

Kriminalisasi penyelundupan migran menurut United Nations Convention against Transnational Organized Crime dan Protocol against the Smuggling of Migrants by Land, Sea, and Air = Criminalization of the Smuggling of Migrants in Accordance with the United Nations Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea, and Air

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Abstrak

Skripsi ini membahas mengenai penerapan atas pengaturan kriminalisasi penyelundupan migran yang dimuat dalam United Nations Convention against Transnational Organized Crime dan Protocol against the Smuggling of Migrants by Land, Sea, and Air Tahun 2000. Melalui kriminalisasi penyelundupan migran diharapkan dapat memberikan efek jera terhadap para pelaku penyelundupan migran. Indonesia, Australia, dan Inggris sebagai contoh negara-negara yang terkena dampak dari penyelundupan migran telah meratifikasi United Nations Convention against Transnational Organized Crime dan Protocol against the Smuggling of Migrants by Land, Sea, and Air. Komitmen ketiga negara tersebut untuk terikat dalam perjanjian internasional ini tentunya menimbulkan kewajiban-kewajiban yang harus dipenuhi, salah satunya adalah kriminalisasi penyelundupan migran. Ketiga negara tersebut sebagai negara peserta United Nations Convention against Transnational Organized Crime dan Protocol against the Smuggling of Migrants by Land, Sea, and Air diwajibkan untuk melakukan kriminalisasi penyelundupan migran melalui peraturan perundang-undangannya masing-masing. Dalam melaksanakan kewajiban tersebut ketiga negara di atas memiliki cara-cara serta hambatannya masing-masing.

.....This final paper discusses about the compliance towards regulations on migrants smuggling criminalization in accordance with the United Nations Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea, and Air. Migrants smuggling criminalization is hoped to give a deterrent effect towards the perpetrators. Indonesia, Australia, and the United Kingdom are three states that are affected by migrants smuggling that have ratified United Nations Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea, and Air. The commitments of those states to be bound to such international treaties obviously will raise obligations that need to be fulfilled. Those three states as the party of the United Nations Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea, and Air are obliged to criminalize the offence of smuggling of migrants through their own national regulations. In fulfilling such obligation those three countries have their own ways and impediments.