

Indonesia and ASEAN's Refugee Deadlock: Between Regional Commitments and National Sovereignty

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Abstrak

Tulisan ini secara kritis mengevaluasi keterlibatan Indonesia dengan ASEAN dalam tata kelola pengungsi, mengkontekstualisasikan hal ini dalam kebuntuan regional yang terkait dengan prioritas kedaulatan nasional di atas kewajiban bersama untuk mendorong respons kemanusiaan. Tulisan ini kemudian mengkaji partisipasi Indonesia dalam Bali Process, upaya pengelolaan pengungsi bilateral dan responnya terhadap krisis Rohingnya untuk menilai apakah Indonesia memiliki pengaruh positif atau negatif terhadap pengembangan kerangka kerja pengungsi ASEAN yang kohesif. Hasilnya menggarisbawahi sifat pendekatan ASEAN yang terpecah-pecah, didorong oleh prinsip-prinsip non-intervensi, sekuritisasi migrasi, dan kurangnya kewajiban hukum yang mengikat, di mana menghalangi pengembangan pendekatan suaka yang terstruktur dan berbasis hak. Meskipun Indonesia telah menunjukkan kepemimpinan kemanusiaan dalam beberapa krisis, Indonesia mengadopsi kebijakan suaka dalam negeri yang ketat menghalangi keterlibatannya dalam advokasi kebijakan luar negeri untuk solusi regional. Pada akhirnya, penelitian ini berpendapat bahwa kecuali jika Kawasan ASEAN mampu melampaui Batasan berbasis kedaulatan dan mengadopsi reformasi kelembagaan yang diperlukan, posisi ASEAN dalam hal tata Kelola pengungsi akan tetap terancam.

Kata kunci: ASEAN, Indonesia Tata Kelola Pengungsi, Rohingnya, Migrasi, Sekuritisasi

Abstract

This paper critically evaluates Indonesia's involvement with ASEAN in the governance of refugees, contextualizing this within a regional impasse associated with an enduring prioritization of national sovereignty over collective obligations to promote humanitarian response. The paper examines Indonesia's participation in the Bali Process, its bilateral refugee management efforts and its response to the Rohingya crisis to assess whether Indonesia is a positive or negative influence on the development of a cohesive ASEAN refugee framework. The results underscore the fragmented nature of ASEAN's approach, driven by the principles of non-interference, the securitization of migration, and the lack of binding legal obligations, that stand in the way of the development of a structured and rights-based approach to asylum. As high-profile as Indonesia has been in demonstrating humanitarian leadership in some crises, it adopts restrictive domestic asylum policies that preclude engagement in foreign policy advocacy for regional solutions. The study contends that unless the region is able to transcend sovereignty-based limitations and adopt necessary institutional reforms, ASEAN's standing regarding refugee governance will remain compromised.

Keywords: ASEAN, Indonesia, Refugee Governance, Rohingya, Migration, Securitization

INTRODUCTION

As regional governance structures are increasingly tested by the global refugee crisis, Southeast Asia has emerged as an interesting case study. The region's displacement response is hampered by the lack of a collective asylum framework despite ASEAN's increasing economic and political integration. The ASEAN principle of non-interference has yielded fragmented refugee governance in Southeast Asia when responses have been initiated separately by individual member states and not collectively as a broader regional framework (Missbach, 2022).

As a member of ASEAN, Indonesia also serves as an interesting case study in regards to the refugee issue. Indonesia is heavily engaged in multilateral migration governance while resisting committing to have a long-term settlement policy for refugees on its own soil. The country has been involved in regional frameworks such as the Bali Process that focus of the management of irregular migration, rather than providing durable solutions for those who seek asylum (Kneebone, 2017). The hesitance of Indonesia to ratify the 1951 Refugee Convention along with the 1967 Protocol only accentuated its selective engagement with refugee protection where there often exists an antagonism between national interests and regional stability (Kneebone, 2017; Missbach, 2022).

The Rohingya refugee crisis has demonstrated once again that ASEAN is ill-equipped to respond to protracted displacement situations. Thus, although Indonesia showed humanitarian leadership by temporarily providing shelter for thousands of Rohingya refugees in Aceh, this response was largely ad hoc and ultimately unsustainable without long-term resettlement mechanisms in (Kneebone, 2014). Collaboration between Indonesia and Malaysia or Thailand on managing refugees in the bilateral setting, has also been informal and non-binding (Tan, 2016). This inconsistency exemplifies reluctance of this regional organization when it comes to developing a well-structured system of refugee protection across its territory and poses crucial questions about the role of Indonesia in this regional stalemate.

This article argues that Indonesia's engagement with ASEAN reflects a broader regional impasse on refugee protection, where national sovereignty repeatedly trumped collective humanitarian responsibilities. By assessing Indonesia's role in the Bali Process, its bilateral response to refugee management and its approach to the Rohingya crisis, this study investigates whether Indonesia serves as a driver or a barrier to a more coordinated approach to refugee management within ASEAN. In doing so, this article seeks to add to the current debate surrounding regional migration governance and to provide policy options to break ASEAN's impasse in refugee protection.

This paper begins with an introduction to a theoretical framework and continues to describe the fragmented nature of refugee governance across ASEAN, illustrating how institutional constraints, together with the principle of non-interference and migration securitization, have prevented the formation of a collective, rights-based asylum regime. It then moves to a discussion of Indonesia's role in regional refugee governance as evidenced by its involvement in the Bali Process, its response to the Rohingya crisis and its bilateral refugee management. The paper goes on to explore the implications of the security-oriented

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nature of ASEAN's impact on migration governance through a more analytical lens, including the frictions between national sovereignty and regional stability, and the long-term effects of inaction on policy in the face of the above concerns. In this way, this study adds to the literature on ASEAN's refugee governance and suggests routes to finding openings for breaking the region's protection stalemate by critically exploring these dimensions.

LITERATURE STUDY

This research is a study that continues and develops previous research. There have been many studies on Indonesia's foreign policy direction in the Southwest Pacific region. Previous studies have contributed to and are relevant to this research, namely Bekarekar (2016). This research is the result of thesis research that produces an exciting study. Incidentally, the researcher of this study is a Papuan. So that it adds depth and sensitivity to the object under study, this research explains that Indonesia's foreign policy in the Southwest Pacific region aims to secure all forms of Indonesia's national interests in the region. The most significant urgency of interest is maintaining stability and disrupting the region's countries to separate Papua from Indonesia. The disturbance of countries such as Fiji, Solomon, Palau, Vanuatu, etc., is absorbing Indonesia's concentration to maintain the stability of Papua.

Moreover, the independent Papuan movement has always flared up to separate itself from Indonesia. The movements carried out by these Southwest Pacific countries through multilateral and regional forums are very troublesome for Indonesia to explain that Papua is part of Indonesia and that there are no violations and injustices in Papua. That is why Indonesia strives to consistently participate in various meetings held by countries in the Southwest Pacific region. One of Indonesia's efforts is to become part of the MSG organization, an association of Southwest Pacific nation-states.

Indonesia's participation is part of an effort to obtain information or fight against information discrimination by nations that want to separate Papua from Indonesia. Thus, Indonesia's efforts remain contributive even though it was only a reviewing country when Susilo Bambang Yudhoyono was leading. However, at least Indonesia can get information and developments in Papua by joining the organization.

The second research explains that the direction of Indonesia's foreign policy in the Jokowi era is different from the direction of Indonesia's foreign policy in the Susilo Bambang Yudhoyono era (Wati et al., 2018). The direction of foreign policy in the Susilo Bambang Yudhoyono era emphasized globalism, while the direction of foreign policy in the Jokowi era was more identical to bilateralism (Wati et al., 2018).

Then, Indonesia's foreign policy in the Jokowi era also emphasized pro- democracy and pro-people diplomacy. So, if you look at the development of the Papua issue, Indonesia's foreign policy always participates in matters regarding the Pacific Islands. If we look further, Indonesia's foreign policy in the Jokowi era in the Pacific region emphasizes more on political issues. Due to the diversity of political and government systems and cultures in the islands, Indonesia has always promoted democracy. For example, it is being involved in the Pacific Elevation forum. However, it turns out that Indonesia's involvement was responded to negatively by several countries, especially Vanuatu, which has consistently demanded the decolonization of Papua. The diplomatic style of nation- states in the Pacific Islands that

emphasizes anti-colonialism demands that Indonesia release Papua to be independent and take care of itself. However, Indonesia's response remains constructive, remaining part of the MSG organization and providing economic assistance to Fiji and Vanuatu when affected by disasters. The goal is to melt the complex arguments of Vanuatu, Solomon, and Fiji, who firmly favor an independent Papua. Indonesia has always been active in maintaining its commitment to make Papua part of Indonesia, even though these countries have always voiced unfairness towards Papua. Indonesia also continues to build partnerships with Pacific nations to maintain stability and political issues that are always capitalized on by Pacific countries to corner Indonesia.

The following research was conducted by the Ministry of Foreign Affairs (2013). This research explains that the Southwest Asia region is a strategic area in Indonesia's national interests. The crucial factor in building Indonesia's regional relations is identical to ethnic considerations. In addition, the region inhabited by Melanesian ethnicity makes Indonesia always active in participating both bilaterally and multilaterally. Indonesia's participation is to maintain political stability, especially to maintain potential security threats due to provocations from several regional countries that want Papua to be independent of Indonesia. On the other hand, Indonesia is also an actor and participatory in building a sustainable economy to create and encourage economic prosperity in the region.

METHOD

This research uses a qualitative paradigm. Qualitative research is research that explains research objects based on the interpretation of meaning and is not focused on numbers and statistical data. Qualitative research also focuses on building theories based on the object under study. Qualitative research also shows intense closeness between the researcher and the object of research (Neuman, 2011) (Cresswell, 2018), (Bakry, 2015). This research also uses a case study method that shows a live case analysis to conclude a phenomenon. This case study research assesses and explains the uniqueness of the phenomenon under study (Cresswell, 2018)(Bakry, 2015). This research uses secondary data from various valid reference sources, such as books, journals, documents, the internet, and other relevant sources. This research uses the tracking process data analysis technique. The tracking process is a data analysis technique that profoundly explores the empirical facts about the case study. This process allows the researcher to obtain information about the object under study and draw conclusions after linking variables(Audie & Prakash, 2008). This research also uses systematic steps such as data rehabilitation, validation, and conclusion drawing for obtaining data categorization by the object of research (Miles et al., 2014).

RESULTS AND DISCUSSION

A. ASEAN's Fragmented Approach to Refugee Governance

ASEAN's non-interference principles, combined with the securitization of migration, generate institutional constraints that make it difficult to formulate a collective, rights-based approach to refugee governance. This success would offer a legal basis through which the EU and CEAS -specific burden-sharing among member states thus providing a

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common legal basis for similarly burden-sharing among the member states of ASEAN (Kneebone, 2014). Instead, addressing forced displacement is regarded as a more national issue where fragmented and state-centric responses dominate, where policy-making prioritizes national sovereignty, thus undermining collective humanitarian accountability (Missbach, 2022).

While ASEAN has evolved as a regional organization, it has not developed a coherent institutional response to refugee protection. Migration governance is mostly ad hoc, voluntary, and state-driven, resulting in incoherent policies implemented in numerous ASEAN member states (Soesilowati, 2020). ASEAN has developed institutional frameworks, particularly the ASEAN Intergovernmental Commission on Human Rights (AICHR) or the ASEAN Humanitarian Assistance (AHA) Centre, but according to Purdey et al. (2020), these bodies have no enforcement mechanisms and operate only with the consent of states. ASEAN's model of consensus-making also curbs cooperation at a regional level, since the policies must be agreed upon by everyone, causing inaction or weak promises (Jones, 2012).

ASEAN's failure to create binding legal commitments by which countries in the region are expected to abide is among the reasons the region has been unable to adequately respond to large-scale displacement. Versus explicit agreements in the EU, which has established formal asylum systems that fall under shared responsibilities of member states, ASEAN relies on unwritten arrangements. Without such law and frameworks for regional action, refugee protection is notional, symbolic; states still retain the right to handle migration by the book of domestic politics, not obligations to be shared collectively.

ASEAN's brand of regionalism is predicated on the doctrine of non-interference, which forbids member states from meddling in each other's domestic affairs. First enshrined in the 1967 ASEAN Declaration, this principle has enabled regional political stability and diplomatic continuity (Acharya, 2014). While the pandemic has been a time of fear and uncertainty for many, it has also been a period of mutual solidarity, however, it has also been a time of border closures and travel bans; of increasingly insular states focused more on sovereignty than on collective action to protect refugees.

The Rohingya refugee crisis is one of the many examples that demonstrates how ASEAN's principle of non-interference can pose challenges. Quite the opposite; in the presence of widespread reports of human rights violations and ethnic cleansing in Myanmar, ASEAN has sought to avoid direct intervention and has allowed refugee protection to depend on the policies of individual states rather than a coordinated regional approach (Jones, 2012). ASEAN must reform its principle of non-interference on humanitarian grounds, the critics contend, as continuing inaction only prolongs political instability and deepens regional and transnational security threats (Iannone et al., 2024).

The European Union has developed supranational mechanisms for asylum and migration governance that offer binding legal commitments and burden-sharing among Member States, in sharp contrast with those adopted by ASEAN (Kneebone, 2014). In ASEAN however, migration governance is still under the control of nation-states, restricting the organization from enacting a regional refugee protection system (Tan, 2016). No unified regional framework exists; thus, migration policies are fragmented, with a lack of coordination and determination by domestic rather than humanitarian interests (Missbach,

2022).

Through the Common European Asylum System (CEAS), European Union member states share responsibility for receiving refugees and will prevent frontline states from shouldering disproportionate systemic responsibilities. But ASEAN's governance model does not have that mechanism, meaning that migration governance will be about national policy variations based instead of regional coordination. This comparison accentuates the unwillingness of ASEAN to establish analogous legal frameworks, buttressing national sovereignty above collective humanitarian engagement.

With millions of intra-regional migrants workers crossing borders for work, migration is a major socio-economic challenge in ASEAN. Yet, ASEAN has still not established a formal policy and binding regional regime for labor migration or refugee protection. The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was a first step toward formalizing migration governance, but the differences in national policy adoption and the absence of enforcement mechanisms have limited its implementation (Auethavornpipat, 2019).

The need for a unified migration framework in ASEAN As primary destination countries for migrants, Thailand and Malaysia prioritize their economic interests over migrant welfare, instituting restrictive labor migration policies. In contrast, labour-exporting nations like Indonesia and the Philippines promote greater protections for their own migrant workers (Bal & Gerard, 2018). Consequently, the ASEAN member states have been unable to develop a common framework of migration governance, and refugee policy varies significantly across the region.

A further challenge is that ASEAN's migration agreements are non-binding. The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, enacted in 2017, is a step in the right direction, but as it is economically and politically non-legally binding, it cannot hold states liable for non-compliance (Nurdin et al., 2020). Without legally binding obligations, ASEAN's so-called policies on migration have largely adopted the character of diplomatic soft law over enforceable legal instruments, a menu where the state parties are free to select what legislative or programmatic provisions to carry out depending on domestic considerations.

The rigidity of the non-interference principle, particularly in the context of ASEAN, has been a major factor that hindered ASEAN from adopting a comprehensive refugee protection framework. While this idea has been essential in maintaining regional diplomacy, it has also prevented ASEAN from developing common frameworks for addressing humanitarian crises (Acharya, 2014). The Rohingya refugee crisis is a clear case of regional collective action failure, as ASEAN reticence to intervene in the domestic matters of a member state have constrained the collective responses of the region to the crisis (Iannone et al., 2024).

While ASEAN has a humanitarian response framework including the ASEAN Humanitarian Assistance (AHA) Centre, these mechanisms, by design, are voluntary and lack the jurisdiction to compel countries to implement anything related to refugee protection (Purdey et al., 2020). The contributing consensus-based decision-making model of the UN system, where every member state has one vote and yet measures taken must be agreed upon

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by all, exacerbates the refugee crisis further by resulting in watered-down policies and/or inaction (Soesilowati, 2020).

Without a regional refugee governance structure, humanitarian aid is hindered, and an opportunity for ASEAN to enhance its credibility was lost. This dependence on international organizations such as UNHCR and IOM in managing refugee situations has led to a reliance on external actors rather than developing internal capacity to manage these situations through structured policies as ASEAN both has and can. This highlights even more ASEAN's meager willingness to tackle forced displacement through legally-binding regional means.

B. The Securitization of Migration and Its Consequences for ASEAN's Refugee Governance

It remains this securitized lens that prevails not just because the ASEAN members' states continue to interpret refugee movements based on state sovereignty and domestic stability combined with resource constraints (Jones, 2012; Nethery & Silverman, 2015). Lacking binding regional or international asylum obligations, states fall back on security logics—border protection, deterrence, and ad hoc containment—as default settings for handling perceived risks (Kneebone 2017; Missbach 2018). These structural underpinnings go some way to explain why asylum seekers are so often depicted as possible threats, and why securitization persists across region.

Securitization theory, conceived of by Buzan et al. Migration is positively linked with other positive events. Therefore, it is important to assess policies that restrict migration and reinforce national security at the expense of humanitarian obligations once migration parameters are framed as security concerns (Betts, 2013). This security-centric narrative has translated into a deterrence-based policy framework within ASEAN, whereby asylum seekers are perceived as a threat to sovereignty, public order, and economic stability, rather than vulnerable individuals deserving of international protection (Kneebone, 2017).

These have had three major effects on ASEAN's securitized migration governance: (I) weak regional cooperation and burden-sharing; (II) limited legal protections for refugees; and (III) the expansion of restrictive migration policies. The interrelatedness of these challenges severely limits the capacity of ASEAN to move toward a sustainable and rights-based refugee protection framework, resulting in legal limbo and socio-economic marginalization for asylum seekers (Missbach, 2022).

Among the most salient impacts of ASEAN's securitized migration framework is its failure to facilitate regional cooperation and burden-sharing between member states. ASEAN does not utilize entrepot port states, unlike the European Union, which has developed asylum burden-sharing (e.g. Dublin Regulation) and refugee redistribution mechanisms (Kneebone, 2014), showing that ASEAN having been governed through the Member State is not a collective actor in times of refugee crisis. Instead, border security and containment strategies dominate ASEAN governments, attempting to shift responsibility to transit states, but avoiding regional resettlement efforts.

This fragmented response is illustrated starkly in the case of the Rohingya crisis. In 2017, the mass displacement of more than 700,000 Rohingya refugees out of Myanmar

created an urgent humanitarian crisis, but ASEAN was unable to formulate a coordinated response (Kneebone, 2014). Individual ASEAN member states adopted restrictive deterrence measures that ultimately did not set up a collective refugee protection framework, instead refusing to take long-term responsibility for caring for Rohingya refugees. Malaysia and Thailand turned away boats with refugees at sea, and asylum seekers had to stay on board, while Indonesia and the Philippines only provided temporary emergency shelter on their territories without prospect for long-term resettlement options (Missbach, 2022).

The lack of formalized asylum cooperation mechanisms further reduces its ability to respond to refugee crises. Unlike the African Union's Kampala Convention that offers a legally binding framework to address displacement, ASEAN's refugee governance model is voluntary, ad hoc and limited by national sovereignty concerns (Kneebone, 2014). In the absence of an institutionalized mechanism for regional coordination, ASEAN's response to such displacement crises remain inconsistent, ineffective, and over-reliant on humanitarian agencies and less so on state-led protection mechanisms.

A seventh and final major implication we want to highlight about ASEAN's securitized migration governance is the absence of legal protections for refugees. Instead, ASEAN states see asylum seekers predominantly through state security interests as opposed to humanitarian motivations, contributing to hesitance to formalize and implement refugee protection legislation (Missbach, 2022). This security-first approach has created significant legal protection gaps, as ASEAN has been one of the last regions in the world to have no legally binding, regional framework for addressing asylum (Kneebone, 2014).

In countries that comprise the ASEAN, refugees are subjected to systemic exclusion from the institutions and services essential to their survival—they are barred from working legally, which drives refugees into informal and exploitative labor conditions, they lack access healthcare and education, which undermines their chances for integration and they experience the threat of prolonged detention and deportation as states routinely label asylum seekers as non-protected illegal migrants.

Such legal protection gaps are exemplified in Indonesia. Even as Indonesia hosts thousands of asylum seekers, it has yet to ratify the 1951 Refugee Convention, thus leaving refugees inside the country without formal legal status and barred from either working or free movement (Missbach, 2022). Indonesia instead implements temporary containment policies without providing sustainable resettlement opportunities, leaving refugees stuck in chronic displacement without a road to eventual safety. Such repressive approach is similar to that in Malaysia and Thailand, which, under strict immigration rules, subject asylum seekers to detention, deportation, and ambiguous legal status (Betts, 2013).

With no other viable avenues for the potential of humanitarian solutions to be brought to the table, the lack of a legally binding regional refugee framework means that ASEAN states can afford to treat displacement as a temporary crisis, rather than as a structural humanitarian issue, preventing the development of any comprehensive asylum policies which ensure the legal rights and socio-economic inclusion of refugees.

At the same time, ASEAN's securitized approach to migration governance has facilitated the entrenchment of restrictive border policies, strengthening deterrence strategies, criminalization of refugees, and stringent immigration controls. Rather than establishing

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avenues for asylum and integration ASEAN states have expanded border security measures, practices of detention, and restrictions on migration to deter irregular movement (Betts, 2013).

One especially concerning outcome of these and similar restrictive policies has been the practice of maritime pushbacks: A recent report highlighted a shocking incident in which the countries of Thailand and Malaysia have refused entry to Rohingya refugees, turning them back to sea when they have attempted to cross into their territory in unsafe and potentially life-threatening conditions. In certain cases, yet, pushbacks led to mass casualties as refugee boats have been adrift for weeks without food, water and medical assistance (Kneebone, 2017). These measures reflect ASEAN's growing reliance on border externalization strategies, where states do not accept asylum seekers within their jurisdictions and do not offer protection, humanitarian assistance or resettlement pathways.

Exacerbating these struggles, the criminalization of refugees has further impeded the ability of displaced people to seek refuge in Southeast Asia. In Malaysia (for example), lack of documentation on the part of asylum seekers leads to arrest, detention, and deportation even in draconian immigration laws that do not differentiate between refugees and economic migrants (Missbach, 2022). In Indonesia, for example, refugees are similarly restricted in mobility as they are unable to leave their designated shelters or obtain formal work (Kneebone, 2014). These laws compel refugees to find ad hoc means of making a living that are conducive to their exploitation, slave labor and human trafficking (Kneebone, 2017).

The failure of ASEAN states to both understand and address the systemic drivers of forced migration and their reliance on deterrence-based approaches has only served to deepen the threats faced by asylum seekers and refugees, resulting in a vicious cycle of forced displacement, insecurity, and precarity.

ASEAN states during this period, lacking regional mechanisms of cooperation and legally binding mechanisms for refugee protection (especially since the new 1951 Refugee Convention forces of Myanmar into the fray), perpetuates forced displacement as a security issue as this is founded in border control instead of human rights protection. This securitized perspective further leaves in place ongoing instability and transnational security threats including a range of trafficking, rape and other human rights abuses and economic exploitation faced by displaced populations.

Unless ASEAN moves away from deterrence-based migration policies in favor of a regional protection framework, it will continue to deepen the crisis, exacerbate regional instability, and diminish its credibility as a regional governance organization. In view of this challenge, ASEAN must shift the paradigm on a securitized discourse and push for a rights-based refugee governance that elevates humanitarian obligations alongside national security interests.

C. Indonesia's Role in ASEAN Refugee Governance: Regional Leadership and Domestic Constraints

Indonesia exemplifies a dualistic relationship to ASEAN refugee governance which are promoting humanitarian engagement at the regional level while at the same time maintaining restrictive domestic asylum policies. Indonesia, as a central player to ASEAN, has shown itself to be an advocate of regional dialogue on refugee protection, especially in

the context of the Rohingya crisis. Nevertheless, the country's security-based migration policies and lack of accession to the 1951 Refugee Convention make it difficult to put in place durable protections for refugees (McNevin & Missbach, 2018).

This part explores how Indonesia has contributed to ASEAN refugee governance through its own diplomatic engagement, its domestic policy challenges, its capacity for civil society involvement, as well as its strategic constraints. Though Indonesia has sought humanitarian responses at the regional level, it has also strengthened restrictive migration policies domestically, mirroring the wider hesitance of ASEAN toward a binding refugee protection mechanism.

Indonesia has played a prominent role in ASEAN's response to forced displacement, being a diplomatic mediator in many situations and balancing regional non-interference norms. Perhaps its most noteworthy involvement is its co-chair ship of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. Such initiatives offer a venue for regional dialogue on migration management with the participation of ASEAN states together with international organizations and civil society actors.

Yet despite Indonesia's significant role, the Bali Process is non-binding, which makes real refugee protection measures difficult to enforce. Academics have contended that the process was used primarily as a deterrent to migration as opposed to providing a framework for refugee protection (Missbach & Hoffstaedter, 2024).

Such a securitized hand of bilateral cooperation can be seen in Indonesia's bilateral cooperation with Malaysia and Thailand, with agreements focusing more on preventing irregular migration than working towards creating sustainable solutions for refugees themselves (Nethery & Gordyn, 2014).

The case of the Rohingya thus represents an important case study of Indonesia's role in ASEAN refugee governance. For example, Indonesia granted temporary asylum to Rohingya refugees who had been stranded at sea in 2015 after their entry was denied by Thailand and Malaysia (Kneebone, 2014). This intervention demonstrated Indonesia's willingness to act when there have been humanitarian emergencies, but it has also underscored the limitations of its refugee policies, as no long-term protections were provided. This has led to Indonesia's advocacy for limited ASEAN engagement in addressing the crisis (McNevin & Missbach, 2018).

Indonesia's diplomatic approach has included both bilateral and multilateral attempts to persuade Myanmar to resolve the underlying causes of displacement. In 2017, Indonesia's then-Foreign Minister Retno Marsudi engaged in high-level negotiations with Myanmar's leadership in an effort to secure the delivery of humanitarian aid (Adiputera & Missbach, 2021)

But Myanmar's resistance to international scrutiny and ASEAN's commitment to non-interference have constrained Indonesia's ability to urge stronger regional commitments (Setiawan & Hamka, 2019). In the meantime, the Indonesian government also has made calls for humanitarian solutions to the plight of refugees, but has not yet been able to persuade ASEAN to adopt a structured refugee protection framework.

However, in light of its humanitarian diplomacy at the regional level, Indonesia's approach to refugees is extremely restrictive on an internal level, mirroring ASEAN's

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security-first construction of migration governance. Unlike some ASEAN states which deny asylum seekers by blocking them completely, Indonesia allows UNHCR to adjudicate refugee claims and provide temporary protection measures (McNevin & Missbach, 2018). But Indonesia did not ratify the 1951 Refugee Convention, so asylum seekers have no formal legal status, rights to work, or pathways to integration (Kneebone, 2014). The first is and primary legal rule for the governance of refugees, written in Indonesia's Presidential Decree No. 125/2016 provide temporary protections, however, permanent protection mechanisms do not exist (Jani et al., 2024). Despite granting refugees the right to stay in Indonesia, the decree does not provide guarantees of long-term protections, resulting in legal confusion and inconsistency in refugee rights. Many of these asylum seekers, particularly Rohingya refugees, rely on humanitarian assistance and informal safety nets because state-facilitated assistance is limited (Taha et al., 2024).

Still, such a policy contradiction is indicative of Indonesia's foreign balancing act between regional leadership and domestic restriction. Indonesia's contradictory stance which is humanitarian leadership regionally but containment domestically reflects what Prabandari, Segara, and Ketaren describe as selective humanitarianism. Indonesia leverages humanitarian discourse in ASEAN to reinforce its diplomatic identity, yet domestically maintains restrictive policies due to sovereignty concerns, political sensitivities, and limited institutional capacity. This contradiction therefore represents a strategic balance rather than an inconsistency (Prabandari, Segara & Ketaren, 2025). Civil society organizations and faith-based organizations have played a key role in delivering humanitarian assistance, in the absence of an overarching, state-level refugee integration policy in Indonesia. The Islamic organizations like Muhammadiyah and Nahdlatul Ulama have overhead all these elements and mobilized their networks and resources to help the Rohingya asylum seekers, including in Aceh, where in this place, local Muslim communities have liberated and invited the refugee. Under the auspices of religious solidarity, these groups count humanitarian assistance as a moral imperative (Missbach & Stange, 2021).

But religious participation in refugee governance has also generated political and social tensions. In Indonesia, some groups have exploited the Rohingya crisis to exacerbate interfaith fractures, representing the persecution of Rohingya Muslims in Myanmar in the context of a larger Buddhist-Muslim struggle. This politicization of the refugee issue has at times complicated diplomatic efforts given that Indonesia's government must consider narratives at home about religious identity as well as foreign policy considerations (Pratisti et al., 2019).

Human rights organizations and non-governmental groups have also been pushing the Southeast Asian nation to enact formal policies on asylum, calling for stronger safeguards for refugees. These efforts have met with, however, with bureaucratic resistance, with the Indonesian government loath to accept formal binding commitments without a broader ASEAN consensus (Prabaningtyas, 2019).

Prabandari and Adiputera (2019) describe the alternative protections refugees receive under international refugee law in countries not party to the conventions, such as Indonesia and Malaysia. Having never even signed the Refugee Convention, these nations provide protection only through non-state actors: civil society, religious organizations, etc. This

alternative protective governance is a form of state exercise, which has been designed as a counterweight to the claim of sovereignty and responsibility to protect. In addition, Prabandari and Adiputera (2018) also discuss barriers, while also highlighting opportunities, towards refugee employment access in Indonesia. They emphasize the importance of non-state actors in creating job opportunities for refugees, which are critical for their self-sufficiency and integration.

Indonesia's refugee policies are guided by humanitarian concerns and national security considerations. It is particularly significant as one of the key issues is the human trafficking and irregular migration challenge faced in Aceh, which has turned into one of the major transit points for the Rohingya refugees. Transnational smuggling networks have complicated security dilemmas resulting in codependent border security that contradicts Indonesia's humanitarian obligations (Kuncoro & Prabandari, 2024)

The policies on refugees in Indonesia is fragmented at the political level, showing diverging perspectives among political actors. Some political divisions insist on the need for stronger humanitarian interventions, yet others prioritize regional stability and the avoidance of interference in refugee governance, attuning themselves to ASEAN's generally cautious position (Prabaningtyas, 2019).

D. Indonesian Leadership Within ASEAN

At the ASEAN level, Indonesia remains focused on finding common solutions its ability to do so, however, remains limited by ASEAN's organizational deficits. The ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) has emerged as the main mechanism for responding to the Rohingya crisis, though its mandate is limited to emergency response support, not ongoing resettlement of refugees (Setiawan & Hamka, 2019).

This securitized framing of migration is illustrated in Indonesia's bilateral cooperation with Malaysia and Thailand that tended to center around preventing irregular migration rather than sustainable solutions for refugees (Nethery & Gordyn, 2014).

The Rohingya crisis is a pivotal case study for Indonesia's role in ASEAN refugee governance. In 2015, Indonesia granted temporary haven to Rohingya refugees stuck at sea when Malaysia and Thailand turned them away. This intervention exemplified Indonesia's willingness to intervene in humanitarian crises, but also illustrated the limits of its refugee policies, as no durable protections were extended (Kneebone, 2014). Since then, and although Indonesia has advocated for limited ASEAN engagement in relation to the crisis, it has not supported the establishment of formal refugee protection frameworks (McNevin & Missbach, 2018).

Indonesia's diplomatic approach has also included bilateral and multilateral efforts to engage Myanmar, calling on its government to tackle the underlying drivers of displacement. In 2017, Indonesia's then-Foreign Minister Retno Marsudi engaged in high-level negotiations with Myanmar's leaders to allow access to humanitarian assistance (Adiputera & Missbach, 2021). Indonesia's ability to promote stronger regional commitments has, however, been constrained by Myanmar's resistance to international scrutiny and ASEAN's tradition of non-interference (Setiawan & Hamka, 2019). Indonesia has called for humanitarian solutions,

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but has failed to persuade ASEAN to adopt a systematic framework for refugee protection.

E. Beyond the Deadlock, Rethinking Indonesia and ASEAN's Refugee Governance: Facilitating or Hindering?

Indonesia's engagement with ASEAN on refugee governance reflects the wider impasse in the region, where national sovereignty continues to take precedence over collective humanitarian obligations. Although Indonesia has assumed a diplomatic function in some aspects of regional migration governance, through the Bali Process and some humanitarian efforts, its ambivalence around the need to institutionalize refugee protection mirrors the uneasy and fragmented response of ASEAN as a collective.

In combination, the securitization of migration, the lack of binding agreements and the strict adherence to strict non-interference have all impeded progress towards a new sustainable asylum framework. Thus, not only does ASEAN lack the political will to effectively address challenges of displacement, but its failure to legally endorse refugees also leaves many refugees in a legal and humanitarian limbo. Such a lack of unified policy not only erodes ASEAN's credibility, it adds to regional instability by failing to provide consistent, long-term solutions to those displaced of conflict and persecution.

Indonesia's refugee governance is a bit of a variation. Indonesia engages in regional dialogues and humanitarian responses, and adopts a diplomatic posture in ASEAN forums. On the other, it stops short of enshrining domestic protections that would give asylum seekers legal certainty and sustainable living conditions. Such duality underscores a larger regional conundrum with ASEAN, and its member states in particular, in a political bind with accountability while wanting to preserve their sovereign interests or 'sovereignty first' policy that paralyses any efforts for a unified refugee policy.

In this aspect, the Rohingya crisis serves as a prime example of ASEAN's failure to outlive state-centric and temporary approaches: regional states have favored piecemeal and ad hoc responses over the types that would lead to long term and sustainable commitments. Lacking a commitment to collective responsibility, ASEAN's credibility in dealing with displacement crises will continue to crumble, contributing to the region's increasing instability and undermining humanitarian norms.

Moving out of this stalemate calls for Indonesia and ASEAN to adopt more forward-leaning and coordinated actions in refugee governance. Strengthening ASEAN's institutional capacity would be an important step in establishing a structured and legal binding regional migration governance. This would move ASEAN away from assumptive voluntary commitments to a proper regional refugee protection system that ensures collective responsibility-sharing by member states. Such an approach would avoid the issue being seen as an isolated burden of frontline states, while upholding ASEAN's commitment to humanitarian values. Expectedly, institutionalizing burden-sharing mechanisms would mitigate the burden on host states such as Indonesia, Malaysia and Thailand while guaranteeing that there is a concerted regional response. ASEAN also needs to reconsider its decision-making model, which should allow for bolder responses amid humanitarian crises. It has led to Romania the adoption of more flexible and responsive mechanisms to refugee situations.

Indonesia needs to be aware that its aspirations as a regional player must be matched with national-level policies. Through ratification of the 1951 Refugee Convention and elaboration of a national asylum framework, Indonesia has the opportunity to lead the way for other ASEAN countries in recognizing that refugee protection and national sovereignty are not, of necessity, mutually exclusive. Indonesia should not stop at offering temporary asylum, but must strengthen long-term integration policies that guarantee legal rights for refugees, employment access and a protection mechanism. Indonesia's chairmanship in ASEAN on migration governance can reinforce Indonesia's diplomatic influence; it can strengthen ASEAN's credibility in humanitarian affairs. This change would enable Indonesia to have a greater role in establishing regional refugee protection standards, as opposed to a security-oriented "containment" technique.

This mechanism for burden-sharing should be fully regional, involving all ASEAN states to ensure that the cost of responding to any bilateral uprisings is evenly distributed. Lessons could be drawn from models like the European Union's Common European Asylum System (CEAS), whereby ASEAN modernizes itself via mutually agreed existing cooperative frameworks that avoid an excessive concentration of refugees in transit or frontline states. Such an approach would not only relieve pressure on host nations such as Indonesia, Malaysia and Thailand but it would also reflect a more balanced and sustainable way to govern regional migration. A binding ASEAN refugee protocol could enable responsibility-sharing and establish pathways for asylum-seekers, instead of prolonging their continued legal limbo as they seek refuge in the region. Establishing a systematic refugee-resettlement mechanism would also help build ASEAN's credentials in the area of global humanitarian governance.

Greater engagement with civil society organizations and international bodies in the governance of refugees is needed even more. NGOs, religious organizations and international agencies have been plugging gaps for a long time, which states have failed to address. Integrating these actors into ASEAN's refugee governance framework enables proponents of regional integration to devise more inclusive and comprehensive policies that address state interests and humanitarian needs alike. This cooperation should be such that it is not just a matter of government protection of refugees but that it is a joint exercise between state and nonstate actors. Governments in the region need to enhance their partnerships with UNHCR, IOM and other humanitarian actors, in order to improve migration management, legal frameworks and refugee response.

ASEAN needs to solve the root causes of forced migration instead of reacting to its symptoms. It requires continued diplomatic engagement with Myanmar and other conflict-affected states to address the drivers of displacement. ASEAN's limits to refugee governance beyond short-term humanitarian relief and other mechanisms for conflict resolution, peacebuilding, and human rights advocacy. To pressure Myanmar to address the ethnic persecution and facilitate the safe, voluntary return of displaced people. Ignoring the root causes of displacement won't lead to sustainable long-term refugee protection; rather, it will fuel a vicious cycle of displacement and instability.

These steps would allow Indonesia to move from being a reactive to a proactive leader in ASEAN's refugee governance, by institutionalizing reforms, advocating for collective

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responsibility rather than state-centric responses, and ensuring its domestic policies align with regional and international commitments to refugee protection. These measures will place Indonesia in a strategic position to help shape a more orderly and humane framework for the region. But its role in ASEAN refugee governance is tempered by a contradiction between humanitarian commitment and negative asylum policies. To strengthen its hand, Indonesia must bring to the table three new elements: First, expand the current temporary asylum processes to binding policies on refugee protection; Second, negotiate regional responsibility-sharing mechanisms that ensure ASEAN acts collectively rather than individual states contain refugee flows; And third, systematically include in its model of governance civil society actors, including NGOs and religious organizations. ASEAN failure to resonate with the collective future of refugees is a way to reconcile national sovereignty with a rights-based framework to vulnerability and displacement. Overcoming this deadlock will not only take political will; it will require a restructuring of the regional governance architecture to ensure that humanitarian protection is a part of ASEAN's regional integration agenda. Without clear legal commitments and regional cooperation, Indonesia will remain suspended, straddling humanitarian diplomacy and restrictive asylum governance.

A more integrated reading of these dynamics shows that ASEAN's core norms, sovereignty, non-interference, and security-first migration governance, not only coexist but actively reinforce one another. These interconnected logics produce both the region's collective inaction and Indonesia's dual approach of projecting humanitarian leadership abroad while maintaining restrictive asylum policies at home. When seen through this mutually reinforcing structure, Indonesia's ambivalence is better understood as a strategic adaptation to ASEAN's normative environment rather than a simple policy contradiction (Prabandari, Ketaren & Segara, 2025). This perspective strengthens the manuscript's contribution by explaining how regional norms systematically narrow the space for meaningful humanitarian protection.

CONCLUSION

In conclusion, this paper argues that Indonesia's approach to refugee governance is a microcosm of a broader, systemic failure within ASEAN. The region is caught in an impasse, where the foundational principles of national sovereignty and non-interference, combined with a pervasive securitization of migration, consistently undermine any move towards collective humanitarian responsibility. Indonesia exemplifies this contradiction by acting as a humanitarian diplomat on the regional stage—notably through the Bali Process and its ad-hoc responses to the Rohingya crisis—while maintaining restrictive domestic policies and refusing to ratify the 1951 Refugee Convention. This duality mirrors ASEAN's fragmented, state-centric response, which has left refugees in a legal limbo, eroded the bloc's credibility, and failed to produce sustainable solutions for displacement.

Breaking this deadlock requires a fundamental paradigm shift from both Indonesia and ASEAN. The path forward involves establishing a legally binding regional asylum framework with a formal burden-sharing mechanism, moving beyond the current voluntary and non-binding arrangements. For Indonesia to transition from a barrier to a driver of

reform, it must align its domestic policy with its regional leadership aspirations by creating a national asylum system. Furthermore, a sustainable solution demands greater integration of civil society organizations into governance and a concerted effort to address the root causes of displacement, such as the conflict in Myanmar. Ultimately, overcoming this stalemate necessitates the political will to restructure the regional architecture, ensuring that humanitarian protection is treated not as a threat to sovereignty, but as an integral component of regional stability and integration.

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