



Refugee Handling Policy in Indonesia: Case Study of Rohingya in Aceh

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ABSTRACT: This paper presents an analysis of the refugee handling of the Rohingyas in Aceh, who faced rejection in 2023. The Aceh people rejected them by spreading negative news on social media platforms like TikTok and Instagram and through student demonstrations at refugee camps, which ultimately led to their expulsion. The article examines the Indonesian government's policy in handling the arrival of Rohingyas and the rejection they experience, using a juridical-conceptual approach and public policy theory. Although Indonesia is not a signatory state to the 1951 Refugee Convention, Article 28G of the 1945 Indonesian Constitution recognizes asylum seekers' rights. Indonesia is obligated to fulfill the rights of refugees based on Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad. Based on the theory of Public Policy and the applicable regulations, the central government needs to increase collaboration with local governments involving the people of Aceh. The authors recommend that the Government revise Presidential Regulation No. 125 of 2016 to include a time limit for the presence of refugees in Indonesia, and regulate communication and coordination mechanisms between the central government, local governments, and international organizations to seek the repatriation of refugees, or direct them to destination countries.

KEYWORDS: Rohingya, Aceh, refugees, refugee handling policy, human rights

I. INTRODUCTION

The arrival of thousands of Rohingya people to Aceh has drawn resistance from residents since mid-November 2023. The rejection of Rohingyas takes many forms, ranging from the spread of hate narratives through social media such as TikTok and Instagram, *hoaxes* spread on timelines, protests, and forced expulsion of refugees from temporary

shelters.¹ Some hoaxes state, "Refugee accommodation in Sidoarjo damaged by Rohingya refugees,"² and "UNHCR Indonesia facilitates the process of making ID cards by receiving payments from refugees,"³ and "Rohingyas get good food when Indonesians are poor."⁴

Several other countries in Southeast Asia reject the Rohingya people. The Thai government, for example, repudiates the presence of Rohingyas on the basis that it has not ratified the 1951 Refugee Convention and its 1967 Protocol and considers the refugees to be illegal immigrants. Similarly, Malaysia chooses to protect its territorial waters and refuses the refugees to enter their territory as there were too many of them. The Singapore government also firmly discards any asylum seekers, including

¹RinoAbonita, "SMUR Condemns Student Barbaric Action in Rohingya Refugee Expulsion Demonstration in Aceh," *Coverage 6*, December 31, 2023, accessed via <https://www.liputan6.com/regional/read/5493981/smur-kutuk-aksi-barbar-mahasiswa-dalam-demo-pengusiran-pengungsi-rohingya-di-aceh>, February 2, 2024.

²Suparno, "Viral International Refugees Damaged Flats in Sidoarjo, Broken Window Glass," *detikNews*, December 10, 2023, accessed via <https://news.detik.com/berita/d-7081399/viral-pengungsi-internasional-rusak-rusun-didoarjo-kaca-jendela-pecah>, on February 2, 2024.

³Andi Nur Isman, "Rohingya refugees in Makassar Ninta made UNHCR Capital KTP," *detikSulsel*, December 23, 2023, accessed via <https://www.tvonenews.com/channel/news/159277-8-orang-pengungsi-rohingya-ber-ktp-palsu-diamankan> on February 2, 2024.

⁴Mohammad HusniMubarok, "Rohingya Are Given Free Good Food, Residents Themselves Are in Trouble, Netizens: Greget with UNHCR," *VivaBandung News*, December 8, 2023, accessed via <https://bandung.viva.co.id/news/35647-rohingya-dikasih-makan-enak-gratis-warga-sendiri-kesusahan-netizen-greget-sama-unhcr>, on February 2, 2024.



the Rohingya, with consideration of the size of the country.⁵

Rohingya refugees often choose Aceh as a transit point as it is relatively close to their countries of origin and destination, Malaysia or Thailand.⁶ The cultural similarities and Islamic values in Aceh society also make it an attractive destination for Rohingyas. In recent years, Indonesia has become a destination country for refugees. According to the United Nations High Commissioner for Refugee (UNHCR) data from February 2016, there were 13,829 refugees in Indonesia, originating from more than 10 countries.⁷ As of December 2023, the number of asylum seekers and refugees in Indonesia is 12,295 people, consisting of 8,456 refugees and 3,839 asylum seekers, all of whom have been categorized by UNHCR as refugees. This number includes 1,225 Rohingya refugees who are currently in Indonesia.⁸

As of now, there are asylum seekers and refugees in Indonesia who come from 52 different countries. Among them, Afghanistan has the highest number of refugees with 5,980 individuals. These refugees have been living in Indonesia for several years as they wait for the resettlement process to their final destination country. Indonesia remains a transit place for refugees, with no clear indication of when they can move on from there.

In 2015, the Rohingya who arrived in Indonesian territory were treated well.⁹ However,

since 2022, there has been a wave of Rohingya refugees seeking asylum in Southeast Asia, including Indonesia, causing controversy. Boats carrying refugees have been abandoned by people smugglers and left stranded in waters near the Strait of Malacca. The Indonesian National Army (TNI) increased surveillance. It prevented the refugees' boats from entering Indonesian territory, but the people of Aceh sympathized with the refugees' condition and immediately took them ashore.

The rescue operation was conducted by fishermen who were operating in Acehese waters. Additionally, the customary law of the Acehese people known as "PanglimaLaot" emphasized the importance of helping those who were stranded and in distress in the middle of the sea.¹⁰ In such a situation, the Aceh people showed that humanity is more important than sovereignty as it involves saving lives. After facing criticism from both local and international communities for rejecting refugees from Myanmar, Indonesia and Malaysia eventually agreed to take in Rohingya refugees for a year.¹¹

The Indonesian government's acceptance of Rohingyas is based on Presidential Regulation (Perpres) No. 125 of 2016. This regulation established the Task Force for Handling Refugees from Abroad, called *Satgas PPLN*, to coordinate the refugees' handling. Such mechanisms include the discovery, shelter, security, and immigration supervision. It is carried out through cooperation between the central government and the United Nations (UN) or other international organizations in the field of immigration and humanity that have agreements with the central government. The relevant Minister is responsible for coordinating this effort.

The issue of refugees is not limited to the country of origin or destination. It is a transnational problem as it may cause casualties during the journey from the origin to the destination country. Refugees are also vulnerable to human rights violations and crimes related to human trafficking managed by syndicates. Therefore, this article explains how the Indonesian government deals with

⁵ Mutiara Roudhatul Jannah, "The Polemic of Rohingya Refugees in Indonesia, Here Are Countries That Refuse Their Arrival," *Tempo.co* December 18, 2023, accessed via <https://dunia.tempo.co/read/1810771/polemik-pengungsi-rohingya-di-indonesia-berikut-negara-yang-menolak-kedatangan-mereka>, on February 14, 2024.

⁶ Irwan Habibi, "Thailand and Malaysia Sea Surveillance Tight, Rohingya Refugees Sent by Agents to Indonesia," *Aceh Journal National Network*, December 15, 2023, accessed via <https://www.ajnn.net/news/pengawasan-laut-lemah-pengungsi-rohingya-sangat-mudah-masuk-indonesia/index.html> February 2, 2024.

⁷ UNHCR Indonesia Statistical Report as of February 2016, accessed via <https://www.unhcr.org/id/wp-content/uploads/sites/42/2017/05/Indonesia-Fact-Sheet-February-2016-Final.pdf>, on 10 January 2024.

⁸ UNHCR Indonesia Statistical Report as of December 2023, accessed via <https://www.unhcr.org/id/wp-content/uploads/sites/42/2024/01/Indonesia-Fact-Sheet-December-2023-final.pdf>, on January 10, 2024.

⁹ Sri Lestari, "Hundreds of Rohingya Refugees in Aceh Depend on Aid," *BBC News Indonesia*, May 15, 2015, accessed via https://www.bbc.com/indonesia/berita_indonesia/2015/05/150515_indonesia_rohingya_cangkoi, December 24, 2023.

¹⁰ BBC News Indonesia, "Rohingya refugees reach 1600 people, why Acehese fishermen help them?" December 15, 2023, accessed via <https://www.bbc.com/indonesia/articles/c4nye1ewp2xo> on February 14, 2024.

¹¹ Lay Yang Moy & Ardli Johan Kusuma, "Indonesia's Background to Accepting Rohingya Refugees in 2015 (Constructivist Analysis)" in *Global Insight Journal*, Vol. 1, No. 1, April-September 2016, pp. 60-75, accessible via <http://journal.uta45jakarta.ac.id/index.php/GIJ/article/view/755>.



the wave of Rohingya refugees and various problems that arise following the issue.

The authors used qualitative research methods, namely case studies and normative juridical methods, to explain the Indonesian government's policy regarding Rohingya issues. The qualitative approach used in this academic review did not involve statistical data procedures or other calculation forms. Instead, it relied on empirical data such as documents of events, recordings of people's accounts of the events, observations of certain behaviors, and reviews of written documents or visual images.¹²

Meanwhile, the normative juridical method is carried out by examining primary laws and secondary laws related to policies and strategies to overcome displacement problems in Indonesia. The primary legal material here, includes laws and regulations or other normative documents related to the main duties and authorities of agencies, ministries and institutions in handling refugees. Secondary legal materials include textbooks or literature written by legal experts, scholars, jurisprudence, and the results of recent studies related to the topics discussed. Policy analysis is carried out by identifying and evaluating various alternative policies or programs that the government has made. The goal is to reduce or solve social and economic or physical problems.

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II. LITERATURE REVIEW

With regard to the Rohingya issue, there is a number of research to understand the problem of its handling. Shazwanis Shukri in "*The Rohingya Refugee Crisis in Southeast Asia: Asean's Role and Way Forward*" examines ASEAN's challenges in handling the Rohingya crisis. The article concluded that ASEAN's obstacles include the principle of non-intervention. In this regard, Myanmar's agreement is needed to take any action within the ASEAN framework regarding the political and legal aspects of the Rohingya issue, which of course is challenging to obtain. According to Shukri, the "*ASEAN Way*" has caused ASEAN to be unable to implement a practical approach and to find real solutions to conflicts. In 2006, former Malaysian Prime Minister Datuk Seri Abdullah Ahmad Badawi asserted the need to revisit ASEAN's principle of non-intervention to adapt to the changing regional situation. Myanmar's reluctance to cooperate and engage with its ASEAN neighbors has also exacerbated efforts to resolve the protracted issue.¹⁴

The article reveals that the government-to-government approach and resolution of the Rohingya crisis through regional organizations have failed. Therefore, alternative and more effective approaches are necessary to prevent the high number of Rohingya refugees caused by the Myanmar government's repressive measures. Additionally, Shukri's focus has been on explaining the background of the emergence of the wave of Rohingya refugees and how ASEAN can play its role in resolving the root cause of the problem. Hence, the authors believe that further research is needed to explain the problem arising from the large number of Rohingya refugees in ASEAN countries, particularly Indonesia.

On the other hand, Della Paula Ajawaila, AlynneHermynMatulapelwa, and SteviNgongareber (2022), in their article entitled "*Indonesia's Role in the Case of Rohingya Ethnicity Based on the Concept of Responsibility to Protect (R2P)*," examines the handling of the ethnic problems of Rohingya refugees using the theory of *Responsibility to Protect (R2P)*.¹⁵ In the study of international relations, the state is given the

¹² Juliet Corbin & Anselm Strauss, *Basics of Qualitative Research, Techniques and Procedures for Developing Grounded Theory 3rd Edition*, California: Sage Publication, 2008, pp. 614-617.

¹³ Carl V. Patton, David S. Sawicki, & Jennifer J. Clark, *Basic Methods of Policy Analysis and Planning*, New York: Routledge, 2016.

¹⁴Shazwanis Shukri, "The Rohingya Refugee Crisis in Southeast Asia: Asean's Role and Way Forward," in *Journal of International Studies*, Vol. 17, 2021.

¹⁵Della Paula Ajawaila, AlynneHermynMatulapelwa, and SteviNgongareber, "Indonesia's Role in the Case of Rohingya Ethnicity Based on the Concept of Responsibility to Protect (R2P)" in *Journal of Science, Social and Humanities*, Vol. 2 No. 1, June 2022.



authority to interfere in the internal affairs of other countries for humanitarian reasons. The United Nations carries out this principle to prevent crimes against humanity, such as mass extermination, war crimes, ethnic cleansing, and other crimes against humanity that occur in a country.

The authors conclude that in the regional context, ASEAN is spearheading the resolution of the humanitarian crisis. It means the Rohingya issue no longer concerns only Myanmar but the Southeast Asian region as a whole. Violence against Rohingya people triggers a surge in the movement of refugees to a number of countries which also affect stability in the region. Accordingly, ASEAN with its non-intervention principle may decisively deal with such humanitarian crisis as R2P put humanity values above the state's sovereignty. Therefore, it is stated that Indonesian policy needs to emphasize cooperation in terms of inclusive development and increasing *capacity building* to help Myanmar. The effort has been built using official diplomatic channels through the Indonesian Ministry of Foreign Affairs.

Ajawala, Matulapelwa, and Ngongareber recommended the Indonesian government to ensure the Myanmar Government launches no more military operations in the Rakhine region, and make agreements with Myanmar Government regarding the handling of Rohingya immigrants in Indonesia. However, this article needs to explain in detail how the Indonesian Government should act in addressing the problem of Rohingya refugees within Indonesia itself. This paper focuses on solving problems through intergovernmental relations, especially the governments of ASEAN member states, rather than on the relationship between government and society.

A research article by Rahayu, KholisRoisah, and PeniSusetyorini, "Protection of Human Rights of Refugees and Asylum Seekers in Indonesia," examines the protection of refugees and asylum seekers in Indonesia using a socio-legal approach. The study concludes that even though Indonesia has not ratified the 1951 Refugee Convention and its 1967 Protocol, it still has obligations to protect the human rights of refugees and asylum seekers on its territory. The authors explain that the Indonesian government has taken steps to fulfill these obligations through Presidential Regulation Number 125 of 2016, which applies the principle of non-refoulement to refugees and asylum seekers entering the country.¹⁶

¹⁶Rahayu, et al, "Protection of Human Rights of Refugees and Asylum Seekers in Indonesia" Journal of Legal Issues, Volume 49 No.2, April 2020.

Rahayu, Roisah and Susetyorini have explained a number of considerations needed for the Indonesian government to take part in protecting the human rights of refugees in detail, including the principle of *non-refoulement*. However, their paper needs to mention the challenges faced by the Indonesian government and the Aceh people by looking at the existing socio-cultural conditions and the realities that occur on the ground. Previous writings also need to explain the impact of socio-cultural differences between local residents and refugees arriving in the Aceh region, as well as the conflict between Rohingya refugees living in refugee camps.

Therefore, through this paper, the authors evaluate the Indonesian government's policies by looking at the existing socio-cultural situation and empirical conditions. Based on this evaluation, the authors eventually provide recommendations for the government to manage the whereabouts and arrivals of Rohingya refugees in the future. To discuss such handling, the authors use human rights, refugees, and public policy concepts.

Human Rights and Refugee Status Conceptual Frameworks

Human Rights, as defined by *the United Nations*, are inherent rights of all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and others.¹⁷ International human rights law establishes the obligation of Governments to act in a particular manner or refrain from specific actions to promote and protect the human rights and fundamental freedoms of individuals or groups.

One of the outstanding achievements of the United Nations (UN) is the creation of a comprehensive human rights law. This international convention has become a universal code of ethics that protects humanity globally and can be a guide for all countries. The UN has clarified the various rights inherent in a human being and must be protected including civil, cultural, economic, political and social rights. The Convention also establishes mechanisms to promote and protect these rights and assist States in carrying out their responsibilities.

Since its establishment in 1945, the UN has gradually expanded the scope of human rights to include exceptional standards for women, children,

¹⁷ Universal Declaration of Human Rights (UDHR), Art 1 & 2.



persons with disabilities, minority groups and other vulnerable groups including refugees. With the entry into force of the 1951 UN Convention on Refugees and its Protocol in 1967, Rohingya refugees are part of the elements protected by the United Nations.

According to the 1951 UN Convention relating to the Status of Refugees, refugee is defined as any person: *"who fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."*¹⁸ According to the definition provided, displacement occurs when an individual or a group seeks to secure themselves from a life-threatening danger or a human-made disaster. Evacuation can take place within the same country or to another country due to political conflicts. This is similar to the situation with the Rohingya refugees who fled their territory to avoid acts of anarchy, intimidation, and massacres caused by armed conflict.

Regarding the influx of Rohingya refugees in Indonesia, the UNHCR for Indonesia has conveyed six points, namely:¹⁹

1. Despite not being a signatory to the 1951 Refugee Convention, Indonesia recognizes the right to seek asylum for all under its 1945 Constitution's Article 28G. Moreover, as a nation that acknowledges the Universal Declaration of Human Rights, Indonesia has a binding obligation to protect refugees from persecution, as clearly stated in Article 14. Thus, it is imperative that Indonesia fulfills its legal responsibility to safeguard refugees as mandated in both its domestic law and international commitments.
2. Presidential Regulation Number 125 of 2016 legally mandates Indonesia's responsibility to conduct search and rescue operations, as well as facilitate the landing of refugee boats in an emergency (Articles 6 and 9). This regulation reinforces the country's unwavering commitment to

humanitarian efforts within the boundaries of the law.

3. Indonesia's fundamental philosophy, Pancasila, is firmly rooted in the concept of humanity. This is particularly evident in the second precept, which unequivocally states: "Just and Civilized Humanity."
4. The principle of non-refoulement is an integral part of international law, mandating that no country should return refugees to a place where they could face persecution. This means that all nations across the globe are bound to honor this principle, irrespective of whether they are signatories to the 1951 Convention or not.
5. Indonesia, being a regional and global leader, has a significant opportunity to showcase its leadership in humanitarian matters in the Southeast Asian region. The country has been accepting refugees since the 1970s, setting a great example that other countries in the region should follow.
6. UNHCR operates in Indonesia at the behest of the Indonesian government. Its primary function is to provide international protection to refugees in the country, as mandated by its charter. The organization works in collaboration with both regional and national governments to coordinate its efforts.

Public Policy Theory

Policy refers to a permanent decision which is characterized by consistency and repetition of behavior. Those who follow policies are rewarded or sanctioned. Essentially, policy is a technical, rational, and action-oriented tool used to solve problems. It is a blueprint for actions that influence the behavior of people affected by the decision. Policies are deliberately structured and designed to make the behavior of the target group patterned in accordance with the sound and formulation of the policy.²⁰

Bridgeman and Davis define public policy as "whatever the government chooses to do or not do."²¹ This policy decision has a significant impact on the broader community. They further explain that public policy has at least three interconnected dimensions. Firstly, public policy is an objective

¹⁸ 1951 UN Convention relating to the Status of Refugees, Article 1.

¹⁹ UNHCR Indonesia, "Refugee Protection Obligations and UNHCR Mandate," accessed via <https://www.unhcr.org/id/54355-kewajiban-perlindungan-pengungsi-dan-mandat-unhcr.html>, February 2, 2024

²⁰ Amri Marzali, *Anthropology and Public Policy*, Jakarta: KencanaPrenada Media Group, 2012, p. 20.

²¹ Edi Suharto, *Public Policy Analysis (Practical Guide to Social Problems and Policies)*, Bandung: Alfabeta, 2015, p. 26



that is a series of government actions to achieve specific results expected by the public as a government constituent. Secondly, public policy is a choice of legal or legally valid action, which means the action taken in policy is legal or authoritative because it is made by institutions that have legitimacy in the government system. Lastly, public policy is a hypothesis that implies that policies always rely on assumptions about cause-and-effect behavior.²²

According to Hogwood and Gunn, as stated in Edi Suharto's article, public policy refers to a series of actions taken by the government to achieve specific outcomes.²³ In other words, the government's chosen policies are purposefully designed to attain specific goals. Based on this concept, the Indonesian government's approach towards the Rohingyas issue is based on the objectives, legalities, and causal factors that exist in society. This requires the government to take actions that comply with existing regulations while considering humanitarian aspects and the broader community's needs.

Public policy is the process of allocating power and values throughout society in a binding manner. This means that only the government has the ability to take action that affects the community, and such actions represent a way of assigning values to the community. Actors and institutional factors play a critical role in shaping policy processes and strategies. The interaction between actors and institutions ultimately determines the path and approach taken by the policy community as a whole.²⁴

James E. Anderson mentions several characteristics or forms of a policy, including:

- a. It is more an action that leads to a goal than an accidental behavior or action.
- b. It consists of interrelated actions.
- c. Concerned with what the government actually does in a particular field or even what the government means or does something or states to do something.
- d. It can be positive, which means it is some form of government action on a particular issue, and negative, which is the government's decision not to do something.

- e. Policies, at least in a positive sense, are based or permanently based on coercive regulations/laws.²⁵

From the above explanation, the Indonesian government's efforts and attitudes toward handling the arrival of Rohingya refugees in Aceh are referred to as public policy in this article. This policy is based on applicable laws and regulations and reflects the government's firm stance on the matter.

²²*Ibid.*, p. 32.

²³*Ibid.*

²⁴MuhlisMadani, *Public Policy*, Yogyakarta: GrahaIlmu, 2011, p. 36.

²⁵ James E. Anderson, *Public Policy Making*, New York NJ: Holt Reinhartwinston, 2010, p. 13



III. DISCUSSION

Historical Review of Rohingya Ethnicity

The Rohingya ethnicity has resided in Arakan State or Rakhine since the seventh century AD. There are two versions of the record about the Rohingya ethnicity. Firstly, Rohingya comes from the word "Rohan" or "Rohang," which is the ancient name of "Arakan," so the inhabitants are referred to as "Rohingya."²⁶ In the 18th century, Rohingya was used to describe the Muslim population inhabiting the Arakan area. The ethnicity that occupies the Arakan area is predominantly Muslim. The emergence of this Muslim settlement became the precursor of the Rohingya ethnic group, which has been traced since the time of the Mrauk U kingdom, particularly during the reign of King Narameikhla in 1430-1434 A.D. King Narameikhla ruled with the assistance of the Sultan of Bengal. During his reign, Muslim teachings developed rapidly. The Kingdom of Narameikha was passed on to the King of Myanmar in 1784, and in 1824, Arakan became a British colony.²⁷ The Rohingya ethnicity experienced difficult times when it was colonized by the British and continued until the Japanese colonial period, which attacked Burma or what is now called Myanmar.

In 1930, the name of the region known as Arakan was changed to "Rakhine." However, Arakan itself refers to the kingdom of Bengal, which is located on the eastern side and is currently part of the State of Bangladesh. The Kingdom of Arakan joined the Union of Myanmar in 1948, after being successively controlled by the Hindu, Islamic and Buddhist kingdoms. It's important to note that the term Rakhine specifically refers to the Rakhine Buddhist ethnicity (Moghs), and doesn't represent the Rohingya ethnicity, who are predominantly Muslim.²⁸ Despite this, in UN records, the term Rohingya is used to refer to the Muslim population living in Arakan, Rakhine, Myanmar. Linguistically, the Rohingya language is similar to the language spoken by people in the southeastern part of

Bangladesh, particularly the Chittagonia sub-ethnicity. Therefore, it can be concluded that the Rohingya ethnicity is a descendant of the Bengali ethnicity, specifically the Chittagonia sub-ethnicity living in the southeastern part of Bangladesh.²⁹

During the British colonial period in Myanmar, a population census was conducted in 1911, which revealed that around 58,000 people lived in the Muslim settlement of Arakan. This population continued to grow, particularly after the British closed the Indian border, which led to more Bengalis migrating to the Rakhine region.³⁰

Myanmar, once known as Burma, gained independence from British colonial rule on January 4, 1948. However, the country has been under military junta rule for several years after its independence. Initially, the Union of Burma started as a parliamentary democracy, just like other newly independent nations in the Indian subcontinent. Unfortunately, the democratic system lasted only until 1962, when General Ne Win took over through a military coup and governed for the next twenty-six years. Ne Win implemented a new constitution in 1974, which promoted an isolationist foreign policy and a socialist economic program, leading to the nationalization of large corporations in Burma. These economic policies led to a rapid deterioration of the country's economic situation, eventually leading to the growth of a black market economy.

During the late 1980s, Myanmar experienced a rapid decline in its economy. The resulting economic crisis led to the emergence of a black market economy. In 1988, the situation worsened due to widespread corruption, sudden changes in economic policies that affected Myanmar's currency, and food shortages. The people of Myanmar voiced their dissent through massive protests. However, in August of the same year, the military regime responded to the protests with violence, which resulted in the deaths of at least three thousand people. This deadly crackdown also caused many others to flee their homes and become displaced.³¹

In 1988, a crackdown led to the resignation of Ne Win as the chairman of his party. Even though

²⁶ Ahmad Islamy Jamil, "Tracing the Origin of Rohingya Ethnicity", www.Republika.co.id, 06 October 2015, accessed via <https://republika.co.id/berita/np7roj/melacak-asal-usul-etnis-rohingya> on 20 December 2023.

²⁷ Anisa RizkiFebriani, "Who is the Rohingya ethnicity? Here's the History", December 28, 2022, www.detik.com, accessed via <https://www.detik.com/edu/detikpedia/d-6485435/siapa-sebenarnya-etnis-rohingya-begini-sejarahny> on December 20, 2023.

²⁸ HeruSusetyo, 2013, "ROHINGYA: ETHNIC VOICES THAT SHOULD NOT BE VOICED", Jakarta: Indonesian Center for Legal Advocacy and Human Rights (PAHAM), p. 13.

²⁹ Ibid, p. 14.

³⁰ Ibid, p. 16.

³¹ Lindsay Maizland, "Myanmar's Troubled History: Coup, Military Rule, and Ethnic Conflicts", Council on Foreign Relations, January 31, 2022, via <https://www.cfr.org/background/myanmar-history-coup-military-rule-ethnic-conflict-rohingya> accessed February 26, 2024.



he remained active behind the scenes, another military junta took power. The new military regime changed the country's name from the Union of Burma to the Union of Myanmar and renamed its capital from Rangoon to Yangon in 1989. The military government built a town in central Myanmar called Nay Pyi Taw and moved the administrative capital there in 2005. The junta argues that "Myanmar" is a more inclusive name than "Burma," which is considered a vestige of the colonial era that benefited Burma's ethnic majority.

In 2007, Myanmar experienced widespread anti-government protests known as the Saffron Revolution. The protests were sparked by increasing fuel prices and were named after the saffron-colored robes worn by the Buddhist monks who participated in them. Under international pressure, the military junta began to loosen its control. However, the junta remained confident that it could continue to rule Myanmar even if it backed down slightly. It also aimed to attract investment and reduce its reliance on China. In 2008, a new constitution was introduced that is still in effect today. This constitution gives the military broad powers even under civilian rule.³²

In 1989, the country formerly known as Burma underwent a name change to Myanmar with the aim of providing greater inclusivity to non-Burmese ethnicities. The military junta's objective was to promote assimilation among the population as a means of unifying the country. Myanmar recognizes eight major ethnic groups that inhabit the region, but the government ignores roughly 130 other ethnic varieties. One such group, the Rohingya Muslim community, has chosen to maintain its identity since 1948, in contrast to other Muslim communities in Myanmar that have attempted to assimilate.³³ For this reason, Rakhine Buddhists consider the existence of Rohingya as a form of Islamization. The Rakhine people support the Bamar, a Southeast Asian ethnic group originating from Myanmar who make up about 68% of the country's population, to carry out cleansing of the Rohingya in Rakhine State.³⁴

In addition to demanding recognition as an indigenous minority, the Rohingya ethnic group wanted to have the same rights as other majority ethnic groups, and secede as stated in the Panglong agreement in 1947. This condition gave rise to conflict between the Rakhine Buddhist majority and the Rohingya Islamic minority. This conflict has left

the Rohingya as an ethnic minority marginalized and persecuted. Not a few Rohingya have experienced harsh treatment and discrimination from the Myanmar Government.

The Rohingya ethnic group strongly demanded their recognition as an indigenous minority. They desired the same rights as other majority ethnic groups and the right to secede, as stated in the Panglong agreement in 1947. However, this condition led to a conflict between the Rakhine Buddhist majority and the Rohingya Islamic minority. Unfortunately, this conflict resulted in the marginalization and persecution of the Rohingya as an ethnic minority. It is a fact that many Rohingya have experienced harsh treatment and discrimination from the Myanmar Government.³⁵

The conflict in Myanmar is primarily due to the ideological differences between the government and the Rohingya minority. Despite efforts to assimilate the Rohingya with Myanmar's Buddhist majority, discrimination and persecution have forced many to flee to neighboring Southeast Asian countries. However, a key challenge faced by Rohingya refugees is the lack of internationally recognized documents, which prevents them from accessing basic services and protection.³⁶

The Arrival of Rohingya Ethnic to Indonesia

The influx of Rohingya refugees to Indonesia, particularly Aceh, started in 2015. During the first wave of arrivals, they were assisted by local Acehnese fishermen. The refugees were given enough food and placed in shelters provided by the local government. However, in 2015, it was reported that 182 Rohingya escaped from the shelters and integrated with the local people.

The Rohingya people initially looked towards Malaysia for better livelihood opportunities before coming to Indonesia. They found employment there as many Malaysian companies required manual labourers and offered competitive salaries. However, in recent years, the Malaysian government and community have been reluctant to welcome Rohingya migrants from Myanmar. This is due to the negative image created by some Rohingya residents following social conflicts with locals and involvement in criminal activities.³⁷

³⁵M.Husni Sham, International Protection of Refugees in Armed Conflict, p. 6, accessed via http://ejournal.unisba.ac.id/index.php/syiar_hukum/article/download/505/pdf, on January 14, 2024.

³⁶ Ibid, p. 7.

³⁷HikmantoJuwana, "Responding to the Wave of Rohingya Ethnic Refugees", December 8, 2023,

³²Ibid., p. 17

³³Ibid.

³⁴Ibid.



Indonesia has been accepting Rohingyas since 2015, in line with the principle of Non-refoulement, which prohibits the return of refugees to their countries of origin. As a result, the number of Rohingyas arriving in Indonesia each year is significant and uncontrolled. While many Rohingyas come to Indonesia in search of a better life, some have caused social conflicts with Acehese and Indonesian society. Between November 14 and December 31, 2023, there were 11 waves of Rohingya refugee arrivals, with a total of 1,743 people entering through Aceh province's waters as a transit point before heading to Australia.³⁸

Indonesia is not a state party nor has it ratified the 1951 Refugee Convention and the 1967 Refugee Protocol since it has not ratified them. Therefore, legally-normatively speaking, the country has no obligation to host refugees from abroad. However, the Indonesian government's actions in receiving and handling Rohingya ethnic refugees have garnered positive global recognition. It is noteworthy that Indonesia only accepts refugees for humanitarian reasons.³⁹

Despite Indonesia not ratifying the 1951 Refugee Convention and the 1967 refugee protocol, it is important to note that all countries are obligated to uphold refugee protection standards that have become part of general international law, as stipulated in the 1950 UNHCR Statute. The refugee convention has become *Ius Cogens*, a fundamental principle of international law that the international community recognizes as a norm that must not be violated under any circumstances. It is crucial to understand that no one can be returned to a territory where their life or liberty is threatened. Since Indonesia did not adopt the 1951 refugee convention

and the 1967 Protocol, the handling of refugees was entrusted to UNHCR, which carries out its activities base.⁴⁰

Indonesia has a fully sovereign national legal system that applies to all regions within its territorial coverage, affirming its status as a sovereign state of law. Nevertheless, as a player in the international community, Indonesia understands the importance of international law in maintaining relationships with other countries. However, Indonesia only accepts international law that aligns with the desires and commitments of its people.⁴¹

Indonesia has taken significant steps in handling refugees from abroad with the Presidential Regulation (Perpres) Number 125 of 2016. This regulation is a comprehensive reference for all institutions involved in carrying out their roles and functions in dealing with refugees. The regulation covers all aspects, including discovery, shelter, security, immigration supervision, and funding. With this regulation in place, it is evident that the Indonesian government is committed to providing limited access and protection to refugees within the country. The regulation establishes a normative and coordinating foundation for ministries, institutions, and local governments to handle refugees effectively. Therefore, Indonesia is well-equipped to handle the refugee crisis, and the government's seriousness and commitment in this regard cannot be questioned.

At the end of 2023, the influx of Rohingya refugees to Aceh Province has caused several issues that need to be addressed. Despite several rallies rejecting their arrival, it is imperative to find a solution to the eight new problems that have arisen as a result of their entry into Indonesia.

1. The prolonged existence of refugees from abroad, as they are still waiting for their resettlement process from UNHCR;
2. Several areas where refugees are present have yet to establish a Task Force for Handling Refugees from Abroad..
3. There are frequent disputes and protests due to the uncertain situation of the refugees' country of origin, as well as restrictions on their access to various activities.
4. The Rohingya ethnic refugees are still being accommodated in temporary shelters, without any certainty of a permanent solution;
5. There is opposition to the presence of Rohingya refugees in the local area, and this opposition

Kompas.id, accessed via <https://www.kompas.id/baca/opini/2023/12/07/menyikapigelombang-pengungsi-etnis-rohingya>, on February 26, 2024.

³⁸ King Malo Sinaga, "Why are Rohingya accepted in Indonesia? This is the explanation", December 10, 2023, detik.com, accessed via <https://www.detik.com/sumut/berita/d-7081474/kenapa-rohingya-diterima-di-indonesia-ini-penjelasanannya#:~:text=Pada%202015%2C%20Indonesia%20menyatakan%20sikap,yang%20menerapkan%20prinsip%20non%2Drefoulement>. On February 26, 2024.

³⁹ Bilqis, "Indonesia Bills Countries to Ratify Rohingya Refugees Convention", January 8, 2024, cnnindonesia.com, accessed via <https://www.cnnindonesia.com/internasional/20240108124742-106-1046688/ri-tagih-negara-ratifikasi-konvensi-pengungsi-tampung-rohingya> on December 26, 2023.

⁴⁰Wagiman, *International Refugee Law*, SinarGrafika, Jakarta, , 2012, p. 128.

⁴¹ *Ibid.*



exists even in the places where these refugees are currently being housed.

6. The Aceh provincial government faces a significant financial burden as there is no legal basis for allocating funds from the regional budget to handle refugees.
7. Some of the refugees have fled from temporary shelters.
8. In light of refugees fleeing shelters, it is highly likely that they may become victims of criminal trafficking and people smuggling networks. It is based on a thorough investigation into a recent human smuggling case in Aceh Province. The investigators at Banda Aceh Police have successfully identified three suspects in the case, including two Myanmar citizens and one Indonesian citizen.⁴²

In 2023, the Rohingya ethnic group faced rejection in Pidie, Bireun, and Lhokseumawe regions due to fabricated narratives that generated hatred toward their attitudes and behavior. This rejection is surprising as the Acehnese people had welcomed refugees in 2015. These situations require the best possible solutions to handle refugees and prevent social conflicts and human tragedies.

The reasons behind the rejection of Rohingya refugees by local residents when landing in Aceh Province can be attributed to several factors. *Firstly*, many of these refugees had previously come from the Cox's Bazar refugee shelter in Bangladesh, where they had lived for decades without receiving proper formal education. Unfortunately, in 2021, the shelter camp suffered a devastating fire disaster, which destroyed the flimsy bamboo and plastic huts that the refugees called home.⁴³ Consequently, they are now seeking better prospects for their future, such as resettlement in Malaysia and Australia, with Indonesia being a transit point. Furthermore, Rohingya refugees have fled the shelters provided by UNHCR for various reasons.

⁴² Presentation by Brigadier General Pol. Adhi Satya Perkasa, "Polemik on the Existence of Asylum Seekers and Refugees: National Interest or International Obligation?", delivered at the Coordinating Ministry for Political, Legal and Human Rights, Jakarta, January 18, 2024.

⁴³RahamnAsmardika, "Fire in Biggest Rohingya Refugee Camp Is Planned Sabotage", news.okezone.com, March 13, 2023, accessed via <https://news.okezone.com/read/2023/03/13/18/2780215/kebakaran-di-kamp-pengungsi-rohingya-terbesar-adalah-sabotase-terencana?page=2> on December 28, 2023.

1. **Lack of privacy.** Shelters are often overcrowded and need to provide more privacy, which can lead to protection risks, especially for women and minors.
2. **Live in bamboo houses.** The International Organization for Migration (IOM) has provided bamboo houses that are planted into the ground, yet considered unqualified for refugees.
3. **Very poor sanitation.** This can be inconvenient for many, mainly when using shared public toilets. This issue can also carry over to their new location in Aceh.
4. **Lack of clean water sources.** Access to clean water is another basic need that is often lacking for refugees. This is especially true during heavy rainfall, which can reduce the quality of available water sources.
5. **Stateless.** When the Myanmar Military Junta came to power in 1982, the Rohingya ethnicity was rejected. This has resulted in the Rohingya being deprived of protection and fundamental rights, living in stateless conditions. As a result, they are vulnerable to exploitation, violence, and abuse.

These five crucial facts have the power to shape the behavior and character of refugees when they are settled in a new area. Despite facing numerous challenges, refugees must continue with their lives. Hence, it becomes imperative for them to have access to resources and support systems that can help them rebuild their lives.

Second, the students played a significant role in the rejection of Rohingya refugees by actively participating in their expulsion and transportation to the Aceh Provincial Human Rights Office. They delivered speeches that disregarded the internationally accepted rules and guidelines, portraying an arrogant attitude. After the successful transfer of these refugees, they even celebrated their mission with excessive enthusiasm by playing musical instruments and dancing joyfully along with euphoric rhythms.⁴⁴

Third, the local government confidently justified that there were no suitable facilities in the Aceh region to accommodate refugees. They firmly cited Article 24 of Presidential Regulation No. 125 of 2016, which clearly states that the immigration

⁴⁴RinoAbonita, "SMUR Condemns 'Barbaric' Student Action in Rohingya Refugee Expulsion Demonstration in Aceh", liputan6.com, December 31, 2023, accessed via <https://www.liputan6.com/regional/read/5493981/smur-kutuk-aksi-barbar-mahasiswa-dalam-demo-pengusiran-pengungsi-rohingya-di-aceh> on January 1, 2024.



authorities are responsible for coordinating with local governments to prepare suitable refugee placements. As the local governments possess assets in the form of buildings, facilities, and infrastructure in the regions, they must be actively involved in placing refugees.

However, based on extensive direct observations and thorough surveys conducted by the joint team of the Task Force for Handling Overseas Refugees (Satgas PPLN) of the Ministry of Politics, Law and Human Rights, as well as UNHCR and the International Organization for Immigration (IOM), we have identified several suitable locations that can be used as temporary shelters for the Rohingya ethnic refugees. Specifically, we recommend Pidie, Bireun, and Lhokseumawe Districts in Aceh Province as viable options. Our Task Force team conducted comprehensive surveys in these districts during our working visits in November 2023 to assess the handling of the refugees and the existing facilities and infrastructure. While some light repairs may be necessary, we are confident that these locations have the potential to provide safe and adequate temporary shelter for the Rohingya refugees.

Fourth, media information sharing continues to stigmatize Rohingya refugees negatively, thus encouraging rejection of their arrival. Hoax news spread on timelines continuously, such as "refugee accommodation in Sidoarjo damaged by Rohingya refugees." Though based on statements from security guards at the accommodation, the perpetrator was unidentified.⁴⁵ There is also false information circulating about Rohingya refugees having ID Cards in East Nusa Tenggara and that UNHCR Indonesia is facilitating the process for a fee of Rp. 300,000.⁴⁶ However, this is not true as UNHCR was not involved in the process and no Rohingya refugees applied for the ID Cards. Additionally, there is misinformation about Rohingya refugees receiving better food than impoverished Indonesians. The person spreading this information did not verify the facts and disregarded the ethical

⁴⁵Suparno, "Viral International Refugees Damaged Flats in Sidoarjo, Broken Window Glass", detik.com, December 10, 2023, accessed via <https://news.detik.com/berita/d-7081399/viral-pengungsi-internasional-rusak-rusun-di-sidoarjo-kaca-jendela-pecah> on February 2, 2024.

⁴⁶Khairul, "8 Rohingya Refugees with Fake ID Cards Secured", tvonenews.com, December 17, 2023, accessed via <https://www.tvonenews.com/channel/news/159277-8-orang-pengungsi-rohingya-ber-ktp-palsu-diamankan> February 2, 2024

responsibility of journalists to verify information from multiple sources.⁴⁷

The paradigm of "*bad News is good News*" which often sensationalized on social media brings negative impact on public perceptions of the attitudes and behaviors of Rohingya refugees, leading to increased hatred towards them. The language used to describe them can also contribute to these negative perceptions. Therefore, when dealing with the arrival of Rohingya ethnic refugees in Aceh, it is important to approach the situation from a humanitarian and human rights perspective. The United Nations has established international laws that require governments to act in certain ways to promote and protect the human rights and fundamental freedoms of individuals or groups.

Further, Indonesia's commitment to prioritizing humanity is evident in Pancasila. The second precept of Pancasila, "Just and Civilized Humanity," embodies this ideal. It emphasizes the seriousness of humanitarian issues, including the recent arrival of Rohingya ethnic refugees in Aceh. It is crucial to handle these refugees promptly and properly in accordance with applicable regulations.

The Indonesian government has recently taken a positive step towards providing temporary housing for those in need of humanitarian assistance. The Coordinating Minister for Political, Legal, and Security Affairs, Mr. Mahfud MD, has announced that Indonesian Red Cross and Foundation buildings in Aceh will be utilized for this purpose. Additionally, the President of Indonesia has instructed authorities to take action against human trafficking syndicates, particularly in relation to the Rohingya ethnic displacement crisis. This is a commendable effort by the Indonesian government to address humanitarian issues, counter human trafficking syndicates, and provide support to those in need.⁴⁸

The authors put forth several alternative solutions for handling Rohingya ethnic refugees,

⁴⁷Muhammad HusniMubarak, "Rohingya Are Given Free Good Food, Residents Themselves Are in Trouble, Netizens: Greget with UNHCR", viva.com, December 8, 2023, accessed via <https://bandung.viva.co.id/news/35647-rohingya-dikasih-makan-enak-gratis-warga-sendiri-kesusahan-netizen-greget-sama-unhcr> on February 2, 2024.

⁴⁸AnugrahArdiansyah, "Why Do Local People Reject Rohingya Refugees on PulauWeh?", voaindonesia.com, December 16, 2023, accessed via <https://www.voaindonesia.com/a/mengapa-warga-lokal-menolak-pengungsi-rohingya-di-pulau-weh-7400613.html> on February 2, 2024.



considering both domestic and international aspects of public policy. *Firstly*, to achieve the public policy goal, it is essential to enhance coordination and collaboration between local and the central government. This collaboration should be more responsive and clear in finding temporary shelters that are feasible and humane, which is urgently needed to neutralize the situation and create more conducive conditions on a domestic level. Along with working together between central and local governments, the government can also partner with international organizations and other humanitarian agencies to provide essential assistance to refugees. This action must also respect and protect the people

IV. CONCLUSION

Based on the discussion above, the authors conclude that although there is resistance to Rohingya refugees, it does not mean they can be repatriated. There are humanitarian reasons that must be taken into consideration. The rejection that occurs is often done systematically using similar narratives, as if there is a joint conditioning from certain parties. If the media indulges in negative things continuously, it will cause negative societal energy. Therefore, good media management is needed to prevent further negative impacts.

To deal with the issue of Rohingya refugees, the central and local governments need to take a reasonable approach with the local community leaders, especially clerics who have a central role in Aceh society. The local people strongly hear their fatwas and admonitions. Therefore, advice from local community leaders to help the Rohingya refugees will help their whereabouts. Religious and community leaders can also be joined to build constructive opinions in stemming negative opinions against Rohingya refugees on social media. Many residents are anti-the existence of Rohingya because of negative stigma. Hence, there needs to be a counter-narrative on social media with arguments that humanize Rohingya refugees.

In order to address the negative impacts of refugees in Indonesia, the government needs to expedite the revision of Presidential Regulation Number 125 of 2016. This should include a time limit for the existence of refugees in the country. With clear regulations in place, the process of managing refugee repatriation and coordination between relevant stakeholders can be more efficient. This is particularly important with regard to the handling of Rohingya refugees.

of Aceh, who have been implementing Laot customary law regarding the necessity of saving others at sea for humanitarian purposes.

Second, in the realm of public policy, it is essential for the government to expedite the revision of Presidential Regulation Number 125 of 2016. This revision should include a time limit for the stay of refugees in Indonesia. By formulating this regulation, other related issues can be dealt with more efficiently. It will help manage the repatriation of refugees, enhance coordination between stakeholders, and facilitate other necessary actions.

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