Research Article

Balancing International Legal Obligations, Human Rights, and National Interests: Indonesia's Response to Rohingya Refugees in Aceh

Aan Asphianto[1], Belardo Prasetya Mega Jaya[2*], Agung Satrio Wicaksono[3], Suheflihusnaini Ashady[4], Robert Lengkong Weku[5], Dila Anggita[6], Alief Risyawan[7]

[1]Department of Criminal Law, Universitas Sultan Ageng Tirtayasa, Indonesia
[2]Department of International Law, Universitas Sultan Ageng Tirtayasa, Indonesia
[3]Department of Statistics, Universitas Sultan Ageng Tirtayasa, Indonesia
[4] Department of Criminal Law, Universitas Mataram, Indonesia
[5]Department of Private Law, Universitas Khairun, Indonesia
[6]Department of English Education, Universitas Negeri Jakarta, Indonesia
[7]Department of Public Finance, Erciyes University, Turkiye
[*]belardoprasetya@untirta.ac.id

ABSTRACT

The principle of non-refoulement, enshrined in international law, requires states not to return refugees to a place where they face the threat of persecution. This idea has been implemented by Indonesia as a state that promotes human rights in receiving Rohingya refugees who are displaced from their country of origin. However, its application is not free from contradictions between international duties, national interests and human rights. This study seeks to explore the effect of international law on Indonesia's reaction to the Rohingya refugee problem and to analyse the government's position in balancing these competing interests. The mixed-method approach is applied, integrating empirical research based on focus group discussions and interviews with a normative examination of primary and secondary legal materials. The results show that Indonesia still holds to the concept of non-refoulement despite not ratifying the 1951 Refugee Convention. However, there is a need for revision of regulations, particularly Presidential Regulation No. 125 of 2016, to guarantee the fulfilment of the basic rights of refugees and the provision of adequate financial support, especially in Aceh. In conclusion, Indonesia should implement cautious legal reforms to improve legal clarity, defend the rights of refugees, and properly balance between international, national and humanitarian interests. Such approaches would also boost cooperation among institutions, improve policy implementation, and foster sustainable humanitarian governance in handling future refugee crises in a comprehensive manner nationwide.

Keywords: Rohingya Refugees; International Legal Obligation; National Interest; Human Rights; Non-Refoulement

A. INTRODUCTION

The Rohingya constitute an ethnic minority group within the borders of Myanmar (Ansar & Khaled, 2023). The Rohingya have resided in the Arakan region for an extensive period. The introduction of Islam by Arab traders in 1055 Anno Domini (AD) can be traced back to at least the 8th century, which subsequently resulted in the establishment of a prosperous Muslim kingdom that lasted for 350 years (Muchsin & Armi, 2024). Despite their longstanding presence in Myanmar spanning multiple generations, the Rohingya are

not accorded official recognition as an ethnic group and have faced the denial of citizenship since 1982, rendering them the largest stateless population globally (UNHCR, 2024b). The Rohingya community contends that they are indigenous to the Rakhine State, a claim substantiated by historical documentation that evidences their residency in the Arakan region for several generations since the 8th century. Consequently, they regard themselves as citizens of the Rakhine State. Conversely, the Government of Myanmar (GoM) designates them as Bengalis, asserting that they are undocumented migrants from Bangladesh (Mohajan, 2018). As a stateless populace, Rohingya families encounter a plethora of challenges, including the absence of fundamental rights and legal protections (Kamalludin et al., 2025). They are acutely susceptible to various forms of exploitation, racism, harassment, sexual violence, gender-based violence, and human rights infringements (UNHCR, 2024b). The Association of Southeast Asian Nations (ASEAN), an organization fundamental to the preservation of peace and stability in the region, has responded to the plight of the Rohingya (Zarni & Cowley, 2014). Nevertheless, it has exerted minimal pressure on the GoM to amend its stance toward the Rohingya (Pentury, Waas, & Daties, 2024). For decades, the Rohingya have endured profound suffering within Myanmar (Bhatia et al., 2018).

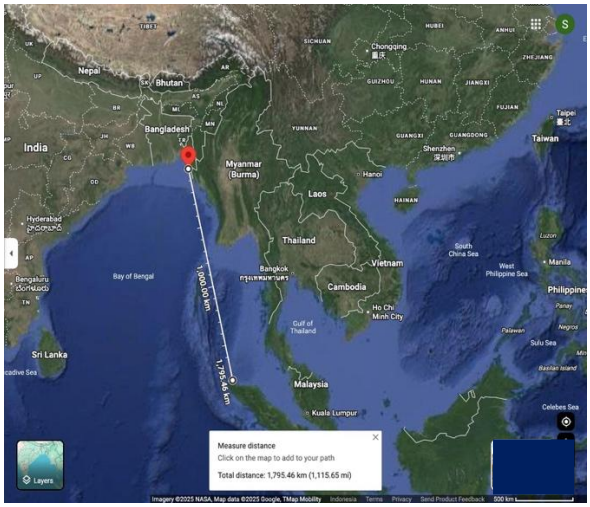
They have been denied citizenship, access to education, healthcare and work prospects, restricted to camps and villages and have experienced horrific violence (UNHCR, 2023a). In August 2017, violent attacks, large-scale violence and major human rights violations led to the flight of thousands of Rohingya from their homes in Rakhine State, Myanmar (Hossain, 2022); (Cheong, 2025). Many trekked for days through woods and braved risky sea trips over the Bay of Bengal to arrive at the refugee camps in Cox's Bazar, Bangladesh (UNHCR, 2024a). The Rohingya ethnic community have sought asylum in a number of other countries like Indonesia, Malaysia and Thailand (Natalis, 2026).

The camps there are uninhabitable due to overpopulation, poor sanitation, and restricted access to healthcare facilities (Chan, Chiu, & Chan, 2018), according to data collected by Wei and Carr in Reuters Graphics. The Rohingya refugees gradually became hopeless about their lives due to the declining living circumstances and increasing security threats in the refugee camps in Cox's Bazar, which made them choose to flee Bangladesh (Ilma, Wulandari, & Razan, 2024). This condition increases the number of kidnappings, murders and insecurity pushing them to look for safe and secure places (UNHCR, 2023a). Upon viewing these conditions, people resolved to travel to better their life (Rohingya Refugees, 2025a).

Boat journeys may take weeks, often on vessels that are not seaworthy and lack adequate

food, clean water, and sanitation (UNHCR, 2023a). The distance between Cox's Bazar and Aceh is approximately 200 km (Shohel, 2023). Illustration of the distance between Cox's Bazar and Aceh:

Figure 1. The Distance Between Cox's Bazar and Aceh



Source: (Google Map, 2025)

The crisis also attracted the attention of Indonesia, the largest country in ASEAN and the world's most populous Muslim nation. Indonesian society held several protests, including in 2012, 2015, and 2017, to demonstrate their concern over the conflict in Myanmar and to pressure the Government to take part in efforts to resolve the conflict that oppressed the Minority of Rohingya (BBC, 2023); (Ullah, 2011). Since 2015, Indonesia has continued to shelter Rohingya ethnic arriving in Aceh by sea. According to data from the United Nations High Commissioner for Refugees (UNHCR), as of mid-November 2023, 1,543 Rohingya refugees landed in Aceh (CNN Indonesia, 2023). Based on empirical data obtained by the research team in Aceh, the following is a summary of the number of Rohingya refugees accommodated in Aceh:

Table 1. The Number of Refugees in Aceh (August 2025)

No	19-Aug-2025 LOKASI	USIA 0-5 Tahun L	0-5 Tahun P	6-11 Tahun L	6-11 Tahun P	12-17 Tahun L	12-17 Tahun P	18-59 Tahun L	18-59 Tahun P	>60 Tahun L	>60 Tahun P	TOTAL L	TOTAL P	Jumlah Keseluruhan	update	Perempuan Hamil	Perempuan Menyusui	total kids recieve additional nutrition	Jumlah KK
1	Ex Imigrasi, Punteut, Kota Lhokseumawe	7	8	7	10	13	6	22	20			49	44	93	7-Jul-2025	0	5	15	31
2	Gampong Kulee, Kecamatan Batee, Pidie	1	4	3	1	2	2	6	2	2	0	14	9	23	14-Jul-2025	0		6	13
3	Mina Raya, Kecamatan Padang Tiji, Pidie	11	2	2	2	7	3	12	13	0	0	32	20	52	28-Jul-2025	3	5	11	17
4	Gampong Senebok Rawang, perlak Timur, Aceh Timur.	20	23	21	34	21	15	48	51	2	4	112	127	239	18-Aug-2025	5	4	37	74
	Total pengungsi Rohingya	39	40	33	47	44	29	91	93	3	4	210	213	407		8	15	69	135
	updated by Melly																		
	catatan:	khusus Pidie (mina raya dan kulee) jumlah anak di camp bisa berbeda tidak mengikuti jumlah di tabel di atas, dikarenakan setiap keluarga ibu hamil di kulee akan dipindahkan ke mina raya hingga persalinan sehingga besar kemungkinan anak lain berumur dibawah 5thn dari ibu yang hamil ikut berpindah ke Mina Raya.																	
		407 total Populasi																	
		135 total KK penerima CBI																	

Source: Empirical Data, Pidie, Aceh, August 22, 2025 (Focus Group Disccusion (FGD), 2025)

However, the locals of North Aceh and Bireuen have begun to protest the presence of Rohingya migrants. The criticism is due to overpopulation of refugee shelters and unfavourable experiences Acehnese citizens have had with the Rohingya migrants throughout their presence. The Rohingya migrants are viewed as damaging the community and not in line with local customs and village rules (Detik News, 2023). Rohingya refugees have been claimed to engage in the following: fleeing from shelters, environmental damage, theft of agricultural items, sexual harassment, and even child sexual abuse (Sumitro, 2023).

Some parties harbour worry about the Rohingya minority, seeing them as a potential threat to the nation's stability, a view also shared by Bangladesh. Furthermore, there have also been public worries about the legal status of these people, whether they are classified as refugees under international law, or should be

considered as undocumented migrants who have gained entry into the country without a valid visa or sufficient identity (BBC, 2024).

This dilemma prompts further questions about whether the state is obligated to accept every Rohingya individual arriving in Indonesia from the perspective of international law and Humanity (Rahman, 2010). These facts illustrate why local communities and authorities occasionally call for restrictions on the presence of refugees. Some of the problems and thoughts of the Indonesians do not remove the obligation of a country to accept refugees (Shabrina & Putrijanti, 2022). This is regulated in the principles of international common law, international customary law, namely the Non-refoulement principle and Human Rights (Duffy, 2008). This obligation forms the basis for a country to accept refugees, despite the challenges it presents in its implementation. Another problem regarding the reception of Rohingya refugees is the overcrowding of shelters and the allocation of funding. Mahfud MD stated that there are no budget allocations for this matter in the State or Regional Budgets (BBC, 2024).

This shows the fact that the financial burden of refugee management in Indonesia is largely borne by international agencies and humanitarian organisations. There are considerable logistical and operational burdens in managing refugees on the ground, from providing food, sanitation, healthcare and legal protection. Rohingya refugees in Indonesia remain significantly dependent on support from international agencies, including the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

This dependency shows the lack of a defined national or regional budgetary structure to handle the needs of cross-border refugee management. The lack of financial support from state or regional budgets directly impacts refugees' restricted access to basic services such as healthcare, legal protection and sufficient shelter. These rights are met as a state responsibility under international human rights standards, yet this gap remains.

In addition, the lack of a structured finance framework increases the overlap of authority between the national and local administrations. Many local administrations in impacted areas like Aceh have no fiscal capability nor clear legislative authority to address refugee-related concerns, leading to emergency-driven and poorly coordinated responses (Utami, 2019). And this was also discussed in the Focus Group Discussion conducted by the study team on August 23, 2025. The police claimed they found it difficult to manage the refugees due to the tremendous duty that they had yet there was no clear budget support from the central government (Focus Group Disccusion (FGD), 2025).

Additionally, it is necessary to consider the supervision and activities of the Rohingya ethnic group sheltered in Aceh, Indonesia, to ensure that

they do not disrupt national interests or threaten national stability. On the one hand, Indonesia, as a sovereign country, has an obligation to accept Rohingya refugees according to international law and human rights. However, on the other hand, it is also necessary to pay attention to security and national interests (Sulistyawan & Ilham, 2026).

International law has a big influence in responding to the problem of refugee of people from other countries, even in the principles and rules of international law there is a principle of non-refoulement which emphasizes that the state is obliged to protect refugees and prohibits a country from returning refugees or asylum seekers concerned to the country where they are tormented by torture, persecution, or serious danger to life or freedom (Goodwin-Gill, 2013). This principle is normatively regulated in the Refugee Convention of 1951, Indonesia as a country that is currently experiencing the phenomenon of refugee by the Rohingya community has not formally ratified the convention, but with the existence of the principle of jus cogens law at the international level and also with the status of the State of Indonesia as a country that upholds human rights, Indonesia is obliged to protect the refugees and has an obligation not to return the refugees to their country of origin where they are treated inhumanely (Chan, 2006).

However, in carrying out these obligations, problems often arise related to the national interests of each country. Refugee acceptance arises from a range of problems, including budget, supervision, management and social issues within the community (Ayu et al., 2026). Therefore, a balance needs to be struck between the two. The implementation of international obligations in receiving refugees must also be balanced with Indonesia's national interests. Accepting refugees should not have an impact on the disruption of national interests. In this paper, we will examine how international sovereignty and human rights can coexist without conflicting with national interests. Based on the issues mentioned earlier, it is imperative to conduct research on the stance of the Indonesian Government, particularly the Government of Nanggroe Aceh Darussalam, toward the Rohingya ethnic group.

The main gaps in this research can be described as follows: First, there is a conflict of interest between international interests or sovereignty and national interests, which, if not examined or balanced, will certainly arise social conflict between the residents of the Aceh region and the Rohingya community. Second, although Indonesia is bound by customary international law, there is a need for written internal regulations or norms regarding the state's obligations in accepting refugees from other countries. In relation to these problems, this research has two main focuses, namely: 1) how does international law impact the State of Indonesia in responding to the refugee situation of the Rohingya people; and 2) What is the attitude of the Indonesian Government, especially the Government of

Nanggroe Aceh Darussalam, towards the Rohingya ethnic group, in balancing interests regarding the provisions of international law, national interests, and the fulfillment of human rights.

In analyzing the existing problems, a legal theory is needed so that when the discussion is carried out, the research has an "analytical knife" so that the existing phenomena can be easily described and easily understood. Because this research will focus on solutions in balancing international obligations, human rights, and national interests, a firm national legal basis is needed to regulate its implementation, and therefore the theory that is relevant to the problem is the theory of legal certainty. The theory of legal certainty will be used in analyzing the mechanism in implementing policies that do not have a fixed legal basis, HLA Hart stated that in the existence of a government system, the existence of a rule or regulation is needed that makes the policy valid and legitimate and has binding power. Sudikno Mertokusumo further emphasized that legal certainty is a legal value so that the law can be implemented without any doubt because the formation of the regulation or regulation has gone through a legal procedure.

Several previous studies (state of the art) are related to the title of this research. The first, research, written by Tedi Sudrajat, Baginda Khalid Hidayat Jati, & Chander Mohan Gupta entitled Questioning Indonesia's Role in Addressing Rohingya Refugees: A Legal, Humanitarian, and State Responsibility Perspective. The paper focuses on the legal dimensions of the Rohingya refugee situation in Indonesia, employing a normative approach (Sudrajat, Jati, & Gupta, 2024). The results of this first previous study state that Indonesia is obliged to provide active involvement for the Rohingya population such as community integration policies and so on. This study provides a solution for Indonesia to be able to play a more active role for the Rohingya community and on the other hand, there is also a need for pressure from Indonesia to ask Myanmar to stop the violence and provide citizenship status for the Rohingya community, in this previous study also suggests a mechanism for involving the UN and the international community to overcome this problem. The difference between the previous study and the current study is that the previous study examines Indonesia's role more with external relations to certain parties in addressing the asylum problem by the Rohingya community, while in the current study the solutions offered are more directed at strategies or policy improvements (practical solutions) and balancing between international sovereignty, national interests, and human rights (theoretical solutions), especially regional policies regarding the asylum problem of the Rohingya community, so the current study focuses more on internal studies (domestic) and less on external studies.

Second, the research was written by Yunizar Adiputera and Antje Missbach, entitled Indonesia's Foreign Policy Regarding the Forced

Displacement of Rohingya Refugees: Muslim Solidarity, Humanitarianism, and Non-Interventionism. This article analyses Indonesia's foreign policy with respect to Myanmar and the forced displacement of more than 1 million Rohingya refugees from Rakhine State, Myanmar (Adiputera & Missbach, 2021).The findings of this second study emphasize more on the religiosity aspect of Indonesia as a Muslim country and describe the form of Indonesia's role that leads to an external form (almost similar to the first previous study) by reviewing the pattern of the Indonesian State which is more subtle in conducting diplomacy to the State of Myanmar rather than giving a "harsh warning" to Myanmar, this also confirms that Indonesia as a religious country emphasizes high humanitarian principles. The difference between the previous study and the current study is that the previous study responded more to the Rohingya conflict from the perspective of a religious state, while in this study, the study emphasizes the regulatory aspect and various other aspects, so that the solution offered is expected to be a more comprehensive solution.

Third, the research was written by Komarudin Ujang, and Dinda Ayuningtyas entitled "Indonesia's Responses Towards Rohingya Refugees: A Political Perspective." This study investigates Indonesia's responses to the Rohingya crisis from a political perspective (Komarudin & Ayuningtyas, 2024). This third previous study has a similar focus to the second previous study, namely discussing Indonesia's diplomatic steps in dealing with the problem of the Rohingya population experiencing a form of exile, but the study conducted does not emphasize the religious or religiosity aspect, but rather the political aspect of the country. The difference between the previous study and the current study is that the previous study reviews the problem of the refugee community of Rohingya with diplomatic solutions such as bilateral diplomatic relations (outgoing or external relations) and so on with a political perspective, while the current study examines the problem more realistically and regulatory by considering long-term solutions for refugees who have taken refuge in Indonesia including balancing interests between international sovereignty, national interests and human rights.

Furthermore, the research was written by Antje Missbach and Gunnar Stange, entitled Muslim Solidarity and the Lack of Effective Protection for Rohingya Refugees in Southeast Asia. This paper sheds light on how ASEAN's most prominent Muslim member countries, Indonesia and Malaysia, advocate on behalf of the forcibly displaced Rohingya (Missbach & Stange, 2021).This fourth previous study focused on religious studies of Muslim solidarity in responding to the Rohingya community's exile. This previous study highlighted the "inconsistent" form of response from Muslim solidarity in Southeast Asia. This previous study explained that Muslim solidarity in Southeast Asian countries was very reactive in terms of "ideas"

regarding forms of protection for the Rohingya community, but on the other hand they did not “intervene” or “contribute” directly to the Rohingya community, and this implied the absence of serious contributions by such solidarity. The difference between this previous study and the current study is that the previous study focused more on the scope of international law in the role of certain communities (Muslim solidarity from Southeast Asian countries) that have not been realized in contributing to handling the Rohingya community’s refugee problem. Meanwhile, this study focuses more on a comprehensive legal study, both regulatory (practical) and theoretical (balancing rights) in providing solutions to the human rights problems of the Rohingya community.

Fifth, the research was written by Adwani, Rosmawati, and M. Ya'kub Aiyub Kadir, entitled "The Responsibility in Protecting the Rohingya Refugees in Aceh Province, Indonesia: An International Refugee Law Perspective." This paper strongly advocates for the Indonesian government to ratify the 1951 International Refugee Convention, thereby protecting and settling refugees under the non-refoulement principle, which is fundamentally rooted in humanitarian values (Adwani, Rosmawati, & Kadir, 2021). This latest research recommends that Indonesia immediately ratify the 1951 Refugee Convention and its 1967 Protocol. This is a crucial step considering that Indonesia initially refused to accept some Rohingya refugees, citing a lack of legal grounds for accepting them. This ratification provides Indonesia with a strong legal basis for accepting refugees and/or exiles. The difference between this previous research and the current study is that the former focuses more on the urgency of ratifying the 1951 Refugee Convention and its 1967 Protocol as the legal basis for accepting Rohingya in Indonesia. The current research, however, will focus on comprehensive solutions by providing improvements to regional regulations and balancing international sovereignty, national interests, and human rights.

A comparative study of previous and current research has been described, and with this description it can be seen that this research has a new study that has not been highlighted in more depth in previous studies, where in previous studies examined the problem of exile and refugee of the Rohingya community with diplomatic channels and external relations, but in this study, the direction of the study will be directed to an internal study while still paying attention to international sovereignty, national interests, and human rights regardless of the State of Indonesia not having a strong legal basis regarding the rejection of refugee by communities or groups from other countries. Because of its novelty, this research is worthy of being studied or reviewed.

B. RESEARCH METHODS

This study employs both empirical and normative legal research methods. Empirical legal research is legal research that examines how phenomena or contextual facts relate to the application of existing laws. The findings are then analyzed and evaluated so that the law can be implemented in accordance with established norms or values. In this context, empirical data is obtained through the collection of information from key stakeholders involved in addressing Rohingya-related cases. To gather empirical data, the research team employed several methods, including *Focus Group Discussions* (FGDs), observation, and interviews with all stakeholders. Furthermore, the study also incorporates data collected from various stakeholders engaged in managing Rohingya refugee issues. Normative legal research aims to uncover the philosophical foundations, official criteria, and frameworks that govern specific legal issues (Ridwan, Jaya, & Imani, 2022).

The main characteristic of normative legal research in conducting legal studies is rooted in the use of secondary data sources (Mucharom et al., 2024). These data sources include primary, secondary, and tertiary legal materials (Jaya et al., 2023). Primary legal materials in this study include various international provisions, regulations, and conventions, while secondary legal materials include literature in books, articles, journals, papers, and related data. Tertiary legal materials include online resources relevant to the research (Irawan et al., 2024). The results of the analysis are presented descriptively, providing a comprehensive overview of Indonesia's stance in protecting, preventing, and responding to Rohingya-related cases, as examined through the lens of International Legal Obligations, Humanitarian Values, and Indonesia's National Interests. This study is expected to contribute to the body of knowledge in the field of international law. Moreover, the findings may serve as input for the Government in formulating policies or regulations concerning the balance between Indonesia's international legal obligations, humanitarian considerations, and national interests in addressing the Rohingya issue.

In this study, the relationship between empirical and normative research is used to complement each other. This is because the data obtained through FGDs, interviews, and observations will then be processed. After data processing is carried out, the data will be reduced according to the research needs to obtain relevant data. After the empirical data has been reduced, a normative research approach is used as a method to complement the empirical data results, so that the empirical data findings can be more comprehensive. As previously mentioned, data from the normative approach will be secondary data in the form of laws and regulations, conventions, books, and scientific articles. This mixed-method research was conducted so that the resulting study can be a comprehensive study and have a good impact on

both the government and other stakeholders. By using mixed-method research, the findings are more valid and have an element of novelty compared to previous studies that tend to use a single approach, namely the normative approach.

C. RESULTS AND DISCUSSION

1. Indonesia's Stance On The Rohingya Ethnic Group Based On International Law & Human Rights

Two different international law sources are establishing the obligations of States towards refugees under international law: treaty law/ convention and 'Soft refugee law', including the general Principle of international law, international customary law, UNHCR Guidelines on Refugees at Sea, IMO Guidelines and Rescue at Sea, and the Conclusions of the Executive Committee (ExCom) (Sztucki, 1989), as well as the Guidelines of the UNHCR. Conclusions and Guidelines have a policy characteristic but may occasionally be used by domestic courts to interpret the Geneva Convention and identify customary international law, depending on the context (UNHCR, 2017). This chapter also discusses and analyzes the Human Rights perspective.

a. Treaty Law / Refugee Convention

The responsibility to save lives at sea and conduct search and rescue are not new. That's a well-known marine practice and international standard." Customs and rules requiring ships to render assistance to persons in distress. Obligations are established in the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982), the Convention for the Safety of Life at Sea, 1974 (SOLAS) and the International Convention on Search and Rescue (SAR) Convention, 1979 (SAR Convention) (Noussia, 2017). International law has been codified in written form especially for refugees as contained in the 1951 Refugee Convention and the 1967 Protocol, which are the only binding international instruments under which the parties to these instruments agree to protect refugees (Al Imran, 2022); (Ismayawati, Ngazizah, & Abd Aziz, 2025) . The Principle of non-refoulement is a principle that is highlighted in the 1951 Refugee Convention and this principle prevents the expulsion or return of refugees to territories where their life or freedom would be threatened (Benhabib, 2020).

Article 33 of the 1951 Refugee Convention states that No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (Putra et al., 2024); (Paul & Butola, 2018). This clause, however, is expressly for refugees. The term refugee applies to persons who meet the criteria set out in the Agreements of May 12, 1926, and June 30, 1928, or in the Conventions of October 28, 1933, and February 10, 1938, the Protocol of September 14, 1939, or the Constitution of the

International Refugee Organization (UNHCR, 2017).

Refugees are people who have left war, bloodshed, conflict or persecution and crossed an international border to find shelter in another country. They have often had to flee with little more than the clothes on their back, leaving behind homes, belongings, jobs and loved ones. Refugees are protected and defined under international law. The 1951 Refugee Convention is an important piece of law. A refugee is defined as "someone who is unable or unwilling to return to their country of origin because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion (UNHCR, 2023b). A refugee is a person who is outside his country of former residence owing to events such as but not limited to, being unable or, because of the circumstances, unwilling to return to that country (Kartiko, Telaumbanua, & Putri, 2019).

The current Rohingya refugees arriving in Indonesia are not from Rakhine, Myanmar but from UNHCR-administered refugee camps in Cox's Bazar, Bangladesh. If the migrants are from Cox's Bazar, they are looking for a better location in Indonesia, and their status must be checked first to see if they are refugees. If they are not refugees, or if they are only asylum seekers, the conventions do not apply, and there is no responsibility under those frameworks. However, the Non-Penalization Principle stated in Article 31 of the 1951 Refugee Convention states that asylum seekers or refugees who enter a country illegally (without valid documents) are not allowed to be punished or sanctioned for entering a country's territory to seek protection (Hukumonline, 2022). This is regulated in Article 31 of the 1951 Refugee Convention, which stipulates that contracting states shall not impose penalties on refugees for their illegal entry or presence, provided they present themselves without delay and demonstrate good cause for their illegal entry or presence (Noll, 2024). The regulation must be implemented by countries that are signatories to the convention, whereas Indonesia is a country that has not ratified the 1951 Convention and the 1967 Protocol relating to refugees.

b. Soft Refugee Law

Although *soft law* is not classified as a formal source of law, it remains legally relevant and is therefore subject to the purview of international law (Olivier, 2002). Indonesia's policy orientation is undeniably influenced by the existence of this "soft refugee law", which is a set of norms that, although not binding in a formal sense, retains considerable legal relevance. General principles of international law and customary international law, such as the principle of non-refoulement, play an important role in this context. This principle is established not only in the 1951 Refugee Convention but has also evolved into an internationally recognised norm of customary international law, having been

persistently observed by States and regarded as a legal obligation (opinio juris) (Nelwan, 2024).

The Indonesian Government, at present, has begun to employ soft law tools as benchmarks in the regulatory frameworks and legislative processes (Junaiding, 2021). Soft law provides useful tools within international law for the protection of refugees (Malanczuk, 1997) and can be seen as a sort of non-written legal rule (D'Amato, 2009). The following are examples of major soft law instruments relevant to the protection of refugees:

This is owing to Indonesia's worry that it might not be able to comply with the rules of the 1951 Refugee Convention, especially Article 17 on the right to work of refugees, and Article 21 concerning the right to housing for refugees (Siahaya, Wattimena, & Peilouw, 2022). Without ratification, the legal status of refugees, especially the Rohingya, in Indonesia is unknown (Maureen, Aling, & Senewe, 2024).

However, as described in the introductory chapter, Indonesia has not ratified the 1951 Refugee Convention . Indonesia still has an obligation based on soft refugee legislation which will be discussed in the next sub-chapter:

1) Non-refoulement as the General Principle of International Law and Customary International Law

In addition to the regulations in the Refugee Convention and its Protocols, international law also upholds the Principle of non-refoulement. This Principle is closely tied to the protection of human rights, particularly the right to be free from torture, as well as from cruel, inhuman, or degrading treatment or punishment. In international refugee law, non-refoulement is a cornerstone and a fundamental principle, forming the foundation of the entire international protection framework for refugees and asylum seekers (Riyanto, 2010).

Circling back to the non-refoulement Principle, which requires every country not to return refugees for any reason to protect them from torture in their country, it is pertinent that Indonesia implements it. As it is a fundamental principle in international law, it cannot be violated for any reason except in cases of national security, which could threaten the country's stability (Havez et al., 2024). The Principle of non-refoulement has also become customary international law due to consistent and recognized practice in various countries (Nursabrina, 2020).

During the Expert Roundtable organized by UNHCR and The Lauterpacht Research Centre for International Law, University of Cambridge, England, on July 9-10, 2001, it was agreed that the Principle of non-refoulement is recognized as customary international law (Riyanto, 2010). This Principle has already been recognised as a Jus Cogens requirement (Rohingya Refugees, 2025a). It fulfils both material and psychological needs. The international community has developed the practice of not returning refugees or asylum seekers to territories where their life or freedom may be threatened on account of their

race, religion, nationality or membership of a particular social group. From the psychological point of view, it is regarded a legal duty (opinio juris).

Opinio Juris is necessary for the promotion of a customary international law norm to a jus cogens norm. This is only possible if the majority of international states hold that a customary norm cannot be repeatedly opposed to or derogated from (Baker, 2010). These soft laws must be followed by States as broad principles of international law and customary international law. The Statute of the International Court of Justice, 1945 Article 38(1)(c) also lists 'the broad principles of law recognised by civilised nations' and customary international law as sources of international law (Saunders, 2014). Article 38(1) remains a guidance in international legal procedures and is often invoked in ICJ cases and other tribunals. This is considered an authoritative statement by the authorities of international law reaffirming the viewpoint still followed (Dumberry, 2024).

2. UNHCR Guidelines on Refugees at Sea

The United Nations High Commissioner for Refugees (UNHCR) has produced a number of rules to protect refugees travelling by sea. These rules help States to deal with refugee situations in a safe, humanitarian and internationally lawful manner, particularly with regard to the basic principle of non-refoulement. Although not legally binding, several States, including Indonesia, refer to these standards.

UNHCR also provides explicit instructions on the Principle of non-refoulement (UNHCR, 1997). It was prompted by its Executive Committee in 1977, and first developed a Handbook on Procedures and Criteria for Determining Refugee Status (the Handbook) under the 1951 Convention Relating to the Status of Refugees and its supporting 1967 Protocol in 1979 (Zieck, 2015). Significantly, the UNHCR notes that this Principle applies not just to the nation of origin but also to any country where there is a credible risk of persecution (UNHCR, 2024a). To supplement the UNHCR Handbook, the UNHCR subsequently released the Guidelines on Prima Facie Recognition of Refugee Status (UNHCR, 2015).

According to the UNHCR, a prima facie approach is the acceptance by a State or UNHCR of refugee status on the basis of obvious objective circumstances in the place of origin or, in the case of stateless asylum seekers, their country of previous habitual residence. The UNHCR recognises the refugee status based on the objective and specific conditions in the country of origin, or in the case of stateless asylum seekers, in their prior country of residency (UNHCR, 2015).

The arrangement is an emergency response to large-scale movements of persons in need of international protection, in particular to ensure non-refoulement and the international human rights guaranteed to the vulnerable (UNHCR, 2015). UNHCR rules are sometimes presented as being in conflict with national

interests, which place emphasis on public security rather than humanitarian concerns. Therefore, a balanced approach (win-win solution) between the two is essential (Dill, 2023); (UNHCR, 2015).

2) IMO Guidelines and Rescue at Sea

The International Maritime Organization (IMO) consistently emphasizes the roles and responsibilities of various stakeholders involved in or engaged in maritime rescue operations. Additionally, the accompanying IMO Guidelines underline the obligation of all state parties to coordinate and cooperate in marine rescue operations (Klug, 2014). The Guidelines define a 'place of safety' as a location where rescue operations are concluded, and the rescued individual's life is no longer at risk, with access to necessities such as food, shelter, and medical care. For a “place of safety” to truly fulfill its function in providing comprehensive protection for survivors, the applicable standards must go beyond the mere fulfillment of basic needs.

First, such locations must guarantee maximum physical security, being situated far from conflict zones, violence, or disaster-prone areas. They must provide effective protection systems for vulnerable groups at risk of exploitation, human trafficking, or abuse (Coppens & Somers, 2010). Shelter facilities must also meet minimum standards of habitability, including the provision of personal space and guarantees of safety.

Second, maintaining access to fundamental needs is non-negotiable. This includes providing nutritious food, clean water, sanitation facilities and personal hygiene supplies to prevent the spread of disease. Further, given the high number of survivors with trauma (Macklin, 1995), it is essential to ensure the delivery of primary health care services, treatment of chronic diseases and psychosocial support.

Third, from the point of view of international law, a place of safety must firmly adhere to the principle of non-refoulement, i.e. no one may be expelled to a place where his life or freedom is in danger. It must also give access to fair asylum proceedings and to systems for identifying those in need of further protection, such as unaccompanied youngsters or survivors of gender-based violence. Fourth, a place of safety shall not mean confinement for a longer period. Once the emergency requirements are addressed, survivors should be helped to seek sustainable and dignified alternatives, including local integration, resettlement to third countries or voluntary, safe and dignified repatriation (Carciotto & Ferraro, 2020).

The Guidelines further emphasise the significance of not disembarking refugees in countries where they may face the risk of persecution. They recommend that the SAR (Search and Rescue) region of the Government of the SAR from which the person was rescued should have the primary duty for providing or securing a place of safety for rescued persons (UNHCR, 2011).

3) Human Rights Perspective

International human rights law has a number of roles to play in resolving irregular maritime migration. Human rights law gives greater protection to all persons including refugees and migrants at sea compared to international refugee law which is specifically concerned with refugees and presumed refugees. It also reinforces and complements the protection provided by international refugee law through the provision of so-called 'complementary protection'. While the Principle of non-refoulement is first and foremost enshrined in Article 33, paragraph (1) of the Refugee Convention, international human rights law has also played a role in shaping and defining its meaning and scope. Certain human rights treaties have specific clauses on the principle of non-refoulement.

The extent of non-refoulement under international human rights law is different from that under international refugee law. International refugee law restricts the ban of non-refoulement to refugees and presumptive refugees, with exceptions that permit exclusion in certain instances. International human rights legislation, on the other hand, provides this protection to all people everywhere. And these differences are not only personal in scope. International refugee law protects individuals from being returned to situations in which they may be persecuted, whereas international human rights law protects individuals from being returned to conditions including torture or cruel, inhuman or degrading treatment or punishment. Many provisions of international human rights legislation seem to have a broad scope of application to migration, while their relevance is made more concrete in the setting of the disembarkation of refugees and migrants at sea.

Human rights law, including limits on the power of nations to target particular groups for their work at migration control, protect refugees and migrants from discrimination. These regulations emphasise the essentially humanitarian aspect of maritime search and rescue operations, and remind us that all persons have a right to be rescued.

The right to leave any country, and the right to return, protect refugees and migrants' right to leave their own country and others, and to return. Almost all rescues or interceptions of refugees and migrants at sea raise issues of non-refoulement.

Family rights mean that rescued or captured refugees and migrants at sea have a right to family unity and children are given extraordinary standards of care and protection. The idea of the best interests of the child calls for extensive assessments that are difficult to make on ships in international seas. Women and persons with disabilities. Rescue and interception processes need to be adapted in order to ensure that women and persons with disabilities are treated in an equitable and non-discriminating manner. These arguments are meant to safeguard the intrinsic dignity of all human life.

It should be underlined that this is not a comprehensive treatment of all issues relating to international human rights legislation in the context of irregular marine migration. Rather, it stresses specific rights of particular relevance when refugees and migrants are rescued or intercepted at sea. Many of these rights, as will be seen in later chapters, play a part in the idea of a 'place of safety'.

As a country with a strong commitment to international law, Indonesia highly respects the principles of public law and the fulfillment of human rights. Human rights approach is very necessary (Danial et al., 2024). Based on the foregoing explanation, although Indonesia has not ratified the relevant conventions and protocols, it continues to accept the Rohingya ethnic group, providing them with services and protection. This is because international law has comprehensively regulated and established obligations concerning the protection of human rights, including the Rohingya refugees (Alam, 2021).

If examined practically, then from the implementation of practices in the field, it states that Indonesia through various regions such as Riau, Aceh, and various other regions has been willing to provide refugee facilities for the Rohingya community. This form of availability is implemented on the basis of national law, namely Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad. The Presidential Regulation essentially confirms that refugees are foreigners who are in the territory of the Unitary State of the Republic of Indonesia due to a well-founded fear of persecution on the grounds of race, ethnicity, religion, nationality, membership of a particular social group, and different political opinions and do not want protection from their country of origin and/or have received asylum seeker status or refugee status from the United Nations through the High Commissioner for Refugees in Indonesia. In this context, the refugees are the Rohingya community, an interesting review is that actually within the framework of this Presidential Regulation does not specifically examine the budgeting or rights obtained for refugees. The special rights referred to here are the rights to obtain food availability for a long period of time, the right to obtain education, the right to obtain employment and so on, or in other words, this regulation does not fully discuss in depth the refugees who reside "without a clear time limit". This fact shows that there are challenges in implementing the fulfillment of rights and needs for refugee communities or the Rohingya community, therefore with this, solutions regarding this matter will be examined in more depth in the next sub-chapter.

Another challenge that can be observed in the implementation of the provision of facilities and infrastructure for the Rohingya community in Aceh is the existence of a form of "social jealousy" from the local community (Aceh). This is evident in the numerous provisions of various facilities, including financial assistance, food aid,

and so on, while the local population never receives these things. However, a more comprehensive examination reveals that this form of assistance sometimes comes not only from the Indonesian government but also from the UNHCR (United Nations Refugee Agency) and the IOM (International Organization for Migration). Despite this, forms of social deprivation continue to occur, giving rise to competition to meet basic needs such as logistics, informal employment, and so on.

3. Implementation in Indonesia: Between International Legal Obligations, Humanitarian Values and National Interests

In the scope of international law, in the context of displacement by refugees in other countries, Article 33 Paragraph (1) of the 1951 Refugee Convention which discusses the principle of non-refoulement is considered the basis for international refugee protection (Al Imran, 2022). According to Article 33 paragraph (2) of the Refugee Convention, there are logical reasons for considering that a person may pose a threat to the national security of the host country (Bhuiyan, 2013). Based on this article, a country can refuse entry or expel a person if there are reasonable grounds to believe that the person poses a threat to the national security of the host country.

The fundamental nature of the prohibition of non-refoulement is evident from its non-derogable character. However, it is not an absolute prohibition without exceptions. Article 33 paragraph (2) of the Refugee Convention reads: The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a grave crime, constitutes a danger to the community of that country. Refugees posing a security risk to the receiving state or its community may, under certain circumstances, be excluded from the protection against non-refoulement. The assessment required to determine if a refugee poses a risk to the security of the country or its community is a task for the concerned state.

However, this determination must be made carefully and supported by evidence. This reasoning must be undertaken while carefully considering the opportunity to provide protection and as a measure of last resort (Riyanto, 2010). To assess whether the actions carried out by the Rohingya Ethnic group meet the criteria of Article 33 paragraph (2) of the Refugee Convention, it is necessary to interpret what is meant by danger to national security or the community of that country. The definition of danger is the possibility that something terrible will happen (Cambridge, 2024).

One paradigm, “Critical Security Studies,” recognises that threats are social constructs mirrored in government programs (Nadig, 2002). This implies that the existence or lack of threat is based on the local society, which determines the Government’s response (Latifiani et al., 2022).

Dangers are subjective ideas that can be changed via human activity, social development, and scientific development (Hariansah & Qhistina, 2026). The meaning of national security in international law is continually dynamic or changing. National security is linked to self-defence (Suteki et al., 2025). States are entitled to take measures to defend themselves under international law (Dill, 2023).

National security is concerned with the protection of a nation's stability and well-being from a variety of dangers, whether military, economic, social and environmental, which can have a substantial effect on the quality of life and options accessible to the Government and its people (Whyte, 2001). It has key elements like stability of society. Then community is all local communities or Indonesian citizens in the area.

Based on the two definitions, it can be interpreted that exceptions to the principle of non-refoulement may apply if there is a possibility that adverse effects could occur on economic stability, societal stability, the environment, or the local community (Handayani & Hardiyanti, 2025). To assess whether these elements are present, it is necessary to examine the situation empirically at the location. As mentioned in the background, the fact is that the Rohingya ethnic group has been involved in various issues, including fleeing refugee camps, environmental pollution, human trafficking, theft of plantation products, sexual harassment, and sexual abuse of children committed by Rohingya refugees against the local community (Sumitro, 2023). However, all these cases have been handled by the police. This means that those involved in these incidents have been processed under the law and can be addressed by the Government (Sherstyuk, Mitskaya, & Mahfud, 2026).

In an interview conducted by the research team with the Secretary of Kulee Village, Batee District, Pidie Regency, Aceh (August 23, 2025). The refugees live in an orderly manner and even blend in with the community. No offense or crime occurred. All coexist and accept each other (Secretary of Kulee Village, 2025).

In the FGD held by the research team on August 22, 2025. The Regional Police of Banda Aceh stated that each camp was strictly guarded and orderly guaranteed. Ethnic Rohingya who commit crimes or engage in disorderly behavior will be immediately dealt with firmly by law enforcement in accordance with applicable procedures and rules (Regional Police of Banda Aceh, 2025).

This was also noted by the Indonesian Civil Humanity Foundation (Yayasan Kemanusiaan Madani Indonesia/YKMI), which, stated that all problems that occurred could be overcome through law enforcement. The mistakes made by the Rohingya ethnic leaders cannot be used as an excuse to reject and hate the Rohingya (Yayasan Kemanusiaan Madani, 2025).

The crimes committed by several individuals cannot be attributed to the entire Rohingya ethnic group, nor should they justify

punishment for all members of this group. Azharul Husna, the Coordinator of Kontras Aceh, also emphasized this (BBC, 2024). Some use these criminal cases as a reason to oppose the presence of refugees, which contradicts the principle of non-refoulement (McDonald-Gibson, 2016). This notion was also discussed in a study conducted by Muhammad Havez et al., which states that the actions of individuals within the Rohingya ethnic group cannot be used as a justification for disregarding the Principle of non-refoulement. The Government must address such cases and should not generalize to reject or deport all refugees (Havez et al., 2024); (UNHCR, 2024b).

As a sovereign country, Indonesia is very compliant with international law and committed to accepting Rohingya refugees. In the FGD, the Banda Aceh Regional Office of Immigration stated that Indonesia still adheres to international principles. Although Indonesia did not ratify the 1951 Refugee Convention, it is bound by human rights provisions. Indonesia is a country that respects human rights, and immigration authorities are not allowed to repatriate people or groups of people who are refugees or even non-refugees. Even if they do not have documents, they are still accepted, because if they are repatriated, not all refugees are in good health and in their home countries; they are in war/internal conflict, so this is still an international obligation (FH USK, 2026).

Indonesia has also ratified various human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), as well as the Economic and Social Council (ECOSOC), and has human rights regulations in its national law. It was also conveyed in the FGD that Indonesia has the ideology of Pancasila, which upholds the value of humanity. Therefore, Indonesia always accepts refugees (CSO, 2025). One of the confessions from the refugees at Camp Minaraya stated that he chose Indonesia because Indonesia is one of the favorite countries.

However, with the acceptance of Rohingya refugees, there is social jealousy of the community around the Rohingya refugee camp. This was conveyed during the FGD. This is logical because there are Indonesian people, especially the Acehnese people, around the refugee camp, who still need help from the Government. At the same time, the Government, International Organizations, NGOs and other stakeholders take care of the Rohingya refugees.

The Indonesian Civil Humanity Foundation (YKMI) added that this can be overcome, as they raise funds and provide assistance to Rohingya refugees, and also offer support to the Acehnese people surrounding the refugee camps (Rohingya Refugees, 2025b). The lack of community welfare in a country is not an obstacle to fulfilling state obligations. Precisely the right way is how to prosper both the Rohingya community and the refugees (Yayasan Kemanusiaan Madani, 2025). Thus, the concerns of the Indonesians about the

arrival of the Rohingya and the problems that can be caused are excessive (Kaharuddin et al., 2025). The community and refugees have coexisted in an orderly manner, with no national interest being violated.

The next problem revealed in the FGD is related to the lack of good support and budgeting from the Central Government. The central government only gives the obligation to local governments to receive and take care of Rohingya refugees without providing a clear budget (Focus Group Discussion (FGD), 2025).

This has an impact on the comfort of the refugees. Based on direct observation of Camp Minaraya and Camp Kulle in Pidie Regency, Banda Aceh, there is a need for permanent and better shelters. In addition to shelters, The results of the interviews revealed that they aspire to improve their children's educational level. Especially in Camp Minaraya, it is hoped that the government will hold work or activities so that residents do not just stay in the shelter camp. At Camp Kulle, activities include trading/opening small stalls, gardening on residents' land, and sometimes participating in local fishing activities. They also stated that they want certainty in the future and better policies.

The Aceh Regional Law Office (2025) states that it is necessary to amend the regulations, especially the revision of Presidential Regulation No. 125 of 2016 about the Handling of Refugees from Abroad and the implementation of the idea of preventive. There is an urgent need for policy reforms, especially in the revision of Presidential Regulation No. 125 of 2016 and the development of a cross-sectoral funding plan. This system might be a national emergency fund, inter-ministerial coordination structures and more structured international cooperation. These efforts are important to ensure that the response to the refugee crisis is sustainable, humane and in compliance with the rule of law (Türk, 2018).

Therefore, the Government of Indonesia must adopt anticipatory measures to prevent similar circumstances from unfolding. The author proposes several strategic recommendations for relevant stakeholders to ensure the fulfilment of international obligations without compromising national interests. First, the central Government, provincial governments, local governments, UNHCR, NGO, IOM and all stakeholders must continue to coordinate effectively and seek joint solutions regarding the addition and determination of shelter locations, considering the current inadequate conditions of these locations, which are also close to residential areas.

Secondly, there is a need to add facilities and infrastructure. In addition to being accepted and given temporary and makeshift quarters, they are supplied with a pleasant and reasonable living arrangement with access to education, albeit in a non-formal setting. Third, the Government and stakeholders should participate in communication with, listen to and respond to local communities' problems so that they better grasp the challenges on the ground. Fourthly, concerning the reception

process, all data and documentation of Rohingya ethnic groups must be checked extensively. "If they are not refugees, they should be helped complete their documents, not arrested or deported.

Fifth, this problem must be tackled through international cooperation with other countries and organisations. Sixth, positive programs and activities should be developed for the Rohingya ethnic group to minimise boredom and aimlessness. Seventh, there is a need for coordination with country of origin, with long term planning, as Indonesia cannot host them all forever. They must not only be quiet, they must be provided a route out, and certainty. Eight. Effective surveillance of the Rohingya ethnic community is important. Finally, there is a need to investigate possible human trafficking syndicates involved in this circumstance.

This statement reflects the State's effort to differentiate between victims and offenders, while also indicating the imposition of limitations on the individual freedoms of those deemed to have violated the law. Within the framework of international law, this approach aligns with Article 33, paragraph (2) of the 1951 Refugee Convention, which provides for an exception to the principle of non-refoulement in cases where a refugee is proven to constitute a threat to national security or public order (Justinar, 2019). However, this exception clause is to be interpreted narrowly, and may only be applied under strict conditions, requiring compelling evidence and procedural safeguards to ensure fair treatment and due process.

In the midst of the concept of implementing strategies in balancing these two interests, Brigadier General of Police Adhi Satya Perkasa, Assistant Deputy for Transnational and Extraordinary Crime Handling at the Deputy for Police Coordination and Security, Ministry of Political, Legal, and Security Affairs, and Head of the Task Force for Handling Foreign Refugees, stated that Indonesia must adopt the following positions in the interest of national affairs (Humas Kemenko Polkam RI, 2023):

1. Refugees must not be rejected, returned, or sent to a territory where they would face circumstances endangering their lives.
2. Refugees must not be criminalized solely for lacking valid documentation.
3. Temporary international protection must be provided while national laws remain applicable to them.
4. Non-discriminatory measures must be upheld in all actions concerning refugees.
5. Respect for and fulfilment of human rights must be prioritized.
6. Collaboration is essential in handling refugees from abroad, involving other countries, international organizations, countries of origin, transit, and destination.
7. The provincial governments of Aceh, North Sumatra, and Riau must coordinate in determining appropriate locations for refugee shelters.

8. The budget allocated for managing Rohingya refugees must be utilized optimally.
9. Legal action must be enforced against human smuggling syndicates, accompanied by strict measures.
10. The revision of Presidential Regulation No. 125 of 2016 must be expedited to include provisions regarding the time limit for refugees' stay in Indonesia.
11. The Assisted Voluntary Return program must be optimized.

In addition to the solutions or steps that must be taken as outlined by the Head of the Task Force for Handling Refugees from Abroad, the results of the Focus Group Discussions (FGD) and interviews indicate the need for improvements or revisions to Presidential Regulation No. 125 of 2016. As previously explained in the first sub-chapter, Presidential Regulation No. 125 of 2016 has weaknesses in implementation details. Therefore, additional, more in-depth articles or regulations are needed to ensure that the implementation of refugee management has a legal basis and effective steps. Based on the FGD results, improvements or additions to Presidential Regulation No. 125 of 2016 must address the following:

1. The duration of refugee stay in Indonesia;
2. Clarification of emergency and non-emergency refugee status;
3. Stages of providing humanitarian assistance to refugees;
4. Budget formulation and utilization by the central, provincial, and regional governments, if applicable;
5. Division of tasks and responsibilities between the government and international organizations;
6. Mechanisms for providing access to education, skills training and health care for refugees while in shelters and other matters related to fulfilling refugee rights.

The solution in the form of a revision or improvement of Presidential Regulation No. 125 of 2016 is very much in line with the theory of legal certainty that has been reviewed in the previous background, in this case the form of improvement of the Presidential Regulation serves as a concrete form that can be used by Indonesia as a legal basis in implementing evacuation for the Rohingya community. Hans Kelsen stated that the laws formed must always be guided by or in line with existing and recognized basic norms (grundnorm) (Mahfud, Siregar, & Malik, 2026). The basic form of the Indonesian State itself is Pancasila which contains the values of humanity and human rights. Therefore, the form of improvement of Presidential Regulation No. 125 of 2016 is expected to have a positive impact on the Rohingya community, especially in terms of fulfilling human rights (Sulistianingsih et al., 2025). Indonesia is expected to be a safe country for Rohingya refugees, of course, to provide sustainable social contributions or assistance,

assistance from international organizations such as UNHCR and IOM is needed both in the form of humanitarian assistance and diplomatic assistance (Jaya et al., 2024).

In the above-mentioned solutions, it will lead to the creation of a balance between the fulfillment of the elements described previously in the background, namely the value of sovereignty or customs in international law, national interests, and human rights. This can be reflected as follows, first, in the interests of international law, the response of the State of Indonesia to the presence of refugees from other countries is by being willing to accept these refugees, so that even though Indonesia does not ratify the international convention on refugees, Indonesia still implements the principle of non-refoulement. Second, in the national interest, by outlining solutions to change and/or add provisions to Presidential Regulation No. 125 of 2016 concerning budgeting regulations and the fulfillment of refugee rights, then in the aspect of national interests it becomes measurable and has certainty rather than having no basis whatsoever. In the event of social jealousy, there must be a further role of the government (especially the Regional Government) in equalizing distribution for local communities, so that social peace arises among the communities. Then third, the human rights element can be realized with a clear legal basis for the solutions outlined in this study, namely by providing additional regulations related to budgeting, provision of needs, and infrastructure for the Rohingya community, of course this must be followed by protection of other rights such as the right to obtain employment, residence or shelter, the right to obtain education for children, and others.

D. CONCLUSION

Two different international law sources establish the obligations of States towards refugees under international law: treaty law/convention and 'Soft refugee law' on refugees. As a country with a strong commitment to international law, Indonesia highly respects the principles of public law and the fulfillment of human rights. Based on the foregoing explanation, although Indonesia has not ratified the relevant conventions and protocols, it continues to accept the Rohingya ethnic group, providing them with services and protection. This is because international law has comprehensively regulated and established obligations concerning the protection of human rights, including the Rohingya refugees.

Thus, the concerns of the Indonesian about the arrival of the Rohingya and the Problems That Can Be Caused are excessive. The community and refugees have coexisted in an orderly manner, with no national interest being violated. International obligations regarding reception of refugees can be fulfilled without compromising national interests. In accepting Rohingya refugees, strategies and improvements are needed in the future to be even better.

Regulatory solutions to achieve legal certainty are needed by amending Presidential Regulation Number 125 of 2016, which contains more detailed substance regarding budgeting, fulfillment of needs, and fulfillment of rights for the Rohingya community as refugees. The amendment to the presidential regulation is expected to improve the balance between the values and/or interests of international law, national law, and human rights and can serve as a legal basis that has a clear value in implementing refugee facilities, especially in Aceh. This research has answered questions regarding the legal and moral basis of the State of Indonesia in implementing protection for the Rohingya community as refugees. Future research is expected to evaluate and monitor the form of protection for refugee communities.

ACKNOWLEDGEMENTS

This research would not have been possible without the support from any parties. We are grateful for USK postgraduate, the field and research assistant who help us to visit the Rohingya camp. We are also grateful for Indonesia's minister of Ministry of Education, Science and Technology.

FUNDING

This work was supported by Ministry of Education, Science and Technology (Fundamental Reseacrh Grants 2025)

REFERENCES

JOURNALS

Adiputera, Y., & Missbach, A. (2021). Indonesia's Foreign Policy Regarding the Forced Displacement of Rohingya Refugees. *Asia-Pacific Journal on Human Rights and the Law*,*22*(1),69–95. https://doi.org/10.1163/15718158-22010002

Adwani, A., Rosmawati, R., & Kadir, M. Y. A. (2021). the Responsibility in Protecting the Rohingya Refugees in Aceh Province, Indonesia: an International Refugees Law Perspective. *IIUM Law Journal*, *29*(S2), 1–21.https://doi.org/10.31436/iiumlj.v29i(s2).677

Al Imran, H. (2022). Rohingya Boat Refugees at Bay of Bengal and Obligations of the South East Asian States Under Soft Law. *Liverpool Law Review*,*43*(1),1–31. https://doi.org/10.1007/s10991-021-09286-z

Alam, J. (2021). The Status and Rights of the Rohingya as Refugees under International Refugee Law: Challenges for a Durable Solution. *Journal of Immigrant & Refugee Studies*,*19*(2),128–141. https://doi.org/10.1080/15562948.2020.1746872

Ansar, A., & Khaled, A. F. M. (2023). In search of a Rohingya digital diaspora: virtual togetherness, collective identities and political mobilisation. *Humanities and Social Sciences Communications*, *10*(1), 1-

16.https://doi.org/10.1057/s41599-023015 53-w

Ayu, S. M., Shaluhiyah, Z., Widjanarko, B., & Purwanti, A. (2026). Rasch Analysis of the General Life Skills Scale for Dating Violence Prevention in Indonesian Adolescents. *Media Publikasi Promosi Kesehatan Indonesia, 9*(2), 262-273. https://doi.org/10.56338/mppki.v9i2.8555

Baker, R. B. (2010). Customary International Law in the 21st Century: Old Challenges and New Debates. *European Journal of International Law*, *21*(1), 173–204. https://doi.org/10.1093/ejil/chq015

Benhabib, S. (2020). The End of the 1951 Refugee Convention? Dilemmas of Sovereignty, Territoriality, and Human Rights. *Jus Cogens*,*2*(1),75–100. https:// doi.org/10.1007/s42439-020-00022-1

Bhatia, A., Mahmud, A., Fuller, A., Shin, R., Rahman, A., Shatil, T., Sultana, M., Morshed, K. A. M., Leaning, J., & Balsari, S. (2018). The Rohingya in cox's bazar: When the stateless seek refuge. *Health and Human Rights*, *20*(2), 105–122. https://doi.org/https://pubmed.ncbi.nlm.nih. gov/30568406/

Carciotto, S., & Ferraro, F. (2020). Building blocks and challenges for the implementation of the global compact on refugees in Africa. *Journal on Migration and Human Security*, *8*(1),83–95. https://doi.org/https://doi.org/10.1177/2331 5024209082

Chan, E. Y. Y., Chiu, C. P., & Chan, G. K. W. (2018). Medical and health risks associated with communicable diseases of Rohingya refugees in Bangladesh 2017. *International Journal of Infectious Diseases*, *68*, 39–43. https://doi.org/10.1016/j.ijid.2018.01.001

Chan, P. C. W. (2006). The protection of refugees and internally displaced persons: Non-Refoulement under customary international law? *The International Journal of Human Rights*,*10*(3),231–239. https://doi.org/10. 1080/13642980600828552

Cheong, A. R. (2025). Racial exclusion by bureaucratic omission: Non-enumeration, documentary dispossession, and the Rohingya Crisis in Myanmar. *Social Problems,72*(2),341-357. https://doi.org/10.1093/socpro/spae003

Coppens, J., & Somers, E. (2010). Towards new rules on disembarkation of persons rescued at sea? *The International Journal of Marine and Coastal Law*, *25*(3), 377–403.https://doi.org/10.1163/157180810X57 1006

Danial, D., Jaya, B. P. M., Aulia, A., Taufiqurrohman, A., Suryani, S., & Bawono, I. R. (2024). Standardisation of Work Agreement between Indonesian Fisheries Crew and Foreign Companies. *Transactions on Maritime Science. Split, Croatia, 13(*2),1-26. https://doi.org/10.7225/toms.v13.n02.w09

D'Amato, A. (2009). Softness in International Law: A Self-Serving Quest for New Legal Materials: A Reply to Jean d'Aspremont. *European Journal of International Law*, *20*(3),897–910. https://doi.org/10.1093/ejil/chp067

Dill, J. (2023). Threats to state survival as emergencies in international law. *International Theory*,*15*(2),155–183. https://doi.org/10.1017/S1752971923000015

Duffy, A. (2008). Expulsion to Face Torture? Non-refoulement in International Law. *International Journal of Refugee Law*, *20*(3),373–390. https://doi.org/10.1093/ijrl/een022

Goodwin-Gill, G. S. (2013). The Dynamic of International Refugee Law. *International Journal of Refugee Law*, *25*(4), 651–666. https://doi.org/10.1093/ijrl/eeu003023

Handayani, E., & Hardiyanti, M. (2025). Forging a legal culture: criminal law enforcement in environmental protection amidst the sustainable development era. *Clio. Revista de Historia, Ciencias Humanas y Pensamiento Critico., 5*(10), 249-281. https:/doi.org/10.5281/zenodo.14975866

Hariansah, S., & Qhistina, L. (2026). Toward Algorithmic Due Process: Constitutional Challenges and Human Rights Risks in Indonesia's Digital State. *Jurnal Pembangunan Hukum Indonesia, 8*(1), 25-45. https://doi.org/10.14710/jphi.v8i1.25-25

Havez, M., Ernawati, N., Pitaloka, D., Rosidi, A., & Jumadi, J. (2024). Balancing Local Community Interest and International Responsibilities in the Context of the Expulsion of Rohingya Refugees in Aceh. *Indonesian Journal of International Law*, *21*(4),655–684. https://doi.org/10.17304/ijil.vol21.4.1823

Hossain, A. N. M. Z. (2022). Geopolitics of Rohingya Refugee Crisis and Regional Security. *International Journal of Safety and Security Engineering*, *12*(2), 167–177. https://doi.org/10.18280/ijsse.120204

Ilma, A., Wulandari, I., & Razan, M. R. (2024). Penolakan Kedatangan Gelombang Pengungsi Rohingya Di Aceh Dalam Perspektif Etika Dan Moral. *Jurnal Ilmiah Wahana Pendidikan, 10*(14), 53-60. https://doi.org/10.5281/zenodo.13342961

Ismayawati, A., Ngazizah, I. F., & Abd Aziz, S. N. (2025). Rohingya in Aceh: Human Rights Vs Security Justice Islamic Law Perspective. *Jurnal Pembangunan Hukum Indonesia,7*(3),428-444. https://doi.org/10.14710/jphi.v7i3.428-444

Irawan, B., Firdaus, F., Jaya, B. P. M., Taufiqurrohman, A. A., Sari, S. W., & Furqoni, S. (2025). State responsibility and strategy in preventing and protecting Indonesian fisheries crews working on foreign fishing vessels from modern slavery. *Australian Journal of Maritime & Ocean Affairs,17*(2),186-206. https://doi.org/10.1080/18366503.2024.2333107

Jaya, B. P. M., Sidiq, A. P. P., Fasyehhudin, M., & Solapari, N. (2024). Republic of Indonesia Sovereign Right in North Natuna Sea according to United Nations Convention on the Law of the Sea 1982. *Australian Journal of Maritime and Ocean Affairs, 16*(1),127–140.https://doi.org/10.1080/18366503.2023.2206261

Jaya, B. P. M., Ridwan, Mucharom, R. S., Wibowo, D. E., Aisah, S. N., Sulastri, & Alifvia, N. B. (2023). Criticising the Implementation of the ACTIP in Southeast Asia. *Sriwijaya Law Review*, *7*(2), 350–367. https://doi.org/10.28946/slrev.Vol7.Iss2.2542.pp350-367

Junaiding, J. (2021). Soft Law Sebagai Sumber Hukum Kontrak Dalam Perdagangan Internasional. *"Dharmasisya" Jurnal Program Magister Hukum FHUI, 1*(3), 15. https://scholarhub.ui.ac.id/dharmasisya/vol1/iss3/15

Justinar, J. (2019). Perlindungan Pengungsi Di Wilayah Konflik Bersenjata Dan Penentuan Status Prima Facie. *TerAs Law Review: Jurnal Hukum Humaniter Dan HAM*, *1*(1), 54–84.https://doi.org/10.25105/teras-lrev.v1i1.5793

Kaharuddin, K., Moechthar, O., Sekarmadji, A., Karunia, D., Kristianti, D. R., Widianti, E. P., Katherina, A. M. F., & Hidayat, Y. (2025). Fast Track Legislation Without A Legal Track: A Comparative Critique Of Accelerated Law-making In Indonesia And Other Jurisdictions. *Diponegoro Law Review,10*(2),199-216. https://doi.org/10.14710/dilrev.10.2.2025.199-216

Kamalludin, I., Purwanti, A., Sularto, R. B., Berezniak, V., & Liudvik, V. (2025). Designing a Digital Trust Fund for the Justice for Sexual Violence Victims Based on Islamic Criminal Law. *Jurnal Hukum Islam,23*(2),459-500. https://doi.org/10.28918/jhi.v23i2.04

Kartiko, A. Y., Telaumbanua, J. C., & Putri, T. S. (2019). Implementation of Immigration Supervision Refugees at Community House In Under Control Supervision of Immigration Detention House Jakarta. *Journal of Law and Border Protection*, *1*(1), 13–33. https://doi.org/10.52617/jlbp.v1i1.154

Klug, A. (2014). Strengthening the Protection of Migrants and Refugees in Distress at Sea through International Cooperation and Burden-Sharing. *International Journal of Refugee Law*, *26*(1), 48–64. https://doi.org/10.1093/ijrl/eeu008

Komarudin, U., & Ayuningtyas, D. (2024). Indonesia's Responses Towards Rohingya Refugees: Political Perspective. *JWP (Jurnal Wacana Politik)*, *9*(2), 112-120. https://doi.org/10.24198/jwp.v9i2.54009

Latifiani, D., Yusriadi, Y., Sarono, A., Al Fikry, A. H., & Cholis, M. N. (2022). Reconstruction Of E-court Legal Culture In Civil Law

Enforcement. *Journal of Indonesian Legal Studies,7*(2),4441-448. https://doi.org/10.15294/jils.v7i2.59993

Macklin, A. (1995). Refugee women and the imperative of categories. *Human Rights Quarterly*,*17*(2),213–277. https://www.jstor.org/stable/762517

Mahfud, M. A., Siregar, D. M. A., & Malik, M. F. (2026). Nussbaum's Justice Theory Lens: the Digital Divide and Unfulfillment of the Right to Public Service in Traditional Society. *Media Iuris, 9*(1), 97-128. https://doi.org/10.20473/mi.v9i1.77214

Maureen, D., Aling, R., & Senewe, E. V. T. (2024). Analisis Yuridis Krisis Pengungsi Rohingya Di Aceh Dan Peran Unhcr Di Indonesia Berdasarkan Hukum Organisasi Internasional. *Lex_Privatum*, *14*(3),1-12. https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/58369

Missbach, A., & Stange, G. (2021). Muslim Solidarity and the Lack of Effective Protection for Rohingya Refugees in Southeast Asia. *Social Sciences*, *10*(5), 166.https://doi.org/10.3390/socsci10050166

Mohajan, H. K. (2018). History of Rakhine State and the Origin of the Rohingya Muslims. IKAT : The Indonesian *Journal of Southeast Asian Studies, 2*(1), 19-46. https://doi.org/10.22146/ikat.v2i1.37391

Mucharom, R. S., Suriaamadja, T. T., Januarita, R., Jaya, B. P. M., Maharani, D. G., Taufiqurrohman, A. (2024). WTO Subsidies Agreement on Fisheries (2022- 2024): Agreed Terms and Implications for Indonesia. *Jurnal IUS Kajian Hukum dan Keadilan,12*(2*),*286-299*.* https://doi.org/10.29303/ius.v12i2.1394

Muchsin, M. A., & Armi, F. (2024). Rohingya Muslim Ethnicity: History and Future Dilemma Islam in Myanmar. *Hikmah*, *21*(1), 206–218. https://doi.org/10.53802/hikmah.v21i1.398

Natalis, A. (2026). Capitalism, Beauty Standards, and the Law: a feminist-foucauldian critique of body regulation. *Journal of Philosophical Investigations,20*(54),343-362. https://doi.org/10.22034/jpiut.2025.69150.4193

Nursabrina, M. (2020). Maritime Interception on Foreign Vessels Carrying Refugees and Asylum Seekers: A Violation of UNCLOS and Non-Refoulement Principle? *Padjadjaran Journal of International Law*, *4*(1),114-131. https://doi.org/https://doi.org/10.23920/pjil.v4i1

Nadig, A. (2002). Human Smuggling, National Security, and Refugee Protection. *Journal of Refugee Studies*, *15*(1), 1–25. https://doi.org/10.1093/jrs/15.1.1

Nelwan, C. E. D. (2024). Penerapan Prinsip Non-Refoulement Terhadap Pengungsi Di Indonesia Menurut Hukum Internasional Dan Hukum Nasional. *Lex Privatum*,

14(3),1-13 https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/58362

Noussia, K. (2017). The Rescue of Migrants and Refugees at Sea: Legal Rights and Obligations. *Ocean Yearbook Online*, *31*(1),155–170. https://doi.org/10.1163/22116001-03101008

Olivier, M. L. (2002). The relevance of'soft law'as a source of international human rights. *Comparative and International. Law Journal of Southern Africa, 35*(2), 289-307. https://hdl.handle.net/10520/AJA00104051_164

Paul, S., & Butola, B. S. (2024). Rohingya women as refugees: Examining *displacement, refugeehood and 'bare life'. Journal of Refugee Studies, 37*(3), 680-696. https://doi.org/10.1093/jrs/feae039

Pentury, Z. I., Waas, R. M., & Daties, D. R. A. (2024). Peran Association of South East Asian Nation (ASEAN) dalam Mengatasi Transnational Human Trafficking di Asia Tenggara. *TATOHI: Jurnal Ilmu Hukum*, *4*(9),715.https://doi.org/10.47268/tatohi.v4i9.2491

Putra, M. R. S., Malkan, D. B., Rohma, I. A., & Yandika, N. P. (2024). Tanggung Jawab Negara Indonesia terhadap Pengungsi Rohingya. *Journal Of Law Education And Business*,*2*(2),2988-1242. https://doi.org/10.57235/jleb.v2i2.3085

Rahman, U. (2010). The Rohingya Refugee: A Security Dilemma for Bangladesh. *Journal of Immigrant & Refugee Studies*, *8*(2), 233–239.https://doi.org/10.1080/15562941003792135

Ridwan, R., Jaya, B. P. M., & Imani, S. H. (2022). The Implementation of General Principles of Convention on The Rights of The Child During Covid-19 Pandemic in The City of Serang. *Law Reform*, *18*(1), 16–27. https://doi.org/10.14710/lr.v18i1.44643

Riyanto, S. (2010). The Refoulement Principle and its Relevance in the International Law System. *Indonesian Journal of International Law*,*7*(4),695-715. https://doi.org/10.17304/ijil.vol7.4.243

Shabrina, S., & Putrijanti, A. (2022). Online Legal Counselling As Business Strategy: Exploring The Mediating Role Of Notarial Code Of Ethics. *Corporate Law and Governance Review, 4*(2), 68-76. https://doi.org/10.22495/clgrv4i2p8

Sherstyuk, V., Mitskaya, E., & Mahfud, M. A. (2026). Social Problems and Threats of Digital Technologies Based on Artificial Intelligence. *Jurnal Pembangunan Hukum Indonesia,8*(1),46-68. https://doi.org/10.14710/jphi.v8i1.46-68

Shohel, M. M. C. (2023). Lives of the Rohingya children in limbo: Childhood, education, and children's rights in refugee camps in Bangladesh. *Prospects*, *53*(1), 131–149. https://doi.org/10.1007/s11125-022-09631-8

Siahaya, T., Wattimena, J. A. Y., & Peilouw, J. S. F. (2022). Urgensi Diratifikasinya Konvensi 1951 Tentang Pengungsi Perspektif Hukum Keimigrasian. *TATOHI: Jurnal Ilmu Hukum,1*(11),1069-1079. https://doi.org/10.47268/tatohi.v1i11.865

Sudrajat, T., Jati, B. K. H., & Gupta, C. M. (2024). Questioning Indonesia's Role in Addressing Rohingya Refugees: A Legal, Humanitarian, and State Responsibility Perspective. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, *7*(1), 1–19. https://doi.org/10.24090/volksgeist.v7i1.10506

Sulistianingsih, D., Adhi, Y. P., Lestari, D. P., & Yusoff, R. B. M. (2025). Dealing with A State of Emergency: A Comparative Study Between Indonesia and Malaysia in Government Use for Pharmaceutical Products. *International Law Discourse in Southeast Asia,4*(2),79-112. https://doi.org/10.15294/ildisea.v5i2.29671

Sulistyawan, A. Y., & Ilham, H. (2026). Violence in schools as a social construct: a legal-philosophical inquiry into the Indonesian educational context. *Clio. Revista de Historia, Ciencias Humanas y Pensamiento Critico.,2026*(11),1963-1995. https://doi.org/10.5281/zenodo.17491911

Suteki, S., Jalil, A., Natalis, A., & Rembulan, D. (2025). Community Engagement in Eradicating Corruption: Evaluating the Effectiveness and Reward Models for Whistleblowers As a Regional Strategy. *Jurnal Pengabdian Hukum Indonesia, 8*(1), 23-92. https://doi.org/10.15294/jphi.v8i1.20440

Sztucki, J. (1989). The conclusions on the international protection of refugees adopted by the executive committee of the UNHCR programme. *International Journal of Refugee Law*, *1*(3), 285–318. https://doi.org/10.1093/ijrl/1.3.285

Türk, V. (2018). The promise and potential of the global compact on refugees. *International Journal of Refugee Law*, *30*(4), 575–583. https://doi.org/10.1093/ijrl/eey068

Ullah, A. A. (2011). Rohingya Refugees to Bangladesh: Historical Exclusions and Contemporary Marginalization. *Journal of Immigrant & Refugee Studies*, *9*(2), 139–161.https://doi.org/10.1080/15562948.2011.567149

Utami, P. N. (2019). Implementasi Peraturan Presiden Nomor 125 Tahun 2016 Tentang Penanganan Pengungsi Dari Luar Negeri Di Provinsi Kepulauan Riau. *Jurnal Legislasi Indonesia*, *16*(3), 299–312. https://doi.org/10.54629/jli.v16i3.509

Zarni, M., & Cowley, A. (2014). The slow-burning genocide of Myanmar's Rohingya. *Pacific Rim Law & Policy Journal, 23*(3), 683–754. https://digitalcommons.law.uw.edu/wilj/vol23/iss3/8

Zieck, M (2015). Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status (UNHCR). International

Legal Materials,*54*(6),1115. https://doi.org/10.5305/intelegamate.54.6.1115

BOOKS

McDonald-Gibson, C. (2016). *Cast Away: Stories of Survival from Europe's Refugee Crisis*. New York: The New Press.

Malanczuk, P. (1997). Akehurst's Modern Introduction to International Law. London & New York: Taylor & Francis Group

BOOK CHAPTERS

Bhuiyan, J. H. (2013). Protection of refugees through the principle of non-refoulement. In S. Juss (Ed.), An Introduction to International Refugee Law (pp. 109-130). Leiden: Brill Nijhoff.

Dumberry, P. (2024). Article 38 ICJ Statute: Sources (and Select General Principles of Law). In A. Kulick & M. Waibel (Eds.), General International Law in International Investment Law: A Commentary (pp. 464-488). Oxford: Oxford University Press.

Noll, G. (2024). Refugees unlawfully in the country of refuge / Réfugiés en situation irrégulière dans le pays d'accueil. In The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (pp. 1399-1434). Oxford: Oxford University Press.

Saunders, I. (2014). International disaster relief law and Article 38(1)(c) of the Statute of the International Court of Justice: The forgotten source of international law. In D. D. Caron, M. J. Kelly, & A. Telesetsky (Eds.), The International Law of Disaster Relief (pp. 29-45). Cambridge: Cambridge University Press.

Whyte, A. V. (2001). Environmental security. In R. E. Dunlap & W. Michelson (Eds.), International Encyclopedia of the Social & Behavioral Sciences (pp. 4663-4667). Oxford: Elsevier.

ONLINE SOURCES

Fakultas Hukum Universitas Syiah Kuala (FH USK). (2026). FGD Kolaboratif Fakultas Hukum USK, Universitas Indonesia (UI), dan Deakin University Soroti Masa Depan Pengungsi Rohingya di Aceh. Retrieved from https://law.usk.ac.id/?p=8470

BBC. (2023). Polisi tetapkan dua tersangka baru penyelundupan pengungsi Rohingya ke Aceh, Indonesia 'dilema' antara masalah kemanusiaan dan keamanan. Retrieved from https://www.bbc.com/indonesia/articles/ckrpr53zg7zo.amp

BBC. (2024). Rohingya di Sidoarjo, Rohingya Minta Tanah, Menlu Retno Usir Rohingya – Bagaimana Narasi Kebencian dan Hoax Bekerja Menyudutkan Etnis Rohingya. Retrieved from https://www.bbc.com/indonesia/articles /c03y7n3k12lo

Cambridge. (2024). Danger. Retrieved from https://dictionary.cambridge.org/dictionary/english/danger

CNN Indonesia. (2023). Update jumlah total

pengungsi Rohingya dan sebaran penampungan di Aceh. Retrieved from https://www.cnnindonesia.com/nasional/20231213141254-20-1036757/update-jumlah-total-pengungsi-rohingya-dan-sebaran-penampungan-di-aceh

Detik News. (2023). Mengapa pengungsi Rohingya ditolak warga Aceh? Ini penjelasannya. Retrieved from https://news.detik.com/berita/d-7048044/mengapa-pengungsi-rohingya-ditolak-warga-aceh-ini-penjelasannya

Sumitro, F. (2023). 4 Kelakuan Buruk Pengungsi Rohingya Aceh, Buang Bantuan-Kabur dari Camp. Retrieved from https://www.detik.com/sumut/berita/d-7074619/4-kelakuan-buruk-pengungsi-rohingya-aceh-buang-bantuan-kabur-dari-kamp

Google Map. (2025). The Distance Between Cox's Bazar and Aceh.

Hukumonline. (2022). Kenali 3 Prinsip Perlindungan Pengungsi dalam Hukum Internasional. Retrieved from https://www.hukumonline.com/berita/a/perlu-pengaturan-komprehensif-untuk-atasi-masalah-penanganan-pengungsi-lt61f819630a204/

Humas Kemenko Polkam RI. (2023). Kemenko Polkam: Lonjakan Pengungsi Rohingya Bukan Masalah Daerah, Tapi Nasional. Retrieved from https://polkam.go.id/kemenko-polkam-lonjakan-pengungsi-rohingya-bukan-masalah-daerah-tapi-nasional/

UNHCR. (1997). UNHCR Note on the Principle of Non-Refoulement. Retrieved from https://www.refworld.org/policy/legalguidance/unhcr/1997/en/36258

UNHCR. (2011). Rescue at Sea, Stowaways and Maritime Interception: Selected Reference Materials. Retrieved from https://www.unhcr.org/4ee1d32b9.pdf

UNHCR. (2015). Guidelines on international protection No. 11: Prima facie recognition of refugee status. Retrieved from https://www.refworld.org/docid/555c335a4.html.

UNHCR. (2017). Conclusions on international protection adopted by the Executive Committee of the UNHCR Programme 1975–2017 (Conclusions No. 1–114). Retrieved from https://www.refworld.org/docid/5a2ead6b4.html

UNHCR. (2023a). 14 facts on Rohingya refugees. Retrieved from https://www.unhcr.org/id/en/news/14-facts-rohingya-refugees

UNHCR. (2023b). What is a refugee?. Retrieved from https://www.unhcr.org/us/what-refugee

UNHCR. (2024a). Rohingya refugee crisis explained. Retrieved from https://www.unrefugees.org/news/rohingya-refugee-crisis-explained/

UNHCR. (2024b). Who are the Rohingya?. Retrieved from https://www.unrefugees.org/

news/who-are-the-rohingya/

REGULATION & CONVENTION

1951 Convention and 1967 Protocol relating to the Status of Refugees

Presidential Regulation No. 125 of 2016 concerning Handling of Refugees from Abroad

INTERVIEWS

Rohingya Refugees (2025a). Minaraya Camp, Aceh: August 22, 2025.

Rohingya Refugees (2025b). Aceh: August 22, 2025

Secretary of Kulee Village. (2025). Aceh: August 23, 2025

FORUM GRUP DISCUSSION

Civil Society Organization (CSO). (2025). Focus Grup Discussion. Aceh: August 22 2025.

Focus Group Disccusion (FGD). (2025). Aceh Regional Office. Aceh: August 22 2025.

Regional Police of Banda Aceh. (2025). Focus Grup Discussion. Aceh: August 22 2025

The Aceh Regional Law Office. (2025). Aceh: August 22 2025

Yayasan Kemanusiaan Madani (YKMI). (2025). Focus Grup Discussion. Aceh: August 22 2025