

REFUGEES HANDLING IN INDONESIA: BETWEEN SOVEREIGNTY AND HUMANITY

Rafika Rizky Aulia Rahman*, Rizka Iswara**

*Lecturer at the University of Lampung **Legal Analyst at the Directorate General of Legal Administrative Affairs Ministry of Law and Human Rights

*rafikarzkyyar@gmail.com **iswara.rizka@gmail.com

ABSTRACT

The influx of Rohingya refugees from Myanmar has significantly impacted Indonesia, posing challenges in balancing state sovereignty and humanitarian obligations. Despite Indonesia's non-ratification of the 1951 Refugee Convention, refugees are accepted on humanitarian grounds, often resulting in tensions with local communities. This article examines these issues through a normative legal approach, analyzing primary and secondary materials to explore the implications for Indonesia's legal and policy frameworks. Findings underscore the urgent need for robust legal mechanisms, improved refugee integration strategies, and enhanced international cooperation to address community conflicts. Practical recommendations include ratifying relevant international conventions, fostering regional partnerships, and initiating programs to reduce tensions between refugees and host communities. The study provides a foundation for policy reforms and contributes to broader discourse on managing refugee crises in Southeast Asia.

Keywords: Rohingya, Refugees, Indonesia, Sovereignty.

A. Introduction

The paradigm surrounding the issue of "asylum seekers and refugees" has evolved significantly, becoming a topic of broad international concern and frequent debate. This issue transcends national boundaries and requires cooperative efforts between states. While the phenomenon of asylum seekers and refugees is not new, Indonesia has yet to ratify the 1951 Convention Relating to the Status of Refugees (commonly referred to as the 1951 Refugee Convention) and its 1967 Additional Protocol. Upon arrival in Indonesia, these individuals are initially classified as asylum seekers, as Indonesia serves as a transit state rather than a destination. Their status may later be upgraded to "refugees" if their applications are approved by the United Nations High Commissioner for Refugees (UNHCR).

As a result of not ratifying the 1951 Refugee Status Convention and the 1967 Additional Protocol, asylum seekers generally only use Indonesia and Southeast Asian countries