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Indonesian Legal Policy in Treating International Refugees Based on Human Rights Approach

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Abstract

Indonesia is one of the countries that is often a transit point for immigrants who want to seek asylum in other countries. This illegal arrival is certainly very detrimental to Indonesia. This is because the arrival of these refugees is considered a threat to national security and resilience. The trend of the number of refugees that continues to increase every year has caused various problems in handling foreign refugees in Indonesia. Indonesia did not ratify the 1951 Refugee Convention and the 1967 Protocol, but on the basis of human rights. As a transit country, Indonesia is experiencing a build-up of refugee flows due to the uncertain timing of the status granting process from UNHCR and moreover third countries limit the acceptance of refugees. However, Indonesia continues to provide various forms of assistance in dealing with the problems faced by refugees. The government has also issued several regulations including Presidential Decree Number 125 of 2016 and other technical regulations. Indonesia also collaborates with non-governmental institutions, such as academics, humanitarian activists, and faith and charity-based organizations. This collaboration has implications for the existence of asylum seekers and refugees in Indonesia. It is hoped that with this regulation and cooperation, it can provide legal certainty regarding solutions to refugee problems in Indonesia.

Keywords: Law Policy, Refugees, Human Rights, Indonesia

1. Introduction

Refugees are one of the global issues that are widely discussed by the international community. The problem of refugees is of particular concern to the international community because the number continues to increase and has become an issue that requires special attention from the international community.

The emergence of refugees is caused by deteriorating conditions in the political, economic, and social spheres of a country, forcing its people to leave the country and seek safer shelter in other countries, with the reason of wanting to seek protection and save themselves from the dangers that threaten to threaten their physique. The high number of refugees who leave their country and enter another country illegally directly causes a lot of losses for the security and defense of a destination country for the immigrants (Allain, 2001).

Basically, every refugee who seeks asylum to another country has the right to obtain legal protection as well as safety and security from threats that are guaranteed by the destination country. Asylum is the granting of protection within the territory of a country to people from other countries who come to the country concerned because they avoid being pursued or in great danger.

Indonesia is one of the countries that is often a transit point for immigrants who want to seek asylum in other countries. Immigrants who transit to Indonesia are usually immigrants who go to Australia as their destination. Indonesia is often a transit point for immigrants due to its position flanked by two continents and two oceans. In addition, Indonesia has a very long coastline that allows the formation of illegal ports that are not detected by the Indonesian government. On the other hand, Indonesia's geographical position has the potential as an illegal trade route and a transit location for refugees or asylum seekers who want to go to Australia (Kneebone & Missbach, 2018).

This illegal arrival is certainly very detrimental to Indonesia. This is because the arrival of these refugees is considered a threat to national security and resilience. According to the provisions of Indonesian law, every person entering or leaving Indonesia must have a travel document. From this provision, it can be seen that Indonesia is actually very opposed to the existence of illegal immigrants who come to Indonesia.

2. Method

The method that is used in this study is social legal research. This research was conducted by examining the situation based on the statutory and empirical approach that is related to the existing phenomenon (Susanto, 2014). The data collection was conducted through a literature review, existing legal material, and social facts that correspondent to the topic. While the analytical technique is conducted by constructing legal arguments by argumentative technique.

3. Discussion

3.1 Problems with the Presence of Refugees in Indonesia

The refugee problem is a global issue that involves more than one country, including Indonesia. Based on data from the United Nations High Commissioner for Refugees (UNHCR), during 2020 at least 82.4 million people in the world made forced migrations, and this figure has an increasing trend. As of September 2021, UNHCR recorded the number of refugees registered in Indonesia reached 13,273 people. Of these, 73 percent are adults and 27 percent are children, of which 7,458 people are from Afghanistan, 1,364 people are from Somalia, 707 people are from Myanmar, 677 people are from Iraq, and the rest are from other countries (Purwanti, Zahidi, & Afiya, 2022).

The trend of the number of refugees that continues to increase every year has caused various problems in handling foreign refugees in Indonesia. In addition, the non-optimal arrangements for handling refugees in Indonesian laws and regulations have also resulted in the handling of foreign refugees in Indonesia not being well coordinated and integrated, particularly regarding the determination of refugee status, refugee period, and local government budget contributions.

The increasingly stringent requirements and quotas for accepting foreign refugees by destination countries have implications for the increasing number of foreign refugees in Indonesia. This number is also predicted to continue to increase, especially considering the current political and government situation in Afghanistan (Collins, 2016). An increase in the number of refugees will result in an increasing number of problems that accompany it.

The problem of handling refugees is not only faced by the Central Government, but also by the Regional Government, where refugees are temporarily placed. Some of the problems in handling foreign refugees in Indonesia can be mapped as follows (Cristiana, 2021):

- a. Refugee status and data: (i) the waiting period for determining the status of refugees or asylum seekers from UNHCR is not clear; (ii) it is difficult to collect data on independent refugees, because they live outside the designated shelters; and (iii) refugee data held by UNHCR or the International Organization for Migration (IOM) are not immediately submitted/reported to local governments.
- b. Placement to a refugee-receiving country: (i) the period of placement to a refugee destination country is uncertain. Some refugees have been in Indonesia for more than ten years. The Covid-19 pandemic has further slowed the deployment process; and (ii) third refugee-receiving countries, such as Australia and the United States, are increasingly tightening and reducing the quota of refugees entering these countries.
- c. Social problems: (i) some community houses are less suitable for habitation and exceed capacity; (ii) the emergence of mental and physical health problems experienced by refugees; (iii) limited access to health and education services; and (iv) various other social problems between the refugees and the community and local officials.
- d. Budget: (i) Australia has stopped funding through IOM for new refugees entering Indonesia after 2018. The Indonesian government needs to anticipate funding for refugees from abroad entering Indonesia after that year whose numbers are predicted to continue to increase, especially from Afghanistan; and (ii) Presidential Decree Number 125 of 2016 concerning Handling of Refugees from Overseas mandates that the State Budget can be used as a source of funding for refugees. However, there is no more detailed regulation that regulates the mechanism for the use of the said State Budget.
- e. Coordination between agencies: (i) coordination and communication between the Central Government, Regional Governments, and IOM in dealing with foreign refugees in Indonesia has not been maximized; (ii) there is no clear division of roles, responsibilities, and budget allocations between the Central Government and Regional Governments (Provincial Government and Regency / City Governments) in handling refugees from abroad; and (iii) not all regions that have refugee shelter centers have established a Refugee Handling Task Force, as an effort to encourage better coordination at the regional level.

3.2 Legal Arrangements for Refugees in the Framework for the Protection of Human Rights

To deal with the problem of refugees internationally, there are legal rules regarding international refugees, namely The 1951 Convention Relating to the Status of Refugees, The 1967 Protocol Relating to the Status of Refugees, the Convention Relating to the Status of Stateless Persons (1954), and the Convention Governing the Specific Aspects of Refugees Problems In Africa (1969). These conventions are a form of protection for refugees.

Protection of refugees is related to the recognition of their basic rights as human beings, which are regulated in the following international guidelines: UN Charter, United Nations Human Rights Declaration of 1948, International Convention on the Elimination of All Forms of Racial Discrimination of 1965, International Covenant on Civil and Political Rights of 1966, International Covenant on Economic, Social and Cultural Rights of 1966, International Convention on the Elimination of All Forms of Discrimination against Women of 1979, International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, International Convention on the Rights of the Child of 1989. Formation of international human rights norms that have been made and adopted into various forms of international agreements, both bilateral and multilateral that bind the parties.

In Indonesia, there are two international organizations dealing with refugee issues, namely the United Nations High Commissioner for Refugees (UNHCR) and the International Organization of Migration (IOM). Foreigners who declare themselves as refugees or asylum seekers cannot be subject to sanctions like illegal immigrants. However, they will be handed over to UNHCR and IOM in their handling until they are placed in third countries (Setiyono, 2018).

UNHCR is one of the humanitarian agencies established by the United Nations, with the existence of this humanitarian agency, it is hoped that the victims of conflicts that occur in their environment can find security, can seek asylum, get a safe place in other regions or in other countries. UNHCR and IOM have their respective functions, the first is that UNHCR is the party that has the right to determine a person's status as a refugee or not, while IOM does not have this right. The second difference is that UNHCR is the party that determines the third

country for refugees, while IOM provides assisted voluntary return facilities to the refugees' countries of origin (Fiddian-Qasmiyeh, Loescher, Long, Sigona, & Goodwin-Gill, 2014).

The Indonesian government has not signed the 1951 Refugee Convention and the 1967 Protocol on refugees. Indonesia is not obliged to admit that it does not even provide protection for asylum seekers residing in Indonesia. However, as one of the countries that received and ratified the General Declaration of Human Rights, Indonesia recognizes the right to seek asylum in other countries. This can be seen in the recognition of the right to seek asylum in the Indonesian laws and regulations. Indonesia has no obligation and authority to take international action against refugees and asylum seekers who enter Indonesia. Indonesia only handles immigrants who are given administrative action by immigration officials (Suwardi, 2004).

For example, the protection status of Rohingya refugees in Indonesia. The status of existence and protection of refugees is closely related to human rights. Everyone who has chosen the path to become an asylum seeker and even a refugee is someone who does not get proper protection in terms of human rights in their country of origin (Syahrin, 2018). Basically the government has the responsibility to provide protection to its people, but it may be possible that the government or the state is unwilling or unable to provide protection to its citizens, so that its citizens are forced to seek protection in other countries.

Initial handling of problems related to asylum seekers and refugees in Indonesia refers to Law Number 6 of 2011 concerning Immigration. This is because both asylum and refugees, they are foreigners who enter the territory of Indonesia, so the provisions are the same as other foreigners who enter Indonesia both legally and illegally. Article 83 paragraph (1) letter b of Law Number 6 of 2011 states that immigration officials have the authority to place foreigners in the Immigration Detention Center if the foreigner is in Indonesian territory without having a valid travel document.

The Indonesian government does not have the authority to determine whether a person or group of people is a refugee or not. The authority rests with UNHCR as the agency that handles refugee issues. Those whose status has not been identified by UNHCR will be placed in the Immigration Detention Center, while those who are declared not as asylum seekers or refugees by UNHCR will be immediately deported.

3.3 Legal Consequences when Indonesia Does Not Ratify the 1951 Refugee Convention and the 1967 Refugee Protocol Regarding International Refugees

The 1951 Refugee Convention and the 1967 Protocol have defined basic rights and freedoms that are urgently needed by refugees. States parties to the convention are obliged to implement these rights and obligations. This is a legal consequence that must be implemented for convention participants, to fulfill the rights and obligations for refugees, a regulation regarding the handling of refugees is needed. This regulation must be made primarily by the state parties that are members of the convention.

If Indonesia becomes a party to the 1951 Refugee Convention and the 1967 Protocol, then Indonesia must implement all the required provisions, in order to achieve the rights of refugees. But in reality Indonesia has not ratified the 1951 Convention and 1967 Protocol, so Indonesia does not have the same authority as the ratifying country, especially in fulfilling the rights and obligations as contained in the convention. This has resulted in Indonesia having limited authority in handling refugees where the authority in dealing with asylum seekers and refugees rests entirely with UNHCR.

In fact, refugees and asylum seekers face obstacles, namely the process of granting status that there is no certainty of time from UNHCR and moreover third countries limit the acceptance of refugees. This has resulted in Indonesia as a transit country experiencing a buildup of asylum seekers and refugees (Primadasa, Kurnia, & Erawaty, 2021). This is a consequence of the law carried out by Indonesia when it did not ratify the 1951 Refugee Convention and the 1967 Protocol, namely that Indonesia did not have the authority to grant refugee status because the granting of status was in the hands of UNHCR.

Indonesia has reasons not to ratify the 1951 Refugee Convention and the 1967 Protocol, because there are several articles that are considered very difficult to implement. Several articles were considered, namely Article 17 regarding the right to work for refugees and Article 21 namely the right to have a home and several articles of the 1951 Refugee Convention which are still possible if implemented by the Indonesian government. However, these provisions can also create gaps for the people of Indonesia if implemented. The provision is in Article 22 concerning the right to education and Article 4, namely the right to freedom of religion.

If Indonesia binds itself to the 1951 Refugee Convention, some parties think that such action will only increase Indonesia's obligations, while the benefits of ratifying the convention are still debated. Some parties believe that there will be some benefits from ratifying the convention, but the position of the balance between the benefits obtained compared to the obligations that are clearly increasing is also still questionable.

In addition, there are several factors that have caused Indonesia to have not been able to handle these humanitarian problems, including (i) Indonesia does not have sufficient human resources in the field to carry out patrols throughout Indonesia's vast territorial waters; (ii) The existence of people smuggling syndicates carried out by elements of the Indonesian people themselves such as fishermen and even the authorities so that they can trick Indonesian patrol boats (Nurhalimah, 2017).

3.4 Indonesian Government Policy in Dealing with Refugee Problems

Asylum seekers and refugees are one of the vulnerable groups, generally experiencing discriminatory treatment and human rights violations. Since the past until now, Indonesia is still dealing with the issue of asylum seekers and refugees. The increasing number of asylum seekers and refugees in Indonesia has made Indonesia pay special attention to this problem. Indonesia does not have a specific law regarding the handling of asylum seekers and refugees. Even so, Indonesia continues to provide protection to asylum seekers and refugees (Fiddian-Qasmiyeh et al., 2014).

Indonesia itself has experience dealing with the problem of asylum seekers and refugees, as happened between 1975-1980. Indonesia participates in handling refugees from Vietnam (Vietnamese Boat People). Indonesia has received an influx of refugees, as hundreds of thousands of asylum seekers from Vietnam arrived by boat and were placed on Galang Island, until finally returned to their home country. With a national juridical basis, the implementation of assistance is not only based on Presidential Decrees, but still refers to international provisions. Speaking of international provisions, the protection of asylum seekers and refugees is regulated in the 1951 Refugee Convention and the 1967 Protocol. This convention contains minimum standards for the treatment of states towards asylum seekers and refugees, including their basic rights. While the 1967 Protocol contains the granting of refugee status to asylum seekers. In addition, the protocol also regulates the rights and obligations of asylum seekers and refugees, and contains points of cooperation and agreements agreed between countries and institutions or organizations under the UN, such as UNHCR and IOM.

Even though it is not a country that has ratified the conventions and protocols, Indonesia is still trying to provide protection to asylum seekers and refugees. The efforts made are not much different from the applicable international provisions. Indonesia adheres to the principle of non-refoulement, namely the prohibition of the return or expulsion of asylum seekers and refugees. In addition, Indonesia also cooperates with international organizations. These international organizations are UNHCR and IOM. The existence of this international organization helps relieve countries that become shelters for refugees and asylum seekers. Not only the state, the presence of these two organizations also helps asylum seekers and refugees in fulfilling their rights.

In dealing with the issue of asylum seekers and refugees, Indonesia also makes efforts through the Desk for Handling Overseas Refugees and Human Trafficking under the Coordinating Ministry for Politics, Law and Human Rights. In order to support global efforts in handling and finding sustainable solutions to the global refugee crisis, the Government of Indonesia has played an active role in discussions on the preparation of the Global Compact for Orderly Migration and Refugees since 2015. Until finally, the United Nations General Assembly adopted the New York Declaration for Refugees and Migrants. in 2016.

One of the mandates of the New York Declaration is a series of discussions and negotiations for the preparation of the Global Compact on Refugees (GCR). The GCR is expected to be a reference for handling the global refugee crisis, especially in emergency situations. The main points of interest that Indonesia has always prioritized in the discussion of the GCR are that the GCR is not the establishment of a new legal norm to replace the refugee convention, but rather to strengthen the existing regulatory framework. In addition, the burden and responsibility for handling refugees must be shared proportionally and adjusted to the national capacity of each country, and the GCR must reflect a strong commitment to sustainable achievement efforts, namely solving the root causes of problems in the country of origin and accelerating the resettlement process for refugees (Perez, 2015).

In addition to these efforts, Indonesia also collaborates with non-governmental institutions, such as academics, humanitarian activists, and faith and charity-based organizations. This is an important factor in encouraging the effectiveness of providing protection for asylum seekers and refugees. Just as Indonesia cooperates with non-governmental organizations in the humanitarian field that will assist Indonesia in distributing humanitarian aid to asylum seekers and refugees. This collaboration has implications for the existence of asylum seekers and refugees in Indonesia.

The majority of asylum seekers and refugees in Indonesia come from Middle Eastern and African countries. The majority of the arrival of asylum seekers and refugees to Indonesia by sea. Asylum seekers and refugees came by boat or boat from the western part of Indonesia. Indonesia is one of the countries used as a transit point for asylum seekers and refugees who want to seek asylum in Australia. Indonesia is often a transit point for asylum seekers and refugees, inseparable from Indonesia's strategic location, which has the potential as a transit route for asylum seekers and refugees who want to go to Australia.

The existence of asylum seekers and refugees as individuals or groups has an impact that affects the condition of a country. The same thing happened with Indonesia. There are several serious impacts arising from the increasing presence of asylum seekers and refugees in Indonesia. The impact may not be felt now, but will be felt for years to come. Some of these impacts include ideological impacts, economic impacts, legal impacts, socio-cultural impacts, national security impacts, and potential immigration impacts.

The many impacts caused by the arrival of asylum seekers and refugees to Indonesia, such as security, social, economic, and so on do not make Indonesia silent in facing the problems of asylum seekers and refugees (Fernando, 2014). Despite the impact, Indonesia did not stop its intention to provide protection to them through possible measures, as already explained.

The presence of asylum seekers and refugees is a social phenomenon in international relations, which has a significant impact on state policies, both as recipient countries and transit countries. Indonesia's desire to provide protection for asylum seekers and refugees is a part or form of foreign policy (UNHCR, 2007). This is because Indonesia has issued a decision to accommodate and provide protection for asylum seekers and refugees from outside its territory. These asylum seekers and refugees try to leave their country to seek refuge in other countries that they consider safe from threats.

The Indonesian policy certainly has a basis or reason for Indonesia's decision to accommodate and provide protection to asylum seekers and refugees. Indonesia's policy is inseparable from the factors that influence it. Based on the theory of liberalism used in this study, the theory of liberalism argues that actors in international relations are not limited to state actors, but also include other actors outside the state. This theory is the right theory to analyze how a policy is influenced by actors outside the country.

In the case of Indonesia's policy of providing protection to asylum seekers and refugees, the state is not the main actor in deciding the policy. However, in it there are non-state actors who play a role in influencing policy making. These non-state actors are interest groups. Liberalism assumes that the main actors of international politics are individuals and interest groups, where they can influence the policies of the government with some of their interests. This interest group can put pressure on the government, which determines the direction of state policy.

Besides being able to suppress, the existence of these two actors can also be considered by a country to determine the attitude and direction of policies formed by countries in the international world.

In analyzing this case, there is an influence of interest groups in influencing Indonesia's policy of providing protection to asylum seekers and refugees. This is because problems related to the protection of asylum seekers and refugees also attract the attention of actors outside the country and show their dominant role. There are also interest groups that play a role in influencing state behavior in deciding to provide protection to asylum seekers and refugees, namely humanitarian Non Governmental Organizations (NGOs). The NGOs consisted of the Asylum Organization, Dompok Dhuafa, Jesuit Refugee Service (JRS), Aksi Cepat Tanggap, The Wahid Institute, Humanity First Indonesia, Amnesty International, and Human Rights Watch.

These interest groups exert a strong influence on Indonesia's behavior in deciding to provide protection to asylum seekers and refugees in Indonesia. The influence shown by interest groups through campaign actions, discussion forums, opinion polls, and providing input to policy makers. The influence of interest groups illustrates how these interest groups fight for their interests. This interest group has its own interests in responding to the problem of asylum seekers and refugees in Indonesia. These groups are interested because they are humanitarian groups whose aim is to promote the rights of asylum seekers and refugees and ensure that there are no human rights violations against them.

The presence of interest groups in responding to the issue of protecting asylum seekers and refugees has succeeded in influencing Indonesian policy. In this case, the actions taken by NGOs have succeeded in influencing targeted policy makers to carry out the interests of these interest groups. Thus, interest groups are important actors in the creation of policies to protect asylum seekers and refugees in Indonesia. It is said to be an important actor, because policy makers need support from policy influencers to strengthen the policies issued. In this case the interest groups mentioned are included in the category of interest influencers. Interest influencers are groups of similar interests who use means such as criticism and criticism to influence policy makers.

The President as the decisive party in Indonesia's policy making is the most decisive party at the final level regarding the policy of protecting asylum seekers and refugees. In the policy-making process, it must be rethought to involve the role of non-state actors, such as interest groups (Czaika & De Haas, 2013). In line with Coplin's thinking, that in deciding a policy, a significant role is needed between policy actors. This role is a space for interaction between state actors and non-state actors, who seek to influence the policies to be decided. Policy makers need support from policy influencers to strengthen the policies issued. It must be realized that non-state actors should be treated as partners and not opponents.

Indonesia's policy of providing protection to asylum seekers and refugees is contained in Presidential Decree Number 125 of 2016 concerning Handling Refugees from Abroad. The issuance of the Presidential Decree makes Indonesia have guidelines for dealing with asylum seekers and refugees. Normatively, this Presidential Decree fills the legal void regulating asylum seekers and refugees in Indonesia contained in No. 37 of 1999 concerning Foreign Relations.

The Presidential Decree consists of 45 articles. This regulation regulates coordination between government agencies in regulating the handling of refugees. In Article 2 paragraph (1) of the Presidential Decree, it is stated that the handling of asylum seekers and refugees is carried out based on cooperation between the central government and the United Nations. This collaboration is carried out through UNHCR Indonesia and international organizations in the field of migration affairs or in the humanitarian field which have agreements with the central government. The ministries responsible for handling asylum seekers and refugees are the Coordinating Ministry for Politics, Law and Security, the Ministry of Law and Human Rights, and the Ministry of Foreign Affairs.

The government's handling of asylum seekers and refugees is carried out through four stages, including discovery, shelter, security, and immigration control. This Presidential Decree also regulates the rights of asylum seekers and refugees. These rights include freedom of religion, the right to prosper such as getting clean water, fulfilling food

and drink, health and hygiene services. This Presidential Decree explains that asylum seekers and refugees with special needs can be placed outside shelters facilitated by the relevant international organizations.

The involvement of regional and international interest groups influences Indonesia's policy of providing protection to asylum seekers and refugees. Besides already having a fixed mechanism in handling asylum seekers and refugees, this also has a positive impact on Indonesia itself. Indonesia is currently seen as a country that is seriously committed to dealing with asylum seekers and refugees. This makes Indonesia's presence in the eyes of the world good.

Currently the Presidential Decree has experienced resistance, when various countries such as Australia, the United States, and most Western European countries are tightening their respective borders for asylum seekers and refugees. This regulation is the main step taken by Indonesia in handling asylum seekers and refugees. This regulation is believed to be an alternative to ratifying the 1951 Refugee Convention and the 1967 Protocol.

3.5 Strategic Efforts in Handling Refugees in Indonesia

Until now, Indonesia has not ratified the 1951 Refugee Convention and the 1967 Protocol and the 1967 Protocol, so Indonesia actually has no obligation to accept refugees who enter its territory. However, Indonesia is willing to become a country that temporarily accommodates foreign refugees for humanitarian reasons. This is in accordance with the provisions of the 1951 Refugee Convention which requires countries that are not included in the State Party to adhere to the principle of non-refoulement, namely not forcibly repatriating all migrants who come seeking asylum to their country of origin.

The handling, protection, fulfillment of rights, and determination of the status of foreign refugees in Indonesia is carried out by UNHCR in collaboration with IOM. UNHCR and IOM are obligated to finance, facilitate, and find long-term solutions for refugees in temporary host countries, up to being placed in third / refugee-receiving countries. Under international law, asylum seekers who have obtained refugee status will be placed in destination countries, such as Australia, Canada, and the United States. According to UNHCR data, during the January–September 2021 period, only 375 refugees in Indonesia had been placed in refugee-receiving countries.

In addition to working with the Government of Indonesia, UNHCR and IOM also collaborate with the private sector and Non-Governmental Organizations (NGOs) in Indonesia, in handling and financing these foreign refugees. However, the main funding for foreign refugees in Indonesia and the operation of UNHCR and IOM is obtained from donor countries, such as Australia, Canada, Denmark, European Union, Japan, United States of America, and others.

Although conceptually the definition of asylum seekers is different from refugees, based on field observations there is no difference in treatment by the Government of Indonesia towards the two. In Indonesia, refugees from abroad consist of: (i) refugees financed by IOM; and (ii) independent refugees, namely refugees who finance their own lives.

As a transit country, the Government of Indonesia has provided various forms of assistance in dealing with the problems faced by refugees. For example, during this pandemic, the Ministry of Health has issued a Circular Letter dated June 10, 2020 regarding providing access to services related to Covid-19 for registered refugees. As of September 2021, a total of 5,262 refugees have received Covid-19 funding assistance, and a total of 1,155 vulnerable refugees have received monthly financial assistance since June 2020 (Cristiana, 2021).

Furthermore, in order to follow up the Circulars of the Minister of Home Affairs Number 300/2307/SJ and Number 300/2308/SJ concerning the Establishment of a Task Force for Handling Refugees from Overseas, several regions have had a Task Force for Handling Overseas Refugees, such as Semarang and South Tangerang City. With the existence of the Task Force, it is hoped that coordination between agencies in the region will become more integrated and integrated in handling foreign refugees in Indonesia.

Presidential Decree Number 125 of 2016 has provided a corridor for the handling of foreign refugees in Indonesia. The Presidential Decree provides a legal basis for the protection of foreign refugees in Indonesia. It appears that after the Presidential Decree, asylum seekers who were initially placed in the Immigration Detention Center were moved to shelter houses, so that they could be facilitated and financed by IOM.

Given the increasing trend of foreign refugees in Indonesia as well as the problems that arise, it is necessary to amend Presidential Decree. The revised Presidential Decree will regulate in detail, especially regarding the determination of status, period of stay for refugees, and contributions or budget allocations to Regional Governments. In this regard, it is hoped that the revision of Presidential Decree can regulate more strictly matters relating to: (i) emergency status; (ii) the emergency period for handling foreign refugees; (iii) the roles and responsibilities of stakeholders; (iv) establishment of the PPLN Task Force; (v) fulfillment of the rights of foreign refugees in Indonesia; (vi) the use of the budget by the Regional Government; (vii) burden-sharing and responsibility-sharing relationships with International Organizations; and (viii) other things that can improve the quality of handling foreign refugees for the better.

In the context of better handling of refugees and the planned revision of Presidential Decree, there are several things that need attention for strengthening policies for handling foreign refugees in Indonesia, including:

- a. There is a mapping of the number of refugees and their distribution in Indonesia, the treatment of asylum seekers who are not yet refugees, because they have not been funded by IOM, and the treatment of refugees who decide to leave their shelters and become independent refugees.
- b. Improved coordination and affirmation of the division of authority between the Central Government, Local Governments, and International Organizations including UNHCR and IOM.
- c. Additional arrangements related to the mechanism for using the state budget, especially for Regional Governments (Provincial Government and Regency / City Governments).

Better handling and more coordinated and integrated arrangements for foreign refugees have enabled Indonesia to demonstrate its commitment to playing a role in international humanitarian missions and the protection of human rights.

4. Conclusion

Indonesia did not ratify the 1951 Refugee Convention and the 1967 Protocol, but on the basis of human rights Indonesia continues to provide efforts to handle refugees by always coordinating with UNHCR and IOM. As a transit country, Indonesia is experiencing a build-up of refugee flows due to the uncertain timing of the status granting process from UNHCR and moreover third countries limit the acceptance of refugees. Indonesia does not have the authority to grant refugee status because the granting of status is in the hands of UNHCR. However, Indonesia continues to provide various forms of assistance in dealing with the problems faced by refugees. The government has also issued several regulations including Presidential Regulation Number 125 of 2016 and other technical regulations.

In addition to these efforts, Indonesia also collaborates with non-governmental institutions, such as academics, humanitarian activists, and faith and charity-based organizations. This is an important factor in encouraging the effectiveness of providing protection for asylum seekers and refugees. Indonesia cooperates with non-governmental organizations in the humanitarian field that will assist Indonesia in distributing humanitarian aid to asylum seekers and refugees. This collaboration has implications for the existence of asylum seekers and refugees in Indonesia. It is hoped that with this regulation and cooperation, it can provide legal certainty regarding solutions to refugee problems in Indonesia.

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