

REFUGEES HANDLING IN INDONESIA: BETWEEN SOVEREIGNTY AND HUMANITY

Rafika Rizky Aulia Rahman*, Rizka Iswara**

*Lecturer at the University of Lampung **Legal Analyst at the Directorate General of Legal Administrative Affairs Ministry of Law and Human Rights

*rafikarzkyyar@gmail.com **iswara.rizka@gmail.com

ABSTRACT

The influx of Rohingya refugees from Myanmar has significantly impacted Indonesia, posing challenges in balancing state sovereignty and humanitarian obligations. Despite Indonesia's non-ratification of the 1951 Refugee Convention, refugees are accepted on humanitarian grounds, often resulting in tensions with local communities. This article examines these issues through a normative legal approach, analyzing primary and secondary materials to explore the implications for Indonesia's legal and policy frameworks. Findings underscore the urgent need for robust legal mechanisms, improved refugee integration strategies, and enhanced international cooperation to address community conflicts. Practical recommendations include ratifying relevant international conventions, fostering regional partnerships, and initiating programs to reduce tensions between refugees and host communities. The study provides a foundation for policy reforms and contributes to broader discourse on managing refugee crises in Southeast Asia.

Keywords: Rohingya, Refugees, Indonesia, Sovereignty.

A. Introduction

The paradigm surrounding the issue of "asylum seekers and refugees" has evolved significantly, becoming a topic of broad international concern and frequent debate. This issue transcends national boundaries and requires cooperative efforts between states. While the phenomenon of asylum seekers and refugees is not new, Indonesia has yet to ratify the 1951 Convention Relating to the Status of Refugees (commonly referred to as the 1951 Refugee Convention) and its 1967 Additional Protocol. Upon arrival in Indonesia, these individuals are initially classified as asylum seekers, as Indonesia serves as a transit state rather than a destination. Their status may later be upgraded to "refugees" if their applications are approved by the United Nations High Commissioner for Refugees (UNHCR).

As a result of not ratifying the 1951 Refugee Status Convention and the 1967 Additional Protocol, asylum seekers generally only use Indonesia and Southeast Asian countries

as transit countries,¹ not as destination countries, to arrive in Australia or New Zealand.² Indonesia's strategic position and its location on international shipping routes between the two continents of Asia and the Australian Continent, as well as between the Indian Ocean and the Pacific Ocean, serve as a stopover point for countries seeking to traverse the Australian Continent. However, asylum seekers must first obtain "refugee" status from the United Nations High Commissioner for Refugees (UNHCR) to enter the destination country. This body has significant duties and functions in determining refugee status and placing them in their final destination country. Nevertheless, the process of granting status from UNHCR takes a relatively long time due to the involvement of numerous external factors, including the domestic political factors of the destination country. These factors frequently restrict refugee acceptance³, resulting in a backlog of asylum seekers in transit countries who must "wait" in various holding locations, either provided by UNHCR and IOM (International Organization for Migration) or under the supervision of the transit country government.⁴

Historically, Indonesia has had experience handling refugee flows, as in the case of Vietnamese refugees who came to save themselves from the communist regime during the defeat of South Vietnam in the Vietnam War⁵, gradually entering Indonesia using boats (the boat people case) from 1975 to 1996 and temporarily residing on Galang Island, Riau Islands.⁶ The arrival of these boat people ultimately encouraged the establishment of a UNHCR representative office in Indonesia. Led by its experience handling refugees, the Indonesian government is encouraged to formulate a policy framework and domestic legal instruments to handle the flow of refugees originating from abroad, namely by issuing Presidential Regulation Number 125 of 2016 concerning Handling Refugees from Abroad (from now on referred to as Presidential Decree Number 125/16).

The discovery of Rohingya ethnic asylum seekers who entered Indonesia as a result of the horizontal conflict in Rakhine State in 2015⁷ also led to the creation of Presidential Decree Number 125/16. Moreover, there were recorded at least three waves in which ethnic Rohingya asylum seekers reached Indonesian shores, namely in 2009, 2019, and

-
- 1 Muzafar Ali, Linda Briskman, Lucy Fiske, "Asylum Seekers and Refugee in Indonesia", *Cosmopolitan Civil Societies Journal* 8, No. 2 (2016): 25-26.
 - 2 The 1951 Status of Refugees Convention, which Australia and New Zealand ratified, implies that these nations must accept refugees who have received status from the UNHCR.
 - 3 Cipta Primadasa, Mahendra Putra Kurnia and Rika Erawaty, "Problematics of Handling Refugees in Indonesia from the Perspective of International Refugee Law", *Risalah Hukum Volume 17 Number 1* (2021): 49.
 - 4 Arie Afriansyah dan Eva Achjani Zulfa, "Refugee Resettlement: A Review of Indonesia Law and Practices", *Indonesian Law Review Volume 8 Number. 2* (2018): 211-215.
 - 5 Zendri Hendri, Rahmad Dadi, "Historical Overview of Vietnamese Refugees on Galang Island 1979-1996", *Takuana: Jurnal Pendidikan, Sains dan Humaniora Volume 01 Number 01*, (2022): 59-70.
 - 6 Vindy Septia, "Protection of Refugees Across Borders in Indonesia according to International Law", *Lex et Societatis Volume 2 Number 1* (2014): 55.
 - 7 BBC News Indonesia, "Hundreds of people stranded in Aceh", 10 May 2015, https://www.bbc.com/indonesia/berita_indonesia/2015/05/150510_aceh_rohingya_kapal accessed 24 May 2024.

2015. In 2009, it was estimated that around 400 Rohingya people landed in the East Aceh region; in 2012, the wave was triggered by violence. sectarianism targeting Rohingya people in the Rakhine region; and in 2015, as many as 1,300 people mixed with Rohingya and Bangladeshi refugees were stranded in Aceh waters.⁸ When there was a massive influx of Rohingya refugees in 2015, there was massive resistance by the Indonesian government and the Indonesian National Armed Forces Commander General Moeldoko said that Indonesia would not allow Rohingya boat people to move ashore on Indonesian land but would continue to provide humanitarian assistance to boat people, which would be provided in the middle of the sea so that the people in Rohingya boats do not need to pull over.⁹ Notwithstanding, a boat containing refugees was rescued by Acehese fishermen on the coast of North Aceh on May 10, 2015.¹⁰ Indonesia welcomed their arrival as a form of concern for the humanitarian problems that were occurring at that time.

At the end of 2023, the influx of asylum seekers due to the conflict in Myanmar will become a problem that Indonesia must face again. The total number of asylum seekers who entered reached 1,699 people spread across several refugee camps in Aceh.¹¹ This latest wave has caused friction between local Acehese and Rohingya asylum seekers. As a result, from December 8, 2023, to January 5, 2024, the community and students committed 21 acts of rejection against their presence.¹² Various criticisms and opinions were expressed by the international community regarding this act of rejection, but the majority of Indonesian people supported this action.

Despite varying opinions supporting or rejecting the Rohingya's presence in Indonesia, this article aims to analyze the impact of the Rohingya ethnic group's presence on Indonesian society, the obligations of the Indonesian government toward managing foreign refugees, and the role of the state in maintaining its sovereignty. The author adopts the position that Indonesia's response to the Rohingya crisis reflects a critical dilemma between upholding

-
- 8 Rizka Argadianti Rachman and Zico Efrandio. "A Neglected Life: Research Report on the Fate of Rohingya Refugees in Indonesia", *LBH Jakarta*, (2016):13. See more in SHEEP Indonesia Foundation, "Drama of Rohingya Refugees in Aceh", March. (2016):19; Annual report of the United Nations High Commissioner for Human Rights and report of the Office of the High Commissioner and the Secretary-General, "situation of human rights of Rohingya Muslims and other minorities in Myanmar", (2016); and UNHCR, "After long ordeal at sea, Rohingya find humanity in Indonesia", (2015). <http://www.unhcr.org/news/latest/2015/5/5559efb36/long-ordeal-sea-rohingya-find-humanity-indonesia.html>.
 - 9 Kompas.com. "TNI Commander Refuses Rohingya Refugee Ships to Enter Indonesia, but Willing to Provide Assistance". 15 May 2015 <https://nasional.kompas.com/read/2015/05/15/20213301/Panglima.TNI.Tolak.Kapal.pengungsi.Rohingya.Masuk.RI.tapi.Bersedia.Beri.Bantuan>, accessed 24 May 2024.
 - 10 Hendra Pasuhuk. "Aceh Fishermen Save Rohingya and Bangladeshi Refugees", 15 May 2015, <https://www.dw.com/id/nelayan-aceh-salatkan-800-pengungsi-rohingya-dan-bangladesh/a-18451487> accessed on 25 May 2024.
 - 11 NU Online, "Kaleidoscope 2023: Waves of Rohingya Refugees Coming to Indonesia", 28 December 2023, <https://www.nu.or.id/nasional/kaleidoskop-2023-gelombang-pengungsi-rohingya-bercamatan-ke-aceh-IqHpg>, accessed 24 May 2024.
 - 12 Public Info. "Police: There are 21 Community Rejection Actions against Rohingya Refugees". 8 January 2024, <https://infopublik.id/cepat/nusantara/814779/polisi-terdapat-21-aksi-penolakan-community-terhadap-pengungsi-rohingya> accessed 24 May 2024.

humanitarian obligations and safeguarding state sovereignty. This research seeks to understand Indonesia's responsibilities in managing the Rohingya, who are foreign refugees within its territory, while proposing practical solutions to address tensions, enhance legal frameworks, and mitigate conflicts with local populations. This dual challenge highlights the pressing need for sustainable approaches to balancing these competing priorities.

B. Research Method

This normative research employs a methodology that incorporates legal principles, utilizing library materials and data pertinent to the primary issue under investigation.¹³ Data was obtained from primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials are those that have official authority, namely the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, the 1948 Universal Declaration of Human Rights and national legal regulations, namely Presidential Regulation Number 125 of 2016 concerning Handling of Refugees from Abroad. Secondary legal materials include scientific articles, books and other relevant research. Meanwhile, tertiary materials include dictionaries, encyclopedias and credible internet materials.

This research is descriptive and analytical which aims to provide an overview and explain the research object based on systematic data¹⁴ and focuses on the concepts of sovereignty and humanity in the context of handling the Rohingya refugee problem. The author employs a qualitative data analysis method in this research to analyse collected and processed data, facilitating the formulation of hypotheses and conclusions in line with descriptive research.

C. Discussions

1. International Law's Perspective on Foreign Refugees and Asylum Seekers

The migration of groups of people to other countries has become a multidimensional phenomenon, along with developments in world politics. Elites initially carried out-migration as a means of expanding their territorial power, but it eventually evolved into a response to conflict and war.¹⁵ The migration of citizens to other countries during wartime is important and has an impact on many continents. They're looking for a way out of conflict areas to find a safer place to live.¹⁶ This group then becomes refugees and asylum seekers. The

13 Soerjono Soekanto and Sri Mamudji, *Normative Legal Research (A Short Review)*, Cet. 8th, (Jakarta: PT. Raja Grafindo, 2004): 29.

14 Ronny Hannitijo Soemitro, *Introduction to Legal Studies*. (Jakarta: Ghalia Indonesia, 1981): 97.

15 Wahyuni Kartikasari, "Modern Migration Pattern in Indonesia: Dilemmas of Transit Country", *Revista UNISCI Journal* 53 (2020): 24.

16 Anindito Rizki Wiraputra, "Definition of Refugees and Its Implications for Indonesian Immigration Law", *Scientific Journal of Immigration Studies*, Volume 1, Number 1 (2018): 64.

term “refugee” first appeared during World War I, which was considered the culmination of a nation-building process.¹⁷

International law has provided a single definition of the word “refugee,” as stated the 1951 Status of Refugees Convention. A refugee is defined as someone unable or unwilling to return to their country of origin because they fear persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion.¹⁸ This Convention is an instrument regarding status that is based on human rights: non-discrimination, prohibition of the imposition of punishment, prohibition of torture, and prohibition of forced evictions. Article 14 of the 1948 Universal Declaration of Human Rights (now referred to as the 1948 UDHR) became one of the foundations for the birth of the 1951 Refugee Convention because it recognizes that seeking asylum in another country from persecution occurring in one’s country is the right of every human being. According to Alexander Betts and Gil Loescher, “refugees” are people who cross international borders to escape human rights violations and conflicts.¹⁹ Based on their backgrounds, we can divide refugees into two groups: those displaced by natural disasters and those who fled their country to avoid demands from their home country (usually for political reasons).²⁰ This group is usually forced to leave their country and no longer gets protection from the government where they come from. Referring to Presidential Decree Number 125/16, the definition of a refugee has the same meaning and elements as those outlined in the 1951 Refugee Convention. However, it is further clarified that a refugee is a person who has received “refugee status” from the United Nations through the High Commissioner for Refugees in Indonesia.²¹

Meanwhile, the term “asylum seeker” has a slightly different context of understanding. The term “asylum seeker” refers to an individual seeking international protection who is either in the process of applying for refugee status or complementary protection status, or they may not have requested asylum yet, but they intend to.²² When someone crosses an international border in search of safety, they must apply to receive legal recognition as a refugee. They are known as asylum seekers and require protection while they seek asylum and await the outcome of their application. Therefore, we can conclude that while not all asylum seekers identify as refugees, they have all been asylum seekers.

17 Peter J. Taylor, *Political Geography World Economy, Nation State and Locality*, London: Routledge:1993): 37.

18 Article 1 of the 1951 Status of Refugees Convention.

19 Alexander Betts and Gil Loescher (Ed.), *Refugee in International Relations*, (New York: Oxford University Press, 2011): 1.

20 Wahyuni Kartikasari, “Modern Migration Pattern in Indonesia: Dilemmas of Transit Country”, *Revista UNISCI Journal* 53 (2020): 25.

21 Article 1 of Presidential Decree Number 125/16 pertains to the management of refugees. “Refugees from Abroad, hereinafter referred to as Refugees, are foreigners who are in the territory of the Unitary State of the Republic of Indonesia due to a well-founded fear of persecution for reasons of race, ethnicity, religion, nationality, membership in certain social groups, and different political opinions and do not want protection from their country of origin and/or have obtained asylum seeker status or refugee status from the United Nations through the High Commissioner for Refugees in Indonesia.”

22 UNHCR. “Who we protect: asylum-seekers”. <https://www.unhcr.org/asylum-seekers> accessed 20 May 2024.

The “refugee” status sought by asylum seekers is addressed to the United Nations High Commissioner for Refugees (UNHCR). The United Nations General Assembly established the UNHCR on December 14, 1950, to address refugee issues following World War II’s outbreak. Initially, the United Nations gave this organization a three-year mandate to assist millions of Europeans who had lost their homes.²³ On July 28, 1951, the UNHCR declared the 1951 Status of Refugee Convention to be its basic statute. The UNHCR has a leading role in providing international protection, finding long-term solutions to refugee problems, and promoting international refugee law. The UNHCR’s role as an initiator, facilitator, and determinant of refugee status, as well as assisting refugees, is very important.²⁴

The influx of Rohingya refugees and asylum seekers caused by the conflict in Myanmar is a problem that Indonesia must face again. The arrival of the Rohingya ethnic group and Indonesia’s response to the wave of Rohingya refugees stranded in Aceh sparked an intriguing discourse. The political and policy agenda of a country, including Indonesia, cannot deny the social reality of international refugees and the problems they face.²⁵ Despite not ratifying the 1951 Refugee Convention, Indonesia accepted their arrival as a response to the humanitarian issues that had arisen. However, this actually exacerbates tensions between Indonesian citizens and the Rohingya, necessitating the state’s intervention to resolve them.

2. Indonesia Government’s Role in Responding to the Arrival of the Rohingya Refugees

Indonesia is currently the only country in ASEAN that is a destination for Rohingya refugees. In recent years, Indonesia has often been a destination for ethnic Rohingya seeking asylum who come by boat. Indonesia cannot refuse the arrival of Rohingya refugees, even though it is not a ratifying country of the 1951 Status of Refugees Convention and the 1967 Additional Protocol. Despite not ratifying it, Indonesia has implemented Presidential Decree Number 125/16 to address the issue of foreigners seeking to enter and remain in Indonesia before relocating to a third country. This regulation affirms Indonesia’s obligation to safeguard foreign refugees. The 1945 Indonesia Constitution recognises all people’s right to protection from threats and political asylum from other countries.²⁶

International law also recognises and protects the right to obtain asylum for refugees, as affirmed in Article 14 of the Universal Declaration of Human Rights, which affirms that

23 United Nations, “History of UNHCR”, <https://www.unhcr.org/about-unhcr/overview/history-unhcr> accessed 22 May 2024.

24 Dewi Rahmawati, Hemmalika Alyanti, Hanifah Putri, Annisyaniawati, and Muhammad Alrifqi. “Human Rights Protection and the Role of Legal Institutions for Refugees in the Context of International Law”, *Pediaqu: Journal of Social and Humanity Education Volume 2 Number 3*, (2023): 10071.

25 Zulkarnain and Indra Kusumawardhana, “Together for Humanity: Cross-Sector Collaborative Handling of Rohingya Refugees In Aceh”, *HAM Journal Volume 11 Number 1*, (2020): 67.

26 Article 28 of the 1945 Indonesia Constitution.

“everyone has the right to seek and to enjoy asylum in other countries from persecution.” This provision grants ethnic Rohingya the individual right to seek asylum and the protection of the Universal Declaration of Human Rights. Prof. Grahl Madsen asserts that the state, not individuals, possesses the right to grant asylum, among other rights.²⁷ International legal recognition of a state’s right to grant asylum is acknowledged in Article 1 of the 1967 Territorial Asylum Declaration, which states that “*Asylum granted by a state, in the exercise of its sovereignty, to persons entitled to invoke Article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other states.*” According to this article, granting asylum to a country is a form of recognition of that country’s sovereignty.

The principle of sovereignty is a general principle of international law. International agreements cannot directly regulate the doctrine of sovereignty, as it is a general principle of international law.²⁸ Nevertheless, this principle is a universally recognized source of international law.²⁹ Etymologically, the word sovereignty comes from French *souveraineté*, which means supreme. In Latin, this word refers to the concept of supremacy.³⁰ The sovereignty principle recognizes a country’s territorial sovereignty. Under the principle of sovereignty, each sovereign state is considered to have exclusive control over its territory and over the people present in it.³¹ Regional organizations in Southeast Asia adhere to this principle of sovereignty, also known as the principle of non-intervention and known as the ASEAN Way.³² Therefore, countries possess the freedom to engage in any activity within their territory, provided they do not infringe upon the rights of other countries, and they have the authority to either accept or select foreigners for their territory. Recognizing this principle means that every sovereign state has the right to grant or refuse asylum to people within its territorial boundaries.³³

The Indonesian legal system regulates that every person entering or leaving the country’s territory is required to have valid travel documents, unless otherwise determined based on international law and agreements.³⁴ We can say that the Rohingya ethnic group’s entry into Indonesia violates this rule. This is because the Rohingya do not have any valid travel documents. In addition, the UNHCR has not yet recognized the Rohingya as refugees

27 Islam Rafiqul, and Jahid Hossain Bhuiyan, *An Introduction to International Refugee Law*, (Leiden: Martinus Nijhoff Publisher, 2013): 134.

28 Boer Mauna, *International Law: Definition, Role and Function in the Era of Global Dynamics* (Bandung: PT. Alumni, 2005): 23–26.

29 James Crawford, *Brownlie’s, Principles of Public International Law*, (Oxford: Oxford University Press, 2019): 31–34.

30 Daniel Lee, *The Right of Sovereignty*, (Oxford: Oxford University Press, 2021): 3–4.

31 Roman Boed, “The State of the Right of Asylum in International Law”, *Duke Journal of Comparative & International Law Volume 5, Number. 1* (1994): 1–33.

32 Tony Yuri Rahmanto, “The Principle of Non-Intervention for ASEAN Viewed from a Human Rights Perspective,” *Human Rights Journal Volume 8, Number 2* (2017): 145–159.

33 Sinha, S. Prakash. *Asylum and International Law*. (The Hague: Martinus Nijhoff Publishers, 1971): 155-156.

34 Article 8 Law Number 6 of 2011 concerning Immigration.

or is still in the process of granting them refugee status, a lengthy process that delays their status as illegal immigrants in Indonesia.

As a country that has not ratified the 1951 Status of Refugees Convention and the 1967 Additional Protocol, Indonesia has issued Presidential Decree Number 125/16 to address the issue of foreigners seeking to enter and reside in Indonesia before relocating to a third country. This presidential decree aims to address the issues faced by asylum-seeking immigrants and refugees in Indonesia. However, the existing handling mechanism creates obstacles to its implementation. The Indonesian legal system, especially in the immigration sector, regulates the entry and exit of people into and out of the sovereign territory of the Republic of Indonesia, focusing only on individuals who enter legally or illegally. In Presidential Decree Number 125/16, the definitions of “Overseas Refugees” align with the 1951 Convention, distinguishing refugees from asylum seekers. Refugees, once recognized, receive protection and assistance, while asylum seekers are in a waiting period, often facing uncertainty. This distinction affects the lives of asylum seekers in Indonesia, as they are not granted the same rights and protections as refugees, and their status may remain unresolved for extended periods, leading to difficulties such as limited access to employment, healthcare, and education while they await UNHCR’s decision on their status.

Refugees in international law occupy a legal space characterized on the one hand by the principle of state sovereignty and the related principles of territorial supremacy and self-preservation; and, on the other hand, by conflicting humanitarian principles derived from international law generally (including the aims and principles of the United Nations) and treaties.³⁵ State sovereignty and equality between countries are recognized concepts that form the basis of the international legal system’s workings. State sovereignty is an attribute that an independent state has as a subject of international law, where international law recognizes that the state is an independent and sovereign entity that is not subject to other authorities.³⁶ In the international legal system, state personality is based on recognition of state sovereignty and equality. Sovereignty underlies several rights recognized by international law, such as the right to equality, territorial jurisdiction, the right to determine nationality for residents in its territory, the right to allow, refuse, or prohibit people from entering and leaving its territory, and the right to nationalization.

The conflict between humanity and state sovereignty is the dilemma facing the current conception of modern society. We must uphold human dignity, which is a fundamental aspect of humanity. On the other hand, the concept of sovereignty represents the highest position within a country. Countries are free to determine the rules for their country, including regulating which citizens and parties can enter the country’s territory. A country’s power

35 Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law*. (Oxford Press, 2021): 1.

36 Sigit Riyanto, “State Sovereignty Framework for Contemporary International Law”, *Justisia Journal Volume 1 Number 3* (2012): 7

limitations do not hinder humanity, which is defined as universally recognized international values, principles, and norms. Modern society must uphold the human aspect, as it pertains to the dignity and worth of human life. However, this aspect does not automatically elevate human values to a position of unquestionable dominance. Humanity should set limits on the scope of its application. Indonesia, as a transit country, has limitations in helping Rohingya for humanitarian reasons. This limitation requires considering Indonesia's capacity as a developing country, which must also pay attention to the rights of its citizens.

The state, as an important part of the international community, has the authority to be responsible for improving the quality of life of its people, increasing prosperity and freedom, handling conflicts, and collaborating with other countries to improve the quality of life of its people. This is a way of redefining sovereignty as a responsibility that the state bears for its citizens.³⁷ This means that the state plays a crucial role in managing the country, providing protection, and must hold itself accountable for this mandate both internally and externally to the international community. Therefore, sovereignty is closely linked to the concept of responsibility to protect, ensuring full protection for the people and a decent standard of living.

D. Closing

Indonesia's strategic geographical position makes it a transit country rather than a destination country for refugees. The UNHCR's process of granting refugee status is lengthy, often leaving refugees in limbo in transit countries like Indonesia. Historical precedents, such as the handling of Vietnamese refugees, have informed Indonesia's current policies. International law supports the right to seek asylum, and Indonesia's Constitution acknowledges the right to protection from threats and political asylum. However, the principle of state sovereignty allows countries to control their borders and determine foreigners' admission. This duality creates a dilemma: upholding human dignity and rights while maintaining national sovereignty and order.

Indonesia's response to the Rohingya crisis reflects its commitment to humanitarian principles amidst geopolitical and domestic challenges. The state must navigate the delicate balance between providing refuge and maintaining its sovereignty, ensuring both the protection of refugees and the welfare of its citizens. The evolving nature of global migration and asylum-seeking requires continuous adaptation of policies and practices to address emerging challenges effectively. As discussed in this article, to effectively manage the crisis, Indonesia must adopt a more comprehensive framework that includes practical solutions such as enhancing legal protections, improving community integration efforts, and fostering international collaboration.

37 DellaPula, Alynne Hermyn, and Stevi Ngingare, "Indonesia's Role in the Rohingya Ethnic Case Based on the Concept of Responsibility to Protect (R2P)," *Journal of Social Sciences and Humanities (JSSH) Volume 2 Number 1*, (2022): 132.

The Indonesian government can consider further refining its approach to address ongoing challenges related to refugees:

1. **Strengthen the legal framework and policies:** While Indonesia has made strides in handling refugees, it could consider formalizing its legal commitment by ratifying the 1951 Refugee Convention and the 1967 Protocol. This would align the legal framework with international standards, providing clearer guidelines for managing refugees and asylum seekers and ensuring better protection while respecting national sovereignty. Additionally, a more comprehensive national refugee policy could be created, outlining long-term goals, clear protocols for refugee status determination, and addressing social, economic, and legal integration.
2. **Establish Refugee Employment Programs:** Indonesia could develop specific employment programs tailored to refugees. These programs would help refugees become self-sufficient, reduce the economic strain on local communities, and foster better integration and social cohesion. Engaging refugees in formal work or community service programs could help them contribute to the local economy and integrate more effectively.
3. **Expand Refugee Data and Monitoring Systems:** An effective refugee management system requires comprehensive data collection and monitoring. Indonesia could invest in a national registry for refugees and asylum seekers, allowing authorities to track their status, movements, and needs more efficiently. This system could also help mitigate security concerns and prevent exploitation by human traffickers or criminal organizations.
4. **Strengthen Domestic Legal Protections for Refugees:** While Indonesia has humanitarian provisions for refugees, specific domestic legal protections could be enhanced. These might include legal rights related to work, housing, education, and healthcare for refugees, helping to reduce uncertainty and improve their living conditions.
5. **Foster Public-Private Partnerships (PPPs):** Indonesia could engage the private sector through Public-Private Partnerships (PPPs) to support refugee integration. Collaborating with businesses to create job opportunities for refugees and working with NGOs to provide services and programs tailored to refugee needs could enhance refugees' self-reliance and integration.
6. **Provide Education for Refugee Children:** While there have been efforts to support refugee education, expanding programs specifically for refugee children is essential to ensure they have access to quality education. This could include integrating refugee children into public schools or creating specialized programs to help them build a future in Indonesia or wherever they may resettle.
7. **Develop Resettlement Pathways and Strengthen Diplomatic Relations:** Indonesia could work on establishing formal agreements with other countries (especially through ASEAN or UNHCR) to create resettlement pathways for refugees. Strengthening diplomatic relations with countries that accept refugees would ease the burden on Indonesia, ensuring a smoother transition for refugees to third countries.

8. Encourage Regional Responsibility-Sharing: While Indonesia has advocated for regional solutions, a more formalized approach within ASEAN could ensure refugee responsibility is shared. Encouraging other ASEAN members to take on a more active role in managing the refugee crisis would create a collective response and alleviate some of the burden on Indonesia.
9. Improve Community Relations and Reduce Xenophobia: To address local tensions, Indonesia could establish community engagement initiatives aimed at educating the local population about refugees' rights and the benefits of refugee integration. Programs promoting intercultural dialogue and community-based conflict resolution can help prevent xenophobia and foster understanding between local citizens and refugees.

Bibliography

A. Books

- Alexander Betts and Gil Loescher (Ed.), *Refugee in International Relations*, (New York: Oxford University Press, 2011).
- Boer Mauna, *International Law: Definition, Role and Function in the Era of Global Dynamics* (Bandung: PT. Alumni, 2005).
- Daniel Lee, *The Right of Sovereignty*, (Oxford: Oxford University Press, 2021).
- Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law*. (Oxford Press, 2021).
- Islam Rafiqul, and Jahid Hossain Bhuiyan, *An Introduction to International Refugee Law*, (Leiden: Martinus Nijhoff Publisher, 2013).
- James Crawford, Brownlie's, *Principles of Public International Law*, (Oxford: Oxford University Press, 2019).
- Peter J. Taylor, *Political Geography World Economy, Nation State and Locality*, London: Routledge:1993).
- Ronny Hannitijo Soemitro, *Introduction to Legal Studies*. (Jakarta: Ghalia Indonesia, 1981).
- Sinha, S. Prakash. *Asylum and International Law*. (The Hague: Martinus Nijhoff Publishers, 1971).
- Soerjono Soekanto and Sri Mamudji, *Normative Legal Research (A Short Review)*, Cet. 8th, (Jakarta: PT. Raja Grafindo, 2004).

B. Paper/Article/Proceeding/Research Result

- Anindito Rizki Wiraputra, "Definition of Refugees and Its Implications for Indonesian Immigration Law", *Scientific Journal of Immigration Studies*, Volume 1, Number 1 (2018).
- Arie Afriansyah dan Eva Achjani Zulfa, "Refugee Resettlement: A Review of Indonesia Law and Practices", *Indonesian Law Review Volume 8 Number. 2* (2018).
- Cipta Primadasa, Mahendra Putra Kurnia and Rika Erawaty, "Problematics of Handling Refugees in Indonesia from the Perspective of International Refugee Law", *Risalah Hukum Volume 17 Number 1* (2021).
- Dewi Rahmawati, Hemmalika Alyanti, Hanifah Putri, Annisyaniawati, and Muhammad Alrifqi. "Human Rights Protection and the Role of Legal Institutions for Refugees in the Context of International Law", *Pediaqu: Journal of Social and Humanity Education Volume 2 Number 3*, (2023).
- Della Pula, Alynne Hermyn, and Stevi Ngingare, "Indonesia's Role in the Rohingya Ethnic Case Based on the Concept of Responsibility to Protect (R2P)", *Journal of Social Sciences and Humanities (JSSH) Volume 2 Number 1*, (2022).
- Muzafar Ali, Linda Briskman, Lucy Fiske, "Asylum Seekers and Refugee in Indonesia", *Cosmopolitan Civil Societies Journal* 8, No. 2 (2016).
- Rizka Argadianti Rachman and Zico Efraindio. "A Neglected Life: Research Report on the Fate of Rohingya Refugees in Indonesia", *LBH Jakarta*, (2016).

- Roman Boed, "The State of the Right of Asylum in International Law", *Duke Journal of Comparative & International Law Volume 5, Number. 1* (1994).
- SHEEP Indonesia Foundation, "Drama of Rohingya Refugees in Aceh", March. (2016).
- Sigit Riyanto, "State Sovereignty Framework for Contemporary International Law", *Justisia Journal Volume 1 Number 3* (2012).
- Tony Yuri Rahmanto, "The Principle of Non-Intervention for ASEAN Viewed from a Human Rights Perspective," *Human Rights Journal Volume 8, Number 2* (2017).
- Vindy Septia, "Protection of Refugees Across Borders in Indonesia according to International Law", *Lex et Societatis Volume 2 Number 1* (2014).
- Wahyuni Kartikasari, "Modern Migration Pattern in Indonesia: Dilemmas of Transit Country", *Revista UNISCI Journal 53* (2020).
- Zendri Hendri, Rahmad Dadi, "Historical Overview of Vietnamese Refugees on Galang Island 1979-1996", *Takuana: Jurnal Pendidikan, Sains dan Humaniora Volume 01 Number 01*, (2022).
- Zulkarnain and Indra Kusumawardhana, "Together for Humanity: Cross-Sector Collaborative Handling of Rohingya Refugees In Aceh", *HAM Journal Volume 11 Number 1*, (2020).

C. Internet

- BBC News Indonesia, "Hundreds of people stranded in Aceh", 10 May 2015, https://www.bbc.com/indonesia/berita_indonesia/2015/05/150510_aceh_rohingya_kapal accessed 24 May 2024.
- Hendra Pasuhuk. "Aceh Fishermen Save Rohingya and Bangladeshi Refugees", 15 May 2015, <https://www.dw.com/id/nelayan-aceh-salatkan-800-pengungsi-rohingya-dan-bangladesh/a-18451487> accessed on 25 May 2024.
- Kompas.com. "TNI Commander Refuses Rohingya Refugee Ships to Enter Indonesia, but Willing to Provide Assistance". 15 May 2015 <https://nasional.kompas.com/read/2015/05/15/20213301/Panglima.TNI.Tolak.Kapal.pengungsi.Rohingya.Masuk.RI.tapi.Bersedia.Beri.Bantuan>, accessed 24 May 2024.
- NU Online, "Kaleidoscope 2023: Waves of Rohingya Refugees Coming to Indonesia", 28 December 2023, <https://www.nu.or.id/nasional/kaleidoskop-2023-gelombang-pengungsi-rohingya-bercamatan-ke-aceh-lqHpg>, accessed 24 May 2024.
- Public Info. "Police: There are 21 Community Rejection Actions against Rohingya Refugees". 8 January 2024, <https://infopublik.id/cepat/nusantara/814779/polisi-terdapat-21-aksi-penolakan-community-terhadap-pengungsi-rohingya> accessed 24 May 2024.
- Satrio Widiyanto, "Tenaga Kerja Asing Dari 5 Negara Masih Dominan", <http://www.pikiran-rakyat.com/ekonomi/2014/08/17/293351/tenaga-kerja-asing-dari-5-negara-masih-dominan>, Pikiran Rakyat (diakses 25 Mei 2018)
- UNHCR. Annual report of the United Nations High Commissioner for Human Rights and report of the Office of the High Commissioner and the Secretary-General, "situation of human rights of Rohingya Muslims and other minorities in Myanmar", (2016); and UNHCR, "After long ordeal at sea, Rohingya find humanity in Indonesia", (2015). <http://www.unhcr.org/news/latest/2015/5/5559efb36/long-ordeal-sea-rohingya-find-humanity-indonesia.html>.
- UNHCR. "Who we protect: asylum-seekers". <https://www.unhcr.org/asylum-seekers> accessed 20 May 2024.

United Nations, "History of UNHCR", <https://www.unhcr.org/about-unhcr/overview/history-unhcr> accessed 22 May 2024.

D. Regulations

The 1945 Indonesia Constitution.

Law Number 6 of 2011 concerning Immigration.

Presidential Regulation Number 125 of 2016 concerning Handling Refugees from Abroad.

The 1951 Convention Relating to the Status of Refugees.

The 1967 Protocol Relating to the Status of Refugees in 1967.

The 1948 Universal Declaration of Human Rights.

Curriculum Vitae of Authors

Rafika Rizky Aulia Rahman holds a bachelor's degree in International Law from Sebelas Maret University and a master's degree in Transnational Law from the University of Indonesia. She is currently a lecturer at the University of Lampung. Rafika has published research in international law, particularly in air law, and has experience as an assistant lecturer in the International Law Department at Sebelas Maret University.

Rizka Iswara graduated with a bachelor's degree in Criminal Law from the University of Muhammadiyah North Sumatera and a master's degree in Transnational Law from the University of Indonesia. Since 2019, she has worked as a legal analyst at the Directorate General of Legal Administrative Affairs, Ministry of Law and Human Rights, Republic of Indonesia. Her research focuses on international law and humanitarian law.