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The Protection of Human Rights for International Refugees in Indonesia: Case Study of the Rohingya Ethnic Group in Aceh

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Abstract
The arrival of Rohingya refugees in Aceh forms part of an ongoing international humanitarian crisis, positioning Indonesia as a transit country. Normatively, refugee protection is governed by the 1951 Refugee Convention and the 1967 Protocol, which set out the principle of non-refoulement and the rights to education, healthcare, employment, and legal protection. At the national level, Presidential Regulation No. 125 of 2016 serves as the administrative basis for managing refugees, including aspects of shelter and humanitarian assistance. In practice, the Rohingya refugee situation in Aceh illustrates that protection remains limited to basic needs, without legal certainty, access to education, or long-term integration. This situation underscores the urgency of strengthening regulations and adopting more comprehensive policies to ensure legal, physical, and social protection for refugees.

Keywords: Human Rights Protection, Rohingya Ethnic Group

1. Introduction

The situation of refugees and asylum seekers has exemplified the interdependence of the international community, as evidenced by the direct impact that refugee issues in one country can have on other countries.[1] Currently, in Indonesia, according to data from the United Nations High Commissioner for Refugees (UNHCR), there are approximately 12,295 refugees registered at the UNHCR office in Indonesia, including 29% children and 69% adults. Of the total adult population, 72% are men and 28% are women.[2] Refugees and asylum seekers in Indonesia come from 53 different countries. The largest countries of origin for refugees in Indonesia are Afghanistan, Myanmar, and Somalia. The rapid growth in the number of international refugees is truly shocking and alarming, with the vast majority experiencing severe hardship and distress.

Refugees are individuals who are forced to leave their country of origin due to fear or serious anxiety that they experience, resulting in fear of persecution. Persecution on the grounds of nationality, religion, race, or their existence/membership in a particular social group or political differences, whether outside their citizenship or outside their nationality, and to escape from this fear, and do not receive protection from their country or if they return to their country. Therefore, they cannot or do not want to return to their country of origin for these reasons. This definition refers to the 1951 Convention relating to the Status of Refugees,[3] which defines refugee status as a legal status granted to someone who meets the criteria for a refugee under international law. With this status, a refugee is entitled to international protection and cannot be forcibly returned to their country of origin where their life or freedom is threatened.[4]

In this regard, Human Rights (HAM) are essential rights for every human being. These are basic rights that must be granted to every individual or community, as stated in Article 2 of the 1948 Universal Declaration of Human Rights (UDHR). This demonstrates that human rights violations, including the crime of genocide faced by minority groups such as the Rohingya in

[1] Kadarudin, Keterkaitan Antara Stateless Persons, Pencari Suaka, dan Pengungsi, *Jurnal pengembangan ilmu hukum* "Gratia" Kopertis Wilayah IX Sulawesi. Vol. VIII, Nomor 1, 2012, hlm. 103.
[2] UNHCR Indonesia, https://www.unhcr.org/id/, akses pada 15 Oktober, 2024.
[3] *Refugee Convention 1951.*
[4] Denise Maureen Rebecca Aling, dkk, Analisis Yuridis Krisis Pengungsi Rohingya di Aceh dan Peran UNHCR di Indonesia Berdasarkan Hukum Organisasi Internasional, *Jurnal Fakultas Hukum Unsrat*, Vol 14, No 3, 2024, hlm. 1.

Myanmar, do occur. This fact is evidenced by the issuance of Burmanization regulations and efforts to remove the Rohingya from the list of eight primary ethnic groups out of 135 other ethnic groups in Myanmar. Consequently, the Rohingya fled Myanmar to seek refuge in other countries, including Indonesia.

Legally, every individual with international refugee status should receive adequate protection in accordance with universally recognized human rights principles. Provisions regarding refugee protection are comprehensively regulated in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, which affirm that refugees have the right to protection from forced eviction, access to basic services, and humane treatment without discrimination. Although Indonesia has not ratified these two instruments, the obligation to provide protection remains inherent through customary international legal principles and Indonesia's commitment to various other human rights treaties, such as the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the Convention Against Torture (CAT).

At the national level, the Indonesian constitution, through Articles 28G and 28I of the 1945 Constitution, guarantees the right to protection and to treat everyone fairly and humanely. Therefore, Indonesia has the legal basis and responsibility to provide protection to Rohingya refugees entering its territory, including ensuring the fulfillment of their basic rights and ensuring treatment in accordance with humanitarian principles.

Refugees are also entitled to other humanitarian assistance in the form of the right to stay temporarily in the receiving country, and in some cases, they can apply for resettlement in a third country. Basically, from the definition of refugees it can be seen that a person's status to be determined as a refugee must meet 5 (five) criteria, namely: the existence of anxiety that is truly experienced so that it gives rise to a fear of persecution. the existence of persecution on the grounds of nationality, religion, race, or existence/membership in a particular social group or differences in political beliefs that he has, whether outside his citizenship or outside his nationality, and to avoid this fear, and not receiving protection from his country or if he returns to his country.[5]

Although commonly referred to as refugees, there is a terminological distinction between asylum seekers and refugees. Asylum seekers are individuals who claim refugee status but whose protection application has not yet been fully considered. The evaluation process for their application is carried out through the refugee status procedure, which begins with the registration stage. After registration, the UNHCR, with the assistance of a competent interpreter, will interview the asylum seeker to identify the reasons underlying the decision to grant or deny refugee status.[6]

Indonesia is frequently used as a transit and shelter area for refugees due to its strategic geographic location. Indonesia is located between two oceans (the Indian and Pacific) and two continents (Asia and Australia), making it an important migration route. Its territorial waters and thousands of small islands make it a frequent stopover or transit route for refugees attempting to reach Australia or other countries.[7] One refugee phenomenon currently occurring in Indonesia is the Rohingya refugee population.

According to UNHCR Indonesia, Aceh is a frequent destination for Rohingya refugees fleeing Myanmar and Bangladesh. Aceh attracts attention as a landing site due to its strategic location along sea routes in Southeast Asia. Factors such as geographic proximity, unplanned migration flows, and ocean currents make Aceh's coastal areas a frequent entry point for refugee boats. Furthermore, the Acehnese people are known for their humanitarianism and concern for refugees.

The large number of Rohingya refugees landing in Aceh over time demonstrates that this region has become a focal point in the ongoing regional humanitarian crisis. This phenomenon not only emphasizes Aceh's strategic position on Southeast Asian maritime migration routes but also poses various social, economic, and legal implications for the local government and community. The sudden surge in refugee arrivals often poses challenges in providing basic needs such as shelter, food, healthcare, and legal protection.

In response to this situation, the Aceh Regional Government often takes an active role in the initial handling of refugees, although legal authority over refugees rests with the central government. The regional government, in collaboration with international organizations such as UNHCR and the International Organization for Migration (IOM), also provides logistical assistance and temporary shelter facilities for the refugees who land. Based on the identification of several Rohingya refugee arrival points, the government then established refugee camps spread across several areas, including:

1. Mina Raya, Idie, with a capacity of 247 people.
2. Kulee, Pidie, with a capacity of 180 people.
3. SKB Cot Gapu, Bireun, with a capacity of 28 people.
4. Ex-Immigration Office, Lhoksemawe, with a capacity of 298 people.
5. Balohan Port, Sabang, with a capacity of 191 people.
6. National Building, Tanjung Pura, Langkat, with a capacity of 62 people.
7. Karang Gading, Deli Serdang, with a capacity of 113 people.
8. Kuala Parek, East Aceh, with a capacity of 130 people.
9. Regent Office, Meulaboh, with a capacity of 43 people.[8]

The high number of refugees in Indonesia, especially in Aceh Province, raises concerns about human rights violations, given their vulnerable conditions and limited resources available to meet their basic needs. Although refugees are people who flee their home country due to various forms of mistreatment and fear, as mentioned above, their escape from their home country to another country does not necessarily solve the problem. In fact, new problems arise because those who cross borders do not necessarily have clear legal status in the countries they seek refuge in.

Refugees are highly vulnerable to imprisonment, deportation, exploitation, and various other forms of abuse.

[5] Maya I Notoprayitno Suaka dan Hukum Pengungsi Internasional, *Jurnal Cita Hukum*, Vol.1, No.1, Juni, 2013, hlm.103.

[6] Latifa Mahdayani Abdul, dkk, Perspektif Hukum Ham Terhadap Pengungsi Akibat Konflik Menurut Konvensi Wina 1951 Tentang Pengungsi, *Jurnal Fakultas Hukum Unsrat*, Vol 13, No 5, 2024, hlm 1.

[7] Denny Ramdhany, *Konteks dan Perspektif Politik Terkait Hukum Humaniter Internasional Kontemporer*, Jawa Barat: PT RajaGrafindo Persada, 2015, hlm. 331.

[8] *Ibid.*

Therefore, legal protection, both national and international, is essential to fulfill and protect the human rights of these refugees. International protection for refugees is provided in the 1951 Convention and the 1967 Protocol concerning Refugees, which outline the fundamental rights and freedoms that refugees desperately need. The 1951 Convention and the 1967 Protocol are essentially the same. These Conventions and Protocols regulate three main issues:

1. A basic understanding or definition of refugees is necessary. Having a standard definition of refugees makes it easier to determine whether someone is a refugee or not. For countries that have ratified the 1951 Convention and/or the 1967 Protocol, the country where the person is located and is cooperating with UNHCR can determine refugee status. For countries that have not ratified the Convention, the determination is made by the UNHCR Representative in that country.
2. Determination of the legal status, rights, and obligations of refugees while in the country of refuge.
3. Implementation of agreements, particularly regarding administration and diplomatic relations, particularly those concerning cooperation with the UNHCR in carrying out oversight duties in the host country.[9]

Regarding the rights and obligations of refugees, the 1951 Convention affirms the following rights:

1. The right to non-discrimination
2. Property rights
3. The right to associate
4. The right to litigate in court
5. The right to work
6. The right to welfare
7. The right to education and training
8. The right to freedom of movement
9. The right to identification and travel documents
10. The right to non-refoulement
11. The right to personal status

Indonesia has not yet ratified the 1951 Refugee Convention or the 1967 Protocol, meaning it has no legal obligations under these international treaties. However, as a member of the international community, Indonesia must continue to respect customary international law and applicable legal principles regarding refugees and asylum seekers. Furthermore, as the world's largest Muslim-majority country and a country that upholds humanitarian values, Indonesia also has a moral and political responsibility to advocate for the rights of Muslim minorities, including the Rohingya ethnic group. Indonesia has addressed the Rohingya crisis with humanitarian principles in mind, even though it has not ratified international conventions regarding the status of refugees.[10]

Indonesia is a member state of the United Nations (UN) that has adopted the moral standards and general principles of human rights as enshrined in the UDHR and is committed to implementing them in national policies to support the promotion and protection of human rights, particularly in refugee management. As stated in Article 2 of the UDHR, "every individual is entitled to all the rights and freedoms set forth in this Declaration without distinction. There shall be no discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

This article also emphasizes that the legal, political or international status of the country or territory of origin of a person, whether it is independent, under trusteeship, colonial or under any other limitation of sovereignty, shall not affect the rights of the individual." This Declaration, adopted and proclaimed by the UN General Assembly on 10 December 1948 through resolution 217 A (III), underscores the importance of the principles of equality and non-discrimination as the basis for protection worldwide.[11] In addition to the legal provisions regarding refugees contained in the UDHR, there is also the UNHCR, an agency of the UN created by the General Assembly pursuant to UN General Assembly Resolution 428 (V) in 1950.

The UNHCR can operate in member states, including those not party to the 1951 Convention, provided there is agreement with the host government. Although the UNHCR statute and the 1951 Refugee Comvention provide the framework for international protection for refugees, the UNHCR can continue to operate in countri that are not parties to the Comvention. Article 2 of the UNHCR Statute mandates that governments are required to cooperate with UNHCR, including through special agreements or actions that assist refugees. This cooperation can take the form of voluntary actions even if the country is not a party to the Comvention, in this case Indonesia, the establishment of UNHCR as an international organization responsible for taking part in refugees residing in Indonesia.

In Indonesia, policies related to refugee management are stipulated through Presidential Regulation (Perpres) No. 125 of 2016 concerning the Management of Refugees from Abroad. Normatively, this Perpres fills the legal gap in the regulation of refugees and asylum seekers in Indonesia, as stipulated in Article 28 G (2) of the 1945 Constitution and Articles 25 and 27 of Law No. 37 of 1999 concerning Foreign Relations. Prior to the issuance of this Perpres, the refugee management mechanism was based on the Director General of Immigration Regulation No. IMI-1489.UM.08.05 of 2010 concerning the Management of Illegal Immigrants. This regulation stipulates that every refugee entering Indonesia will be subject to immigration action in the form of detention until their refugee status is determined by the UNHCR.[12]

This has resulted in violations of refugee rights, as refugees are not criminals but are placed in situations similar to those detained as criminals (in immigration detention centers). With the issuance of Perpres No. It is hoped that with Law No. 125 of 2016, the handling of refugees in Indonesia will change for the better and that the rights of refugees will be better accommodated while in Indonesia. In Perpres No. 125 of 2016, refugee management in Indonesia is carried out based on cooperation between the central government and the UN through the UNHCR in Indonesia and/or international organizations specializing in migration or

[9] Rahayu, Dkk, Perlindungan Hak Asasi Manusia Pengungsi Dan Pencari Suaka di Indonesia, *Jurnal Masalah-Masalah Hukum*, Vol 49. No 2, 2020, hlm. 4.

[10] Budi Budaya, Dampak Kewarganegaraan Etnis Rohingnya di Myanmar terhadap pelanggaran Hak Asasi Manusia dan Negara Sekitar, *Jurnal Ilmiah Hukum*, Vol 11, No 1, 2017, hlm.160.

[11] Deklarasi Universal Hak-Hak Asasi Manusia, PBB, 10 Desember 1948.

[12] Siciliya Mardian Yo'el, Kajian Yuridis Perlindungan Pengungsi di Indonesia Setelah Berlakunya Peraturan Presiden Republik Indonesia Nomor 125 Tahun 2016 Tentang Penanganan Pengungsi Dari Luar Negeri, *Jurnal Diversi*, Vol 2, No 2, 2016, hlm. 474.

humanitarian affairs that have agreements with the central government. [13]

Indonesia, as a country based on Pancasila and upholding human rights values, theoretically guarantees the rights of refugees and asylum seekers under several laws, including Law Number 39 of 1999:

1. Anti-oppression: Article 3 of the Convention Against Torture and the 1945 Constitution of Indonesia
2. Anti-discrimination: Article 3 of Law Number 39 of 1999.
3. Freedom of Religion: Articles 28E and 29 of the 1945 Constitution, Article 22 of Law Number 39 of 1999.
4. Right to marry: Article 28B of the 1945 Constitution, Article 10 of Law Number 39 of 1999.
5. Right to associate: Article 28E of the 1945 Constitution, Articles 24 and 39 of Law Number 39 of 1999.
6. Access Justice and legal aid: Article 28D of the 1945 Constitution, Articles 5, 18, 66 of Law Number 39 of 1999.[14]

Perpres No. 125 of 2016 and several other national legal instruments concerning the protection and fulfillment of human rights for international refugees demonstrate the government's serious efforts to protect international refugees, both in accordance with international principles, particularly through cooperation with UNHCR, and based on national legal instruments. However, challenges remain, particularly in meeting basic needs and providing better legal protection for international refugees outside of formal status. Examples of other legal obstacles in addressing this crisis include cases of immigrant smuggling and problems with shelter supervision, as well as other complex issues related to refugees.

Therefore, based on the above background, this thesis research is crucial: conducting a legal review of the protection of human rights for international refugees in Aceh Province.

2. Research Method

This research is a normative juridical legal study, which examines legal materials and literature, and therefore can be considered a library research. Normative research involves collecting primary, secondary, and tertiary data by reviewing all relevant literature on the issue under discussion, not only from the data library itself but also using modern technology to explore various media that present structured data.[15]

Primary legal materials consist of:

1. The 1945 Constitution of the Republic of Indonesia
2. Law No.39 of 1999 concerning Human Rights
3. Law No.37 of 1999 concerning Foreign Relations
4. Law No.6 of 2011 concerning Immigration
5. Perpres No.125 of 2016 concerning the Management of Overseas Refugees

Secondary legal materials are intended to provide explanations of primary legal materials, which consist of bibliographic materials such as books, journals, papers, articles related to research, research findings by legal scholars, and other internet resources.

Meanwhile, tertiary legal materials are intended to provide guidance on both primary and secondary legal materials, such as legal dictionaries, general dictionaries, and the Great Dictionnary of the Indonesia Language.

This research uses three types of research approaches: the statutory approach, the case study approach, and the historical approach.

The data collection techniques in this study consisted of two types: literature review and interviews with key informants, both direct and indirect. The interviews were conducted using semi-structured interviews with expert informants. These interviews served only as supporting data to strengthen the research findings. The interviewees included the Head of the Aceh Bakamla Station, the Immigration Analyst Pratama from the Aceh Directorate General of Immigration Regional Office, and the community of Kota Baru Village, Kuta Alam District, Banda Aceh.

After collecting all the information from the literature review, including primary and secondary data, interviews, and documentation, the researcher then categorized the information according to the research objectives for each problem stated in the problem formulation. The analysis of the legal materials in this study was conducted using descriptive analysis. Research employing qualitative methods is based on the belief that the reality of unique and complex social phenomena, characterized by certain patterns or regularities, is also filled with variation. Furthermore, analysis is conducted to gain clarity in solving the problem and then to draw deductive conclusions, moving from the general to the specific. Analysis of legal materials is very useful in providing answers to the issues being studied.

3. Results and Discussion

3.1 Human Rights Protection for International Refugees in Aceh

3.1.1 The Influx of Rohingya to Aceh

The influx of Rohingya refugees to Aceh Province is a recurring and complex humanitarian phenomenon, triggered by the multidimensional crisis affecting the community in their home country, Myanmar. Systematic discrimination, ethnic persecution, and widespread violence in Rakhine State have forced thousands of Rohingya to flee their homeland and seek refuge in neighboring countries, including Indonesia. Aceh, as one of the closest regions in Southeast Asia, is often a transit or emergency destination due to its strategic location along maritime migration routes. Since the first wave was recorded in 2009,[16] with a large influx of arrivals recorded in 2015, it has increased again from 2020 to the present.

The arrival of Rohingya refugees to Aceh tends to increase. This phenomenon not only poses challenges in terms of humanity and human right protection, but also demands an adaptive policy response from the Indonesian government, considering Indonesia's status as not yet a party to the 1951 Refuge Convention or the 1967 Protocol. The response of the Acehnese people to the arrival of Rohingya refugees is generally characterized by high humanitarian solidarity, in line with local cultural values and the history of Aceh as a region that upholds Islamic and humanitarian principles. However, these repeated arrivals have also raised a number

[13] *Ibid,* hlm. 475.

[14] Undang-Undang No. 39 Tahun 1999 Tentang Hak Asasi Manusia.

[15] Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normati dan Empiris*, Yogyakart: Pustaka Pelajar, 2010, hlm. 190.

[16] Safrina, Aceh Tampung 6.150 Pengungsi Rohingya sejak 2009, https://acehprov.go.id/berita/kategori/umum/, diakses pada 1 April 2025.

of social, economic, and security issues, particularly when support from the central government and international agencies is disproportionate to the burden borne by local communities.

Based on data compiled from various sources, including reports from the UNHCR, the Indonesian government, and national media, the number of Rohingya refugees arriving in Aceh has fluctuated significantly. The highest spike was recorded in 2023, demonstrating the need for comprehensive attention and a comprehensive approach from a legal, humanitarian, and security perspective. The following are the waves of Rohingya arrivals in Aceh:

Year	Many Refugees	Information
2020	39 person	Consisting of 99 people (June) and 296 people (September) in Lhokseumawe
2021	186 person	81 people (June) in East Aceh and 105 people (December) in Lhokseumawe.
2022	664 person	Several waves, including 114 people (March) in Bireuen, 229 people (November) in North Aceh, 57 people (December 25) in Aceh Besar, and 174 people (December 26) in Pidie.
2023	2.288 person	A significant surge; from November 2022 to March 2023, 895 refugees entered Aceh.
2024	2.026 person	By May 2024, 15 ships had arrived in Aceh and North Sumatra carrying refugees.
2025	70 person	January 2025, 70 refugees landed in Perlak, East Aceh.

Source: UNHCR, Ministry of Foreign Affairs of the Republic of Indonesia, 2025.

The surge in Rohingya refugee arrivals to Aceh peaked in 2023, with a total of 2,288 people, making it the highest year in the past five years.[17] This increase is closely related to the worsening situation in Myanmar, which is still plagued by conflict and repression against the Rohingya minority, as well as the inadequate and unsafe living conditions in refugee camps in Bangladesh. These refugees then spread across various regions in Aceh, including Aceh Besar, Pidie, Lhokseumawe, and East Aceh, which have long been the main landing points for refugee boats.[18]

On the other hand, the increasing number of arrivals has also raised concerns about the involvement of human trafficking networks. Several reports and investigations indicate that some refugees may be victims of exploitation, posing additional challenges for the government in its efforts to protect and enforce human rights-based laws. Considering the dynamics of Rohingya refugee arrivals in Aceh from 2020 to early 2025.

It is clear that Indonesia, particularly Aceh Province, plays a crucial role as a transit point for forced migration flows triggered by conflict and human righs violations in Southeast Asia. The high intensity of arrivals, particularly in 2023 and 2024, demands a more structured policy response oriented toward human rights protection. Furthermore, indications of the involvement of human trafficking networks emphasize the urgency of collaboration between the central government, regional governments, international organizations, and civil society in formulating policies that focus not only on humanitarian aspects but also on security and law enforcement.

3.1.2 Mechanism for Resolving Human Rights Violations Against Rohingya Refugees in Aceh

The lack of citizenship status prevents the Rohingya from receiving protection from any country, leading to numerous human rights violations. Indonesia, particularly the province of Aceh, has become a key transit point for Rohingya refugees.[19] Although local communities in Aceh have shown solidarity and humanity in welcoming the refugees, the challenges they face remain significant. In some cases, refugees have even faced rejection, expulsion, and even intimidation from certain community groups.

One example of human rights violations experienced by Rohingya refugees in Aceh occurred during the forced relocation incident by a group of students in Banda Aceh. In this incident, approximately 137 refugees, mostly women and children, were intimidated and forced to leave the basement of the Balee Meuseuraya Aceh (BMA) building, where they were temporarily sheltering. The refugees were herded into two trucks and forcibly transferred to the Aceh Regional Office of the Ministry of Law and Human Rights, without consideration for humanitarian aspects and basic protections for vulnerable groups.[20]

This siege and forced displacement not only violate the principle of non-refoulement and the right to protection, but also leave deep psychological trauma, especially for women and children who were seen crying and frightened throughout the process. Such actions reflect the state's failure to guarantee a sense of security and the right to a decent life for refugees, and demonstrate the weakness of human rights enforcement mechanisms in the contect of international refugee management at the local level. The National Comission on Human Right (Komnas HAM) deplored the forced displacement of Rohingya refugees, which considered the action contrary to basic human rights principles.

Not only did this incident garner national attention, but it also reached the international community, including global humanitarian organizations, who highlighted the weak protection of refugees in Indonesia. This international response demonstrates that the refugee issue is no longer merely a local issue but has become a global concern that demands shared responsibility to guarantee the dignity and human rights of every human being without discrimination.

Therefore, it is crucial for Indonesia to immediately establish a comprehensive and responsive legal mechanism for the refugee situation and strengthen cooperation with international institutions to prevent similar violations from occurring in the future. Another real form of human rights violation experienced by Rohingya refugees in Aceh is the failure to fulfill their rights to protection, decent housing, and security guarantees while in Indonesian territory. Although Indonesia demonstrates a humanitarian stance by welcoming refugees, the absence of national legal

[17] Rafa Hanin, 2023 Jadi Tahun Terbanyak Kedatangan Pengungsi Rohingya ke Indonesia, https://data.goodstats.id/statistic/2023, diakses pada 1 April 2025.

[18] Zulkarnaini, Sebanyak 185 Pengungsi Rohingya di Aceh direlokasi ke Riau, https://www.kompas.id/baca/nusantara/2023/04/04/, diakses pada 1 April 2025.

[19] Rizvan Dewana, Peran Hukum Internasional dalam Menangani Krisis Pengungsi Rohingya di Aceh, *Jurnal Kertha Wicara*, Vol 14, No 8, 2025, hlm. 4.

[20] BBC News Indonesia, https://www.bbc.com/indonesia/articles/cyr3ykvjxp0o, Akses pada 21 Mei 2025.

regulations specifically governing the status and rights of refugees creates a legal vacuum in protecting their rights.

Several reports indicate that Rohingya refugees often experience discrimination, rejection by some local communities, and limited access to healthcare, education, and employment. In some cases, there have even been acts of rejection and expulsion by residents who feel burdened by the presence of refugees, reflecting the lack of state protection for this vulnerable group. This situation highlights serious challenges in refugee protection efforts in Indonesia, particularly regarding the implementation of human right principles.

The Acehnese people's rejection of Rohingya refugees is not without reason. They rejected the Rohingya immigrants after experiencing the numerous negative impacts they have caused. Some of the unpleasant negative impacts experienced by the Acehnese people include the failure of some Rohingya refugees to adhere to applicable cultural regulations in Aceh, which is considered disrespectful to Acehnese culture and disrupting the harmony of Acehnese society. Furthermore, cases of legal violations have occurred, ranging from theft of plantation products to sexual harassment and rape.[21]

Besides the rejection caused by the behavior of some Rohingya refugees, there are several other internal causes. According to data from the Central Statistics Agency (BPS) on the economic situation of the Acehnese people in March 2023, 806,750 Acehnese were classified as poor. This figure represents a 1.43% decrease compared to the 818,470 people in September 2022. The high number of people categorized as poor contributes to Aceh's position as one of the poorest provinces in Indonesia.

Therefore, it will be very difficult for local governments and local residents to support the Rohingya refugees. Although Rohingya refugees can be supported by funds disbursed by the central government, there may be questions from local residents who feel they are being put second by their own government, which appears to favor immigrant refugees from other countries over indigenous Indonesians. This could then fuel dissatisfaction with the central government, which is often associated with the state. [22] This crisis demands serious attention from the international community, given the legal and humanitarian complexities involved.

The role of international law in addressing the Rohingya refugee crisis is crucial. International law, through various instruments such as the 1951 Refugee Convention and its 1967 Protocol, as well as human rights principles, provides a framework for the protection and care of refugees. The UNHCR's role in handling the Rohingya refugee case is also crucial, as the organization helps facilitate the return and reintegration/repatriation of refugees who choose to return. However, the implementation of these principles often faces obstacles on the ground, whether due to a lack of resources, political unwillingness, or challenges in coordination between countries.

Furthermore, under the principles of international law, individuals seeking protection are granted the right to international protection once they cross borders into a receiving country. States, whether as final destinations or transit points, are obligated by international law not to reject or return protection seekers. The principle of non-refoulement in international conventions explicitly stipulates this prohibition. This principle stipulates that every state has a responsibility to receive, shelter, protect, and provide services to refugees. It also prohibits refusing entry to refugees, even if the country has not ratified the 1967 Refugee Convention.[23]

Another form of effort or mechanism for resolving human rights violations against Rohingya refugees in Aceh can be implemented through non-judicial approaches involving independent institutions, international cooperation, and strengthening the role of civil society. Institutions such as the Komnas HAM play a crucial role in receiving complaints, conducting investigations, and providing recommendations to the government regarding cases of human rights violations experienced by refugees. Furthermore, cooperation between local governments and international organizations such as the UNHCR and the IOM is a strategic mechanism for providing protection and humanitarian assistance in accordance with international standards.

Furthermore, the active participation of civil society organizations, local NGOs, and religious and traditional leaders in Aceh can also serve as a means of social mediation and public education to prevent discriminatory acts. This community-based resolution mechanism is crucial for building a shared understanding that Rohingya refugees have the right to legal and humanitarian protection, as well as for creating an inclusive social environment free from human rights violations. This holistic and collaborative approach is expected to strengthen the refugee protection system and prevent similar incidents from occurring in the future.

4. Conclusion

Protection for international refugees in Indonesia, particularly Rohingya refugees in Aceh, has not fully aligned with standards stipulated in international law or national constitutional principles. The absence of national regulations specifically addressing refugees means that the protection provided is partial, unstructured, and dependent on sectoral policies and support from international institutions.

The inplementation of human right protection for international refugees in Aceh, particularly the Rohingya, remains administrative. Although Indonesia has a legal basis in Perpres No. 125 of 2016 and other national instruments, its implementation is limited to basic assistance (shelter, logistics, and health services). Determining official status, access to formal education, and long-term integration have not been fully facilitated. UNHCR's intervention and cross-sectoral collaboration demonstrate a moral responsibility, but ideally, strong and systematic legal support is needed at the local level.

Efforts to resolve human rights violations against international refugees in Aceh, particularly the Rohingya, remain limited and rely on non-judicial approaches. Existing mechanisms involve collaboration between local

[21] Ahda Ilma, Penolakan Kedatangan Gelombang Pengungsi Rohingya di Aceh Dalam Perspektif Etika dan Moral, *Jurnal Ilmiah Wahana Pendidikan*, Vol 10, No 14, 2024, hlm.4.

[22] *Ibid.*

[23] Kurniawan, N, Kasus Rohingya dan Tanggung Jawab Negara dalam Penegakan Hak Asasi Manusia, *Jurnal Konstitusi*, Vol 14, No 4, 2017, hlm.880.

governments, UNHCR, IOM, and humanitarian agencies, as well as support from the Komnas HAM in investigations and policy recommendations. The participation of civil society, local NGOs, and religious and traditional leaders plays a role in education, mediation, and discrimination prevention. This collaborative approach is crucial for strengthening the protection and restoration of refugee rights in a sustainable manner.

5. Recommendations

The Indonesian government is recommended to draft a specific law that comprehensively regulates the status, rights, and obligations of international refugees. Furthermore, strengthening inter-agency coordination and increasing the capacity of government officials are essential to ensure the effective implementation of refugee human rights protection in the field.

The Indonesian government is recommended to develop technical regulations in Aceh, for example through regional regulations or technical guidelines based on Perpres No. 125 of 2016, to ensure more formal procedures for determining refugee status and fulfilling basic rights.

The Indonesian government and regional governments, particularly in Aceh, are recommended to strengthen cross-sectoral coordination between the government, human rights institutions, and international organizations such as UNHCR and IOM. At the local level, the involvement of civil society, religious leaders, and traditional leaders should be continuously encouraged as part of an inclusive and sustainable community-based protection strategy.

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