Dita and Anbar Jayadi. "Should Indonesia Accede to the 1951 Refugee Convention and its 1967 Protocol?" *Indonesia Law Review* 5, no.3: 324-346.
- McAdam, Jane. "An Intellectual History of Freedom of Movement in International Law: The Right to Leave as a Personal Liberty." *Melbourne Journal of International Law*, vol. 12 (1) (2011): 1-30.
- Mccormick, Charles T. "Judicial Notice." *Vanderbilt Law Review* vol.5, issue 3, no.3 (April 1952): 296-323.
- Merdekawati, Agustina, Taufiq Adiyanto, and Irkham Afnan Trisandi Hasibuan. "Unclos 1982 and the Law Enforcement Against Illegal Fishing in Indonesia: Judges' Diverging Perspectives," *Jurnal Mimbar Hukum* 33, no.1 (2021): 39-62.
- Palguna, I Dewa Gede, and Agung Wardhana, "Pragmatic Monism: The Practice of the Indonesian Constitutional Court in Engaging with International Law." *Asian Journal of International Law* (2024): 404-424.
- Pirjola, Jari. "Shadows in Paradise – Exploring Non-Refoulement as an Open Concept." *International Journal of Refugee* 19, 4 (December 2007): 639-660.
- Primadasa, Cipta, *et.al.* "Problematika Penanganan Pengungsi di Indonesia Dari Perspektif Hukum Pengungsi Internasional." *Risalah Hukum* 17, No.1 (June 2021): 44-51.
- Riyanto, Sigit. "Prinsip *Non-Refoulement* dan Relevansinya dalam Sistem Hukum Internasional." *Mimbar Hukum* 22, no.3 (October 2010): 434-449.
- Riyanto, Sigit. "Urgensi Legislasi Hukum Pengungsi dan Kendalanya di Indonesia," *Jurnal Hukum Internasional* 2, No.1 (October 2004): 67-86.
- Sadeghi, Katayoun C. "The European Court of Human Rights: the Problematic Nature of the Court's Reliance on Secondary Sources for Fact-finding." *Connecticut Journal of International Law*, vol. 25 (Fall 2009): 127-151.
- Shany, Yuval. "Toward a General Margin of Appreciation Doctrine in International Law?" *European Journal of International Law* 16, no.5 (2005): 907-940.

Tan, David. "Metode Penelitian Hukum: Mengupas dan Mengulas Metodologi dalam Menyelenggarakan Penelitian Hukum." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463-2478.

Moreno-Lax, Violeta. "Dismantling the Dublin System: *M.S.S. v. Belgium and Greece*." *European Journal of Migration and Law* 14, 1 (January 2012): 1-31.

Book Chapters or Parts of Works

Bedner, Adriaan, and Herlambang P. Wiratraman. "The Administrative Courts: the Quest for Consistency." in *The Politics of Court Reform: Judicial Change and the Legal Culture in Indonesia*, ed. Melissa Crouch. Cambridge: Cambridge University Press. 2019: 133-148.

Bryant, Tannetje, and Brad Jessup. "Fragmented Pragmatism: The Conclusion and Adoption of International Treaties in Vietnam" in *Asian Socialism & Legal Change: The Dynamics of Vietnamese and Chinese Reform*, John Gillespie and Pip Nicholson, eds. Canberra: ANU Press. 2005: 288-309.

Crouch, Melissa. "The Judicial Reform Landscape in Indonesia: Innovation, Specialisation and the Legacy of Dan S Lev." in Melissa Crouch (ed), *The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia*. Cambridge: Cambridge University Press. 2019: 1-32.

Dobinson, Ian, and Francis John. "Qualitative Legal Research," in *Research Methods for Law*, Mike McConville and Wing Hong Chui (eds.). Edinburgh: Edinburgh University Press. 2017: 18-48.

Freier, Luisa Feline, *et.al.* "The Evolution of Safe Third Country Law and Practice." in *The Oxford Handbook of International Refugee Law*, ed. Cathryn Costello, *et.al.* Oxford: Oxford University Press. 2021: 518-535.

Saul, Matthew. "Judicial Methodology for the Application of International Human Rights Law." in *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia*, Aksel Tømte and Eko Riyadi (eds.). London: Routledge. 2020: 15-36.

Tømte, Aksel. "Introduction." in *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia*, Aksel Tømte and Eko Riyadi (eds.) London: Routledge. 2020: 1-15.

Wing, Hong Chui. "Quantitative Legal Research." in *Research Methods for Law*, ed. Mike McConville and Wing Hong Chui. Edinburgh: Edinburgh University Press. 2017: 48-71.

International Legal Instruments, National Laws, and Miscellaneous International Legal Documents and Publications

UN General Assembly 428 (V) of 14 December 1950.

Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, entered into force on 3 September 1953.

Convention Relating to the Status of Refugees, Signed at Geneva on 25 July 1951, entered into force on 22 April 1954.

The Protocol relating to the Status of Refugees, adopted on 31 January 1967, entered into force on 4 October 1967.

International Covenant on Civil and Political Rights, final text agreed upon and signed at New York on 16 December 1966, entered into force on 23 March 1976.

- Protocol No.4 to the ECHR securing certain rights and freedoms other than those already included in the Convention and in the First Protocol thereto, signed at Strasbourg on 16 September 1963, entered into force on 2 May 1968.
- United Nations Convention Against Torture, final text agreed upon and signed at New York on 10 December 1984, entered into force on 26 June 1987.
- UNHCR, “UNHCR Executive Committee (EXCOM) Conclusion No. 58 (XL) on the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection,” 1989.
- Convention on the Rights of the Child, final text agreed upon and signed at New York on 20 November 1989, entered into force on 2 September 1990.
- Human Rights Committee, CCPR General Comment No.20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman, or Degrading Treatment or Punishment), Adopted at the Forty-fourth Session of the Human Rights Committee, on 10 March 1992.
- United Nations, Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, (New York: United Nations, 1992).
- UN High Commissioner for Refugees, “The Principle of Non-Refoulement as a Norm of Customary International Law. Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93,” issued 31 January 1994.
- United Nations Convention on the Law of the Sea, final text agreed upon and signed at Montego Bay on 10 December 1982, entered into force on 16 November 1994.
- UNHCR, UNHCR's Observations on the European Commission's Proposal for a Council Directive on Minimum Standards on Procedures for Granting and Withdrawing Refugee Status, 20 September 2000.
- UNHCR, UNHCR's Observations on the European Commission's Proposal for a Council Directive on Minimum Standards on Procedures for Granting and Withdrawing Refugee Status, July 2001.
- UNHCR, UNHCR's Observations on the European Commission's Proposal for a Council Regulation Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Asylum Application Lodged in One of the Member States by a Third-Country National, 1 February 2002.
- UNHCR Lisbon Expert Roundtable, Summary Conclusions on the Concept of “Effective Protection” in the Context of Secondary Movements of Refugees and Asylum-Seekers, 9– 10 December 2002.
- Committee on the Rights of the Child, CRC General Comment No.6 (2005): Treatment of unaccompanied and separated children outside their country of origin.

Act No. 45 Year 2009 on the Amendment of Act No. 31 Year 2004 on Fisheries
(*Undang-Undang No.45 Tahun 2009 tentang Perubahan Atas
Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan*).

Regulation (EU) No 604/2013 of the European Parliament and of the Council of
26 June 2013 establishing the criteria and mechanisms for determining
the Member State responsible for examining an application for
international protection lodged in one of the Member States by a
third-country national or a stateless person [2013] OJ L 180/31.

European Court of Human Rights, Rules of the Court, adopted by the Court in
its plenary session of 28 March 2024.

Registry of the European Court of Human Rights, “Guide on the Case-Law of
the European Court of Human Rights: Immigration,” as updated on 31
August 2024, available at
https://ks.echr.coe.int/documents/d/echr-ks/guide_immigration_eng.

Judgements of International and National Courts and Tribunals

Soering v. The United Kingdom, ECtHR, Application no. 14038/88, 7 July 1989.

Chahal v. the United Kingdom, ECtHR, Application No.22414/93, 15 November
1996.

HLR v. France, ECtHR, Application No.25473/94, 29 April 1997.

D v. The United Kingdom, ECtHR, Application No.30240/96, 2 May 1997.

T.I. v. the United Kingdom, ECtHR, App. No. 43844/98, 7 March 2000.

Dedi, dkk vs Perum Perhutani, 49/Pdt.G/2003/PN.Bdg (District Court of
Bandung).

Dedi, dkk v Perum Perhutani, 1794 K/Pdt/2004 (Supreme Court of Indonesia).

Shamayev and others v. Georgia and Russia, ECtHR, Application No. 36378/12,
12 April 2005, (Rep. 2005-III).

Grabayev v. Russia, ECtHR, Application no. 38411/02, 7 June 2007.

N.A. v. The United Kingdom, ECtHR, Application No.25904/07, 17 July 2008.

K.R.S. v. the United Kingdom, ECtHR, Application no. 32733/08, 2 December
2008.

*Case Concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic
Republic of Congo)*, Merits, Judgement, ICJ Reports 2010.

M.S.S. v Belgium and Greece, ECtHR [GC], Application No. 30696/09, 21
January 2011.

Sufi and Elmi v. the United Kingdom, ECtHR, Applications nos. 8319/07 and
11449/07, 28 June 2011.

Othman (Abu Qatada) v. the United Kingdom, ECtHR, Application no. 8139/09,
17 January 2012.

Ouabour v. Belgium, ECtHR, Application no. 26417/10, 2 June 2015.

Appeals Judgement of the Indonesian Supreme Court in Case No. 1206
K/Pid.Sus/2015.

F.G. v. Sweden, ECtHR [GC], Application No. 43611/11, 23 March 2016.

J.K. and Others v. Sweden, ECtHR [GC], Application No. 59166/12, 23 August
2016.

A. v. Switzerland, Application no. 60342/16, 19 December 2017.

A.S. v. France, ECtHR, Application no. 46240/15, 19 April 2018.

Case concerning Law of International Agreements (2018), Decision of the
Indonesian Constitutional Court No. 13/PUU-XVI/2018.

Judgement No. 39/Pid.Sus-PRK/2018/PN Tpg (Tanjung Pinang District Court).
Said Abdul Salam Mubarak v. Denmark, ECtHR, Application no. 74411/16, 14 February 2019.
Ilias and Ahmed v. Hungary, ECtHR [GC], Application No. 47287/15, 21 November 2019.
A.S.N. and Others v. The Netherlands, ECtHR, Applications nos. 68377/17 and 530/18, 25 February 2020.
M.K. and Others v. Poland, ECtHR, Applications Nos. 40503/17; 42902/17; and 43643/17, 23 July 2020.
Bivolaru and Moldovan v. France, ECtHR, Applications Nos. 40324/16 and 12623/17, 25 March 2021.
Khasanov and Rakhmanov v. Russia, ECtHR [GC], Applications Nos. 28492/15 and 49975/15, 29 April 2022.
R (on the application of AAA and others) v. Secretary of State for the Home Department, [2023] UKSC 42, 15 November 2023.
H.A. v. the United Kingdom, ECtHR, Application No.30919/20, 5 December 2023.

Thesis

Yendogan, Deria Rumina. “Turkey as a Safe Third Country? A Study of the Safe Third Country Concept and its Compliance with Non-Refoulement.” (Bachelor’s Thesis, Lund University Master of Laws Program).

Online Articles and Web Pages

Afifah, Yuni. “Dosen FH UNAIR Kenalkan Mata Kuliah Hukum Pengungsi untuk Tingkatkan Pembelajaran & Penelitian Hukum Internasional.” 31 March 2023, accessed 27 December 2024,
<https://fh.unair.ac.id/dosen-fh-unair-kenalkan-mata-kuliah-hukum-pengungsi-untuk-tingkatkan-pembelajaran-penelitian-hukum-internasional/>.
Fakultas Hukum Universitas Hasanuddin, “Departemen Hukum Internasional,”
<https://lawfaculty.unhas.ac.id/pages-id-11-hukum-internasional.html>.,
accessed 27 December 2024.
Grogan, Joelle. “Unpacking the Supreme Court’s Rwanda Decision.” *UK in a Changing Europe*, 16 November 2023
<https://ukandeu.ac.uk/unpacking-the-supreme-courts-rwanda-decision/>,
accessed 11 July 2024.
OpenCourseWare UNS, “Rencana Pembelajaran Semester (RPS) Program Studi Ilmu Hukum Fakultas Hukum Universitas Sebelas Maret: Hukum Pengungsi”, available at
<https://ocw.uns.ac.id/site/detailmakul?params=16b317A4054yaTURNek1UTXhNekF56c23bcb12f578660dbe4043d851963ceb72c9deTXpsOGZFVXdNVEU9>, accessed 27 December 2024.
uls.ubaya.id., “1201A128 Hukum Pengungsi,”
<https://uls.ubaya.ac.id/course/info.php?id=74>, accessed 27 December 2024.