

# URGENSI RATIFIKASI KONVENSI PENGUNGI 1951 DAN PROTOKOL 1967 TERHADAP PENGUATAN PERLINDUNGAN ANAK TANPA PENDAMPING DAN TERPISAH PENGUNGI DAN PENCARI SUKA DI INDONESIA

## INTISARI

Oleh :

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Penelitian ini bertujuan untuk mengkaji kesesuaian praktik penanganan dan perlindungan anak tanpa pendamping dan terpisah pengungsi dan pencari suaka di Indonesia berdasarkan hukum internasional dan hukum nasional yang berlaku, serta mengkaji mengenai urgensi ratifikasi Konvensi Pengungsi 1951 dan Protokol 1967 dalam penguatan perlindungan terhadap anak tanpa pendamping dan terpisah pengungsi dan pencari suaka di Indonesia.

Penelitian ini menggunakan metode penelitian kepustakaan (*library research*) dan penelitian lapangan (*field research*). Data yang diperoleh yaitu data sekunder dan data primer. Data tersebut diperoleh dengan cara wawancara, pengamatan, dan studi dokumen yang terkait dengan permasalahan. Data tersebut dianalisis secara kualitatif untuk kemudian disajikan secara deskriptif.

Hasil penelitian menunjukkan bahwa **pertama**, Penanganan anak-anak tanpa pendamping dan terpisah pengungsi dan pencari suaka di Indonesia masih terdapat kekurangan dan kendala karena ketiadaan hukum nasional sebagai landasan yuridis sehingga dalam parakteknya tidak sesuai dengan standar hukum internasional yang berlaku sehingga diperlukan ratifikasi Konvensi Pengungsi 1951 dan Protokol 1967. **Kedua**, Arti penting ratifikasi Konvensi Pengungsi 1951 dan Protokol 1967 bagi perlindungan anak tanpa pendamping dan terpisah pengungsi dan pencari suaka di Indonesia yaitu untuk menutup kekurangan-kekurangan sistem hukum nasional seperti struktur hukum, substansi hukum, dan budaya hukum, serta penting dilihat dari aspek hak asasi manusia.

**Kata kunci :** *anak tanpa pendamping dan terpisah, pengungsi dan pencari suaka, urgensi ratifikasi Konvensi Pengungsi*

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# THE URGENCY OF RATIFYING THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES AND THE 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES TOWARDS STRENGTHENING PROTECTION OF UNACCOMPANIED AND SEPARATED CHILD REFUGEES AND ASYLUM SEEKERS IN INDONESIA

## ABSTRACT

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The purpose of this research is to analyze the conformity practice of treatment and protection of unaccompanied and separated child refugees and asylum seekers in Indonesia based on international law and national law in force, as well as to analyze the urgency of ratifying the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees on strengthening protection towards unaccompanied and separated child refugees and asylum seekers in Indonesia.

This thesis used both library research and field research method. The data which had been collected were secondary and primary data. These data were obtained by interview, observation, and document study related to the topic. Those data later were analyzed in qualitative method and served in descriptive.

The results of the research show that **first**, the treatment of unaccompanied and separated child refugees and asylum seekers in Indonesia still has lack and obstacle because of the absence of national law as a juridical ground, therefore in practice it not in accordance with international law standard, hence it becomes necessary to ratify the 1951 Convention and the 1967 Protocol. **Second**, the importance of ratifying the 1951 Convention and the 1967 Protocol for unaccompanied and separated child refugees and asylum seekers in Indonesia is to solve the lack of national law system such as legal structure, legal substance, and legal culture, also observed through the human rights aspect.

**Keyword :** *unaccompanied and separated child, refugees and asylum seekers, the urgency of ratifying Refugees Convention.*

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