

## LEGAL GOVERNANCE OF ROHINGYA REFUGEE AFFAIRS IN ACEH: A CONSTITUTIONAL PERSPECTIVE

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### Abstrak

*Penelitian ini bertujuan menganalisis implementasi tata kelola pemerintahan terhadap pengungsi yang datang ke Indonesia dalam hal ini Pengungsi Rohingya. Kedatangan pengungsi Rohingya di Indonesia telah memperkenalkan kompleksitas pada respons regional, menimbulkan tantangan bagi pemerintah Indonesia dalam menegakkan standar kemanusiaan, memastikan kondisi kehidupan yang layak, dan mengelola sentimen publik. Penelitian ini menggunakan pendekatan yuridis-normatif untuk menganalisis norma-norma hukum yang mengatur kebijakan pemerintah Indonesia terhadap pengungsi Rohingya, dengan fokus pada instrumen seperti Peraturan Presiden 125/2016. Dengan memeriksa peraturan dan sumber hukum, penelitian ini mengidentifikasi dan mengevaluasi implikasi hukum dari kebijakan yang diterapkan, menilai keselarasannya dengan prinsip-prinsip hukum yang berlaku. Kerangka hukum internasional, termasuk Konvensi Pengungsi PBB 1951 dan Protokol 1967, di samping kerangka hukum imigrasi Indonesia yang komprehensif (Undang-Undang Nomor 6 Tahun 2011) sangat penting. Terlepas dari landasan hukum ini, tantangan tetap ada dalam menangani pengungsi Rohingya di Aceh, menyoroti keterputusan antara kerangka hukum dan realitas di lapangan, terutama dalam menghadapi penolakan masyarakat setempat.*

**Kata kunci:** *Pengungsi Rohingya, Indonesia, Kerangka Hukum, Bantuan Kemanusiaan, Kebijakan Keimigrasian*

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### Abstract

This study aims to analyze the implementation of governance for refugees who come to Indonesia, in this case, Rohingya refugees. The arrival of Rohingya refugees in Indonesia has introduced complexity to the regional response, posing challenges for the Indonesian government in upholding humanitarian standards, ensuring proper living conditions, and managing public sentiments. This research employs a juridical-normative approach to analyze the legal norms governing the Indonesian government's policies on Rohingya refugees, focusing on instruments like Presidential Regulation 125/2016. By examining legal regulations and sources, this study identifies and evaluates the legal implications of implemented policies, assessing their alignment with prevailing legal principles. The international legal framework, including the 1951 UN Refugee Convention and the 1967 Protocol, alongside Indonesia's comprehensive immigration legal framework (Law Number 6 of 2011), is crucial. Despite these legal foundations, challenges persist in handling Rohingya refugees in Aceh, highlighting a disconnect between the legal framework and on-the-ground realities, notably in the face of local community rejection.

**Keywords:** Rohingya Refugees, Indonesia, Legal Framework, Humanitarian Assistance, Immigration Policies

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## 1. Introduction

The Rohingya ethnic group is a community residing in the Rakhine state of Myanmar, located in the northwest region bordering Bangladesh. Historically, the region was known as Arakan before being officially named Rakhine in the 1930s (Mukul et al., 2019). The term "Rohingya" refers to a specific ethnic group within this area, distinct from other ethnic communities, such as the Rakhine people.

The Rohingya population has faced significant challenges, primarily stemming from the Myanmar government's refusal to recognize them as Myanmar citizens. This lack of acknowledgment has left the Rohingya stateless, without official citizenship status (Yesmin, 2016). The denial of citizenship has far-reaching consequences, as it means that the Rohingya are not afforded the protections and privileges that come with being recognized as citizens of a particular nation.

The Myanmar government's refusal to recognize the Rohingya as citizens has precipitated a dire and deeply troubling situation for this ethnic group, particularly in the Rakhine State (Budaya, 2017). Deprived of the legal status of citizenship, the Rohingya find themselves without the fundamental protections that citizenship typically affords. This has left them exceptionally vulnerable to a range of egregious human rights violations, including discrimination, persecution, and the denial of basic rights essential for a dignified life. The absence of citizenship has effectively rendered the Rohingya stateless, lacking the security and legal safeguards that should come with belonging to a nation (K. A. Rahman, 2015). Tragically, this has resulted in the Rohingya facing violence, displacement, and severe restrictions on their daily lives.

The denial of citizenship has further exacerbated tensions between the Rohingya and other communities, contributing to communal violence and conflict. This dire situation has led to a significant refugee crisis, with many Rohingya forced to flee their homes and seek refuge in neighboring countries, most notably in Bangladesh. The refugee camps, hosting one of the largest displaced populations globally, often lack adequate infrastructure and resources, amplifying the challenges faced by the Rohingya.

Internationally, the Myanmar government's treatment of the Rohingya has garnered widespread condemnation. Human rights organizations, governments, and the United Nations have decried Myanmar's actions as ethnic cleansing and genocide (Ware & Laoutides, 2019). The global community has called for accountability and justice for the atrocities committed against the Rohingya. Efforts to repatriate Rohingya refugees face considerable obstacles due to the lack of guarantees for their safety and citizenship upon return. The pervasive mistrust resulting from years of persecution has made many Rohingya hesitant to return without assurances of their rights and security.

Beyond the immediate human rights concerns, the Rohingya crisis has broader implications for regional stability. The influx of refugees into neighboring countries has strained resources and created geopolitical challenges that necessitate international cooperation and concerted efforts to address the root causes of the crisis. In conclusion, the denial of citizenship to the Rohingya by the Myanmar government has led to a grave humanitarian crisis characterized by statelessness, human rights abuses, a significant refugee population, and international condemnation. Addressing the complex challenges faced by the Rohingya requires a comprehensive and sustainable solution that tackles the root causes of their marginalization and persecution.

The international community has resoundingly condemned Myanmar's treatment of the Rohingya population, characterizing it as a profound humanitarian crisis (Debnath et al., 2022). The denial of citizenship to the Rohingya has far-reaching implications, extending beyond the immediate denial of political representation. This lack of legal recognition significantly impedes their access to basic services, perpetuating a cycle of marginalization and deprivation. Deprived of citizenship, the Rohingya face severe

restrictions in their ability to receive education, healthcare, and other essential services that are typically guaranteed to citizens. This denial not only undermines their well-being but also perpetuates intergenerational cycles of poverty and vulnerability.

Furthermore, the absence of legal recognition contributes to the statelessness of the Rohingya, making it exceedingly difficult for them to seek refuge or migrate to other countries. Stateless individuals often encounter numerous obstacles when attempting to cross borders, leaving the Rohingya trapped in precarious situations and vulnerable to exploitation. The lack of recognized legal identity further compounds their vulnerability, leaving them without the protective mechanisms that citizenship typically provides, such as diplomatic representation and consular assistance. The denial of these rights and services exacerbates the already dire conditions faced by the Rohingya, underscoring the urgent need for international intervention and a comprehensive resolution to address the root causes of their statelessness and persecution. The global community's acknowledgment of the humanitarian crisis is a crucial step toward mobilizing support and collective action to alleviate the suffering of the Rohingya and work towards a more equitable and just resolution.

As of now, the government of Myanmar has persistently engaged in military operations, exacerbating a long-standing crisis involving the Rohingya ethnic group. These military campaigns have resulted in widespread violence against the Rohingya population, compelling them to undertake large-scale displacement across neighboring countries such as Bangladesh, Thailand, Malaysia, and Indonesia. The Rohingya, an ethnic minority in Myanmar, have faced systematic discrimination, persecution, and violence for years, with the military operations serving as a brutal continuation of this troubling pattern. The Rohingya exodus to neighboring nations has created a significant humanitarian challenge, particularly in countries like Bangladesh, where large refugee camps have emerged to accommodate those fleeing the violence. Harrowing tales of displacement, loss, and the struggle for survival mark the situation. Rohingya refugees often embark on perilous journeys, facing exploitation, human trafficking, and harsh conditions during transit (Lahiri, n.d.).

Approximately 1,200 Rohingya individuals have entered Indonesia, particularly through Aceh, since November 2023. This cumulative influx has prompted varied reactions from the Indonesian populace, with sentiments divided due to perceived excessiveness in facilities provided by the UNHCR. Concerns have also arisen based on the problematic track record of Rohingya refugees in Malaysia.

Despite these mixed reactions, the Indonesian government continues to accept Rohingya refugees. One contributing factor is the existence of Presidential Regulation 125/2016 concerning the Handling of Foreign Refugees. The regulation stipulates that the handling of refugees under PR 125/2016 must adhere to international provisions and consider applicable domestic laws. Explicitly outlined in Article 3 is the comprehensive nature of refugee handling, encompassing identification, shelter, security, and immigration monitoring. Referring to the official UNHCR website, it is emphasized that the principle of non-refoulement plays a crucial role in Indonesia's acceptance of Rohingya refugees. The non-refoulement principle prohibits host countries from repatriating refugees if there is a credible fear of persecution. Additionally, refugees are entitled to various forms of assistance, including housing, employment, education, and more. These rights are codified in the 1951 Convention and the 1967 Protocol.

The arrival of Rohingya refugees in Indonesia has added complexity to the ongoing regional response. The Indonesian government, guided by international principles, has grappled with the challenges of providing humanitarian assistance, ensuring proper living conditions, and managing public sentiment surrounding the refugee influx (Khan et al., 2024). The conditions prompting the Rohingya to seek refuge

abroad underline the dire circumstances they face in Myanmar, where their basic rights and safety are consistently jeopardized.

The article conducts a comprehensive review of the complex issues resulting from Myanmar's Rohingya crisis, particularly its influence on surrounding nations, with a focus on Indonesia. The Rohingya community is subjected to persecution and violence in Myanmar, like persecution and violence. Many seek safety in other countries, making it a complicated situation. The study subject is central to this investigation, necessitating an in-depth examination and evaluation of the Indonesian government's policies regarding Rohingya refugee admission and settlement (Halim, 2023). The many public reactions throughout Indonesian society, ranging from support to worries over UNHCR-provided facilities, highlight the need for a close examination of the government's policy. As a result, this article formulates multiple problem formulations, as follows: first, what is the government policy regarding the entrance and settlement of refugees in Indonesia? Second, how is the legal status of refugees who enter and settle in Indonesia regulated?

The primary objective of this study is to furnish a nuanced understanding of the policies instituted by the Indonesian government concerning Rohingya refugees. The research endeavors to assess the resilience and efficacy of extant legal frameworks, notably Presidential Regulation 125/2016, which delineates the management of foreign refugees (Hanif, 2023). Furthermore, the study intends to investigate the effects of these measures on the acceptance and assimilation of Rohingya refugees into Indonesian society. By addressing these goals, the research hopes to provide valuable insights into the complex environment that characterizes Indonesia's response to the Rohingya issue, thereby contributing meaningfully to discourses on refugee protection and human rights. Ultimately, the study aims to proffer pragmatic recommendations for policy refinements and legal enhancements, with the overarching goal of improving the welfare and security of Rohingya refugees in Indonesia. The research intends to illuminate the complex problems confronting Indonesia while also adding to the broader global discourse on the Rohingya crisis and the plight of refugees in general.

## **2. Method**

The approach employed in this research is the juridical-normative approach. This method represents a descriptive and normative legal research methodology designed to analyze and evaluate the applicable legal norms. Within juridical-normative research, the researcher examines legal regulations, court decisions, and various legal sources to comprehend the legal framework governing a specific issue. In the case at hand, the juridical-normative research will delve into and analyze legal norms related to the Indonesian government's policies regarding Rohingya refugees, particularly within the regulatory context such as Presidential Regulation 125/2016. This research will approach legal issues arising from the existing normative framework, identifying the legal implications of the implemented policies and evaluating the extent to which regulatory implementation aligns with prevailing legal principles.

## **3. Legal Protection for Refugees**

### **3.1. The Legal Foundations and Principles Governing the Treatment of Refugees in The Realm of International Law**

In the realm of international law, the primary legal foundation governing the treatment of refugees is established by the 1951 United Nations Convention and the 1967 Protocol Relating to the Status of Refugees.

This convention delineates the criteria for defining a refugee, including being outside their country of origin, harboring a well-founded fear of persecution due to factors such as race, religion, nationality, membership in a particular social group, or political opinion, and an inability or unwillingness to seek protection from their home country due to such fear. Novi explicates that refugees should not be conflated with immigrants, as the latter relocate for reasons unrelated to persecution, such as seeking improved economic opportunities, and are typically afforded legal protection by their home country, both while abroad and upon return (Siti, 2022).

The specified criteria for refugees, as defined above, are exempted under Article 1(F) of the 1951 Convention if there are serious reasons to believe that the individual has committed or been involved in crimes against peace, war crimes, non-political serious crimes, or activities contrary to the principles of the United Nations. Fundamental principles in refugee law outlined in the 1951 Convention include Non-Refoulement (Article 33), prohibiting the forced return of refugees and asylum seekers to territories where their lives and freedom would be threatened; Non-Penalization (Article 31), ensuring that refugees and asylum seekers are not subjected to penalties for entering the asylum country without complete documentation; and Non-Discrimination (Article 3), stipulating that the treatment of refugees and asylum seekers should not be differentiated based on race, religion, nationality, membership in a particular social group, or political opinion (Arianta et al., 2020).

The various international human rights instruments mentioned, such as the International Bill of Human Rights, the Convention Against Torture (CAT), and the 1969 Geneva Conventions, play critical roles in the protection of refugees and asylum seekers (Krisharyanto & Vinata, n.d.). The International Bill of Human Rights, comprised of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), collectively establishes a comprehensive framework safeguarding fundamental rights and freedoms. The ICCPR, for instance, protects the right to life, freedom from torture, and the prohibition of arbitrary detention, all of which are pertinent to the well-being and protection of refugees (Harvey, 2015).

The Convention Against Torture (CAT), a pivotal international treaty, specifically addresses the prevention of torture and other cruel, inhuman, or degrading treatment or punishment. For refugees who may have experienced persecution and violence in their home countries, the CAT is instrumental in ensuring that they are not subjected to further harm and mistreatment.

Additionally, the 1969 Geneva Conventions, particularly the Fourth Geneva Convention, are foundational in protecting civilians in times of armed conflict. While the primary focus of the Geneva Conventions is on the protection of civilians during war, its principles apply to refugees who may find themselves displaced or affected by conflicts. The Conventions emphasize the importance of humane treatment, non-discrimination, and access to essential needs, aligning with the rights and protections sought by refugees.

UNHCR, as the United Nations refugee agency, plays a crucial role in providing protection, humanitarian aid, and durable solutions for refugees globally (Loescher, 2001). In countries like Indonesia that have not ratified the 1951 UN Convention on the Status of Refugees, UNHCR steps in to fill the gap by serving as the primary entity responsible for refugee status determination. This involves assessing individuals' claims for refugee status and determining their eligibility for international protection (Bell, 2023).

In countries that have ratified the 1951 UN Convention, UNHCR often adopts a supervisory role, working collaboratively with the national government to ensure the proper implementation of refugee protection mechanisms. This may involve capacity-building, training government officials, and providing technical assistance to enhance the country's ability to conduct fair and effective refugee status determinations.

### 3.2. Aspects of Constitutional Law Against Foreign Refugees Who Settle in Indonesia

Immigration policy encompasses government policies about foreign individuals. This comprehensive framework enables the government to establish strict criteria, outlining the requirements and processes by which foreign individuals can obtain visas, entry permits, residency, settlement, or, conversely, face prohibition from residing within Indonesia's territorial bounds (Turangan, 2020). The creation of these criteria is closely linked to a nuanced calculation that evaluates the extent to which the presence of foreign individuals contributes to or threatens the country's national interests. This dynamic (Umar & Pikahulan, 2023) examination indicates that immigration policy criteria are subject to change based on the nation's changing needs and objectives.

The legal framework of immigration is governed by legislation and its related rules, which systematically describe the procedures governing persons' admission and leave from Indonesian territory. Furthermore, these legal frameworks prescribe the parameters for the lawful presence of foreign individuals, as well as the punitive measures—both criminal and administrative—applicable in cases of violations of these legal norms. The gravity of violating immigration laws is underscored by the potential legal repercussions, ranging from financial penalties to more severe punitive actions (Ramos, 2022).

A distinguishing feature of modern immigration policy is its selective screening technique, sometimes known as "selective police." According to this strategic philosophy, only foreign individuals judged favorable to the national interest are allowed access (Rumiarta & Jayantiari, 2023). The admission standards are carefully adjusted to guarantee that individuals can contribute meaningfully to Indonesia's economic, social, and intellectual development. Moreover, these individuals are expected to provide tangible evidence of assets and value addition that align with and augment Indonesia's overall progress. In essence, the immigration policy, with its selective screening, serves as a dynamic instrument for aligning the entry of foreign individuals with the strategic developmental goals and national interests of Indonesia, ensuring that the nation's borders are open to those whose presence aligns with its broader objectives.

### 3.3. Legal Regulations Concerning Refugees in Indonesia

Law Number 6 of 2011 on Immigration of the Republic of Indonesia represents a comprehensive revision and update of the previous legislation, Law Number 9 of 1992. The objective behind this legislative initiative was to create a more encompassing and contemporary legal framework that could align with the evolving societal and national dynamics of Indonesia. The enactment of this new law was a strategic move to ensure conformity with the changing landscape of Indonesian society, along with the adjustments needed to harmonize with related policies, regulations, and legal frameworks. In essence, Law Number 6 of 2011 is not just a legal update but a proactive and anticipatory response to potential challenges and issues that may arise in the future. By taking a forward-looking approach, the legislation positions itself as a dynamic tool capable of addressing the complexities of immigration, societal changes, and national needs, thereby contributing to the overall governance and legal structure of Indonesia (M. Rahman et al., 2023).

Several aspects are taken into consideration to update Law Number 9 of 1992 concerning immigration in the explanation of the Law of the Republic of Indonesia Number 6 of 2011, which are:

- a. The Territory of Indonesia's geographical position with complex problems in interstate mobility or movement closely relates to the state sovereignty aspect of the other countries;

- b. Existence of an international treaty or convention that has a direct or indirect impact on the implementation of Immigration Function;
- c. Increase in international and transnational crimes, such as illegal immigration, human smuggling, human trafficking, terrorism, narcotics and money laundering;
- d. Regulation on Detainees and the time limit of detainees is not yet made comprehensively;
- e. Specific and universal Immigration function in its implementation requires a systematic approach by using modern information and communication technology and requires the placement of the Immigration Office and Immigration Detention House structures as the technical executive unit below the Directorate General of Immigration;
- f. Change of the nationality system of the Republic of Indonesia based on Law Number 12 of 2006 regarding Nationality of the Republic of Indonesia relating to the implementation of Immigration Function, inter alia regarding limited double nationality;
- g. State sovereignty right in the application of the reciprocity principle in issuing visa to Foreigner;
- h. Treaty to harmonize and standardize the system and type of travel document security internationally, especially the Regional ASEAN Plus, and also the effort to harmonize acts or threat of imprisonment against the syndicate criminal organizing human trafficking and smuggling;
- i. Ineffective Immigration law enforcement thereby the policy on imprisonment should mention the minimum imprisonment against the criminal of human smuggling;
- j. Expanding the subject of the criminal of immigration crime, thereby covering not only individual but also corporate as well as Guarantor of the entry of Foreigner to the Territory of Indonesia breaching the provisions on Immigration; and
- k. application of higher criminal sanction to the Foreigner breaching the Immigration regulation since currently, it does not yet result in the deterrent effect. Taking into consideration the above, it is necessary to amend Law Number 9 of 1992 by establishing a new and more comprehensive Law, to adjust to the development of the Indonesian community and state, relevant policy or legislation, as well as anticipatory in nature to the problem in the future.

Within the realm of international relations, a new legal framework has emerged in the form of international conventions, and the Republic of Indonesia is one of the participating countries that have signed such conventions. One notable example is the United Nations Convention Against Transnational Organized Crime, 2000, also known as the Palermo Convention, ratified by Indonesia through Law Number 5 of 2009 along with its two protocols. This has elevated the significance of immigration agencies, as the convention mandates participating countries to adopt and implement its provisions (Hardjaloka, 2018).

On the other hand, the oversight of foreigners needs to be intensified, aligning with the rise in international crimes or transnational criminal activities, such as human trafficking, smuggling of persons, and drug-related offenses often orchestrated by organized international crime syndicates. The perpetrators of such crimes cannot be prosecuted under the outdated Immigration Law of 1992 since it does not encompass criminal penalties for those organizing international crimes. The existing law only allows for the prosecution of those organized as victims who enter Indonesian territory unlawfully.

Foreigner supervision is not only crucial upon their entry but also during their stay in Indonesian territory, encompassing their activities. Immigration oversight involves the enforcement of immigration laws, both administratively and criminally. Therefore, it is essential to establish immigration law enforcement officials (PPNS Keimigrasian) with specific duties and authority based on this law. Immigration offenses constitute

specific criminal acts, and as such, they differ formally and materially from general criminal law, for instance, the existence of specific minimum penalties.

National interest represents the collective interest of the entire Indonesian population, making it imperative to engage the community in supervising foreigners. This includes reporting foreigners suspected of being in Indonesian territory unlawfully or abusing immigration permits. To enhance community participation, efforts should be made to raise legal awareness among the public.

Based on a selective policy that upholds human rights values, the entry of foreigners into Indonesian territory is regulated. Similarly, foreigners obtaining residence permits in Indonesia must align with their intended purposes for being in the country. Under this policy and in the context of protecting national interests, only foreigners contributing benefits and not endangering public safety and order are allowed to enter and stay in Indonesian territory.

Additionally, there are regulations governing asylum seekers and refugees in Indonesia. Firstly, the People's Consultative Assembly Decree Number XVII/MPR/1998 on Human Rights states in Article 24 that "Every person has the right to seek asylum to obtain political protection from another country". Secondly, the Circular Letter of the Prime Minister No: 11/RI/1959 Regarding the Protection of Political Refugees, stipulates in Article 1 that "Political refugees who enter and are in Indonesian territory will be given protection based on human rights and freedoms, by international customary law." According to this circular letter, political refugees seeking asylum in Indonesia or residing in Indonesia who commit a criminal act for political reasons, including attempts to commit and assist in political criminal acts, will be granted protection.

Thirdly, Article 27 of Law No. 37 of 1999 states: (1) The President establishes policies on foreign refugees, considering the Minister's considerations; (2) The main points of the policy as referred to in paragraph (1) are regulated by Presidential Decree. Article 27, paragraph (1), of the regulation underscores the humanitarian nature of the challenges faced by refugees, emphasizing the urgent and fundamental needs these displaced individuals encounter. This provision reflects a commitment to upholding human rights principles, addressing issues such as shelter, food, healthcare, and protection from persecution. The phrase "to the extent possible" acknowledges the pragmatic approach needed, considering resource limitations and logistical constraints while allowing the government to tailor responses to the evolving needs of refugees.

Moreover, the clause about avoiding disruption of good relations between Indonesia and the refugees' home country reflects diplomatic sensitivity. It suggests that Indonesia while fulfilling its humanitarian obligations, is mindful of maintaining amicable relationships with the countries of origin of the refugees. Scholars emphasize that this diplomatic prudence is crucial for fostering regional stability and cooperation. Additionally, the collaborative dimension highlighted in Article 27(1) is seen as instrumental in creating effective and sustainable solutions to the challenges posed by the refugee situation. Collaboration with relevant authorities, including international organizations and non-governmental entities, is essential for navigating the complexities of refugee management, ensuring a comprehensive and effective response to their needs (Syahrin, 2019).

#### **4. Dynamics of Rohingya Refugee Conflict in Aceh**

The current situation of Rohingya refugees in Aceh is heavily influenced by international legal frameworks and domestic immigration policies in Indonesia. Despite legal protections, there is still controversy on the ground, exemplified by the rejection from residents of the Bireuen and North Aceh districts in the Aceh Province towards the return of Rohingya immigrants to their region on Thursday, November 16, 2023. This



marks the third instance of such rejection within a month. According to reports from Antara, the boats carrying Rohingya immigrants were forcibly pushed back into the sea in response to this rejection. According to reports from Antara, the Rohingya immigrants' boats were forcibly pushed back into the sea. This recurrent resistance by the Aceh community was first observed on Tuesday, November 14, when 200 immigrants landed on the coast of Gampong Blang Raya in the Muara Tiga sub-district of Pidie Regency, with six of them managing to escape. Subsequently, on Wednesday, November 15, another 147 Rohingya immigrants arrived in the coastal area of Beurandeh in the Batee sub-district of Pidie Regency. The latest incident occurred on Thursday, November 16, when a boat carrying Rohingya immigrants arrived in the coastal areas of Jangka in Bireuen and North Aceh.

Upon learning of the Rohingya refugees' arrival, a significant number of residents flocked to the locations. Notably, Aceh has often been a landing point for hundreds of Rohingya refugees, but this time, the community adamantly rejected their arrival. As reported by DW and corroborated by Kapolres Lhokseumawe AKBP Henki Ismanto, the primary reason behind the Aceh community's rejection stems from the lack of available shelter facilities and the negative impression left by previous Rohingya refugees. According to AKBP Henki, those who had fled previously exhibited poor hygiene practices and did not adhere to Islamic principles and local customs, contributing to the community's decision to refuse them entry. Additionally, instances were reported where aid provided by Aceh residents, including food, water, and instant noodles, was discarded by Rohingya refugees into the sea. This collective rejection reflects the concerns and challenges faced by the Aceh community in accommodating Rohingya immigrants, balancing humanitarian considerations with local capabilities and cultural expectations.

Asylum seekers and refugees, including the Rohingya population, are often confronted with complex challenges and varying levels of protection. In the context of international law, the 1951 United Nations Convention and the 1967 Protocol on the Status of Refugees establish the primary legal foundation governing the treatment of refugees globally. These instruments define the criteria for refugee status, emphasizing the need for protection when individuals face persecution based on factors such as race, religion, nationality, membership in a social group, or political opinion.

The collaborative approach, as highlighted in legal frameworks, involves partnerships with international agencies, non-governmental organizations (NGOs), and community leaders to create a coordinated response to the refugee situation. Diplomatic efforts with Myanmar and other regional partners are essential to address the root causes of the crisis and explore sustainable solutions. However, it's imperative to balance humanitarian obligations with diplomatic considerations to maintain positive relations with the refugees' home countries.

Efforts in enforcing the law against immigration offenses involve a comprehensive system of monitoring and control to regulate the entry, stay, and activities of foreigners in Indonesia. Immigration supervision extends beyond their entry and exit points to cover their actions while within the country. Supervision, as defined by Maskan (1997), involves evaluating the implementation of immigration policies and taking corrective actions when necessary to ensure compliance. It plays a crucial role in preventing undesirable activities and maintaining public safety.

Coordinated and integrated immigration supervision is essential to prevent actions that may be unfriendly or contrary to international norms. The Directorate General of Immigration, under the Ministry of Law and Human Rights, establishes the Immigration Oversight Bureau to assist in these efforts. This bureau collaborates with other relevant authorities to execute administrative immigration actions against foreigners. The administrative oversight includes compiling lists of foreign nationals, issuing supervision cards, and coordinating with various government agencies involved in immigration matters.

Beyond administrative oversight, field supervision employs monitoring, raids, and the gathering of evidence related to immigration offenses. The Immigration Law (Law No. 9/1992) outlines specific actions that can be taken against foreigners engaging in activities deemed harmful to Indonesia's security, public order, morality, religion, or cultural norms. These actions include denial of entry, rejection of departure, prevention, charging fees, restrictions, changes, or revocation of permits, deportation, and prohibition from residing in specific areas.

In cases of suspected immigration offenses, investigations are carried out by authorized personnel, including the Indonesian National Police and designated civil servants. The law empowers these officials to conduct investigations based on the Criminal Procedure Code. Additionally, individuals engaged in activities contrary to immigration laws may face preventive measures such as detention in Immigration Detention Houses pending their deportation or legal proceedings.

Furthermore, immigration quarantine facilities serve as temporary accommodations for foreigners undergoing deportation or facing immigration actions. The duration of stay in these facilities is not restricted, providing flexibility in managing cases. The concept of preventive measures and denial of entry or exit is rooted in the principle of selective policy, where the Indonesian government aims to admit only foreigners who contribute positively to the nation's well-being and security, aligning with the principles of Pancasila and the 1945 Constitution (Adesandra & Marshanda, 2022). Authorities responsible for prevention and denial include the Ministry of Law and Human Rights, the Ministry of Finance, the Attorney General, and the Commander of the Indonesian National Armed Forces.

## 5. Conclusion

The international legal framework, such as the 1951 UN Refugee Convention and the 1967 Protocol, along with international human rights instruments, plays a crucial role in protecting refugees globally. On the other hand, Indonesia has a comprehensive immigration legal framework, such as Law Number 6 of 2011, reflecting a proactive response to societal dynamics and national needs. The importance of UNHCR's role as a UN refugee agency is evident in the context of handling refugees in Indonesia, especially in countries that have not ratified the 1951 UN Convention. Amid the complex challenges of managing Rohingya refugees in Aceh, there is an apparent mismatch between the legal framework and the on-the-ground reality, particularly concerning the rejection by the local community. Suggestions for future research include delving into the impact of Indonesia's selective immigration policies on human rights and exploring strategies to address the mismatch between policy and on-the-ground reality. Follow-up actions on emerging aspects from this research could involve advocating for more inclusive policy changes and deepening international collaboration in responding to refugee crises, especially through diplomacy that considers both humanitarian interests and diplomatic considerations.

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