

Beyond Juridical Approaches: The Role of Sociological Approach in Promoting Human Rights of Migrants

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Abstract : Every year in this globalized world, thousands of migrants leave their countries hoping to find a better situation of life in other parts of the world. In this regard, many questions, from a human rights point of view, have been raised about how this phenomenon should be managed in the host countries. Although legal approaches such as legislation and litigation are inevitable in the way to respect the human rights of migrants, there is an increasing consensus about the fact that a strict juridical approach is inadequate to protect as well as to prevent violations of migrants' rights. Indeed, given the multiplicity of factors that affect and shape the application of these rights and considering the fact that law is a social phenomenon, what is needed is an interdisciplinary approach, which combines both juridical approaches and perspectives from other disciplines. In this respect, a sociological approach is important because it shows the social processes through which human rights of migrants have been constructed or violated in particular social situations. Sociologists who study international migration ask the questions such as how many people migrate, who migrates, why people migrate, what happens to them once they arrive in the host country, how migration affects sending and receiving communities, the extent to which migrants help the economy, the effects of migration on crimes, and how migrants change the local communities. This paper is an attempt to show how sociology can promote human rights of migrants. To this end, the article first explores the usefulness and value of an interdisciplinary approach to realize how and to what extent sociology may improve and promote the human rights of migrants in the destination country. It then examines mechanisms which help to reach to a systematic integration of law and sociological discipline to advance migrants' rights as well as to encourage legal scholars to consider the implications of societal structures in their works.

Keywords : human rights, migrants, sociological approach, interdisciplinary study

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