

POLICY STRATEGIES IN HANDLING ROHINGYA REFUGEES IN INDONESIA TO SUPPORT SUSTAINABLE JUSTICE

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Abstract

Indonesia's position as a transit country for refugees presents complex challenges in law enforcement, financial stability, social security, and foreign policy. Despite Indonesia's commitment to refugee protection under Article 27 paragraph (2) of Law No. 37 of 1999 on Foreign Relations and Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad, many legal and institutional gaps persist. This study employs a normative juridical method to examine two key questions: (1) the legal status of Rohingya refugees under international and national law, and (2) the legal strategies that Indonesia can adopt to promote sustainable justice in refugee management. The findings reveal that the arrival of Rohingya refugees in Banda Aceh on 14 November 2023 highlights the lack of clear legal recognition, as current procedures do not align with the 1951 Refugee Convention, the 1967 Protocol, or Law No. 9 of 1992 on Immigration. Although legal violations are evident, humanitarian considerations and the *non-refoulement* principle remain fundamental. To address these challenges, this research proposes strategic policy measures, including strengthening collaboration with local communities and NGOs, promoting economic empowerment through taxation on income-generating refugees, and utilizing third-party donor funding schemes to facilitate refugee relocation to countries that are parties to the Refugee Convention.

Keywords: refugees, fulfillment of rights, sustainable development

INTRODUCTION

The issue of refugee management in Indonesia remains a polemic for policymakers and remains unresolved to this day. One refugee issue that has sparked controversy is the presence of Rohingya refugees in Banda Aceh. From January to December 2023, 1,752 Rohingya refugees disembarked from 11 boats in several locations in Aceh and North Sumatra. Compounding the grim situation is that of the 3,555 children registered with the United Nations High Commissioner for Refugees (UNHCR), 227 are unaccompanied by parents or other adult relatives, and 106 are separated from their parents. The presence of these Rohingya refugees could increase the number of refugees in Indonesia. According to the Indonesia Country Fact Sheet, as of December 2023, the number of refugees from abroad in Indonesia reached 12,295 people registered with the UNHCR, including 69% adults and 29% children. Of the total adults, 72% are men and 28% are women.

Based on the experience in 2015, the local government and people of Aceh welcomed and accepted Rohingya refugees. However, in 2023, the Acehnese community rejected their presence refugees Rohingya. This change in attitude is largely due to experiences since 2015 where Rohingya refugees have behaved inconsistently with Acehnese customs and village regulations, as well as limited shelter space (Independen, 2023). It is feared that this could potentially lead to conflict and have a negative impact on cultural values in Acehnese society.

Legal issues regarding handling. The legal status of Rohingya refugees is further complicated by their citizenship status. For decades, the Myanmar government has not recognized and granted citizenship to the Rohingya ethnic minority. As a result of this lack of citizenship, the Rohingya have been unable to access education, health services, and even decent employment. The Myanmar government does not recognize the citizenship of the Rohingya ethnic group because it considers this Muslim group not an ethnic group that existed in Myanmar before Myanmar's independence in 1948. This was reiterated by Myanmar President, Thein Sein, in an interview with Al Jazeera on July 29, 2012, that Myanmar would not grant citizenship to the Rohingya group, who are considered illegal immigrants and border crossers from Bangladesh (Hartati, 2013).

The next legal problem, until now Indonesia has not ratified *Convention Relating to the Status of Refugees* (1951 Convention) and *Protocol Relating to the Status of Refugees* (1967 Protocol), so Indonesia is not obligated to accept refugees entering its territory. However, Indonesia is willing to temporarily accommodate refugees from abroad on humanitarian grounds. This is in accordance with the provisions of the 1951 Convention, which requires non-State Parties to adhere to the principle of non-refoulement, namely not forcibly returning all migrants who come seeking asylum to their country of origin.

Indonesia's status as a transit country can potentially pose a negative threat to Indonesia in terms of law enforcement, financial guarantees, social security guarantees, foreign policy existence, and other issues. Although Indonesia has confirmed Indonesia's status in terms of refugee protection as stipulated in Article 27 paragraph (2) of Law Number 37 of 1999 concerning Foreign Relations, which is further stipulated in Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad (Presidential Regulation Number 125 of 2016), various problems remain unresolved to date. The scope of Indonesia's authority is also increasingly limited, because the handling of refugees is carried out based on cooperation between the central government and the United Nations (UN) through the High Commissioner for Refugees in Indonesia and/or international organizations, which are international organizations in the field of migration affairs or in the humanitarian field that have agreements with the central government., while the handling of refugees in Indonesia is more of an emergency *response*, meaning that refugees have to struggle to survive on their own without being supported by international institutions.

Presidential Decree Number 125 of 2016 grants regional governments limited authority to provide temporary shelters, while other matters remain the responsibility of the central government. Under these conditions, the Aceh government and district/city governments are completely unable to actively participate in addressing the refugee issue, which continues to generate debate within the community. Therefore, when demands arose for the refugee problem to be resolved immediately at the local level, the scope of the Aceh Government's authority became very limited (Aceh, 2024).

UNHCR does not specifically explain the types of refugees, but there are 2 (two) types of refugees mentioned by UNHCR, namely: 1) Mandate Refugees (*Mandate Refugee*) are people or groups who need protection through asylum from other parties regarding their new status and identity so that they are not subjected to detention, expulsion, or forced return to their country of origin; 2) Internal Refugees in the Country (*Internally Displaced Persons/ IDPs*) in *Guiding Principles on Internal Displacement*. The reason for refugee is forced circumstances that require a person to leave his residence due to a situation that threatens him, whether due to war, violence, human rights violations, or natural disasters in his country of origin.

On the program *Sustainable Development Goals* (SDGs) also have key principles *Leave No One Behind* which are relevant enough to be applied to refugee issues. In implementing this principle, UNHCR and states need to collaborate to resolve the issues of refugees, asylum seekers, returning refugees, stateless persons, and Internally Displaced Persons (IDPs). Commitment *Leave No One Behind* the 2030 SDGs Agenda should pay special attention to vulnerable groups such as international refugees, *internally displaced persons*, and migrants. However, as reported by *International Rescue Committee* (IRC) and *United Nations High Commissioner for Refugees* (UNHCR) stated that refugees and forcibly displaced people have in fact been left behind and neglected (Azaria, 2022).

The accountability issue is also reflected in the limited statistical data describing the social conditions of refugees, which is not mentioned in SDG progress reports from various countries. A total of 42 countries submitted *Voluntary National Reviews* in 2019, only 13 countries explicitly focused on refugee management. However, none of the VNRs provided data to demonstrate SDG progress in each country (Grossman & Post, 2019). The absence of progress reports on refugee handling in VNRs by countries is often cited as *SDGs refugee gap* (Azaria, 2022). This indicates a lack of data on refugee welfare and the neglect of refugee management in a country's medium- and long-term agenda. This contradicts the 2030 Agenda for the Sustainable Development Goals, especially those that promote the overarching theme of *Leave No One Behind* which has been agreed upon by 193 UN countries.

Meanwhile, a number of programs implemented by local and international agencies in provinces such as Aceh, Maluku, and East Nusa Tenggara have been hampered by the lack of provincial-level data (Statistik, 2014). This has made fulfilling the fundamental rights and well-being of refugees as a marginalized group problematic when not explicitly included in the 2030 Agenda for Sustainable Development (SDGs). The absence of statistical data on the handling of refugees by host countries in annual country reports makes the refugee problem a protracted global crisis (*refugee gap*).

In this study, the concept of sustainable justice serves as the main analytical framework for assessing Indonesia's policy strategies in dealing with Rohingya refugees. Unlike humanitarian justice, which focuses on short-term emergency responses and the moral obligation to protect vulnerable individuals, sustainable justice emphasizes the integration of legal, social, and institutional mechanisms that guarantee justice, accountability, and long-term protection for refugees and host communities. This concept seeks to balance humanitarian demands with structural reform, policy coherence, and social resilience, thereby aligning with the broader goals of the 2030 Agenda for Sustainable Development (SDGs). Thus, sustainable justice is not only about immediate assistance or moral sympathy, but also about establishing a legal framework and sustainable policy commitments to ensure justice, inclusion, and long-term social sustainability.

The purpose of this study is to analyze and evaluate Indonesia's policy strategies in dealing with Rohingya refugees using the conceptual framework of sustainable justice. This study aims to identify the extent to which existing national policies, laws and regulations, and institutional mechanisms reflect the principles of sustainable justice in legal, social, and humanitarian aspects. In addition, this study also aims to assess the compatibility of Indonesia's policies with international legal standards on refugee protection and to examine the challenges of implementation at the national and regional levels, particularly in Aceh. Through this analysis, the study is expected to provide policy recommendations that support the establishment of a more just, inclusive, and sustainable refugee protection system in line with the values of social justice and sustainable development goals (SDGs).

RESEARCH METHOD

This research employs a normative-juridical method, also known as doctrinal research, which examines legal norms, principles, and doctrines relevant to Indonesia's handling of Rohingya refugees. The study relies on primary legal materials, including national laws, international treaties, and judicial decisions, as well as secondary legal materials, such as academic literature, policy papers, and expert commentaries.

The analysis applies two complementary approaches, namely the statutory approach and the conceptual approach. Through the statutory approach, the study systematically reviews and interprets Indonesia's legislative and regulatory framework related to refugee protection, human rights, and migration management, particularly in light of international legal obligations under the 1951 Refugee Convention, the 1967 Protocol, and other relevant instruments. Meanwhile, the conceptual approach is used to elaborate and evaluate legal doctrines and theoretical perspectives concerning state responsibility, humanitarian protection, and sustainable justice (Marzuki, 2014).

The application of these methods involves qualitative analysis of legal documents to identify consistency, coherence, and potential gaps between domestic regulations and international norms. The interpretation process is guided by legal hermeneutics, emphasizing logical reasoning, conceptual alignment, and normative evaluation. Findings from both approaches are then integrated to draw

conclusions regarding the adequacy and justice orientation of Indonesia's policy strategies toward Rohingya refugees.

RESULTS AND DISCUSSION

Legal Status of Rohingya Refugees Based on *International Law and National Law*

The incident of the entry of Rohingya refugees on November 14, 2023 in Banda Aceh (Badan Riset dan Inovasi Nasional, 2023), shows the absence of legality because the procedures followed are not in accordance with international law and national law. The procedures in national law that are not fulfilled, namely Article 4 paragraph (2) of Law Number 9 of 1992 concerning Immigration, which explains that every foreigner can enter Indonesian territory after obtaining an entry permit. Indonesia is often used as a transit country for immigrants who do not have official legal entry permits which is contrary to Article 4 paragraph (2) of Law Number 9 of 1992 concerning Immigration. Cases of immigrants entering without permission also have the potential for human smuggling, as regulated in Article 120 of Law Number 6 of 2011 concerning Immigration. Although there are immigration violations, humanitarian factors and principles non-refoulement remains a consideration in their handling, as both immigrants and refugees are vulnerable. These two incidents also reflect the challenges facing the Indonesian government in handling the flow of illegal immigration and asylum seekers, particularly as Indonesia has not ratified the 1951 Refugee Convention, resulting in legal uncertainty in handling refugees and asylum seekers.

The difficulties Rohingya refugees face in entering Indonesia, resulting in their illegal status, stem from the diverse views of local Indonesians toward Rohingya refugees. For example, there are concerns that their presence could burden local resources. Some locals are concerned about the economic impact, competition for jobs, or potential social disruption (Mamis et al., 2024).

Some members of the public have also expressed skepticism and rejection of Rohingya refugees. Some believe that some refugees don't truly seek refuge in Indonesia but are merely using Indonesia as a transit point to other countries like Malaysia. Furthermore, several incidents involving conflicts between refugees and local residents or fellow refugees have worsened public perceptions (Adriansyah, 2023).

The legalization of refugee status is inseparable from the protection functions carried out by international organizations in Indonesia. In carrying out its refugee protection function based on international regulations, the government has provided two international organizations, namely UNHCR and IOM, with the opportunity to handle refugee cases in Indonesia, including resettlement in a third country, commonly known as...resettlement. The UNHCR's duties are set out in Article 1 of the UNHCR Statute, namely, providing international protection, under the auspices of the United Nations (UN), to refugees within the scope of this Statute and seeking permanent solutions to refugee problems by assisting governments. Therefore, the UNHCR and IOM play a significant role in handling refugees in a country, and proper coordination with local governments is required.

Specifically, the task of UNHCR is First, providing protection to refugees forced to flee their homes due to conflict or discrimination, by offering assistance and protection throughout the refugee process and improving asylum laws and systems to find long-term solutions. Second, the task of UNHCR is responding quickly to emergencies, ensuring refugees have safe places and basic assistance such as shelter, food and medical care, and helping them recover from trauma. Third, protecting the human rights of refugees by advocating to ensure their rights are guaranteed, including access to documentation, education, employment, and health services, and working to ensure that stateless people obtain citizenship rights through collaboration with various parties to achieve positive change at the local and global levels (Abdul et al., 2024).

The IOM's duties are regulated in Article 1 of the IOM Constitution, namely: a) to make arrangements for the transfer of migraine in an organized manner, for whom existing facilities are inadequate or who would not be able to move without special assistance, to countries offering opportunities for orderly migration; b) to arrange for the organized transfer of refugees, displaced persons and other individuals in need of international migration services, for which arrangements may be made between the Organization and the States concerned, including States undertaking to receive them; c) to provide, upon request and in agreement with the States concerned, such migration services as recruitment, selection, processing, language training, orientation activities, medical examinations, placement, activities facilitating reception and integration, advisory services on migration matters, and other assistance as may be consistent with the purposes of the Organization; d) to provide similar services as requested by States, or in cooperation with other international organizations concerned, for voluntary return migration, including voluntary repatriation; and e) to provide a forum for States and international organizations and other organizations to exchange views and experiences, and to promote

cooperation and coordination of efforts to address international migration issues, including studies of these issues with a view to developing practical solutions (International Organization for Migration, n.d.).

With the legal status of Rohingya refugees entering Indonesia not yet legal due to not being registered with the UNHCR, there is the potential to face several challenges in implementing human rights for Rohingya refugees in Indonesia, including (Bintarawati et al., 2023):

1. Unclear Legal Status

Without official refugee recognition or special protection status, they often struggle to access healthcare, education, and employment. Many Rohingya refugees shared stories of barriers to school enrollment, limited access to healthcare facilities, and limited employment opportunities.

2. Discrimination and Stigmatization

Ethnic factors and refugee status can trigger social discrimination and negative stereotypes, thus hindering integration and the protection of their rights.

3. Administrative Capacity Limitations

Without a strong legal basis, coordination between government and non-governmental agencies is often suboptimal, resulting in uneven assistance services. Rohingya refugees have consistently expressed frustration with Indonesia's bureaucratic complexity and lengthy asylum procedures.

With regard to legal protection, the international community has agreed on international regulations in various Conventions, including: *The Convention Relating to the Status of Refugees 1951*, *The Protocol Relating to the Status of Refugees 1967*, And *The Convention Relating to the Status of Stateless Person* (1954) (Sakharina & Kadarudin, 2016). Although Indonesia has not ratified the Convention (Primadasa et al., 2021), However, in implementing refugee protection, it is still necessary to refer to the international principles and instruments that have been regulated in the rules below (Shalihah & Nur, 2021):

- a. Universal Declaration of Human Rights (UDHR)

This document affirms the rights to life, liberty, and security, which are fundamental to the protection of all persons, including refugees. According to the Universal Declaration of Human Rights, everyone has the right to seek and enjoy in other countries asylum from persecution (Abdul et al., 2024).

- b. 1951 Refugee Convention and 1967 Protocol

Although Indonesia is not a signatory, these conventional principles have become the international standard for refugee protection. The Convention defines refugees and sets out the basic rights and obligations of states towards them, including *non-refoulement* (the principle of not returning refugees to a country where they face a serious threat to their life or freedom). Under these provisions, refugees are entitled to equal treatment with other foreign nationals in a country, and often, on an equal footing with citizens (Abdul et al., 2024).

- c. Regional Legal Instruments and Principles of International Humanitarian Law

In addition to specific refugee conventions, various human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), also provide a basis for protection against discrimination and oppression. These covenants reinforce the Universal Declaration of Human Rights (UDHR) (1948) (Shalihah & Nur, 2021).

The principles embodied in various international legal instruments, including the 1951 Refugee Convention and its 1967 Protocol, have become the global standard for refugee protection. Although Indonesia has not ratified the aforementioned Conventions, it has demonstrated its commitment to handling refugees through a humanitarian-based approach (Christyanti, 2016). Indonesia also supports the completing of the basic rights of refugees, including Rohingya refugees, through various national and regional regulations. However, optimization of implementation still needs to be improved in order to support sustainable justice, both in the national interest and in support of vulnerable foreign refugees.

Legal Strategies in Handling Refugees in Indonesia to Support Sustainable Justice

Different countries have different policies regarding refugee protection. Although Indonesia has not ratified the 1951 Refugee Convention, it strongly supports all efforts to address refugees in Indonesia, regardless of citizenship. This is as stipulated in Indonesian regulations that protect various aspects of employment, health insurance, and education. Here are some Indonesian regulations that guarantee: Protections for refugees, as regulated in various policies in the following areas:

1. Field of work

Indonesia does not have regulations permitting refugees to work. The government only refers to Presidential Regulation No. 125 of 2016, which regulates the mechanism for handling

refugees without granting work rights, and the Director General of Immigration Regulation No. IMI-0352.GR.02.07 concerning Immigrant Handling. Illegal Declaring Themselves as Asylum Seekers, which explicitly prohibits refugees from working or doing business. At the regional level, as in Aceh, there are no regulations explicitly granting work or business permits to refugees. Aceh does not yet have a specific *qanun* (*religious law*) regarding refugees, although there is talk of establishing clearer regulations. Meanwhile, Bekasi City Regional Regulation No. 7 of 2023 only regulates general business permits without addressing work permits or business opportunities for refugees. Overall, refugee policies in Indonesia follow national guidelines, which currently do not provide formal work rights for refugees. One of the main reasons behind this policy is that Indonesia has not ratified the 1951 Convention on Refugees, and therefore has no international legal obligation to grant work rights to refugees.

Meanwhile, the policies implemented by Malaysia and Thailand show a more progressive approach than Indonesia. Malaysia, despite not yet ratifying the 1951 Refugee Convention or the 1967 Protocol, has established strategic cooperation with UNHCR and the private sector in granting limited work permits to registered refugees, particularly in sectors with labor shortages such as manufacturing, agriculture, and domestic services. This scheme allows refugees to earn a legal income, reduces their dependence on humanitarian aid, and contributes to the local economy. However, its implementation still faces challenges such as low wages, lack of social security, and limited legal protection against labor exploitation. Meanwhile, Thailand has gone a step further by implementing a National Screening Mechanism (NSM) policy, which assesses and classifies the legal status of refugees as a basis for granting conditional work access. Through this mechanism, officially recognized refugees can obtain temporary residence permits and the right to work in certain sectors, while also gaining access to skills training and basic labor protection. This policy reflects a more systematic and integrated approach, as it combines aspects of legal protection, social integration, and economic development.

2. Health Insurance Sector

In Indonesia, refugees do not have full access to national health services like in Sweden, because the government has not provided health insurance for them. Refugees are also unable to claim BPJS Kesehatan (*Social Security Agency for Health*), as regulations require foreigners to participate in BPJS if they have worked for at least six months in Indonesia, while refugees do not have a work permit. This is reinforced by Presidential Regulation Number 82 of 2018 concerning Health Insurance. Articles 1 and 2 of this regulation state that health insurance participants include everyone, including foreigners, as long as they have worked for at least six months and paid their contributions. Although BPJS Kesehatan does not apply to refugees, refugees can still access health services through the assistance of organizations such as *International Organization for Migration (IOM)* And *Jesuit Refugee Service (JRS)*, which collaborates with local clinics and hospitals. Furthermore, especially after the pandemic, the Ministry of Health has provided access to COVID-19 healthcare services for registered refugees, although overall access for them remains limited.

The lack of guaranteed full access to national health services for refugees in Indonesia is caused by several main factors. *First* Indonesia is not a country that has ratified the 1951 Refugee Convention and its 1967 Protocol, so it does not have an international legal obligation to provide full protection for refugees, including in the health aspect. *Second*, Presidential Regulation Number 82 of 2018 clearly states that BPJS participants only include Indonesian citizens (WNI) and foreign citizens (WNA) who have worked for at least six months and paid contributions, so refugees do not meet these criteria.

As is the practice of the United States as a ratifying country which has guaranteed health rights for refugees by providing access to Medicaid (a health insurance program for low-income groups for the first 8 months after arrival) (Taylor et al., 2014).

Apart from the United States, Malaysia and Thailand demonstrate relatively more structured policies compared to Indonesia in providing health services for refugees. Malaysia grants access to refugees who possess official UNHCR identity cards to obtain medical treatment at public health facilities at subsidized rates. This policy allows refugees to receive basic medical services, including emergency care, immunization, and treatment for infectious diseases, although access to secondary and tertiary health services remains very limited due to financial constraints and administrative requirements. In addition, Malaysia cooperates with various non-governmental organizations (NGOs) and religious institutions to establish community clinics that reach refugees in both urban and rural areas, thereby expanding the scope of basic health services for vulnerable groups. Meanwhile, Thailand has developed a more institutionalized and

inclusive system by integrating refugees into the national health insurance program for those registered in official shelter centers. Through this policy, refugees can access healthcare services equivalent to those available to Thai citizens, including inpatient care, maternal and child health services, and disease prevention programs. This approach not only strengthens health protection for refugees but also contributes to **national public health management** by preventing the spread of infectious diseases in densely populated refugee areas.

3. Field of education

In Indonesia, refugee children have access to education, but still face limitations in formal education. While supportive policies exist, their implementation is hampered by administrative factors and school capacity. One regulation governing educational access for refugee children is Circular Letter No. 75253/A.4/HK/2019 concerning Formal Education for Refugee Children from the Ministry of Education and Culture, which states that refugee children have the right to attend public schools.

In the field of education, Malaysia and Thailand demonstrate differing levels of commitment in ensuring the educational rights of refugee children. Malaysia, to date, has not granted full access for refugee children to attend formal government schools. As an alternative, Malaysia provides limited access through community-based learning centres established and managed by civil society organizations, religious institutions, and international partner agencies recognized by UNHCR. These learning centres serve as non-formal educational platforms offering basic learning such as literacy, numeracy, English language, and life skills. Although this initiative reflects a commitment to humanitarian principles, limited resources, teacher qualifications, and the lack of official recognition for educational certificates remain major challenges that hinder sustainable access to education for refugee children in Malaysia. In contrast, Thailand has adopted a more inclusive and systematic approach by allowing refugee children to enroll in public schools under the Education for All (EFA) principle adopted by UNESCO. This policy affirms that every child, regardless of nationality or immigration status, has the right to receive free basic education. Through this policy, refugee children can study alongside local students, follow the national curriculum, and participate in official state examinations, thereby supporting social integration and reducing the risk of educational marginalization.

The role of regional autonomy and local governments in refugee management has become increasingly crucial, especially within a decentralized governance system such as that of Indonesia. Within the framework of regional autonomy, local governments hold significant authority to design and implement policies that are tailored to the specific needs and conditions of their respective regions, including those related to the presence and management of refugees. This decentralized approach enables local governments to act as the front line in providing humanitarian assistance, coordinating inter-agency responses, and ensuring the integration of refugees at least temporarily into local communities in a context-sensitive manner that maintains social cohesion.

Local governments play a strategic role in several key areas. First, they facilitate coordination among central government institutions (such as the Ministry of Law and Human Rights, the Ministry of Social Affairs, and the National Disaster Management Agency), international organizations (such as UNHCR and IOM), and local stakeholders including NGOs and community groups. This coordination ensures that assistance programs can be implemented efficiently and that refugee-related activities remain consistent with national regulations while also addressing local needs.

Second, local governments are instrumental in developing and managing access to public services for refugees such as healthcare, education, sanitation, and community security. In regions hosting refugee shelters, local governments often negotiate to establish practical arrangements that allow refugees to access schools, clinics, and other social services, even though there is no formal legal framework recognizing these rights.

Third, through the autonomy granted to them, local governments can innovate in policy approaches to promote social cohesion and economic inclusion. For instance, they can initiate community-based vocational training or entrepreneurship programs that involve both refugees and local residents, thereby reducing potential social tensions and creating mutual benefits.

In order to strengthen the refugee handling strategy in Indonesia, a collaborative policy with public civil society is crucial. Civil society has played a significant role in addressing Rohingya refugees in Indonesia through various forms of assistance, advocacy, education, and public awareness campaigns. However, synergy between the government, civil society, and international and local non-governmental organizations still needs to be strengthened to achieve a long-term solution. With closer cooperation, it

is hoped that the rights of Rohingya refugees can be better guaranteed and they can live with more dignity in Indonesia.

For this reason, strategic steps that Indonesia can take in handling refugees can strengthen cooperation with communities and institutions Self-help Local communities (NGOs). The involvement of local Indonesian communities, known for their values of mutual cooperation and social solidarity, has had a significant impact on refugees. The Role of Non-Governmental Organizations and Non-Governmental Organizations (NGOs) are also needed to protect vulnerable refugees.

Another crucial aspect in ensuring the fulfillment of equitable rights for refugees in Indonesia is economic empowerment. Empowerment in this area is a crucial aspect in helping them achieve independence and a more decent life. This strategy focuses not only on increasing income but also on creating a system that supports long-term sustainability and capacity building. The economic empowerment strategy for Rohingya refugees aims not only to increase income but also to build sustainable capacity and independence. With a holistic approach that includes training, access to capital, micro-enterprise development, women's empowerment, and cross-sector collaboration, refugees can be given opportunities to develop their full potential. Collaboration between refugee communities, the government, and international institutions is key to creating a conducive environment for economic sustainability and independence.

Such strategies, if implemented consistently and sustainably, have significant potential to transform the economic dynamics within refugee communities and create widespread positive impacts, both for the refugees themselves and for the surrounding communities. These economic empowerment strategies can also provide significant support positive a country's economy can benefit by imposing taxes on refugees with income. This tax practice has been successfully implemented in Germany, eliminating the burden of providing refugee facilities because the government is able to empower refugees as skilled workers, and they are able to pay taxes on their income.

In Indonesia, there are already activities designed to hone the potential of refugees. If these activities are further developed and incorporated into structured policies, they could contribute positively to the Indonesian economy. These activities could take the form of skills training and vocational education, includes:

1. Technical Skills Training: Program *Decent Work and Settlement for Refugee Assistance Program* (DREAM) launched by (Initiative, 2024) in collaboration with the Citi Foundation, the program targets 220 refugees in the Greater Jakarta area, Medan, and Makassar. This program aims to empower refugees through skills training tailored to local market needs.
2. Entrepreneurship Education: Providing training in basic business management, marketing, and finance to enable refugees to manage micro-enterprises more effectively. Entrepreneurship Skills Education is an educational service that provides knowledge, skills, and fosters an entrepreneurial mindset. This program helps participants manage their personal and environmental potential as preparation for entrepreneurship.
3. Certification Program: Partnering with educational and training institutions to provide certification that can enhance credibility and employment opportunities. PROSPECTS implements a number of skills-related interventions. PROSPECTS works with governments, employers' and workers' organizations to improve the employability of displaced people, and move young people into productive and decent work. Based on global compact refugees data, PROSPECTS supports refugees to have their foreign qualifications or prior learning recognised to gain official qualifications for their skills.

To strengthen the above activities, the government can collaborate with international and local non-governmental organizations, such as:

1. Partnership Multi-Sectoral: Partnering with international organizations, NGOs, and the private sector to provide resources, training, and market access. For example, private sector involvement in the health system can mobilize financing, improve access and quality of services, and introduce efficiencies in public health.
2. Policy Advocacy: Working with local and international governments to create policies that support refugee rights. Effective advocacy can influence public policy to provide refugees with better access to available resources. For example, *Jesuit Refugee Service* (JRS) advocates for policies to the refugee camp in Indonesia to influence public policy regarding refugee rights.

Although economic empowerment strategies for refugees hold great potential to foster self-reliance and sustainability, their implementation in Indonesia continues to face various structural, legal, and social challenges. First, from a regulatory perspective, the absence of a legal framework explicitly governing refugees' right to work remains a major obstacle. Indonesia has not ratified the 1951 Refugee Convention or the 1967 Protocol and therefore has no international legal obligation to grant refugees the right to work. As a result, refugees cannot access the formal sector and must

rely on informal activities that are often unstable and prone to exploitation. Second, from a socio-economic standpoint, there is still resistance from some segments of the local population who perceive refugees as competitors in the labor market, particularly in areas with high unemployment rates. This perception is further exacerbated by the public's limited understanding of the legal status and potential economic contributions of refugees. Third, limited access to capital, certified training, and business facilities also poses significant challenges, as most empowerment programs remain ad hoc and depend heavily on support from international organizations such as UNHCR, IOM, or specific donor agencies. Fourth, bureaucratic hurdles and weak inter-agency coordination often slow down program implementation, particularly in licensing, population data management, and the integration of programs across different levels of government. Fifth, cultural and language barriers also hinder the effectiveness of training and the participation of refugees, especially women in productive economic programs.

Another strategy that Indonesia can consider in order to accelerate the sending of refugees to destination countries is to use a scheme *budgeting* from third-party donor countries to send refugees to destination countries/countries that have ratified the Refugee Convention. With this strategic step, in addition to strengthening bilateral cooperation with destination countries, Indonesia can expedite the process of sending refugees abroad to their destination countries. This good practice has been implemented by Germany and Australia in recent years as refugee flows have increased.

In order to ensure that the above policy strategy runs effectively, there needs to be a structured implementation stage, including the following:

- a. **Participatory Planning:** Involving refugees in national planning, budgeting, data collection, and service delivery processes to ensure programs meet real needs. Refugee engagement will be key to ensuring no one is left behind. The GCR emphasizes the importance of a people centered and participatory approach to responding to refugee situations. This includes direct consultation and involvement of refugees in the planning and implementation of programs that affect their lives.
- b. **Monitoring and Evaluation:** Establishing clear performance indicators to measure the improvement of refugees' skills, income, and economic independence is crucial. UNHCR has developed a GCR indicator framework that includes 16 indicators identified under eight outcomes linked to the four GCR objectives. The 2023 GCR Indicator Report presents richer data collected by a variety of actors, including refugees and asylum seekers themselves, to assess progress towards achieving the GCR objectives.
- c. **Flexibility and Adaptability:** Adapting programs based on regular evaluations and beneficiary feedback to ensure interventions remain relevant and effective. The GCR emphasizes the importance of flexibility in humanitarian responses to achieve greater efficiency, effectiveness, and accountability. Innovative and adaptive approaches are needed to address evolving needs in refugee situations.

With the strategic steps above, it is hoped that the indicators contained in the sustainable development targets can be achieved (*Sustainable Development Goals* or SDGs). This commitment has been realized through Presidential Regulation Number 59 of 2017 concerning the Implementation of the Achievement of the Sustainable Development Goals. Indonesia strives to meet the SDG targets related to justice and peace, despite not yet ratifying international instruments, and is committed to reflecting that Indonesia strongly supports sustainable justice for refugee protection.

CONCLUSION

As per the results of the research analysis above, it can be concluded that: From the incident of the entry of Rohingya refugees on November 14, 2023 in Banda Aceh (National Research and Innovation Agency, 2023). This indicates that there is no legal legitimacy because the procedures undertaken are not in accordance with international and national laws, namely the 1951 Refugee Convention, the 1967 Protocol, and Law Number 9 of 1992 concerning Immigration. Although there are immigration violations, humanitarian factors and principles non-refoulement remains a key consideration in their handling, as both immigrants and refugees are vulnerable. Difficulties in entering Indonesia for Rohingya refugees render them illegally registered with the UNHCR, potentially challenging the implementation of human rights for Rohingya refugees in Indonesia. Addressing this issue requires more inclusive policies and better coordination between the government and humanitarian agencies to ensure a more dignified life for Rohingya refugees in Indonesia.

Strategic steps that Indonesia can take in handling refugees, including: 1) Strengthening cooperation with the community and institutions Self-help Local communities (NGOs). Activities

undertaken can take the form of multi-sectoral partnerships such as collaborating with international organizations, NGOs, and the private sector to provide resources, training, and market access, as well as policy advocacy through collaboration with local and international governments to create policies that support refugee rights; (2) Ensure the fulfillment of equitable rights for foreign refugees in Indonesia through economic empowerment. This economic empowerment strategy can also provide positive support for a country's economy, among others, through the implementation of taxes for refugees who have income. The practice of implementing this tax has been successfully implemented by Germany so that there is no burden on the state in providing refugee facilities because the state is able to empower refugees as skilled workers where refugees are able to pay taxes on the income they earn; 3) Another strategy that Indonesia can consider in order to accelerate the sending of refugees to the destination country is to use the scheme budgeting from third-party donor countries to send refugees to destination countries/countries that have ratified the Refugee Convention. In addition to strengthening bilateral cooperation with destination countries, Indonesia receives funding support from third countries so that refugee management activities do not become a burden on the state. This good practice has been implemented by Germany and Australia in recent years as refugee flows have increased. To ensure the effectiveness of the above policy strategy, a structured implementation phase is needed, including participatory planning, monitoring and evaluation, and flexibility and adjustment; 4) Development of an Integrated Local Registration System and Community Strengthening Scheme. Through an integrated registration system at the local level connected to the UNHCR and IOM databases, the government can accurately monitor refugee data to support targeted policy coordination and planning; 5) The community hosting strengthening scheme provides support to local communities through fiscal or in-kind compensation, basic infrastructure improvements, and social cohesion programs to maintain harmony between refugees and local residents. This approach strengthens refugee governance while ensuring the welfare of host communities.

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