

# **The Impact of Indonesia's Refugee Policy 2016 - 2023: The Rohingya Refugees**

By

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# ABSTRACT

As a transit country for Rohingya refugees, the Republic of Indonesia confronts multiple challenges. The violence, persecution, arson, and starvation that afflicts the ethnic minority Rohingyas in Myanmar has caused them to flee. Thus, they try to relocate to new, presumably safer zones, such as the coasts of Thailand, Malaysia, and Indonesia. Due to the violence from 2012 to the present, the Rohingya refugees have made landfall in Indonesia in multiple waves in tiny boats. They are seeking protection. However, not all arrive safely. Many of them die enroute due to starvation or other unfortunate circumstances. The Indonesian government has developed policies to manage the Rohingya refugees. However, both Indonesian citizens as the host country and Rohingya refugees face difficulties. As a developing nation, Indonesia already faces numerous challenges. The recent immense Rohingya refugee arrivals have become a significant national crisis which is threatening Indonesia's stability. This research aims to analyse the impacts of the Indonesian Rohingya refugee policy since 2016 to mid-2023. To examine the impacts of the policy, the researcher utilised the concept of Public Policy Evaluation and its relation with Foreign Policy. In this research, the researcher selected a sample of cases from Aceh, where many Rohingya refugees are hosted. The findings indicate that the Rohingya refugee issue has become a source of instability in Indonesia which has impacted the economic-political, social, and environmental aspects in Indonesia. Even though the Indonesian government has attempted to find a lasting resolution to the Rohingya refugee crisis in Aceh, this study has demonstrated that its efforts have largely failed. Therefore, it is recommended that the Indonesian government revise the Presidential Refugee Policy No. 125/2016 to ensure stability for Indonesia and Rohingya refugees who continue to reside in Indonesia.

*Keywords:* economic, political, social and environmental impacts, Indonesia, policy, refugee, Rohingya

# DECLARATION

I certify that this thesis:

1. does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university, and
2. the research within will not be submitted for any other future degree or diploma without the permission of Flinders University; and
3. to the best of my knowledge and belief, does not contain any material previously published or written by another person except where due reference is made in the text.

Signed: Muammar Hanif

Date: 15 November, 2023

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# CHAPTER ONE: INTRODUCTION

## Research Background

Refugee migration is an international concern. The worldwide phenomenon of people leaving their homeland because of warfare, conflict, and repression is ongoing (Chakma, 2019). Refugees pass a national frontier to flee conflict and request asylum in a different nation, where the international laws of nations safeguards them and ensures protection of their human rights (Jastram & Achiron, 2001). Another perspective is taken from Betts and Loescher (2011). According to Betts and Loescher (2011), refugees are individuals who transit borders internationally to avoid human rights violations and violence. Refugees are a signifier, at first glance, of civil rights abuses and insecurity. Then, Sari, Hidayat, and Pratisti (2018) argue that individuals who endure persecution and are deprived of their houses, neighborhoods, and means of subsistence are frequently forced to cross their nation's borders in search of protection abroad.

Wherever states have historically mistreated their citizens or where there occurred conflicts, individuals have escaped their homelands. From the Holocaust to the indirect conflicts of the Cold War, to the internal disputes that followed the Cold War, to the military campaigns in Iraq and Afghanistan in the frame of the "War on Terror", refugees have come about from nearly every major conflict war or tyrannical government (Sari et al., 2018, p. 1). As a result of the inability or unwillingness of the government they live under to guarantee their wellbeing and most basic of human rights, refugees are forced to look to the worldwide community for shelter and security. Therefore, ensuring that refugees have access to their liberties, means of subsistence, and the opportunity to return to their home country or another state is fundamental to their human rights (Sari et al., 2018).

The growing number of refugees and asylum-seekers around the globe frequently brings about tensions in their temporary or final destinations. Nations can react to this phenomenon in many ways, such as by refusing the influx of those refugees because they value the welfare of their citizens over the refugees, or by accepting refugees as illegal immigrants and housing them in temporary refugee camps (Nuswantoro, 2015). According to Krustiyati (2012) and Ula (2017), in Asia, the refugee situation in Myanmar involving the Rohingya has captured widespread attention.

The Rohingya minority group are a mainly Muslim population and one of the ethnicities in Myanmar that mainly resides in Arakan, in the western region. Rohingyas are physically, culturally, and linguistically categorised as Asians, even though many are of Arab, Persian, or Pathan descent (Tampubolon, Rahman & Bariah, 2013). The Myanmar government regards the Rohingya as non-citizens whose ancestors originated outside the Burma region and, consequently, their ethnicity and religion, and language they speak, are viewed as distinct from other ethnic groups originating in the region and more closely linked to Burmese culture. This has left Rohingya



vulnerable to discrimination and religious persecution for decades (Palmer, 2011). This issue dates back to at least 1824, when the British annexed portions of Burma and later incorporated Burmese land into British India and even further. During British colonialism, the boundary between Myanmar and Bangladesh was effectively a district line along which the British administration routinely relocated people in response to labor shortages (Ullah, 2011). In 1937, when Burma became independent from British India, the nation's border with India was transparent, and the borders of the Arakan coastal region, where most Rohingya now reside, were not officially set out. When Burma achieved liberation in 1948 (then was changed to Myanmar in 1989), the Arakan region's Muslim minority became ineligible for naturalisation as citizens (Lewis, 2019).

According to Amnesty International (cited in Purwanto, 2017) since 1978, the Rohingya ethnic group has been subjected to fundamental crimes against humanity and persecution by the Myanmar armed forces. This circumstance has prevented the Rohingya ethnic group from receiving fundamental liberties, such as accommodation, employment, and welfare. In addition, the Myanmar government fails to recognise Rohingyas as citizens of Myanmar, and attempts to coerce them to leave the country in large numbers. Consequently, estimates of nearly 1 million Rohingya have fled the violence in Myanmar by crossing into Bangladesh, where they have gathered in appallingly crowded refugee camps, or have embarked on perilous journeys by sea in attempts to reach safer destinations. Their expulsion marks the onset of acts of violence and human rights violations suffered by this ethnic and religious minority. Additionally, Myanmar authorities have subjected the Rohingya to oppression, including arbitrary imprisonment, extortion and taxation, and compelled departures (Pratama, 2014). As a result, most of their open-access facilities, including schools, mosques, and medical centers, have been damaged or destroyed (Ula, 2017). It is also prohibited for Rohingya Muslims to migrate from one area of Myanmar to another or to leave the country legally, such as for the Hajj. It is for these reasons that they flee to countries where they hope to find refuge and safety (Pratama, 2014). This humanitarian crisis has spilled over to affect Myanmar's neighbouring nations in South East Asia, including Malaysia, Brunei, Thailand, Indonesia, Australia, Sri Lanka, and Bangladesh, all of which have become primary destinations for Rohingya seeking refuge status (Alam, 2019; Azad & Jasmin, 2013).

In March 2018, the UN General Assembly (PBB) declared that Myanmar's government had broken international human rights law and that the military of Myanmar will be prosecuted for committing atrocities against its Rohingya Muslim minority ethnic population (Utami et al., 2018). However, persecution of the Rohingya continues, despite being more and more often described as ethnic cleansing and genocide, and their efforts to flee the ethnic violence and vulnerability in their homeland continues with apparently no end in sight (Hossain, Ullah, & Mohiuddin, 2023). In the present circumstances of 2023, as this crisis has evolved into one of global concern with only worsening scenarios on the horizon, the focus of many authorities has turned to the need for greater attention to policy development and cooperation among stakeholder nations in resolving

the situation (Hossain et al., 2023).

The Republic of Indonesia, the world's third largest democracy and home to the world's largest population (231 million) of Muslims, is one of Myanmar's regional neighbours with its eastern-most province of Aceh being closest. However, the journey for refugees can be weeks or months in duration through treacherous seas with no guarantee of safe arrival (United Nations, 2023). Anchored in international trade and shipping routes, Indonesia has a highly privileged geographical position, bounded by the Pacific and Indian Oceans and two continents. As a result, thousands of asylum seekers desiring refugee status will enter Indonesia enroute to Australia, or other destinations. Indonesia's status as a transit nation for refugees is consequently affected (Syahrin & Utomo, 2019). According to Tjahjana, Putranti and Hanura (2022), Indonesia is a nation acknowledged for its inclusivity and promptness in accommodating refugees and asylum seekers hailing from diverse nations.

From 2012 to the present, thousands of Rohingya Muslim refugees have arrived in Indonesia travelling in rickety fishing boats with inadequate provisions and cramped conditions, resulting in many individuals perishing during the journey because of starvation or drowning (Nuswantoro, 2015). Despite these challenges, by March 2015, 150,000 Rohingya Muslims had arrived in Indonesia and been granted refugee status, and another 150,000 had been taken in by Malaysia (BBC Indonesia., 2018). While both Malaysia and Indonesia have similar cultural origins and geneses like in Indian, Persian, and Arab and religious beliefs like Hindu, Buddhist, and Muslim to the Muslim Rohingya, language and ethnic differences like Eastern Indo-Aryan language have presented barriers to assimilation for the refugees. Moreover, while the Rohingya were given provisional sanctuary on humanitarian principles, they had no verifiable papers, homes, or rights to work in Indonesia. Therefore, the majority of refugees on arrival had no means of support or security for their future, making them dependent on humanitarian aid, while their presence created a security and policy dilemma for the Indonesian government.

In closer context, Indonesia faces an unprecedented challenge to its immigration and refugee policy framework. However, Indonesia has shown its commitment to the nation's moral obligations and international human rights of refugees by rescuing at sea the Rohingya as they arrived by boat; however, the policy framework for addressing the crisis was initially unclear and the nature and extent of the sudden surge in displaced persons overwhelmed the capacity of existing systems to cope adequately (Geutanyoe, 2016). Consequently, the Indonesian government has worked to reform and improve immigration, national security, and refugee policies and to formulate new approaches for dealing with the unprecedented circumstances of increasing presence of refugee. Apart from the tremendous increase in refugee arrivals from 2012 onwards, there are policy challenges for the government in preventing people trafficking by crime syndicates that exploit the plight of refugees, in repatriating refugees safely to their country or to other countries willing to receive them, and in engaging in multi-lateral diplomatic negotiation with stakeholders in the region

or internationally. Hence, in December 2016, in collaboration with the United Nations High Commissioner for Refugees (UNHCR), the *Presidential Regulation on the Handling of Refugees* was signed and provided clarity of definitions and processes under law for the detection, shelter, joint registration, and safeguarding of refugees and asylum-seekers (UNHCR, 2020).

Another such new policy of the Indonesian Presidency is to engage in diplomatic relations with the leadership of Myanmar using the supply of humanitarian assistance, the transfer of skills, and infrastructure development as leverage in an attempt to resolve the source of the crisis in Myanmar (Utami et al., 2018). Furthermore, the Indonesian government has addressed the Rohingya crisis at Association of South East Asian Nations (ASEAN) and Organization of Islamic Cooperation (OIC) meetings, acting as advocate and providing regional leadership in joint efforts to find a solution (Ardani, 2015). Nevertheless, as of 2017, there were 959 Rohingya refugees residing in the nation who lacked clarification regarding their constitutional rights and everyday lives. Additionally, in April 2018, fishers in Aceh saved another 79 Rohingya who were trapped in Kuala Raja, Bireun, Aceh (BBC Indonesia, 2018). According to Mirza (2023), the total number of Rohingya refugees arriving in Indonesia from 2015 to 2023, including those with unclarified as well as clarified refugee status, is 3,077. However, the number of refugees and asylum-seekers currently being hosted by Indonesia is not limited to just the Rohingya. According to the UNHCR (2020), there are 13,745 (as of December, 2020) registered refugees who have fled to Indonesia from over 50 countries, including Afghanistan, Pakistan, Somalia, Sudan, Yemen, Iraq and other places where they faced persecution or extreme hardship. Many have been stranded in Indonesia for years awaiting any opportunity for resettlement. Thus, the Indonesian government and its people, despite not being a signatory to the 1951 Refugee Convention (UNHCR, 2023) share a heavy burden to play host and care for these refugees from other nations.

## **Research Significance**

Within the aforementioned context, it has become clear that refugees, asylum seekers, and migration of displaced persons are a significant concern for many nations, particularly Indonesia which finds itself increasingly involved in this regional and global problem. This is a significant problem needing a comprehensive and effective policy approach requiring evidence-based, in-depth research into the causal factors, potential strategies, and methods of achieving appropriate policy approaches to the problem. Hence, in this research, I have argued that Rohingya refugees in Indonesia negatively affect the economic-political, social, security, and environmental aspects of the country. It is therefore important that greater attention to government policies attempting to address these issues is needed to reduce the impacts of these issues. Therefore, this study sets out to analyse the impacts of the Indonesian refugee policy since 2016 to mid-2023 and provides conclusions and recommendations that are aimed at informing government and policy developers in overcoming and resolving the Rohingya refugee dilemma in Indonesia

In this study, I utilized the data from the academic literature, reports, and legislator debate in the Indonesian parliament or ministerial documentation as well as recent news and new data on the impacts of Rohingya arrivals in Indonesia. This study provides an up-to-date assessment of the current situation. In this study, I also discuss and compare the important features of the Indonesia refugee policy formulation and evolution from the beginning in 2016 to mid-2023.

In addition to a temporal comparison, the I compare Indonesian refugee policy with recent Australia immigration policy, and international NGO reports on the Rohingya refugee crisis, including those from the United Nations , Asian Development Bank, and World Bank. To support the analysis, Indonesia's Foreign Policy will be utilised to focus on not only immigration, but also on local governance, which is instrumental in dealing with refugee management. After revealing the impacts, I provide conclusions and recommendations regarding the refugee policy in Indonesia.

Having considered this refugee problem viewed through an immigration policy lens, I genuinely hope this research will help provide a more comprehensive understanding of how refugee policy reform in Indonesia may successfully address the current issues in this area for the benefit of all stakeholders. It is my further hope that this analysis of the problem will contribute to the development of Indonesian scholarly literature in the field of public policy and will encourage further discussion and inquiry on the resolution of the Indonesian Rohingya refugee dilemma.

## **Research Questions**

This thesis examines three research questions:

1. What are Indonesian refugee policies since 2016 until mid-2023, especially in regard to the Rohingya refugee problems?
2. What kinds of economic-political, social, and environmental impacts can be attributed to Indonesia's refugee policies since 2016 until mid-2023?
3. What kinds of alternative solutions could the Indonesian government apply to reduce the refugee problems in Indonesia?

## **Research Objectives**

In examining Indonesia's refugee policy, my objective is to provide an open-minded, unbiased, and scholarly assessment of the efficacy of the Indonesian refugee policy from 2016 to mid-2023, especially with regard to its effectiveness in addressing the problem of Rohingya people seeking refugee status.

## **Thesis Structure**

This thesis contains five chapters. The first chapter has introduced the background of the

topic and problem and clarifies how I examined refugee policy and its development in Indonesia. This chapter also outlines the significance of the research and identifies the three primary research questions and main objective of the research.

The second chapter is an overview of the methodology, and it discusses the mixed research methodology and the research limitations.

The third chapter reviews the literature examining the policy concept as it relates to refugees and immigration. It contrasts the Indonesian refugee policy with the current Australia immigration policy, and discusses international NGO reports.

The fourth chapter discusses the findings and analyses of the research.

The final, fifth chapter covers the conclusions and implications of the study with an overview and recommendations.

## CHAPTER TWO: RESEARCH METHOD

### Approach, Data Analysis, and Data Collection Technique

This study I applies a qualitative research approach using a review and analysis of the body of literature of secondary sources on the subject of Indonesia's refugee policies from 2016 to 2023. Academic literature as well as reliable grey literature and news media or special reports has been included in the study. According to Ritchie et al. (2013), a qualitative approach provides descriptive data about the study and a more significant opportunity to decipher a complex scenario. They also argue that a qualitative approach is characterised by a number of goals. One of the goals of a qualitative approach is to provide a comprehensive awareness in the social context (Ritchie et al., 2013).

Lambert and Lambert (2012) provide another viewpoint. According to them, the basic qualitative descriptive design is a valuable method in and of itself. They argue that of all qualitative study approaches, qualitative descriptive study is primarily theoretical. Furthermore, they view that formal descriptive study is the least limited by previous theories or moral commitments as opposed to other qualitative approaches. They state that a qualitative descriptive design can employ nearly any purposive sampling method. As with any qualitative research design, they think that the objective is accumulating data-dense cases. To meet the objectives of the studies, they argue that the researchers must be able to defend their sampling methods. They emphasise that data collection in qualitative descriptive studies focuses on determining the nature of the examined phenomena. They view data collection as involving interviews with people or focus groups that are managed to be moderately unstructured. In contrast, they argue that descriptive qualitative research is completely fact-driven, as codes are created from the collected data throughout the study. Nevertheless, gathering information also includes notes and reviewing records, news accounts, photographs, and other documents (Lambert & Lambert, 2012). In this study, I will include case studies and use published secondary research data, including publicly available data from the Indonesian immigration office and other government authorities.

### Research Limitations

This research investigates the impacts of Indonesian refugee policy since 2016 to mid-2023. As explained, global refugee problems have been identified. However, after some deliberation, I decided to narrow the scope of the research to an examination of the Indonesian Rohingya refugee issue and the impacts of the Indonesian government policy during the period 2016 to mid-2023. Thus, the narrow scope of the research has assisted in keeping the study topic-focused and highly relevant to the main issue and questions being addressed through the research. Therefore, the results and conclusions, while valuable to consideration of the central topic of the study (the

Rohingya refugees in Indonesia from 2017 to mid-2023), may not be generalisable or as relevant to other refugee and policy contexts in other countries, ethnic groups, or periods of time.

# CHAPTER THREE LITERATURE REVIEW

## The Relation between Policy Evaluation and Foreign Policy

Policy evaluation is an indispensable component in ensuring effective public governance. It is highly essential as it has the potential to assist governments in enhancing the formulation and execution of public policies, which may ultimately result in national prosperity and citizen welfare. By facilitating better-informed decisions, policy evaluation promotes public transparency, learning, and enhanced efficiency within the public sphere. Nation-states demonstrate a robust dedication to policy evaluation as a rule. Certain nations have incorporated policy evaluations into their laws, and approximately two-thirds of the nations that responded have established a legal structure for policy evaluation. Similarly, the majority of nations have adopted government-wide policy assessment criteria (OECD, n.d.). In closer analysis, policy evaluation correlates with foreign policy.

According to Hill and Smith (2011), foreign policy encompasses formal interactions led by a self-governing entity in global relations. Carlsnaes, Risse and Simmons (2012) argue that domestic strategy is the basis for foreign policy, and therefore local and national and international governance and relationships are thus inextricably intertwined. When Rohingya refugees arrived and were rescued by the citizens of Aceh, the Indonesian government was forced to decide whether to embrace or reject the refugees according to both local and national laws as well as humanitarian considerations. When these decisions are actioned, it is important for justice that these actions should be governed by the law. The Indonesian government therefore needed to establish on a national basis an administrative strategy for administering Rohingya refugees in Indonesia. This led to the Indonesian government declaring a foreign policy that addressed the Rohingya issue both ways: nationally and by creating regional and international cooperation with global organisations (Sari et al., 2018).

According to Rosenau, Thompson and Boyd (1976), who were early scholars in policy formulation and evaluation, the foreign policy notion is comprised of three groups of evaluation. Foreign policy encompasses a collection of positions, a set of pledges and strategies for action, and a mode of conduct. Orientation is a broad pattern that guides a country's approach to worldwide relations. It comprises principles, views, and behaviours that are shaped by the strategic context of the nation's society and its recent experiences. The dedication and implementation plan constitute the genuine strategy for effectively addressing an uncertain situation, as it ensures adherence to fundamental principles such as procedures, plans, and choices. Finally, behaviour comprises the actions taken in response to specific situations and official state events, as well as recommendations on what to do and avoid when communicating with other parties, including people, organisations, and nations (Rosenau et al., 1976).



Rosenau et al. (1976) highlight that foreign policy could be influenced at the national level by factors such as political transparency, the structure of government, and the character of those in power, (including their values, talents, and experience. Geographic magnitude will have an impact on both the regional and global scales. Aspects, such as history, culture, social structures, internal circumstances, and the economic growth of the region, exert an influence at the level of the region. Within the system, the foreign policy of a nation is significantly impacted not only by the extent of the territory but also by the structure of the alliance with other countries' leaders and outside factors, such as political issues and conflict (Rosenau et al., 1976). Based on the researcher's point of view, the concept of foreign policy from Rosenau, Thompson and Boyd (1976) is still applicable to the current condition especially in the Rohingya refugee context in Indonesia.

Following the evolving plight of Rohingya refugees, the national direction of Indonesia's foreign policy has been humanitarian-based. Humankind is characterised by its noble goals (Rosenau et al., 1976). Mankind can be broadly categorised into three distinct categories. First, humanism is the capacity to create a purpose or select a choice, i.e., all rational beings possess this capacity. Second, it resembles an array of qualities or skills all relatively rational people must hold. Therefore, the human rights and welfare of all people should be viewed as goals in and of themselves. Thirdly, humanity is capable of acting responsibly. To embrace ethical values as a factor of one's actions, one must be able to choose between actions (Rosenau et al., 1976).

When Rohingya refugees arrived in Aceh waters after a lengthy period adrift at sea, the Indonesian government was faced with a dilemma. It was challenging to prohibit Rohingya refugees from entering Indonesia based on humanitarian principles. It was also difficult to convey to the Aceh fishermen who rescued the Rohingya refugee boats the importance of protecting national security from the entry of illegal migrants. In the policy of the Indonesian government regarding the reception of Rohingya refugees, a compassionate stance versus national security has become a subject of debate (Sari et al., 2018). Sari et al (2018), reported that the Indonesian authorities initially refused to permit the refugees from Rohingya into the territory of Indonesia. The Indonesian military border protection forces (Tentara Nasional Indonesia) would help refugee boats stranded in the Strait of Malacca under the guidance of the military commander by providing food and water. However, Rohingya refugees were not allowed to cross into Indonesian waters. This decision to refuse entry was supported by the knowledge that human trafficking networks were exploiting the Rohingya refugees and that moves to accept them as asylum seekers would serve to encourage and facilitate people smugglers (Sari et al., 2018). In response to the humanitarian crisis, the Indonesian government conducted a bilateral diplomatic tour to Myanmar. During this visit, a group of diplomats from Indonesia met with the prime minister of Myanmar, Aung San Suu Kyi, and General Min Aung Hlaing to discuss the resolution of conflicts, request permission for the delivery of humanitarian aid, and consider the building of a medical facility in the Rakhine State region where most Rohingya reside (Setiawan & Hamka, 2020). This humanitarian

diplomatic approach and regional stakeholder negotiation was accompanied by a governmental review of the policy on the case of the Rohingya in 2016. Ultimately, after due consideration, the Indonesian government granted Rohingya refugees provisional sanctuary in Indonesian territory. This policy change showed a humanitarian inclination, reflecting Indonesia's orientation and dedication to assisting the Rohingya refugees (Hasudungan & Viartasiwi, 2021).

The humane viewpoint of the Indonesian government toward accepting refugees is based on *Pancasila* (meaning: five principles) that states (1) *Ketuhanan yang Maha Esa* (Belief in the one and only God), (2) *Kemanusiaan yang adil dan beradab* (Just and civilized humanity), (3) *Persatuan Indonesia* (The unity of Indonesia), (4) *Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan/perwakilan* (Democracy guided by the inner wisdom in the unanimity arising out of deliberations among representatives), and (5) *Keadilan sosial bagi seluruh rakyat Indonesia* (Social justice for the whole of the people of Indonesia (Wonderful Indonesia, 2023). The humane viewpoint of the Indonesian government toward accepting refugees is also based on the national philosophy and worldview, and the Constitution of Indonesia of 1945, which serves as the foundation of the national legal system (Utami et al., 2018). Through this legislation, as expressed in the principles of just and humane civilization, the Indonesian people support the dignity of everyone. Moreover, the laws of Indonesia mandate that the Indonesian people contribute to establishing world peace. Even though Indonesia has not ratified the 1951 Refugee Convention and 1967 Protocol, as a member of the global community, Indonesia is morally obligated to implement the Universal Declaration of Human Dignity (Universal Declaration of Human Rights). In addition, Indonesia has continually implemented the international human rights concept (Utami et al., 2018).

## **The Important Features of the Indonesian Refugee Policy in 2016**

According to Hasudungan and Viartasiwi (2021) – and despite the sentiments expressed in the present-day *Pancasila*, the national philosophy – the immigration laws of Indonesia regard refugees and asylum aspirants as illegal immigrants. Since 1967, the Indonesian government has taken various steps to comply with the rules implemented in the country, including the Constitution of Indonesia Number 5/1998 regarding the nation's ratification of the conventions against torturing and other inhumane, cruel, or humiliating punishments. Article 3 of this law stipulates that the authorities may not decline, exchange, or transfer an individual who enters the nation for a grave and compelling motive and is the intended target of retribution. This law serves as a guide and foundation for the Indonesian people as they act to embrace Rohingya ethnic refugees. Thus, Government Regulation No. 31/2013 stipulates that exiles (illegal immigrants) can be detained in Indonesia for a maximum of 10 years (Utami et al., 2018). Thus, in response to this crisis, the Indonesian Ministry of Foreign Affairs formally responded to Rohingya refugees and the actuality of the situation.

Regarding Indonesia's contribution to Rohingya ethnicity refugee negotiation and support with the principle of non-interference within the ASEAN framework, the Myanmar and Indonesian governments' participation is highly important. The concept stresses the sovereignty of every country to manage its internal affairs without interference from other nations. This circumstance creates a problem for ASEAN nations and organisations, as they cannot intervene in Myanmar's internal conflicts. The rule of law prohibits the countries of ASEAN from interfering in Myanmar's internal Rohingya refugee issue (Utami et al., 2018). However, it is not only the government, but also the Indonesian people (NGOs, media, volunteers, and activists) who empathise with Rohingya ethnic refugees. As a sign of solidarity with the Rohingya ethnic group, many acts of kindness took place to aid them; workshops and fundraisers were conducted, for example. Although it was somewhat late in providing aid for the Rohingya in Myanmar, considering that the problem had been ongoing for an extended period, the assistance and every measure carried out by the Indonesian people had been significant. Indonesia contributed direct aid, such as food and clothing, which alleviated Rohingya financial strain, while aid workers and construction of a new medical centre brought much-needed health care (Hasan, 2018).

Regarding the treatment of Rohingya ethnic refugees, the Indonesian government collaborates with UNHCR and the International Organization for Migration (IOM), two global organisations dealing with refugee issues. Article 1/1951 Statute of the Office of the United Nations High Commissioner for Refugees mandates UNHCR to offer international protection and end refugee uncertainty by assisting authorities, other parties, or related organisations in providing amenities for the repatriation or relocation of refugees. While IOM has accountability for supplying necessities, such as nourishment, medical services, and apparel, the UN is liable for addressing humanitarian crises (Utami et al., 2018).

Utami et al. (2018) also contend that Indonesian regulations, such as Law Number 5/1998 Concerning the Ratification of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, incorporate the fundamental beliefs and values of the Convention of 1951 and Protocol of 1967. This Act proclaims that Indonesia, as an integral part of the international community, promotes an atmosphere of respect and conforms to the principles and objectives of the United Nations Charter and the Universal Declaration of Human Rights. Moreover, Indonesia implemented Law No. 39/1999 on Human Rights, which provides that the government of the Republic of Indonesia recognises and defends the fundamental and critical privileges of humanity as rights that are inherent to human beings and cannot be separated from them. To improve the rights of individuals, safety, happiness, knowledge, and equity, these liberties must be protected, appreciated, and preserved. Article 28 of this law stipulates that everyone is eligible to petition for protection in other countries to gain political safeguards. This statute shows how this Act bolsters the 1951 Convention and 1967 Protocol (Utami et al., 2018). In addition, the 2016 Indonesian policy indicates that the refugee claim, an annex to the Director- General of

Immigration's 2016 law IMI-0352.GR.02.07 addressing the Treatment of Illegal Immigrants Claiming to be Asylum Seekers or Refugees, prohibits refugees and asylum seekers from working in Indonesia. It states that exiles have to conform to Indonesian law governing employment, business transactions, the use of automobiles, and cooperation. The Act prohibits migrants and asylum seekers from engaging or participating in revenue-generating activities (Hasudungan & Viartasiwi, 2021).

Further review of the Director-General of Immigration's standards indicates that the refugee declaration at the fourth point breaches the applicable laws and regulations. Point 4 of the declaration sets more expansive parameters than the Director-General of Immigration Regulations. The General Regulations of the Immigration Directorate do not define or elucidate job opportunities or wage-earning restrictions for refugees. Likewise, it is necessary to evaluate the enactment of this refugee statement in the Director-General of Immigration's regulation documents in conjunction with the form and substance of Indonesian policy. The Legal Standards Hierarchy is an ordered structure of governance in which fewer legal requirements have to conform to more severe legal standards. In contrast, fewer stringent legal demands, such as the Constitution, have to comply with stricter regulations (Moonti, 2017).

## **Policy Evaluation of Indonesian Refugees in 2016 to mid-2023**

The 1951 Refugee Convention describes a refugee as someone who is unable or unwilling to return to their country of origin due to well-founded fear of persecution because of their ethnicity, religion, membership in a particular socioeconomic group, or political beliefs (Jastram & Achiron, 2001). Under Indonesian Presidential Decree No. 125/2016, refugees are foreigners who are located within the borders of a unitary state of the Republic of Indonesia, who have sought sanctuary out of anxiety about discrimination because of their ethnicity, community, belief system, or as a member in an organisation that holds distinct political or social viewpoints. They may also have received the classification of a seeker of asylum or refugee from the United Nations (Sari et al., 2018). Grinvald (2010) asserts that most refugees flee for safety, human rights, and future security. Based on the data taken from UNHCR (2015), the phenomenon of refugees emerged after World War II, when tens of thousands of people fled their homelands in search of protection and shelter.

Through Presidential Regulation (Perpres) Number 125/2016, Treatment of Foreign Refugees (Sianturi & Viartasiwi, 2021), Indonesia implemented regulations for treating refugees from other countries. The Indonesian government manages refugees in accordance with established world laws and by collaboration with other nations. Collaboration occurs between the Indonesian government and the United Nations (UN) through the United Nations High Commissioner for Refugee Affairs in Indonesia and other international agencies, involving international organisations specialised in migration issues or the associated industry advisors (Utami et al., 2018). Utami et al.

(2018) explains that the law allows Rohingya refugees in Indonesia to relocate to other receiving nations for resettlement or to be repatriated to their own country when opportunity presents. Indonesia recently gained a non-permanent position on the UN Security Council in recognition of its position as one of the responsible nations working for the maintenance of global harmony and contributing to resolving diplomatic crises such as the Rohingya refugee conflict in Myanmar (Sheany, 2018), Indonesia also has the potential to serve as a point-of-view mediator and agreement creator among the members of the UN Security Council and ASEAN organisation (Utami et al., 2018).

According to Utami et al (2018) Indonesian immigration and refugee law is inclusive, as it safeguards the liberties of refugees and asylum seekers and gives special consideration to defenseless individuals experiencing situations on land and water, as well as the sick, pregnant, incapacitated, and aged. The regulation includes criteria for proof of identity, lodging, security, and control over immigration procedures. Furthermore, the law stipulates the recognition of familial labor organisations, a clarification of the term refugees, the division of responsibilities among organisations, the notion of shared responsibility, and the utilisation of government resources for refugee protection (Utami et al., 2018).

The primary goal of carrying out Indonesia's immigration rules and regulations was not just the management of refugees but also the safeguarding of national interests, including the safety and independence of the nation, as well as the continued existence of the Indonesian people with no disruption from the influx of refugees. The Indonesian government can learn principles from the Rohingya ethnicity issue. Regardless of national laws and regulations concerning handling of refugees, Indonesia must also acknowledge the legitimacy of international agreements concerning refugees. Therefore, the Indonesian government should consider approving these international agreements to be recognised as part of government policy (Utami et al., 2018).

The Presidential Regulation 125/2016 creates an Indonesian legal structure for refugee protection, which is a significant development in human rights and humanitarian law (Sianturi & Viartasiwi, 2021). However, the regulation only covers the technical elements of refugee movement, job protection, and enforcement of immigration laws. Aside from providing temporary shelter and immediate support, this rule does not safeguard the fundamental rights of asylum seekers and refugees, for example, their right to employment and freedom of movement. Furthermore, no laws regulate refugees' financial legal, and social rights (Sianturi & , 2021).

The Presidential Regulation No. 125/2016 in Indonesia does not differentiate between asylum seekers and refugees, addressing both categories similarly. However, the provisions of the presidency rule restrict the rights and pursuits of asylum applicants and refugees, resulting in fundamental ambiguity regarding their livelihood activities and what they cannot pursue. As a general rule, anyone pursuing refugee status needs to file with UNHCR as an asylum seeker. This

individual could face extra Refugee Status Determination (RSD) procedures as an asylum applicant (Sianturi & Viartasiwi, 2021). The selection process for RSD can be challenging for those who receive a scheduled request. The ambiguity regarding the time frame for waiting for a refugee claim, the ensuing activities, and the vagueness of Indonesian statutes delineating the actions create obstacles for refugees and asylum seekers (Sianturi & Viartasiwi, 2021). Nevertheless, only some asylum applicants listed with the UNHCR will be given an RSD assessment. According to Nordin, Nor and Rofiee (2021), due to a lack of transparency, it is known that the deliberation period for the claims still needs to be decided.

As pointed out by the *Kementerian Koordinator Bidang Politik, Hukum dan Keamanan* (2023), Presidential Regulation No. 125 of 2016 on the Management of Refugees from Abroad is considered insufficient concerning foreign refugees. Therefore, in order to improve the effectiveness of Indonesia's administration of foreign refugees, reforms are essential. In the Conference, No: 84/SP/HM.01.02/POLHUKAM/7/2023, Deputy for Security and Public Order Coordination, Inspector General of Police, Coordinating Ministry for Political, Legal, and Security Affairs Rudolf Albert Rodja presided over the National Coordination and Discussion Meeting in Surabaya, East Java, which is dedicated to revising Presidential Regulation No. 125 of 2016 regarding treating refugees from abroad. Inspector General Rodja stated that the Indonesian Presidential Decree No. 125/2016 on Handling Refugees from Abroad serves as the foundation for the government's implementation of diverse approaches to refugee management. It is not limited to security measures, shelter provisions, supervision, and international collaboration (*Kementerian Koordinator Bidang Politik, Hukum dan Keamanan*, 2023). Even though Indonesia has issued the Presidential Decree No. 125/2016, he argued that the Indonesian Government is presently confronted with a dilemma regarding refugee acceptance. Undefined legal rules and norms that apply to refugees if they commit criminal offenses, as well as social norms that apply in their shelter environment, are among the issues that remain unresolved. Additionally, there are no regulations governing the authority of international organisations in managing refugees in Indonesia, and there is no time limit on the length of stay of refugees in the country. In addition, despite that these refugees have been housed appropriately, it was explained that their presence had generated difficult-to-resolve issues in numerous regions of Indonesia (*Kementerian Koordinator Bidang Politik, Hukum dan Keamanan*, 2023). Therefore, since these problems in the management of refugees have persisted up until 2023, it seems clear that Presidential Decree No. 125/2016 should be revised to enable the legislation to address all refugee requirements and management.

## CHAPTER FOUR: FINDINGS AND ANALYSIS

### Comparison among Indonesian Refugee Policy with Recent Australia Immigration Policy and International NGO Reports

As a result of the large number of Rohingya refugees in Indonesia, Indonesia faces many challenges in addressing this issue. Therefore, the current policy of the Indonesian government on refugees may be improved by an analysis of the regulation and requirements and through learning from and comparing it with the recent Australia Immigration Policy and International NGO Reports including the UN and Rohingya reports, Asian Development Bank and Rohingya reports, and World Bank reports.

**Table 1**

*The Presidential Regulation No. 125 of 2016 compared with Proposed New Regulation 2022-2023*

The Presidential Regulation No. 125 of 2016	The Proposed Regulation of 2022-2023	Brief Comments
<p><b>Article 1</b></p> <p>1. <i>Refugees from overseas, subsequently referred to as Refugees, are foreigners living on the territory of the Unitarian State of the Republic of Indonesia due to a legitimate fear of being persecuted based on their ethnicity, faith, citizenship, connection to specific social groups, or opposing political opinions, who are not seeking safety from their home country and have obtained asylum-seeking status or refugee status.</i></p> <p>2. <i>Voluntary Repatriation</i></p>	<p>Based on the information taken from <i>Badan Riset dan Inovasi Nasional</i> (BRIN), it is stated that Indonesian government has realised that Indonesian Refugee Policy still needs revision. However, the government has not designed the latest regulation yet. From the data taken from the National Research and Innovation Agency (BRIN) through the Political Research Center (PRP), Social Sciences and Humanities Research Organization (OR IPSH), they held a workshop entitled, "Strategy for Empowering Overseas Refugees in</p>	<p>The Indonesian government has attempted to develop a solution to the refugee crisis. They have effectively implemented the policy by providing shelters, water, health and sanitary services, and places of worship. Nonetheless, the researcher views the 2016 Presidential Regulation must be revised, as Indonesia's infrastructure for refugees remains inadequate. Aside from that, not all refugees have access to improved hygiene, health services, and worship facilities. They inhabit filthy shelters. They</p>

<p><i>refers to voluntarily returning refugees to their country of origin.</i></p> <p>3. <i>A diplomatic notice is a formal letter given by the official in charge of the government's activities in foreign relations and foreign policy to representatives of foreign countries or vice versa, containing information about foreign nationals who are in custody or have died.</i></p> <p>4. <i>Emergency and Rescue Help incorporates all the efforts and tasks undertaken to locate, help, conserve, and extricate people facing crises and hazards caused by accidents, catastrophic events, or dangerous circumstances.</i></p> <p>5. <i>The Minister handles the government's political, legal, and security affairs.</i></p> <p>6. <i>The Immigration Detention Centre is an organization within the Ministry of Law and</i></p>	<p>Indonesia as Increasing Solutions to Third Countries.” The workshop aims to address the issue of fulfilling the rights of foreign refugees transiting Indonesia.</p> <p><i>The transit situation for overseas refugees in Indonesia has become protracted by an average of 8 to 10 years. This situation places Indonesia, which has ratified various international and regional human rights conventions, as the de facto country responsible for the human rights of international refugees in Indonesia. Refugees who have been in Indonesia for a long time refer to their ability to survive (resilience), empower themselves, and be independent, not dependent on other assistance, while at the same time maintaining their dignity as human beings.</i></p> <p>Empowerment is carried out by two approaches, namely, the supply side and the demand side.</p> <p>The government's commitment to various laws</p>	<p>have no employment and no skills to develop. They lack government attention, which makes it easy for them to flee their sanctuaries. According to VOA Indonesia, 182 Rohingya refugees fled Aceh shelters in 2015 (VOA Indonesia, 2015). Based on the issues above, the researcher views the Indonesian Refugee Policy is unsuitable for implementation. In addition to receiving inadequate services and facilities, refugees also face a lack of protection. Besides this, the researcher believes that the refugee and asylum-seeker problem is handled confusedly. Responsibilities of the government and the populace to manage and accept refugees. The researcher believes that the government's policy lacks explicit instructions and guidance.</p>
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<p><i>Human Rights that detains foreigners.</i></p> <p>7. <i>The Immigration Office is an agency of the Ministry of Law and Human Rights responsible for immigration-related issues.</i></p> <p><b>Article 18.</b></p> <p>1. <i>The Republic National Police Indonesia coordinates with the appropriate organizations that identify refugees on the island of Java for reasons of protection.</i></p> <p>2. <i>People who find refugees on the island have to alert the Republic of Indonesia National Police Indonesia to ensure their protection.</i></p> <p><b>Article 24</b></p> <p>(1) <i>The Immigration Detention Center collaborates with the nearby regency or municipal authority for transporting and relocating Refugees and individuals residing in sanctuaries.</i></p>	<p>and regulations, including through the Decree of the Coordinating Minister for Political, Legal, and Security Affairs of the Republic of Indonesia number 21 of 2023. However, no policy specifically governs the empowerment of foreign refugees in Indonesia. Therefore, new policy breakthroughs and regulations are needed to operationalise global commitments and task force policies related to the charge of foreign refugees, especially regarding access to a sustainable life (BRIN, 2023).</p>	
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*(2) If there are no accessible homeless shelters, refugees can be provisionally housed elsewhere.*

*(3) The regent/mayor determines the provisional housing location referenced in sentence (2).*

*(4) If the regional government uses regional land for sanctuaries through financial assistance among municipalities and the Minister of Tourism as the central government per the relevant regulations and laws requirements.*

#### **Article 26**

*1. Basic requirements. The amenities referenced in paragraph (4) must consist of at least: a. an adequate water supply; b. the ability to fulfill basic requirements for nourishment and apparel; c. sanitation and health services. And d. religious structures.*

#### **Article 27**

*3. Refugees with special requirements, as defined in*

<p><i>paragraph (1), include refugees who are: a. Sick; b. Expecting; c. Persons with disabilities; d. Children; And e. Seniors.</i></p> <p><i>4. The placement out of the shelter for refugees with particular requirements, as described in section (3), offers particular attention along with the following provisions:</i></p> <p><i>a. given therapy by medical professionals as required;</i></p> <p><i>b. Refugee children are given good care according to the well- being of kids who grow up refugees;</i></p> <p><i>c. refugees who are ill and require therapy are housed in healthcare amenities; and refugees that have transmittable and potentially hazardous illnesses are quarantined.</i></p>		
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The analysis of the Presidential Regulation No. 125 of 2016 shows it has marked similarities to the proposed 2023 policy. In particular, the policies share the same goal which is to provide refugee children with care that promotes their wellbeing as they grow into adults. Presumably the new policy, as with the 2016 version, also prioritises multiple aspects of life, including sufficient water supply, fundamental requirements for nutrition and clothing, sanitation and health services, and religious structures. However, there are still other issues to be resolved especially the employment issue, which has not apparently been determined for the new policy. Refugees in Indonesia lack the legal authority to engage in an enterprise that creates earnings due to the absence of laws regulating such rights under the Indonesian foreign worker's law (Sianturi & Viartasiwi, 2021). Furthermore, refugees are considered foreigners under the asylum law classification, that is, they do not meet the requirements to qualify as Indonesian nationals. Nonetheless, some individuals violate immigration laws, such as undertaking labor without an authorised work visa, which subjects them to the risk of administrative imprisonment or deportation.

The Presidential Regulation No. 125/2016 aims to protect refugees and asylum seekers by explicitly using the terms "refugee" and "asylum seeker". This serves the purpose to exclude them from the meaning of "foreigner" in the legislation governing immigration. However, a defence identified in Presidential Regulation No. 125/2016 is that this addresses the employment demands of refugees or regulates how they are permitted to find work. Although the right to employment is a basic human right, Sianturi and Viartasiwi (2021) argue that the job possibilities of refugees should be expanded to be similar to that of immigrant employees. They further argue that a distinct policy that regulates the rules regarding refugee access to the freedom to work and a clear rule connecting all laws surrounding foreigners who labor in a nation should include refugees. A particular law enabling refugees in practising their constitutional right to seek employment is crucial to prevent the capriciousness of immigration officials supervising refugees in Indonesia and safeguard refugees from abuse (Sianturi & Viartasiwi, 2021).

According to Article 33 in the Presidential Regulation No. 125/2016, (1) Immigration Detention Centre Officers conduct immigration surveillance on refugees, and (2) refugees are subject to immigration control (and may be) sent to their destination country, voluntarily returning, and deported (Centre for Indonesian Law, Islam and Society, 2019). Furthermore, in Article 39 in the Presidential Regulation No. 125/2016, immigration supervision of asylum seekers whose application for refugee status is denied by the United Nations through the High Commissariat for Refugees in Indonesia is carried out by a. receiving notification of the denial of refugee status from the United Nations through the High Commissariat for Refugees in Indonesia;  
b. coordinating with the designated official referred to in Article 25 in the Presidential Regulation

No. 125/2016, letter a for removing asylum seekers whose refugee status is denied (Anon, 2016).

In addition, by Article 43 (1) in the Presidential Regulation No. 125/2016, the Immigration Detention Centre will conduct voluntary repatriation or deportation of detainees who lack travel documents in coordination with the organising Ministry for Foreign Relations and Foreign Policy. In the Article 43 (2) in the Presidential Regulation No. 125/2016, ministries that carry out government affairs in the field of foreign relations and politics abroad to coordinate with representatives of the country of origin. This is designed to facilitate the repatriation of asylum seekers who are finally rejected in addition to asylum seekers who have expressed a willingness to return. Article 43 (3) in the Presidential Regulation No. 125/2016 states that if the representative of the refugee's country of origin is unable to facilitate the repatriation, the ministry that carries out government affairs in the field of law and human rights, in collaboration with the United Nations through the High Commissioner for Refugees in Indonesia and an international organization specializing in migration affairs, shall facilitate the return of refugees (Regulation of the President of the Republic Indonesia, 2016). Interpretation of this article suggests that if the representatives of refugees' homeland are not able to facilitate their repatriation, the United Nations through the migration affairs of Indonesia could facilitate the refugees to return to their homeland.

According to Sianturi and Viartasiwi (2021), even though Indonesia lacks specific laws governing refugee employment rights, it has policies regulating foreign workers that may apply to refugees who work. Indonesian labor laws characterise the labor force as anyone able to create products or services to satisfy their own and the needs of their community. Foreign workers are non-Indonesian citizens who received visas to work in Indonesia. A worker or laborer is any individual who performs labor for salary or other forms of compensation (Sianturi & Viartasiwi, 2021). Indonesia continues to implement Presidential Regulation No. 125/2016. Based on the aspects of the policy in 2016, this study could be utilised to broaden the perspectives of researchers, readers, and Indonesian administrators to revise the policy in 2016 to include more recent and comprehensive aspects to cover.

Based on an overview, Indonesia encounters difficulties providing direct protection for refugees due to its lack of authority under the 1951 Convention and the 1967 New York Protocol and potential confusion or ambiguity in the implementing the law. The combination of regulations from Presidential Decree No. 125 of 2016 and Article 13 of the Immigration Law, which states that Immigration Officials have the authority to reject the presence of foreigners, could lead to ambiguity and overlapping regulations in Indonesia's way of dealing with refugees. Therefore, Indonesia would benefit from an international legal instrument to serve as a reference and guide for addressing problems. To illustrate this point, Table 2 provides the most recent Australia Immigration Policy (Refugee Council, 2021) that is compared in comments to the Indonesian refugee policy.

**Table 2**

*Australian Refugee Policy in 2021 ALP National Platform*

<b>Australian Refugee Policy in 2021 ALP National Platform</b>	<b>Brief Comments</b>
<p><b>1 Border control and offshore Processing</b></p> <p><i>62. (Page 84) To uphold Australian belief and confidence in the reliability of our immigration structure, labor will pay for and uphold comprehensive frontier safety precautions that promote the smooth handling of immigration to our nation as well as safeguard our national interests and national borders.</i></p> <p><i>63. To address every kind of human trafficking, slavery, and abuse by vessel, aircraft, or any other method, labor will work with the nation's neighbors to tackle push force by pursuing creative, efficient, and legal remedies to the unusual circulation of individuals across the region.</i></p> <p><b>2 Onshore asylum policies and legal processes</b></p> <p><i>64. (Page 85) Onshore refugee rules and legal processes By the Refugee Convention, those seeking asylum possess a duty to apply for safety and asylum. We will regard individuals requesting our safety with respect and empathy under our worldwide responsibilities, the rule of law, and our values of fairness. Labor believes that, as a nation, we should not injure those seeking asylum.</i></p>	<p>Contrasting the 2016 Presidential Refugee Policy in Indonesia to the Australian Refugee Policy in the 2021 ALP National Platform, the researcher gets the view that the Australian Refugee Policy in the 2021 ALP National Platform raises specific concerns. They gave attention to</p>

### **3 Immigration detention**

17. *Labor will strive to make sure that individuals held in immigration jails receive treatment with decency and appreciate having accessibility to a suitable level of treatment and educational and health services.*

13. *(Page 124) Labor will consider alternatives to indeterminate imprisonment, such as relocation to another country, to deal with refugees with negative evaluations of security in a manner that is not harmful to Australia's national security interests.*

2. *(Page 126) Labor will make sure that the government has a powerful, autonomous presence advocating for the freedoms, passions, and happiness of minors requesting refuge inside the framework of the immigration system, such as those held in immigration custody. The Department of Labor will nominate a position separate from the Ministry of Home Affairs with the administrative and legal power required to protect the most significant values of these children, including the authority to initiate proceedings in court on their behalf. This will be accomplished without reducing the Minister's responsibilities regarding unattended noncitizen youth.*

### **4 Refugee resettlement and Australia's Humanitarian Program**

28. *Labor will guarantee that every*

immigration enforcement and overseas processes, the sanctuary policies and legal procedures, Immigrant imprisonment, Refugee resettlement, Australia's Humanitarian Program, and Australia's involvement in refugee protection in Asia. From this Australian Refugee Policy, the researcher hopes that Indonesia pays close attention to all the specifics.

*government service for refugees is culturally appropriate, accessible to all, and in line with its societal inclusiveness policy. Labor will encourage the participation of support organizations in the community in delivering settlement assistance because it recognizes their value.*

*29. Refugee resettlement may have an especially favorable impact in remote regions, and these individuals play a crucial role in revitalizing the country and local economies. Labor concurs with integrating appropriate humanitarians in nearby regions with the assistance of State Territory, and municipal governments and the community.*

*65. (Page 85) Labor will preserve Australia's standing for providing some of the world's finest migrant resettlement assistance. Labor will attempt to enhance these facilities by enhancing the accessibility and incorporation of Commonwealth-funded migrant and immigration resources.*

### **5 Australia's engagement in refugee protection in Asia**

*18. (Page 119) The globe is facing the biggest emergencies since the end of the Second World War, with the greatest amount of refugees since then. Labor thinks that Australia should guide the discussion on forming an effective structure, such as the fresh regional pacts and understandings necessary for guaranteeing that the Refugee Convention and the worldwide refugee system can operate successfully in this environment. Australia recognizes that*



*this structure must include efforts to improve its assistance to the countries that host nearly all of the world's refugees and asylum-seekers to effectively meet the rights and needs of dispossessed people in these economies. This entails urging nations in the area to provide security to those requiring it and ensuring Australia responds by accepting its fair share of the resettlement of refugees worldwide.*

*24. The globe is facing the biggest emergencies since the end of the Second World War, with the greatest amount of refugees since then. Labor thinks that Australia should guide the discussion on forming an effective structure, such as the fresh regional pacts and understandings necessary for guaranteeing that the Refugee Convention and the worldwide refugee system can operate successfully in this environment. Australia recognizes that this structure must include efforts to improve its assistance to the countries that host nearly all of the world's refugees and asylum-seekers to effectively meet the rights and needs of dispossessed people in these economies. This entails urging nations in the area to provide security to those requiring it and ensuring Australia responds by accepting its fair share of the resettlement of refugees worldwide.*

In closer analysis, the Australian government's 2021 policy differs significantly from the Presidential Regulation of 2016 in that it emphasizes the Labor Party's efforts to ensure that individuals held in immigration detention are treated with decency and have access to appropriate treatment, educational, and health services. Providing appropriate care, access to education, and health services demonstrates that refugees are human beings who must be treated with respect. They deserve a better and more secure existence, and these are the challenges Indonesia faces. Indonesia has attempted to provide a better life for the refugees, notably Rohingya; however, Indonesia provides little support to educate the refugees. The majority of refugee children in Indonesia do not participate in formal education. Aside from this, access to medical examinations remains limited, as are the services available, whereas, the Australian regulations provide for medical care and treatment. Therefore, I view that the Indonesian government policy would benefit by focusing more on refugees' health, education, and services. I argue that the Australian policy in handling refugees provides good guidance as Australia arranges many forums for collaboration and communication from the health care practitioners, policy makers, and researchers to create better health for all refugees living in Australia. Australia's refugee policy also ensures the availability of education for each refugee, which would improve refugee policy in Indonesia.

Table 3 provides the next comparison of the Refugee Policy of the United Nations (UNHCR, 2019b).

**Table 3**

*Refugee Policy from UNHCR*

Refugee Policy from UNHCR	Brief Comments
<p><b>Article 2</b> <b>General obligations</b> <i>Every refugee has responsibilities to the nation where he discovers him, including adhering to its rules and regulations and complying with steps taken to maintain stability.</i></p> <p><b>Article 3 Non-Discrimination</b> <b>Lack of Discrimination</b> <i>The Contracting States will enforce the rules of this Convention with no regard to ethnic background, faith, or territory of descent to all refugees.</i></p>	<p>The researcher views that the United Nations Refugee Policy is superior because it allows refugees to work under government supervision. In addition, their policy includes coverage for the education of children. The researcher views that the United Nations policy could serve as a model for reforming the Indonesian government's refugee policy.</p>

**Article 4: Faith**

*The Contracting States will provide to refugees inside their borders protection that is at least equal to that accorded to their nationals about independence to adhere to their faith and to exercise their rights as concerns the religious instruction of their young ones.*

**Article 5 Rights accorded outside the scope of this Convention**

*Nothing in this Convention must be construed as affecting the rights or privileges provided to refugees by a Contracting State outside of this Convention.*

**Article 12 Private standing**

*1. A refugee's private circumstance is determined by the legislation of the nation of citizenship or, if he possesses no nation of place of residence, by the legislation of his nation of habitation.*

*2. Freedoms previously obtained by a refugee and dependent on his asylum status, especially liberties supplying to the union, are to be honored by a Contracting State, subject to conformity, if necessary, with the regulations needed by the laws of that State, offered that the privilege in controversy might be considered understood by the law of that Member State had he not been declared a refugee.*

*A refugee is granted unrestricted access to all tribunals of law on the territories of*

*all Contracting States.*

*2. A refugee must appreciate, in the Contracting State where he possesses his usual domicile, identical protection as a national concerning his rights to the tribunals, such as representation by attorneys and freedom from *cautio judicium solvi*.*

*In nations apart from the one where he possesses his routine place of residence, a refugee will receive the same protection as a national of the nation of regular residence concerning the issues outlined in paragraph 2.*

#### **Article 17 Employment with Remuneration**

*1. The Contracting State will provide refugees legally residing on its borders the same advantageous conditions given to foreign nationals in identical conditions concerning their capacity to become involved in legitimate employment.*

*2. Limitations enforced on aliens or the hiring of aliens for the sake of the national labor market do not apply to a refugee who was already free from them at the point of the entry into compel of this Convention for the Contracting States mindful of or who meets one of the criteria as follows: (a) He has finished a three-year period of living in the country; (b) He is married to a national of that nation of where they live. A refugee is ineligible for the advantages of this rule if: a) He has left his partner; b) He possesses a child or*

*children with the identity of his country of residency; or c) he has given up all of his kids.*

**Article 22 Education for All**

*1. The Contracting States offer refugees the same care as nationals about rudimentary schooling.*

*2. The Contracting States will offer refugees therapy that is as favorable as feasible, and not fewer advantages than that given to aliens usually in similar situations, educational opportunities other than primary schooling and, specifically, as regards opportunities for studies, recognition of foreign school diplomas, certificates, and levels, the reimbursement of charges, and the awarding of financial aid (UNHCR 2019b).*

Based on this overview, the United Nations policy is more comprehensive than either the Indonesian or the Australian policies. Under the UN policy, refugees must be treated without regard to their ethnicity, religion, or country of origin. Every person must respect the freedom to practise religion and the release of religious education for children, as well as provide recognition of foreign school certificates, diplomas, degrees, fee waivers, and scholarship awards. From an economic standpoint, the Indonesian government should examine the UN's policy. The UN grants the right to employment for refugees. In this regard, I view that it would be preferable if Indonesia provided a job market for refugees so they could earn a livelihood. Without relying on charity, they could support themselves and their family.

Moreover, UNHCR supports the development of a national protection framework to assist the Indonesian government in managing the influx of asylum- seekers. In 2008, UNHCR prepared and submitted to the Indonesian government a draft of the "10-Point Plan of Action in Addressing Refugee Protection and Mixed Migration in Indonesia", which outlined the process step-by-step, assisting the government to develop mechanisms to effectively address problems in refugee protection and mixed migration issues. This was developed within the context of accession to the 1951 Convention. This will permit the Indonesian Government and UNHCR to collaborate more closely, including in the joint registration of asylum claimants. The Ministry of Foreign Affairs and

two Directorate General agencies under the Ministry of Law and Human Rights, namely the Directorate General of Immigration and the Directorate General of Human Rights, are the primary government agencies for this capacity development process. In addition to further education programs, Indonesian police departments receive extra guidance.

Table 4 summarises the refugee policy of the Asian Development Bank (ADB), which is a multilateral development organisation with a mission to assist its developing member countries in achieving regional integration, ecologically sustainable development, equitable economic expansion, and poverty reduction (IAEA, n.d.).

**Table 4**

*Asian Development Bank Policy of 2012*

Asian Development Bank, 2012	Brief Comments
<p>Permanently or transient relocation has become a possibility for most residents in the area.</p> <p>Consequently, the degree of inter- and intranational movement has risen tremendously. Travel (both domestic and international) has become growing more urban, particularly in bigger towns.</p> <p>In recent decades, relocation from the islands of the Pacific to Australia and New Zealand has become an ongoing trend. Most labor migration currently happens within the area, as low-skilled individuals pursue job possibilities in more developed or thriving economies (Asian Development Bank, 2012).</p>	<p>In this policy, the researcher views that Australia becomes the transit country for the refugees as it provides better jobs for skilled and unskilled refugees.</p>

Based on this comparison of policies, there are many reasons why Australia becomes an ongoing trend. I view Australia is well-known as one of the countries where immigrants settle and find employment. The main factors that make this country a desirable place to live are the availability of free education and public health care, an English-speaking population, and a multicultural lifestyle. A company is limited to twenty refugee employees. Consequently, the organisational structure has become more concise. This condition permits direct interaction with senior position holders and decision-makers. Meanwhile, in the Indonesian context, there are few offices that try creating the working atmosphere like Australia. In contrast, Indonesia still lacks higher education available for refugees, and those with education have no guarantee they will be permitted to work or have access to healthcare facilities.

In relation to refugees, implementation of human rights, justice, and equality are aspects that are the focus of policies of the OHCHR Committee on Migration (2023) which is an international non-government organisation (NGO). Table 5 summarises the Committee’s refugee policies. An NGO is a non-governmental organisation that operates autonomously from the government. Typically, NGOs operate on a non-profit basis and are founded at the local, national, and global levels to advance either political or social objectives, including safeguarding the environment or humanitarian efforts (Folger, 2023).

**Table 5**

*NGO Committee on Migration Policy*

NGO Committee on Migration (OHCHR, 2023)	Brief Comments
<p>Based on the sources taken from NGO Committee on Migration, States are obligated, in the encouragement of the worldwide society as an entirety, to:</p> <ol style="list-style-type: none"> <li>1. <i>Ensure needs-first approach to rescue at sea (SAR) operations and reception centers, regardless of anyone’s migration status.</i> It focuses on:               <ol style="list-style-type: none"> <li>a. Humanity implementation and regard for the individual liberties of everybody saved or beating anxiety at ocean.</li> <li>b. Honor for the idea of rejection.</li> </ol> </li> </ol>	<p>Compared to the 2016 Presidential Refugee Policy in Indonesia, the researcher believes that the NGO Committee on Migration policy has an improved policy because it focuses on more specific aspects. In refugee communities, children are susceptible to abuse, slavery, marriage between kids, abuse and neglect, indoctrination into military organizations, and systematic criminality. They encounter an elevated amount of harmful stress, which has lasting physical and</p>

<p>c. Prevention of the criminalization of erratic migration d. Prevention of harsh, unjust, or discouragement getting imprisonment.</p> <p><i>Scale-up existing multi-actor frameworks of protection on a needs-first basis that meaningfully engages civil society competencies and partnership. Establish a protocol based on a needs-first principle to protect particularly vulnerable migrants and refugees, e.g., women and children. It focuses on:</i></p> <ul style="list-style-type: none"> <li>a. The highest priority must be the well-being of the child.</li> <li>b. Kids are not arrested.</li> <li>c. Cruelty against women is prohibited.</li> </ul> <p><i>2. Ensure fair and competent responsibility-sharing and regional cooperation among coastal and non-coastal States of tasks and costs involved in SAR, relocation and resettlement procedures.</i></p> <p><i>Address “route causes” and “root causes” of forced and dangerous migration. It includes:</i></p> <ul style="list-style-type: none"> <li>a. Migrants and refugees as targets and agents of transformational development in the post-2015 Agenda for Sustainable Development Goals.</li> <li>b. Meaningful employment and equitable growth in nations of origin enhance the freedom to live at home, making relocation an option rather than an obligation.</li> </ul> <p><i>Ensure that border management is firmly based on human rights principles. It includes:</i></p> <ul style="list-style-type: none"> <li>a. requesting Governments that participate in immigration control collaboration in third</li> </ul>	<p>psychological effects.</p>
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nations to ensure that the migration management arrangements comply with worldwide human rights and refugee laws and the rule of the marine.

b. Applying fundamental liberties and refugee legislation responsibilities, as effectively as international legislation of the water and additional pertinent requirements, on rescuing protocols for migrants and refugees at sea.

c. Forcing immigration officials to get instruction in international human rights legislation pertinent to their job, such as its application in practice and equal opportunity education.

d) Providing surveillance for constitutional fulfillment concerning SAR and reception and holding governments responsible for any actions that negatively affect the dignity and rights of migrants and refugees (OHCHR, 2023).

### 3. *Empower migrants and refugees.*

a. Accessibility to the judiciary via administrative bodies, tribunals, and other courts, such as the ones that activate rights-based processes, to facilitate self-representation in justice.

b. Adequate employment and equitable growth in nations of provenance to bolster the freedom to stay at home, making relocation an alternative rather than a requirement.

c. Several chances for lawful movement while lowering obstacles result from heightened privatization (OHCHR, 2023).

### 4. *Collect and share disaggregated data by age, gender, country of origin, education, and other relevant information about refugee*

<i>children in camps and those in urban areas.</i>	
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The Committee on Migration’s policy for helping refugee children is comprehensive and beneficial. They highlight that creating and encouraging initiatives to promote comprehension of refugee children's rights is essential to prevent unfair treatment and exclusion and ensure their identities are respected. Another reason, this NGO policy is exemplary because it provides care for all refugees, including children, older people, and neonates. This is relevant because, based on the research, psychological studies have long documented the negative associations between harmful stress and refugee children's development. Early Childhood Development schools provide mental, behavioural, and intellectual safety for refugee children. They can also substantially contribute to peace building by promoting peaceful attitudes and behaviours among children, particularly at-risk children living in refugee settlements riven by conflict. The government of Indonesia could implement the fundamental aspects of the policy proposed by the NGO.

The final comparison in Table 6 summarises the refugee policy of the World Bank (2023), which is an international organisation that has a role to reduce poverty.

**Table 6**

*World Bank Policy on Refugees*

World Bank Refugee Policy	Brief Comments
<p>World Bank policy has created the refugee policy seen from policy parameters, sub-dimensions, and reforming prioritization approaches. They consist of</p> <ol style="list-style-type: none"> <li><i>Assistance for populations that are harboring refugees.</i></li> </ol> <p>Support is given to refugee-hosting regions as a component of a strategy that considers the anticipated economic effects on local communities providing refugees (i) in allocating governmental funds and (ii) in expanding protection services to financially impacted people. To tackle prejudice. Effective measures are implemented to recognize, avoid,</p>	<p>Comparing the 2016 Indonesian Presidential Refugee Policy to the World Bank’s policy, the researcher finds that the World Bank has devised an integrated strategy and a specific concern. Their policy is created by separating it into several policy aspects. These components include Host Communities, Regulatory Environment and Governance, Economic Opportunities, Access to National Public Services, and Cross Sectors.</p>

and reduce societal conflicts and violent risks within and between refugee and host communities.

4. Policies about refugee status tenacity, legal circumstance, and the liberties and responsibilities of refugees are well-defined, consistent with applicable worldwide and nearby standards and regulations, and readily available to refugees, national and local governments, and other national interested parties.

5. (i) lawful staying provisions are safe and reliable with sufficient time for frames, and (ii) there is no unlawful removal of asylum seekers or refugees.

All refugees had possession of formal identification (proof of legal status), were able to file important occurrences (birth, marriage, divorce, and mortality) with municipal registration, and received documentation. Refugees have the identical freedom to select a place to live and move about the country as foreign nationals in comparable situations.

6. (i) Refugees have identical opportunities to participate in the labor market as nationals, such as the ability to establish a company and pursue wage-earning employment, and (ii) refugees experience the identical safeguards of the rights of employees as nationals.

7. Refugees can buy, rent, and use dwellings, land, and equipment identical to nationals, with no restrictions on setting, kind, or time frame, or at least receive the most advantageous terms given to foreign nationals in the same situations. Refugees efficiently utilize financial services and administrative amenities (driver's license, acceptance of professional/academic credentials, skill development) critical to their livelihoods.	
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A comparison of the Indonesian Refugee policy to the World Bank refugee policy highlights significant differences in the areas of host communities, regulatory environment and governance, economic opportunities, access to national public services, and cross-sectors. In the World Bank policy document, refugees may purchase, rent, and use the same housing, land, and equipment as foreign nationals or naturalized citizens, with no restrictions on location, type, or duration, or at the very least, receive the most favorable terms offered to foreign nationals in the same circumstances. Refugees therefore can make efficient use of financial and administrative services. Aside from those benefits, refugees are entitled to the same independence to choose where to reside and move throughout the nation as foreign nationals in comparable conditions. The World Bank policies, which include those regarding access to facilities and job possibilities, serve all refugees equitably. Consequently, the World Bank refugee policy can be seen to be more comprehensive and aligned with the principles of human rights than the Indonesian refugee policy.

### **The Impacts of Indonesian Refugee Policy since 2016 to mid-2023**

Depending on the circumstances in the host countries, the migration of refugees into developing countries has varying impacts. It has been noted that refugees have mainly security, financial, social, political, and ecological impacts on their host countries (Gomez et al., 2010). The impacts have profound interrelationships, which means they cannot be separated. Kreibaum (2016) argues that most refugee research and writing focuses solely on the problems of displaced individuals, while the effects on host nations and communities residing near refugee settlements continue to be understudied. This effect will likely be more pronounced in developing nations struggling to accommodate refugees, while also being challenged by the existing needs of the nation's own population (Kreibaum, 2016). Given the challenges of dilemma, this study the next

section examines a number of economic, political, social, and environmental impacts of Indonesia's refugee policy from 2016 to 2022.

### **a. Economic Impact Findings**

Despite having the largest economy in South East Asia today and being a member of the G20, a decade ago, half of the population of Indonesia lived in poverty and had no job prospects (Handayani, 2012). Before the emergence of the refugee problem, it was acknowledged that the majority of developing or less developed South East Asian nations had limited resources and financial capabilities scarcely sufficient to fulfill the needs for medical facilities, higher education, and social amenities of their own citizens. As the nature and extent of displaced persons has evolved swelling the numbers of refugees arriving in developing countries from conflict in other states, this has placed a tremendous economic burden on their host countries a (Ruiz & Vargas- Silva, 2013).

### **b. Political Impact Findings**

According to Salehyan and Gleditsch (2006), refugee communities that have resided in the host countries for an extended period may create political associations, particularly rebel groups or protest movements in the host countries. These political organisations may acquire an influential supporter and interest in modifications to policy from the government that hosts them; thereby exerting unwelcome tension and unrest on the local political processes of the nations they are staying in. It is also argued that substantial refugee waves may disturb the social and economic balance of the host populations in the receiving regions, thereby sparking dissatisfaction and a sense of apprehension or concern among community members in the countries that receive them (Salehyan & Gleditsch, 2006). They argue that there always exists the possibility of civil conflict in the receiving nations due to the influx of refugees. They believe that they give greater weight to the development of conflict in the host nations due to the unacceptable financial strain and inter-ethnic conflict caused by refugees in communities that receive them as well as their close relationship with the rebel community in border regions. They also claim that refugees may include extremist or violent elements with certain ideals that advance their political agendas, making it difficult for host nations to manage the circumstances.

There may also be security concerns regarding terrorism and violent extremism in the host countries (Miller, 2018). Refugees often have a record of persecution at the behest of their nation of origin; consequently, they plan to seek retribution on their authority employing the borders of the country where they reside. Thus, by supporting rebel groups, emigrants can contribute to the instability of their home nations. The widespread use of weaponry between refugees for armaments transit or other reasons, in addition to the

refugees' extreme views, is a serious concern for officials hosting refugees (Miller, 2018). According to Weiner (1993), refugees represent a substantial threat to the security and tranquility of their host nation. Kirui (2012) asserted that refugees across multiple economically developing nations may form socio-political groups and engage in warfare. Thus, they may engage in armed aggression, complicate their bilateral interactions with their host nations, and place their citizens in peril.

Another issue relating to refugees that may have political impact is illustrated by the case that occurred in September 2015 in an Indonesian refugee shelter housing Rohingya women at Blang Adoe, Kuta Makmur District, North Aceh (see Figure 1). According to Wardah (2015), there was an investigation by the police following allegations of beatings and rapes of four Rohingya refugee women by local men who the women claimed had entered their compound.

### **Figure 1**

*Rohingya refugees in Aceh, Indonesia (Wardah, 2015)*

Figure removed due to copyright restriction.

Following the investigation, the *visum et repertum* results revealed that none of the four Rohingya refugee women had been raped or sexually harassed. The National Committee for Rohingya Solidarity in Aceh, a social organisation that cares for Rohingya refugees, was enraged and planned to report the four Rohingya Muslim women to the police. They believed that due to the Rohingya people's disinformation, the world may gain the impression that Aceh and Indonesia had mistreated the Rohingya refugees, even though volunteers and the people of Aceh had done their utmost for them. Investigation of this case study, suggests that the claims made by the four Rohingya Muslim women were part of political strategy to draw media and public attention to Indonesian refugee policy

which they viewed as inadequate (Wardah, 2015).

### c. Social Impact Findings

According to Fauzan et al. (2022), as a location of transit with an indeterminate relocation timetable, the administration of refugees in Indonesia typically ignores humanitarian factors concerning the welfare of the refugees, which is leading to economic and social problems. They argue that being a non-signatory to the refugee convention, Indonesia needs help facilitating the eventual living of refugees due to the absence of law. Fauzan et al. (2022) state that even though the Presidential Decree on Asylum Seekers and Refugees was enacted in 2016, the law has not paid attention to the significance of the humanitarian concerns of refugees, especially at local levels in refugee camps where conditions are often inadequate. Each municipal authority responsible for refugee control and management prefers to act independently depending on its position and operation, and they have little experience handling refugee issues. They believe that given the complexity of the refugee issue, partnership and cooperation among parties is essential, yet the administrative and financial burden of refugee support remains a burden on local government and NGOs. Moreover, they claim that restrictions on employment results in Rohingya refugees being unable to support themselves and therefore being dependent on the Indonesian government or humanitarian aid from NGOs. Based on the results of studies by Fauzan et al. (2022), and Adiputera and Prabandiri (2018), Indonesia has no obligation to offer job training to refugees, and employment for refugees is not permitted under Presidential regulations even though refugees have been granted UNHCR classification.

The risk that the absence of humanitarian support for refugees in Indonesia presents is that it may provide a point of entrance for human abduction and trafficking, which has long been a problem in Southeast Asia. In particular, refugees held in cramped and squalid temporary camps are vulnerable to people smugglers who offer them transport by boat to other countries, such as Malaysia or Australia, where they seek better conditions and opportunities (International Organization for Migration, 2016). The most recent incident of human trafficking happened in 2020 in the northern region of Sumatra near the city of Medan, in which Rohingya refugees were captured after escaping the Lhokseumawe refugee encampment in Aceh. Police discovered and arrested five persons who were involved in this form of illegal human trafficking, including two pairs of local Acehnese fishers, a woman who rounded up Rohingya in Aceh and brought them to Medan, and a pair of Rohingya individuals who served as intermediaries or agents to transport Rohingya refugees to Malaysia (*The Jakarta Post*, 2020). However, hundreds of Rohingya refugees are reported to have escaped from the camp seeking to cross the Malacca Strait to reach Malaysia.

In addition to the issue of people smuggling, the social impact of Rohingya refugees could also include health concerns, security circumstances, and how the community views Rohingya refugees. Unanticipated refugee presence may also threaten inter-communal peace and cause problems for the local community's society, beliefs, and language structures (Office for the Coordination of Humanitarian Affairs [OCHA], 2018). Other reports suggest the Rohingya refugee problem has generated further social problems, including their participation in narcotics and arms trafficking, trafficking in people, prostitution, and other unlawful activities (Uddin, 2012). According to BBC News (2017, cited in Fauzan et al., 2022), Rohingya women engage in trafficking in drugs and prostitution as a way to make cash, and these illegal activities have the strong potential to cause harm to Indonesia. In statistical research, Datta (2015) explains that inability to work creates uncertainty and poverty for the Rohingya, who are forced to engage in criminal acts to survive.

According to Zulkarnaini (2023), 185 Rohingya refugees provisionally housed in Pidie District and Lhokseumawe City, Aceh Province, were transported to Riau. Between November 2022 and March 2023, 895 Rohingya refugees arrived in Aceh. They are widely dispersed throughout Aceh Besar, Pidie, Lhokseumawe, and East Aceh. These areas served as temporary housing for them. The Muslim Head of the Pidie District Social Service stated that only 130 refugees had been relocated from Pidie to Riau. One hundred and thirty-three refugees still needed to be provided with a relocation schedule. They were stranded emigrants from December 2022 (Zulkarnaini, 2023). In addition to Pidie, 55 migrants from Lhokseumawe City were also relocated to Riau. In November 2022, they were among the 299 individuals who entered Indonesia. The remaining 244 reportedly fled while housed at the former Lhokseumawe immigration office (Zulkarnaini, 2023).

The Aceh Social Service wished to restore the Ladong Rumoh Sejahtera Bejah Meukarya (RSBM) function in the Aceh Besar District. In recent years, 333 Rohingya refugees have resided there. Yusrizal, the Aceh Social Service head, stated that the UPTD was intended to be a training and skill-improvement center for individuals with disabilities and social problems. Yusrizal said, "We want to reuse the building according to its function" (Zulkarnaini, 2023).

#### **d. Environmental Impact Findings**

According to Alshoubaki and Harris (2018), an increase in refugees places a strain on the ecological health of the host countries, thereby putting finite resources such as water under stress. The effect of each refugee influx varies depending on a number of factors, including the sort of encampment development that houses them, the availability of



resources, and the other residents of the area that rely on those resources (Jacobsen, 1997). Jacobsen (1997) argued that self-settled migrants frequently interact regularly with their new home communities, whereas refugees in encampments are more insular and less likely to assimilate or engage with local communities. Moreover, Jacobsen (1997) pointed out that the type of population greatly influences the ecological impacts of how people settle and that refugees can be relocated in various ways, each with its consequences for the environment. One possibility is self-settlement, where migrants reside among communities without having to register. Similarly, voluntary resettlement in refugee centers, where refugees are registered and regularly obtain assistance from government and non-governmental organisations, is different (Jacobsen, 1997).

Indonesia has provided large shelters for Rohingya refugees; however, most are temporary facilities designed to be used for a short time only, as most refugees are destined for transit to other countries according to UNHCR arrangements. Consequently, with the constant flow of asylum seekers, refugee camps have swelled and become almost permanent fixtures. Environmental and economic issues in these camps have become a major concern. The shelters are dirty with poor furnishing and lack any comfort for the inhabitants. According to Bonasir (2016), an example of one such shelter in Blang Adoe, District of North Aceh consists of one hundred twenty units of barracks rooms occupying five hectares of land. Buildings have plank walls and floors supported by concrete pillars and, while they are arranged in an orderly fashion, are very basic. Bright green, white, and orange paint on the exterior walls improve the visual appeal. This refugee neighborhood contains a large mosque, a children's playground (see Figure 3), a school, a public kitchen with a gas stove, clean water washing facilities, and aisles of squat toilets (Bonasir, 2016).

## **Figure 2**

*Playground and Shelters at Blang Adoe, District of North Aceh*

(Bonasir, 2016)

Figure removed due to copyright restriction.

In May 2015, the Blang Adoe refugee complex was constructed with the intention of housing Rohingya refugees who fled persecution in Myanmar, and also Bangladeshi economic migrants. Indonesia and Malaysia agreed to house them on the condition that they received assistance for their living expenditures for no longer than one year. The North Aceh Regional Government provided the five-hectare plot of land for the Blang Adoe refugee housing complex at no cost. Numerous domestic and international organisations, including those from Turkey, Saudi Arabia, Japan, the United States, Britain, Malaysia, and Australia, contributed to the construction costs, with it being constructed by the Indonesian humanitarian organisation Aksi Cepat Tanggap (ACT). However, the facilities had no maintenance program and quickly deteriorated, becoming disorderly and in disrepair. Consequently, many of the refugees initially housed there have abandoned the camp voluntarily, either to find better housing elsewhere in Indonesia or to attempt to leave the country by boat, or been deported. According to several Aceh officials, similar conditions have transpired in other refugee camps in the province. As explained by the Regional Secretary of North Aceh District, Isa Ansari, the refugees are not regarded as detainees, therefore, they are not prohibited from leaving the detention center (Bonasir, 2016). Although the complex was initially intended for 319 Rohingya refugees, it is now home to only 75 individuals, including six infants born whilst their parents were at the shelter (Bonasir, 2016). Thus, programs and shelters meant to house and provide care for Rohingya refugees have failed to perform their function adequately and illustrate how there has been fundamental failure of refugee policy in Indonesia.

## Alternative Thoughts on the Rohingya Refugee Policy

The previous sections have demonstrated by an examination of refugee policy in Indonesia that the current policy failures demand review and reform. Accordingly, a number of possibilities arise in the form of alternative thoughts to address the crisis and reduce impacts that have been identified. They are resettlement, relocation, educational opportunities, and soft and hard-skills enhancement for both current and future Rohingya refugees in Indonesia:

### a. Resettlement

Many refugees and asylum seekers entering Indonesia are unable to return home due to ongoing conflict, persecution or discrimination in their country of origin. Thus, it is generally recognised that resettlement of refugees to a third country could serve as an alternative solution to the refugee crisis. Resettlement is the process of transferring emigrants from the country of asylum to another nation for permanent residency. Resettlement is a security instrument for refugees that life, freedom, security, medical care, or other basic liberties are at risk in the country of asylum, and it can be an ongoing solution and a means of burden and duty sharing between states (Azad & Jasmin, 2013).

Moreover, the global structure of refugee resettlement seeks to offer an escape toward security and a long-term solution for refugees. Countries, such as the member nations of the EU, Canada, the United Kingdom, and the United States, willingly consent to take in refugees who have fled their home countries, are at risk, and lack the assistance they require in the nations where they are accepted. Seventy-six per cent of refugees globally are taken in by nations with middle or low incomes, frequently encountering internal difficulties that render it more challenging to provide security (Reichert, 2023). Resettlement of refugees is an age-old way of aiding exiled individuals and those nations that accept them. Additionally, it serves as one of the few secure and organised routes for refugees to enter Europe. Consequently, it remains an important priority for the UNHCR in the EU to locate permanent residency for refugees in the face of escalating emergencies worldwide (Reichert, 2023).

In today's rapidly emerging global refugee dilemma, asylum seekers are frequently compelled to live in camps or inadequate accommodation for an extended time in host countries. These states display extraordinary generosity, but they frequently lack the wealth and resources to meet refugees' complex demands, ensure successful integration, or offer long lasting protection. In some instances, these nations are unable to protect the fundamental liberties of refugees, especially the most at risk, for whom relocation is intended. Most needing relocation are women and girls, witnesses of violence and trauma, and individuals with particular legal and physical safety requirements (Reichert, 2023).

Resettlement is essential for refugees because it allows them to locate an appropriate new residence, regain ownership of their lives, become independent, and assimilate into an environment that recognises their rights. It is a vital instrument for host countries to demonstrate solidarity with other nations and individuals in need of protection abroad, to share the duty of caring for refugees in the eyes of the global community, and to reduce problems affecting the first nation of asylum, thereby improving the situation for those still living there. Thus, the benefit of resettlement is that it can motivate and allow host nations to continue protecting migrants in need (Reichert, 2023).

## **b. Relocation**

Local integration is the economic, legal, and sociopolitical process of assimilating refugees into the host society (UNHCR, 2001). Local assimilation is the solution whereby refugees are granted legal residency in their nation of asylum. In regional integration, the country of asylum grants long-term residence with an option of naturalisation. As mentioned previously, local incorporation is not permitted for camp-based refugees in Indonesia, and their integration process is largely contingent on the political circumstances and views of the host society (Cheung, 2012). Therefore, greater opportunity for Rohingya refugees to integrate and assimilate as naturalized citizens of Indonesia should be considered.

## **c. Educational Change**

All people deserve to receive a quality education. Refugees often experience difficulties to gain access to education (see Figure 4). Thus, Indonesian government should consider including provisions for equality of education for the refugees in the Presidential Refugee Policy 2016. This principle has been established in the Convention on the Rights of the Child and most recently reaffirmed by Goal 4 of the Sustainable Development Goals, requiring the universal availability of equitable opportunities for learning.

### **Figure 3**

*Education for the Refugee Children in Indonesia* (Book Aid International, 2023)

Figure removed due to copyright restriction.

The fundamental right to learning remains valid when a child is on a journey, and it should be provided for even in areas with limited assets or structures, such as refugee camps, impoverished communities, and transient places of residence. A legal system called the 1951 Refugee Convention and global promises, such as the Comprehensive Refugee Response Framework (CRRF) of 2016, safeguards the right to schooling for children who have crossed international borders and established themselves in a new nation (Holvenyi, 2023).

Giving displaced children access to an excellent school experience is an enormous and multidimensional task. Educational systems within refugee-hosting countries may need to be improved, or made adequate, or less burdensome. There are problems with inadequate or absent physical facilities, a shortage of instructors and educators, and variations in language, educational programs, and education systems among governments of origination and destination countries. These issues frequently necessitate specialised course, such as language classes, curriculum alignment, and supplementary programs (Holvenyi, 2023).

Therefore, sustainable refugee integration necessitates a growth outlook. Participation involves the incorporation of refugees in the national education systems of hosting nations. Inclusion in bi- and multilateral financing that promotes national educational sector plans and programs is needed. Participation in industry evaluation, scheduling, tracking, and computerised systems for education management is highly essential. The integration strategy includes specific measures that help refugees effectively integrate into official and

approved informal education programs in national educational institutions, as well as the broader enhancement of national systems and capabilities to achieve SDG4 (UNHCR, 2019a).

In backing this strategy, relief and economic growth actors ought to coordinate their efforts to provide excellent funding and professional industry assistance, efficient use of assets, and training involving regional and local organizations and refugee and community hosts. Children who experience protracted hardship, persistent abandonment, caretaker mental disorders, conflict and violence, and cumulative impoverishment can experience toxic stress reactions that impair brain growth and have long-term negative health consequences. However, having access to loving care and excellent educational possibilities may reduce these effects. The parent-child connection is a vital source of resiliency for early learning for children, especially refugees (UNHCR, 2019a).

#### **d. Skills Enhancement and Job Opportunity**

Refugees face several challenges in gaining access to excellent education and respectable employment, including the underutilisation of skills, a lack of jobs or opportunities for training, a lack of knowledge on accessible educational possibilities, and the mistreatment of unskilled workers. Training and education are the keys to rendering individuals suitable for employment, allowing them to obtain respectable jobs and escape poverty. Abilities can aid refugees in becoming more resilient and remaking their lives. In addition, regardless of their talent level, refugees expand the pool of available skills. In turn, a larger supply of labor may result in a better matching of talents, which may translate to increased productivity in host nations (International Labour Organization [ILO], 2023).

Soft skills are taught to refugees to facilitate their rapid employment, effective interaction, decision-making, demonstrating dedication, managing time, innovation, management, making clothes, haircuts, twirling, footwear creation, ornamentation, art, and craft, and problem resolution. Thus, soft skills are important to provide diverse business development skills so that migrants can become self-sufficient and provide a stable income for their families after completing training. These abilities include entrepreneurship, sales and marketing, freelancing, and working from home (International Labour Organization (ILO), 2023).

Moreover, competencies and knowledge initiatives through the development of capacity and intervention in the market have proven to be vital components of handling sustainable immigration; companies may contribute to the solution for migrants, such as refugees, by offering future-oriented retraining (Horowitz, 2016). The initiative seeks to enhance refugees' understanding and competence to foster their future independence. During resettlement in the destination nation, these abilities could be given to entry into

regional labor positions or the international marketplace (Fauzan et al., 2022). They argue that the involvement of the private sector with the humanitarian problem of refugee leadership is essential as it could equip refugees with skills to enhance their abilities so they can rejoin the job market in the coming years. Intervention in the markets and capacity cooperation are components of responsible immigration in which action can be carried out in sending and receiving nations. Recent refugee arrivals in advanced countries are likely to be welcomed if job possibilities are accessible and refugees can partake in the workforce (Young et al., 2018). In addition, nations, enterprises, and private organisations were permitted and able to get involved in addressing refugee challenges, according to the 1951 Refugee Convention. Various actions, such as policy, execution, and study efforts in different worldwide areas, have demonstrated partnerships with companies of all kinds (Fauzan et al., 2022).

In this sense, providing skills and expertise for the refugee is highly essential as it could make them have personal skills for their future jobs. This aligns with Kluge et al., 2018 who stated that there is a need to change the future's perspective of refugee management to provide them with their abilities and education and enable them to enter the upcoming job market. Due to Indonesia's non-participation in the Refugee Convention, job prospects are presently unofficially authorised. Nevertheless, education and training initiatives could allow refugees to broaden their skills when seeking jobs in the future, albeit to a minimal degree (Fauzan et al., 2022).

Permitting refugees to gain official employment might contribute to the overall growth of the Indonesian economy. This is because refugees are suitable for work, indicating that if they are given a chance at job opportunities, they will rapidly assimilate and grow a benefit for the government (Kluge et al., 2018). The UNHCR has set up a public-private collaboration by acting as an intermediary to reconcile the demand for refugee protection and providing education for refugee independence (Mehan, 2016). Being an intermediary group jointly draws upon multiple industries by offering knowledge, expertise, and connections to discover a lasting solution to refugee issues (Fauzan et al., 2022). Despite transferring Corporate Social Responsibility (CSR) from the company industries, the skills and expertise program that enables refugees to access job opportunities might also be carried out by moving CSR (Fauzan et al., 2022). In Germany, for instance, businesses are helping with refugee control by integrating migrants into job opportunities through novel kinds of CSR, such as vocational preparatory seminars. Over twenty-five multinational corporations participated in these efforts in Germany (Emerllahu, 2017).

As the largest nation in the EU to accept migrants, Germany also accepted over one million refugees in 2015, and nearly 300,000 of these individuals were successfully integrated into the local economy in 2016 (Gericke et al., 2018). Furthermore, the State

utilises technological advances to boost the opportunities for refugees in Germany. These include the launch of a program that helps refugees integrate by providing a fundamental course for German language, instruction, and details concerning how to obtain employment, asylum processes, and customs in society (International Organization for Migration., 2018).

In the nation of Indonesia, even though there had been no partnership with businesses, the UNHCR collaborated with government agencies and non-governmental organisations to offer education and training in Bahasa Indonesia, the national language. This would enable refugees to engage with and interact with locals. Even though most pupils are minors, adult refugees are welcome to enroll. The UNHCR offers a language specialist to help refugees comprehend the services offered as part of this assistance (Fauzan et al., 2022).

Considering the participation of NGOs, it could be advantageous if corporations collaborated with NGOs to provide refugees with education, training, and skills development. Thus, NGOs might carry out the initiative through education and training programs for refugees (Singh, 2017). While corporations have CSR initiatives for building refugee capacities, NGOs might execute the initiative via teaching and talent growth initiatives for refugees. In addition, allocating CSR funds for refugee capacity building would allow TNCs to acquire a competitive advantage, which might ultimately improve the trust of other companies, governments, lawmakers, and funders (Saltaji, 2017). Moreover, CSR in global relationships might help the nation of origin by encouraging industries to engage refugees as employees while the administration offers tax breaks to these businesses (Saltaji, 2017). In addition to addressing the humanitarian problem through partnership and cooperation with businesses, the societal innovative plan should coincide with the 2018 Global Compact for Refugees. A refugee contract is an agreement between the nation of origin and sponsors that offers jobs in refugee-hosting nations through financing and exemptions (Overseas Development Institute, 2018). Notably, the International Compact has emphasised the significance of collaboration in addressing the refugee crisis, making it an essential means for duty share in hosting and transit states concerning humanitarian concerns. The binding collaboration involves the following elements: novel institutional frameworks over commercial and monetary instruments and assistance for refugees, support and moving nations for employment, and the labor movement to enable increased possibilities for investment by the private sector (UN et al., 2018) in (Fauzan et al., 2022).



# CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

## Conclusions

This study has investigated the Rohingya refugee situation as one of the most serious global crises to emerge in the 21<sup>st</sup> century, and has examined Indonesia's current role in receiving and hosting Rohingya asylum seekers escaping from Myanmar. In taking responsibility as a moral and humanitarian society, Indonesia has provided large numbers of Rohingya refugees with sanctuary for more than a decade. However, Indonesia's political, economic, social, and environmental aspects have been impacted by such a significant number of Rohingya refugees. Therefore, conflict between locals and refugees has jeopardised Indonesia's internal stability, become a burden for the government and society, and potentially damaged its international standing as a democracy upholding human rights and equality of all people. Indonesia has worked hard to bring about a lasting resolution to this crisis; however, it remains a formidable obstacle. This study examined the effectiveness of the Indonesian government's refugee policy from 2016 to mid-2023 in relation to resolving the Rohingya problem. Of particular importance to achieving the study's aim and objectives was the policy comparison of The Presidential Regulation No. 125/2016 with the proposed policy reform of 2022, and with the recent Australia Immigration and International NGO reports including the UN and Rohingya reports, Asian Development Bank and Rohingya reports, and World Bank reports. This comparison illustrated how Indonesia's refugee policy is lacking in consideration of human rights, for example the right to work and freedom of movement, when compared with similar policies formulated by selected NGOs and the Australian government.

The study found that the reality of current Indonesian policy and practices results in Rohingya refugees experiencing discrimination, lack of employment opportunities, sudden changes in population structures, apprehension, educational equality, cultural shock, and poor living standards due to environmental degradation. Furthermore, changes brought about by the presence of Rohingya refugees affect both the Indonesian host country and the refugees themselves, which has many implications for the future if the matter is not resolved successfully. In this regard, locals' attitudes toward Rohingya refugees have evolved from regarding asylum seekers with sympathy to deep resentment and mistrust. Implications for the breakdown in relationships are significant and could result in social unrest, violent uprisings, or inter-ethnic conflict.

Moreover, the ambiguous government policy regarding the education of Rohingya refugee children and unemployment among Rohingya refugees have created and perpetuated issues with many implications, among them are accusations that Indonesia is not recognizing the human rights of refugees to a quality education and to gainful employment.

Based on these findings, the Rohingya refugee situation can be seen as a protracted, persistent, and obstinate problem that necessitates a long-term, more effective strategy that focusses on the key factors outlined in this study's findings. The next section provides recommendations arising from this research that may assist in informing government authorities

and other stakeholders in resolving the dilemma of the Rohingya refugees.

## Recommendations

Arising from this study's findings and conclusions are a number of recommendations that may serve to inform, enhance, and improve Indonesia's refugee policy going forward.

### Recommendation 1: Safety, Education and Health Services

The Indonesian Government should implement the fundamental aspects of the policy proposed by the Australian Government. This should involve adding more policies to The Presidential Refugee Policy by 2024 which focus on safety, accessibility, educational, and health services.

- **Rationale and Justification:** The Indonesian Government could utilise the Australian Refugee Policy of 2021 ALP National Platform as a model. This policy highlights that the government must pay attention to the condition of refugees and asylum seekers. Additionally, the policy specifies that the government and society (must not) injure refugees or asylum seekers, plus they must (be provided with) suitable level of treatment, education, and health services. By revising the Presidential Regulation No. 125/2016, the present discrimination and poor treatment of refugees in Indonesia – especially Rohingya refugees – would be resolved.

### Recommendation 2: Infrastructure

The Indonesian government should utilise the essential aspects of the policy proposed by the Australian government, especially in the field of infrastructure and settlement services, particularly in Aceh.

- **Rationale and Justification:** The Australian government policy provides better settlement services than currently available in Indonesia. They support refugees by providing shelters through the support of State, Territory and local governments and local communities. Indonesia should imitate the Australian Policy by providing better settlements for the refugees through the support from all levels of government while engaging more closely with and involving local communities. By revising Presidential Regulation No. 125/2016, a new policy that addresses infrastructure or settlements would be incorporated into a new policy. This is essential in meeting human rights obligations by providing improved refugee housing.

### Recommendation 3: Public Education and Wage-Earning Employment

The Indonesian Government should adopt conditions as specified by the UNHCR policy

concerning public education and employment opportunities for refugees so they are enabled to access quality education and training, and engage in paid employment.

- ***Rationale and Justification:*** The UNHCR policy provides assurances that refugees must be given access to the same quality of education, and ability to engage in wage-earning employment that are provided to others. Implementation of this recommendation is of the utmost importance for the Indonesian government, as it would enable refugees to independently support themselves, contribute productively to society, and no longer be an economic burden on the Indonesian government or its people.

#### **Recommendation 4: Protection of Children**

The Indonesian government should revise Presidential Policy No. 125/2016 to include special measures of protection for young refugees, particularly children who have experienced trauma and are vulnerable, as outlined in the UNHCR refugee policy model.

- ***Rationale and Justification:*** Children and young people who have experienced the trauma of displacement and violence from which they have fled require special protective and nurturing care so they may recover quickly and regain a sense of hope for the future (UNHCR, 2019a). This will ensure they grow into well-balanced, productive adults who will contribute to Indonesian society.

#### **Recommendation 5: Public Services Access**

Based on World Bank policy, the Indonesian government should ensure that refugees have equitable access to amenities by not discriminating on the basis of their race, ethnicity or religion, background, social status, political views, or beliefs.

- ***Rationale and Justification:*** Indonesia is a modern democracy where the human rights and citizen rights of all persons should be extended to refugees equally, similar to the policy of the World Bank, to provide equality between all people who reside in Indonesia, whether they be citizens or guests.

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