



Synergy In The Fulfilment Of National Interest In Efforts To Handle Refugees In Indonesia Through Repatriation And Resettlement

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Abstract: *This article aims to analyze the government's efforts to accommodate national interests in handling refugees in Indonesia. UNHCR noted that until December 2020, the number of refugees in Indonesia reached 13,700 people, with the most refugees coming from Afghanistan 57%, Somalia 10%, and Myanmar 7%. This number is vast because Indonesia is only a transit country and not a country that ratified the 1951 Refugee Covenant. The existence of refugees in Indonesia is an urgent problem by taking advantage of human rights as the basis of its justification. At the same time, Indonesia is a sovereign country with the authority to regulate the traffic of foreigners in its territory, mainly based on national interests, such as security. Presidential Regulation No. 125/2016 on the Handling of Refugees from Abroad has not optimally become a solution for handling refugees in Indonesia. Using normative juridical research method, the authors analyzed that although the regulations regarding repatriation and resettlement of refugees were mentioned in Presidential Regulation No. 125/2016, they did not regulate the procedures for handling refugees either through voluntary repatriation. There was no attempt by the government to implement the repatriation program. As for resettlement, the Indonesian government only relies on UNHCR.*

Keywords: *humanity, national interest, refugee, Indonesia*

I. INTRODUCTION

UNHCR recorded that until December 2020, the number of refugees in Indonesia reached 13,700 people, with 57% of the refugees coming from Afghanistan, 10% are

from Somalia, and 7% from Myanmar.¹ This number is enormous because Indonesia is only a transit country and not a country that ratified the 1951 Refugee Covenant.² The presence of refugees has caused various

¹ Profile of UNHCR Indonesia, accessed from <https://www.unhcr.org/id/>, accessed on April 14, 2021

² Arie Afriansyah, 2018, Indonesia and the Global Compacts on Refugees and Migration,

problems both in social, political, and state security. Based on UNHCR's press release in January 2021, the current condition of refugees in Indonesia is very concerning and requires long-term assistance and solutions.³ Until now, the solution that can be done is by doing repatriation or resettlement for the refugees. In 2019, UNHCR successfully resettled 663 refugees to Australia and Canada. However, this solution cannot be carried out continuously considering the recipient countries also provide a limited quota for the admission of refugees, whose number decreases every year.⁴

Indonesia itself has not yet ratified the 1951 Convention and 1967 Protocol. However, the presence of refugees in Indonesia has become an urgent issue by using human rights as the basis for its justification. Indonesia is a state based on law. The rule of law in question means that the State upholds the rule of law to enforce virtue and justice and to prevent the rise of unaccountable power.⁵ State accountability arises due to the State's nature as a sovereign entity. Thus, it has the power to do something or not to do something against citizens under its jurisdiction.⁶ Likewise, with the problem of refugees transiting in Indonesia. Although Indonesia did not ratify the 1951 Convention and 1967 Protocol, Indonesia is still

responsible for protecting refugees residing in Indonesian territory, especially humanitarian grounds. This is supported by the objectives of the Indonesian nation itself, which proclaimed in the 4th paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia (UUDNRI 1945), which reads:

"... to protect every Indonesian nation and all the bloodlines of Indonesia and to advance public welfare, to educate the nation's life, and to participate in implementing world order based on independence, eternal peace and social justice ...".

As a form of Indonesia's compliance with international law and human rights in the field of refugees, the government has issued Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Foreign Country (hereinafter abbreviated as Perpres 125/2016). This Perpres is also a way out of the legal vacuum concerning the handling of refugees in Indonesia. Accordingly, several provisions have been regulated in this Presidential Decree, starting from accepting refugees even up to resettlement.⁷

However, this Presidential Regulation has not been able to solve the problems of immigrants, asylum seekers, and refugees in

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³ UNHCR Press Release, accessed from <https://www.unhcr.org/id/13527-siaran-pers-unhcr-pengungsi-di-indonesia-membutuhkan-dukungan-dan-solusi-lebih-besar.html>, accessed on April 14, 2021

⁴ Isa Soemawidjaja, *663 Pengungsi transit di Indonesia jalani "resettlement" selama 2019*, accessed from <https://www.antarane.ws.com/berita/1269265/663-pengungsi-transit-di-indonesia-jalani-resettlement-selama-2019>, accessed on 14 April 2021

⁵ *Panduan pemyarakatan UUD NRI tahun 1945 dan Ketetapan MPR RI*, (Secretariat General of MPR, 2012), p. 68.

⁶ Setiyani and Joko Setiyono, *Penerapan Prinsip Pertanggungjawaban Negara Terhadap Kasus Pelanggaran HAM Etnis Rohingya Di Myanmar*, Jurnal Pembangunan Hukum Indonesia Program Studi Magister Ilmu Hukum Volume 2, Number 2, Year 2020, p. 263

⁷ Siciliya Mardian Yo'el, *Kajian Yuridis Perlindungan Pengungsi Di Indonesia Setelah Berlakunya Peraturan Presiden Republik Indonesia Nomor 125 Tahun 2016 Tentang Penanganan Pengungsi Dari Luar Negeri*, Journal Diversi, Volume 2, Nomor 2, Fakultas Hukum Universitas Islam Kadir (UNISKA), 2016, page 469; Sigit Riyanto, *Prinsip Non-Refoulement dan Relevansinya dalam Sistem Hukum Internasional*, Mimbar Hukum volume 22, Number 3, 2010, p. 441.

the field, incredibly fulfilling their fundamental human rights. Perpres 125/2016 also only regulates technical and administrative provisions for refugees. This is still insufficient to solve the root of the problems of transit refugees, namely regarding repatriation (returning to the country of origin) and resettlement (placement to recipient country). It has resulted in an indefinite or unlimited transit period, resulting in many refugees in Indonesia. Refugees and asylum seekers are like legal immigrants who move freely in Indonesia, even though some come to Indonesia illegally.⁸ This problem then led to various new problems, such as the lack of facilities for sheltering refugees, which led to the use of immigration detention centers to accommodate refugees, even though the intended function of detention centers according to the Immigration Law is as a temporary shelter for foreigners who are subject to Immigration Administrative Measures (immigration). The result is that almost all detention centers in Indonesia are experiencing overcapacity because they accommodate too many refugees and asylum seekers.⁹

Not to mention the fulfillment of the rights to safety and health for refugees during the pandemic. When referring to international human rights provisions, the Indonesian government must provide health facilities related to preventing Covid-19, but this certainly cannot be done in complete condition considering that the government needs to provide health facilities for its citizens (WNI). The discussion regarding refugees in Indonesia is a multi-dimensional

problem. When viewed from the aspect of international law, Indonesia is a sovereign country with the authority to regulate the traffic of foreigners in its territory, primarily based on national interests, such as national security. However, in other dimensions, Indonesia is also a civilized country that upholds human values, which also the rights of the refugees to receive humane treatment wherever they are. This scientific article aims to analyze Indonesia's efforts to accommodate national interests to deal with refugees in Indonesia.

II. LEGAL MATERIALS AND METHODS

The type of research in this study is juridical normative, which is also called doctrinal legal research. The approaches applied in this study are the Statutory approach (statute approach) and comparative approach. The main legal material in this scientific article is the primary legal material in this study, namely: Presidential Regulation No. 125/2016 on the Handling of Refugees from Foreign Country, 1951 Convention on Refugees, and 1967 Protocol concerning Refugee Status.

This paper also uses a comparative approach to compare the regulation regarding handling refugees in several transit states such as Thailand and Bangladesh. Finally, the comparison gives another point of view regarding repatriation and resettlement for refugees under their territorial.

III. RESULT AND DISCUSSION

1. State's Responsibility towards Foreign Citizens

⁸ Billy Dewansyah, *Perkembangan Politik Hukum dan Kebutuhan Hukum Keimigrasian Indonesia : Menjawab Sebagian, Melupakan Selebihnya*, Hassanudin Law Review Vol.1 Issue 2, Agustus 2015, p.157

⁹ Muhamad Indra, *Persepektif Penegakan Hukum dalam Hukum Keimigrasian Indonesia*, Directorate General of Immigration, Jakarta, 2015, p. 55

Essentially, State has the responsibility to protect every citizen of its country. However, in reality, the State often cannot carry out its responsibilities to protect its citizens appropriately. Even sometimes, the State itself oppresses its citizens. When a country is unwilling or unable to protect its citizens, a person may often experience severe oppression to his fundamental rights and is forced to leave the country and seek safety in another country. The obligation of the origin country, which is no longer able to protect the fundamental rights of its citizens, has been taken over by the international community. International Community makes all necessary efforts to assure and ascertain that the person's fundamental rights are protected and respected. In this status of international protection, a person / every person is obliged to receive protection for their fundamental rights as a human being. Therefore, the protection of human rights is the main thing in handling this problem.¹⁰ Developing international law is better known as international protection (International Protection of Human Rights or International Human Rights Law).¹¹ It later becomes part and obligation of the international and national communities of a country.¹²

The scope of the term state responsibility in international law is extensive. In principle, in the development of international law, responsibility arises not only because of material loss. Violation of human rights also inflicts responsibility for the State. In addition, according to Malcolm N. Shaw, the emergence of state responsibility can be caused by two primary

factors; namely, there are international obligations that apply between the parties and the existence of an action or a silence from violation of obligations.¹³

There are two opinions regarding how the State treats foreign citizens, namely as follows:¹⁴

- a. International Minimum Standards, the State is obliged to treat foreigners as more privileged than their citizens from a legal point of view. Maryann Green describes minimum standard in this term as not just by the laws, but also the standard in the law enforcement, such as providing adequate protection that does not conflict with the national law.¹⁵
- b. National Minimum Standards, by which the treatment of foreigners is not discriminated or given the same as treating its citizens. Experts teach the principle of non-intervention alongside the affirmation that foreigners are only entitled to be treated as citizens and therefore demand that they have to follow the methods available in their country.

There are at least several reasons regarding the treatment provided by a country to foreigners, including the following:¹⁶

- a. There is a belief that humans, regardless of their origin and wherever they exist, have the rights to legal protection.
- b. The mobility of the population that is getting more frequent among citizens

¹⁰ Wagiman, S.Fil, SH, MH, *Hukum Pengungsi Internasional*, (Jakarta:Sinar Grafika, 2012), p. 51-52

¹¹ Boer Mauna, *Hukum Internasional : Pengertian, Peranan dan Fungsi Dalam Era Dinamika Global*, (Bandung :Alumni, 2005), p. 672.

¹² Wagiman, *Op, Cit*, p. 52

¹³ Malcolm N. Shaw, 2017, *International Law* (Sixth Ed), Cambridge Press, Cambridge, p. 591-593

¹⁴ *Ibid*, p. 64

¹⁵ Dr. FX, Adji Samekto, SH, MH., *Negara dalam Dimensi Hukum Internasional*, (Bandung, :PT. Citra Aditya Bakti, 2009) p. 79

¹⁶ Wagiman, *Op, Cit* p. 67

of one country with another with various needs of human life is a reality that cannot be avoided.

- c. Maintaining various good relations between countries is very important for every country. This is because its citizens who live in other countries are treated fairly. Moreover, it means that citizens can live safely and peacefully outside their country.

Furthermore, the rights and obligations of foreigners are contained in article 22 of the Draft on State Responsibility which explains the rights of foreigners to get protection from a cause of the behavior of the local State, even if that behavior is not a result of international obligations. However, on the other hand, this article also provides a protection obligation if a foreign citizen gets violated by the local State. So, this article has provided mutual rights and obligations between local countries and foreigners.¹⁷ The 7 Draft Articles submitted by the Special Rapporteur at the fifth session of the International Law Commission (ILC) in 1999 stated that if international wrongdoing is related to the treatment received by a country towards foreigners or the country that perpetrated the action, it is necessary to take action to restore the case to its original State.¹⁸

2. Definition of Refugee

The terms Asylum Seekers and Refugees are often equated today. However, international law has different legal meanings, although asylum seekers and

refugees have problems with refugees themselves. So, to see these differences, it can be seen from the definitions of each term. According to Malcolm Proudfoot, the definition of refugees is to look at the conditions of the refugees affected by World War II. Although the definition of refugees given is unclear, such as:

*“These forced movements, ...were the result of the persecution, forcible deportation, or flight of Jews and political opponents of the authoritarian governments; the transference of ethnic population back to their homeland or to newly created provinces acquired by war or treaty; the arbitrary rearrangement of prewar boundaries of sovereign states; the mass flight of the air and the terror of bombardment from the air and under the threat or pressure of advance or retreat of armies over immense areas of Europe; the forced removal of populations from coastal or defence areas under military dictation; and the deportation for forced labour to bolster the German war effort.”*¹⁹

An economist, Pietro Verri gave the term refugee as “applies to many persons who has fled the country of his nationality to avoid persecution or the threat of persecution.”²⁰ This quote is the sound of Article 1 of the UN Convention on the Status of Refugees in 1951.²¹ Hence, According to Pietro Verri, refugees are a group of people who leave their homes, which were their countries, due to fear of oppression or threat of oppression.²² Based on "race, religion, nationality, membership of a particular social group, or political opinion."²³ Based on this,

¹⁷ Yudha Bhakti Ardhiwisastra, SH, MH., *Hukum Internasional sebagai Bunga Rampai*, (Bandung, Alumni), 2003) p. 14

¹⁸ Wagiman, *Op, Cit*, p. 34-35

¹⁹ Achmad Roman. *Pengantar Hukum Pengungsi Internasional*. Bandung: Sanic Offset, 2003, p.36.

²⁰ Oly Viana Agustine, 2016, *The Constitutional Will in Human Rights Protection for Refugees*, *Constitutional Review*, Vol.3, No. 1, p.123

²¹ *Ibid*.

²² Achmad Romsan, *op.cit.*, p. 36-37

²³ Art. 1 *The 1951 Convention relating to the International Status of Refugees*, see also: Joseph Rifikof, Ashley Geerts, 2019, *Protected Groups in*

the 1951 Convention law states that refugees who have fled within the territory of their own country cannot yet be said to be refugees. The opinions from Pietro Verri and Malcolm Proudfoot can be concluded that refugees are people who have left their place of residence within the territory of their country as a result of war or armed conflict, which creates an impact of extreme fear caused by torture, and the threat of torture, ill-treatment, oppression, and racial differences, as well as the expulsion of political resistance that results in social disparities and results in the conflict.²⁴

Under the 1951 Refugees Convention (The 1951 Convention relating to the International Status of Refugees), a group of people who have been recognized as refugees under the Arrangements of May 12, 1926, and June 30, 1928, or according to the Conventions of October 28, 1933, and February 10, 1938, Protocol of September 14, 1939, or the Constitution of the International Refugee Organization; The decisions regarding the non-recognition of a person as a refugee which the International Refugee Organization has taken during the period of its activities will not preclude the granting of refugee status to:²⁵ "Persons who out of reasonable fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of its citizenship and cannot, or because of the fear,

does not want to take advantage of the protection of that country, or is a person who is stateless and because he is out of the country where he used to live, as result of those events, and unable or, because of that fear, do not want to return to their country of origin."²⁶

Summary Suryokusumo gave his argument regarding Asylum Seekers, stating that asylum is "a condition in which a political fugitive/refugee seeks protection, either in the territory of another country or in the diplomatic representative building of a country."²⁷ If the asylum seeker gets this protection, then the asylum seeker gets immunity from legal proceedings from the origin country where the asylum seeker comes. Sulaiman Hamid gives another meaning in his book, "*Lembaga Suaka dalam Hukum Internasional*," where Sulaiman Hamid concludes that asylum is a protection provided by a country to an individual or more who requests it and the reasons to the provision of asylum to the persons or individuals who ask for it are on the grounds of humanity, religion, racial discrimination, politics.²⁸

An asylum seeker is someone who identifies himself as a refugee. However, their request for protection has not yet been considered. An asylum seeker who requests protection will be evaluated through the Refugee Status Determination (RSD) procedure, starting at the asylum seeker

refugee Law and International Law, Laws, Vol.8, No. 25, p.1

²⁴ Wahid Rahman, *Op.cit*, p. 21-23.

²⁵ Article 1 A paragraph number (2) *The 1951 Convention relating to the International Status of Refugees* (1951 Convention), see also: Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR/IP/4/Eng/REV.1 Reedited, Geneva, January 1992, UNHCR 1979, paragraph 72, <https://www.unhcr.org/4d93528a9.pdf> see also,

UNHCR, Chapter Three: Refugee Status and Resettlement, p.86, <https://www.unhcr.org/3d464c954.pdf>.

²⁶ Sigit Riyanto, *Op.Cit*, p. 433.

²⁷ Rosmawati, (2015), *Perlindungan Terhadap Pengungsi/ Pencari Suaka di Indonesia (sebagai negara transit) Menurut Konvensi 1951 dan Protokol 1967*, Kanun Jurnal Ilmu Hukum, 67 (17), p. 462

²⁸ Sulaiman Hamid, *Lembaga Suaka dalam Hukum Internasional*, (Jakarta: Rajawali Pers, 2000), p. 39-40.

registration or registration stage. After registration, UNHCR, assisted by a competent translator, conducts interviews with the asylum seekers. The interview process will give rise to reasons behind whether refugee status can be granted or rejected. The asylum seeker is then allowed to appeal his previously denied request for international protection.²⁹

Thus, asylum seekers are people who ask for protection and apply to UNHCR to become refugees. Thus, asylum seekers are not refugees, so they cannot be protected and are under the responsibility of UNHCR before arriving in the destination country, even though the goal is the same, namely asking for protection. In contrast, refugees are asylum seekers who are entitled to receive refugee status and subsequently under the responsibility of the UNHCR following the 1951 Refugee Convention.³⁰

3. Resettlement and Voluntary Repatriation

Asylum seekers that enter transit countries or third countries will be much more difficult to obtain protection. Transit countries will argue that their country has no responsibility and does not recognize asylum seekers, so all that can be done is deportation. However, suppose it is drawn further, especially in Human Rights Law. In that case, both the country of origin, the country of destination, and the country of transit are responsible for protecting the asylum seeker. Therefore, transit countries also should assist, although it is not as complex as

granting rights under the 1951 convention. The easiest way to assist is to provide access to UNHCR to conduct an assessment of asylum seekers and let them give proper solutions or protection to the asylum seekers or refugees.

UNHCR traditionally would use the "durable solution" that consists of "local integration in the country of asylum, voluntary repatriation to the country of origin, or resettlement to a third country."³¹ to solve refugees problems. However, this solution creates debate regarding whether applying a "durable solution" could solve the refugee problems. This subchapter will discuss the second and third solutions under durable solutions.

First, the "Resettlement" solution, under the UNHCR, resettlement "involve the selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them-as refugees-with permanent resident status."³². The resettlement does not always bring a happy ending but also bring new dilemma to the refugees. The third country does not always treat them better than if they settle in the destination countries. Because of that, many refugees fled from the third country and tried to go back to the destination country. Another challenge for resettlement is the willingness of the third country to host the refugees. As we can see, many third countries are afraid to take a step to host refugees after the destination country tries to stop refugees from coming. The internal

²⁹ "Pencari Suaka", <https://www.unhcr.org/id/pencari-suaka>, accessed on 11 December 2020

³⁰ Iin Karita Sakharina and Kadarudin, *Pengantar Hukum Pengungsi Internasional (Perbedaan istilah Pencari Suaka, Pengungsi Internasional dan Pengungsi dalam Negeri)*, (Yogyakarta: Deepublish, 2017), p. 24.

³¹ UNHCR, Comprehensive Solution, online, accessed on October 15, 2021, <https://www.unhcr.org/id/en/comprehensive-solutions>

³² UNHCR, 2011, UNHCR Resettlement Handbook, UNHCR, Geneva, p.3

situation in the destination country fluctuates after refugees flood the country.

Second, voluntary repatriation dimana para pengungsi jika situasi dinegara asal sudah membaik diharapkan dapat secara voluntary return to their home country. Namun, tindakan repatriasi ini tidak boleh dilakukan jika voluntariness is questionable, meskipun ada pressure from the host country or donor state³³. The voluntary repatriation is also protected under Universal Declaration of Human rights article 13 (2), ICCPR art 12 (4) and The International Convention on the Elimination of all Forms of Racial Discrimination Art. 5 (d)(ii) as well as regional treaties.³⁴

Voluntary repatriation process shall have done after the situation in the origin country save and "well founded-fear of persecution" for the refugee disappear. UNHCR, as the International Organization that works for this situation, should make sure that the refugees who return "under the conditions of safety and dignity." The core elements of repatriation are "physical, legal and material safety and reconciliation."³⁵. The word voluntary under the Voluntary Repatriation Handbook by UNHCR stated that "voluntaries as the absence of any physical, psychological or material pressure ... which push the refugee to repatriate."³⁶, consequently, voluntary repatriation can be justified if the refugees return unconditionally, at their own pace, and do not face any harm physically and mentally.

4. Other Countries Regulation in Treating Refugee

a. Thailand

Thailand, likewise Indonesia, is one of the countries that has also not ratified the 1951 Convention and 1967 Protocol but is involved in handling refugee protection due to the arrival of asylum seekers into Thailand's territory. The arrival of refugees to Thailand territory has occurred since 1984. Asylum seekers who entered Thailand's territory mostly came from Myanmar. Thailand also does not have specific laws and regulations governing refugees. The related regulation used as the basis for setting up refugees is the Immigration Act B.E. 2522 (1979) which is the immigration law of Thailand³⁷. The law states that every foreigner must bring supporting documents such as a passport or similar documents upon arrival in Thailand. Suppose they cannot show ownership of these documents. In that case, they will be considered illegal immigrants and will be threatened with deportation. However, regarding the arrival of asylum seekers or refugees who often do not have the aforementioned official documents, there are exceptions set out in Section 17, namely:

"In certain special cases, the Minister, by the Cabinet approval, may permit any alien or any group of aliens to stay in the Kingdom under certain conditions, or may conditions, or may consider exemption from being conformity with this Act."³⁸

³³ Jeff Crisp and Katy Long, 2016, Safe and Voluntary Refugee Repatriation: From principle to Practice, Journal on Migration and Human Security, Vol. 4, No. 3, P.146

³⁴ UNHCR, Handbook Voluntary Repatriation: International Protection, UNHCR, Geneva, 1996, chapter 2.1

³⁵ UNHCR, 2004, Handbook for Repatriation and Reintegration Activities, UNHCR, Geneva, p.3

³⁶ see also, Optic. Jeff Crisp, p. 142-143

³⁷ see also, Loura Hardjaloka, 2018, Studi Perbandingan Ketentuan Perlindungan Pencari Suaka dan Pengungsi di Indonesia dan Negara Lainnya, Journal Legislasi Indonesia, Vol.12, No.1,p.23

³⁸ Section 17 Thailand Immigration Act B.E. 2522

In this article, it can be seen that in some instances, the Minister, with the approval of the Cabinet, can allow a foreigner or a group of foreigners to be in Thailand under certain conditions. Therefore, although there is no further explanation regarding the phrase "certain conditions," asylum seekers and refugees who enter the territory of Thailand to seek protection and maintain their safety because the conditions in their home areas are not safe can be categorized as specific conditions. Therefore, even though asylum seekers do not have complete documents, they still cannot be deported.

Concerning handling refugees, Thailand is working with UNHCR. Asylum seekers who enter the territory of Thailand will be checked and given interviews by UNHCR. This way so that asylum seekers can get refugee status from UNHCR. Refugee groups who have received refugee status from UNHCR are then located in nine camps (temporary shelters)³⁹ in Thai-Myanmar border. Refugees are placed in these camps until resettlement is carried out to the recipient country. Data from 2015 to August 2016 showed that the number of refugees resettled from Thailand reached 104,362 refugees from Myanmar. The leading country of choice for refugees who undertook resettlement in 2016 was the United States. In the resettlement process, due to cooperation with the UNHCR, the implementation followed the procedures provided by UNHCR.

b. Bangladesh

Like Indonesia and Thailand, Bangladesh is also a country that has not ratified the Refugee Status Convention⁴⁰. Bangladesh received the first wave of Rohingya refugees in 1978. Around 200,000 Rohingya refugees entered Bangladesh because of the massacre by the Myanmar Military Junta.⁴¹ Furthermore, in 1991, there was another violation of human rights by the Myanmar Military Junta, which later resulted in around 250,000 Rohingya refugees in Bangladesh. Until 1992, Bangladesh raised objections to accept refugees from Myanmar and refused to recognize the status of Rohingya refugees in Bangladesh. As a result, Rohingya refugees are categorized as illegal immigrants from Myanmar. This statement then resulted in a Joint Statement in an MoU between Bangladesh and Myanmar to repatriate Rohingya refugees to return to Myanmar. In the MoU, four issues were emphasized regarding the handling of Rohingya refugees, namely:

- (1) Stopping the waves of refugees from Myanmar to Bangladesh;
- (2) The Rohingya refugees in Bangladesh will be returned to their origin area in the Rakhine region, safely and with dignity;
- (3) Mutually seek for solutions to prevent the mass exodus of Rohingya people from Myanmar from happening again in the future;

³⁹ see also, Jerrold W. Huguét and Sureeporn Punpuing, 2005, *International Migration in Thailand*, Bangkok, IOM, p.11

⁴⁰ Md Mahbubur, Haradhan Kumar Mahajan, Tripty Kana Bose, 2021, *Future of Rohingyas: Dignified to Myanmar or Restoring Their Rights or Both*, *The Journal of Southeast Asia Studies*, Vol.4, No. 2, p.152

⁴¹ HRW, 2000, *Burma/ Bangladesh: Burmese Refugees in Bangladesh: Still No Durable Solution*, HRW, Vol. 12, No.3, <https://www.hrw.org/reports/2000/burma/index.htm>, see also: Bakhoyu Driss, 2016, *Rohingya Minority in Myanmar Between The Religious Persecution and The Reality of Constitutional Protection*, *Brawijaya Law Journal*, Vol. 3, No. 2, p. 229

(4) UNHCR must be involved in the repatriation process.⁴²

However, in 2012, there was another influx of Rohingya refugees who came to Bangladesh after the conflict with the Rakhine ethnics. According to Human Rights Watch, the Bangladeshi government admits that they have carried out forced repatriation measures of around 1,300 Rohingya refugees to Myanmar. The Prime Minister of Bangladesh at that time, Sheik Hasina, stated that Bangladesh could no longer accept Rohingya refugees because of the condition of Bangladesh which is an overpopulated country and emphasized that the Myanmar Government must be responsible for Rohingya people. This problem then led Bangladesh to issue a Strategy Paper on Addressing the Issue of Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh, which contained various Bangladesh policies regulating Rohingya Refugees in Bangladesh. The policies in the strategy paper include:

- 1) Collecting data on the Undocumented Myanmar Nationals in Bangladesh;
- 2) Providing basic needs to the refugees who have been registered;
- 3) Reinforcing security in the border between Bangladesh-Myanmar;
- 4) Taking a diplomatic approach to the government of Myanmar, both at Bilateral and Multilateral levels;
- 5) Perform coordination at the National level.⁴³

Following the ASEAN Summit in November 2017, Aung San Suu Kyi stated that Myanmar would sign an agreement to

repatriate Rohingya refugees to return to Myanmar. Accordingly, on November 23, 2017, Myanmar and Bangladesh signed the Arrangement on Return of Displaced Persons from Rakhine State agreement, which regulates the repatriation process to repatriate 650,000 Rohingya refugees to Myanmar within two years.⁴⁴ Article 9 states that Bangladesh proposes to Myanmar to accept 15,000 people who are verified every week.

Although the repatriation plan has been agreed upon by the Bangladeshi and Myanmar parties, the Agreement has received much resistance from various parties, from humanitarian organizations and the United Nations to the Rohingya refugees themselves. Rohingya refugees said they did not know the contents of the repatriation agreement made by the Bangladeshi and Myanmar governments. In addition, Rohingya refugees also do not know about the current situation in Myanmar, so there is a sense of worry and fear of returning to Myanmar. As a form of refusal to carry out repatriation, Rohingya refugees protested and petitioned the Myanmar government regarding security guarantees and recognition of citizenship like other ethnic groups in Myanmar. The petition is a condition for the willingness to carry out voluntary repatriation to Myanmar.

The refusal of the Rohingya refugees caused delays in carrying out the repatriation process. However, the Bangladesh and Myanmar governments decided to continue to repatriate the Rohingya refugees. By November 15, 2018, the first wave of repatriation had repatriated 2,200 Rohingya

⁴² Joint Statement Myanmar-Bangladesh, 1992

⁴³ Ministry Of Foreign Affairs of Bangladesh, *Strategy Paper on Addressing the Issue of Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh: A Summary Presentation*, 2014

⁴⁴ BBC, Myanmar Rohingya Crisis: Deal to Allow Return of Muslim Refugees, accessed on October 3, 2021, <https://www.bbc.com/news/world-asia-42094060>

refugees. No Rohingya refugee agrees to return to Myanmar's Rakhine state if their demands are not met, especially regarding security, citizenship status, and permission to occupy their home villages.⁴⁵ Due to the large wave of protests in the refugee camps, the repatriation process was subsequently stopped. Until August 2019, the Myanmar and Bangladesh governments agreed to continue repatriating Rohingya refugees to return to Rakhine, Myanmar. However, Rohingya refugees who were still in Bangladesh, again, refused to do so because they did not know how things were in Myanmar. They felt that there was still no guarantee of security for them. In the end, the repatriation process for Rohingya Refugees in Bangladesh has been postponed again until now.

Judging from the repatriation process described above, the implementation of the repatriation of Rohingya refugees is not under the definition of voluntary repatriation. In the 1951 Convention, it is implicitly stated that the status of a refugee ends if the refugee voluntarily returns to his country of origin. Therefore, the repatriation process must be based on Rohingya refugees' willingness to return to Myanmar voluntarily. Even though, in this case, the governments of Bangladesh and Myanmar have agreed on an agreement to implement repatriation, this does not guarantee that the repatriation can proceed if there is no willingness from the refugees themselves to return to their home countries. Suppose the implementation of repatriation is still carried out even without the consent of the refugees. In that case, this will constitute forced repatriation. However, on the other hand, Bangladesh has rational reasons for immediate repatriation, or better to carry out

resettlement for the Rohingya refugees. Domestic problems such as uncontrolled population density and other problems such as economic and security issues are the factors for the Bangladesh government to transfer the refugees from the country immediately.

5. Treatment of Refugee in Indonesia

In 2016, President Joko Widodo issued a Presidential Decree on the Handling of Refugees from Foreign Country (Presidential Decree No. 125/2016), which regulates all administrative provisions and protection of asylum seekers and refugees, which still collaborating with UNHCR. In this Presidential Decree 125/2016, several articles contain provisions regarding voluntary repatriation or return to their country of origin. The first regulation regarding repatriation is referred to in Article 29 paragraph (1), which states:

“Pencari suaka yang permohonan status pengungsinya ditolak dan ditolak final oleh Perserikatan Bangsa-Bangsa melalui Komisariat Tinggi Urusan Pengungsi di Indonesia ditempatkan di Rumah Detensi Imigrasi untuk proses Pemulangan Sukarela atau deportasi sesuai dengan ketentuan peraturan perundang-undangan.” (Asylum seekers whose applications for refugee status are rejected and finally rejected by the United Nations through the High Commissioner for Refugees in Indonesia are placed in the Immigration Detention Center for the process of Voluntary Return or deportation in accordance with the provisions of laws and regulations.)

Article 29 paragraph (1) above states that asylum seekers whose applications for

⁴⁵ Suci Sekarwati, 2019, <https://dunia.tempo.co/read/1147631/repatriasi->

[pengungsi-rohingya-di-bangladesh-ditunda-sampai-2019](https://dunia.tempo.co/read/1147631/repatriasi-pengungsi-rohingya-di-bangladesh-ditunda-sampai-2019), accessed on November 21, 2020

refugee status are rejected or finalized by UNHCR may be subject to voluntary repatriation or deportation. Repatriation and deportation are two different things. The Immigration Law Article, 1 point 36 states the definition of deportation, saying: "Deportation is the act of forcibly removing a foreigner from the territory of Indonesia."⁴⁶ Judging at the definition of deportation, it is very different from Repatriation or Voluntary Repatriation according to Article 1 point 3 in the Presidential Decree 125/2016, which is described as the activity of voluntary return by the refugees to the country of origin. In the 1951 Convention, it is implied that the status of refugees ends when refugees voluntarily return to their home country. In addition, a deportation is a form of immigration administrative action given to foreign citizens who violate Indonesian immigration regulations, the implementation of which is regulated in the Immigration Law. Meanwhile, voluntary repatriation or repatriation is one of the solutions offered by UNHCR in solving refugee problems. Article 29 paragraph (1) states that the subject of repatriation or deportation is an asylum seeker whose request for refugee status is finally rejected by UNHCR. Refugees and asylum seekers are two different things because refugee status is a status granted by UNHCR. Therefore, asylum seekers who refused refugee status applications are considered foreigners in general. They must follow the regulations of the Immigration Law, one of which regulates the provisions of deportation.

Furthermore, the implementation of the repatriation process in that Article is deemed inaccurate. The subject in Article 29 is asylum seekers, while repatriation is a

solution given to refugees. Then, observing at the meaning of repatriation, which is voluntary repatriation based on the desire of the refugee to return to their country of origin, whereas it is known in Article 29 paragraph (1) that repatriation is carried out due to the rejection of refugee status applications, in some ways it means that basically the refugees are not willing to return to their country, but merely because they have to obey the rules that required them to return to their home country. Hence it can be concluded that the reasons for voluntary repatriation in article 29 paragraph (1) in the Presidential Decree 125/2016 cannot be categorized as voluntary repatriation because asylum seekers are sent home based on rejection to their application for refugee status, not because their voluntary desire and without coercion willing to return to their country of origin.

Another provision regarding repatriation in Presidential Decree 125/2016 is stated in Article 38. Article 38 only contains the Immigration Control procedures in the repatriation process. Article 38 paragraph (1) explains that one of the Immigration Control activities is immigration control of refugees' involuntary repatriation. The provisions in this article only contain administrative procedures which are part of immigration control. Then in paragraph (2), it is stated that: "Voluntary repatriation as referred to in paragraph (1) is carried out following the provisions of the legislation".⁴⁷ In article 38 paragraph (1), there is a provision that reads "accepting requests for refugees who will return to their country of origin voluntarily," which means that the first step to carry out repatriation or voluntary repatriation is a voluntary request

⁴⁶ Article 1 number 6 Law Number 6 of 2011 concerning Immigration

⁴⁷ Article 38 paragraph (2) Presidential Decree Number 125 of 2016 concerning Handling of Refugee from Foreign Countries

and without coercion from the refugee to return to his/her country of origin. This provision follows the definition contained in Article 1, point 3, and the 1951 Convention.

Another provision regarding repatriation is contained in Article 43, which reads:

- (1) Suppose the Immigration Detention Center will organize voluntary repatriation or deportation to detainees who do not have travel documents. In that case, it should coordinate with the ministry that administers government affairs in foreign relations and foreign policy.
- (2) The ministry that administers government affairs in the field of foreign relations and foreign policy coordinates with representatives of the country of origin of the Refugees in Indonesian territory or concurrently Indonesian territory to provide travel documents and facilitate the return of asylum seekers whose status applications are rejected and rejected in final, and to asylum seekers who declare that they are willing to be repatriated.
- (3) Suppose the representative of the country of origin of the Refugees is unable to facilitate the repatriation. In that case, the ministry that administers government affairs in law and human rights cooperates with the United Nations through the High Commissioner for Refugees in Indonesia and/or international organizations in the field of migration affairs to facilitate the return of the refugees.⁴⁸

Furthermore, the regulation regarding the resettlement of refugees to recipient countries is only found in Article 37. Article 37 also only contains the form of immigration control of refugees who will carry out repatriation. Like the government of Thailand, the Indonesian government also relies on implementing resettlement to UNHCR. This can be seen from the provisions of Article 37 letter a), which reads:

"Receive notification of approval from the United Nations through the High Commissioner for Refugees in Indonesia containing the names of refugees who have been approved and will be assigned to the recipient country";

From the text of the article, it can be concluded that in determining the refugees to be dispatched, it is still the full authority of UNHCR. Therefore, the role of the Government of Indonesia concerning the resettlement of refugees to recipient countries according to the Presidential Decree 125/2016 is still limited to the supervision and administration of refugees and has not been able to play a role in the core of the problem to seek resettlement where currently more and more countries who are parties to the 1951 Convention and The 1967 Protocol are reducing the quota for acceptance, and even denied the entry of refugees into the country.

From the description above, we try to compare the treatment of refugees in Bangladesh, Thailand, and Indonesia through Repatriation and Resettlement with the table below:

⁴⁸ Article 43 Presidential Decree Number 125 of 2016 concerning Handling of Refugee from Foreign Countries

Table 1
Differences of Regulations in Bangladesh, Thailand, and Indonesia

| | Bangladesh | Thailand | Indonesia |
|---|--|---|--|
| Legal Instrument | Bilateral Agreement between the governments of Myanmar-Bangladesh (<i>Arrangement on Return of Displaced Persons From Rakhine State</i>) | Repatriation: Agreement between the governments of Thailand and Myanmar Resettlement: Procedure based on UNHCR Resettlement Handbook | Presidential Decree Number 125 of 2016 concerning the Treatment of Refugees from Foreign Countries (Article 29 paragraph (1), Article 38, Article 37, Article 43) |
| State member of 1951 Convention and 1967 Protocol | Not ratifying the 1951 Convention and 1967 Protocol | Not ratifying the 1951 Convention and 1967 Protocol | Not ratifying the 1951 Convention and 1967 Protocol |
| The party set up the regulation | Government of Bangladesh and Government of Myanmar | Repatriation: Government of Thailand and Government of Myanmar Resettlement : UNHCR | Government of Indonesia |
| UNHCR involvement | Uninvolved in the formulation of the Agreement, but the Agreement involved the role of UNHCR in the process of verifying the data of <i>returnees</i> and providing support in terms of fund and logistic | Repatriation: uninvolved in the formulation of the Agreement but still involved in the implementation of repatriation for administration and funding ⁴⁹ Resettlement: executed according to the procedure contained in the UNHCR Handbook, therefore in the process involves every party, such as the UNHCR, transit country, and recipient country | Resettlement: Uninvolved in the formulation of regulations, but the Presidential Decree still contains the authority of UNHCR in handling refugees, especially those related to resettlement because the Indonesian government is only authorized in the refugee administration process. Repatriation: facilitating but only if the refugees' country of origin is unable to facilitate the voluntary return. |
| Implementation | The implementation of repatriation in the Agreement started on January 23, 2018. However, the first wave of repatriation took place on November 15, 2018, which repatriated 2,200 Rohingya refugees. It was then postponed until now due to the refusal of | Repatriation: implemented in stages since 2016, counting 71 refugees who were repatriated in October 2016, 86 refugees in May 2018, and more than 500 refugees throughout 2019 Resettlement: According to UNHCR data, 2,800 refugees have been successfully resettled to | According to data from UNHCR in 2019, 663 refugees from around 13,000 refugees have successfully implemented the resettlement program, and there has been no implementation of refugee repatriation since the issuance of Presidential Decree 125/2016 |

⁴⁹ <https://www.unhcr.org/th/en/unhcr-in-thailand> accessed on January 6, 2021

Rohingya refugees to return to Myanmar. third countries, and there are 800 applicants in 2019

Currently, in the territory of Indonesia, there are still thousands of refugees from various countries. Concerning human rights, every country should provide protection for the population residing in its territory. According to Article 26 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, it is stated that residents are Indonesian citizens and foreign citizens who reside in Indonesia. From this definition of population, it can be concluded that the State is obliged to provide protection to both its own citizens and foreigners as long as the party is in Indonesian territory. In addition to providing protection for these residents, the 1945 Constitution of the Republic of Indonesia also requires the State to provide equal treatment to both its own citizens and foreigners residing in Indonesian territory. As a manifestation of this protection, the 1945 Constitution contains rights that are used to protect the interests of every citizen in Indonesia. The provisions in Article 27 to Article 34 of the 1945 Constitution contain the rights of the population, including the right to get a decent job, the right to associate, the right to live and have a family, the right to freedom of religion, the right to education, the right to get social security, the rights of citizens in law and government, as well as the rights of citizens to participate in the defense and security of the country. These rights are possessed by every resident in Indonesia, both citizens, and foreigners. However, there are certain rights that are only obtained by citizens and not obtained by foreigners. Some of these rights are such as the right to vote and be elected in general elections, as well as rights in government and national defense. In addition, there are also certain rights that foreigners do not automatically receive, such

as the right to work and the right to education. Foreigners who are willing to get these rights must go through certain procedures in accordance with the provisions of national legislation. Refugees who transit in Indonesia are still categorized as foreigners when referring to Presidential Decree 125/2016.

Indonesia, as a sovereign country, has certain rights, one of which is the power to accept and expel foreigners. Refugees who are still categorized as foreigners cannot be exempted from this. However, the problem of refugees is a humanitarian problem, so the "expulsion" is more appropriate by immediately implementing a resettlement or repatriation program for refugees. In terms of resettlement, the Indonesian government can start to coordinate with recipient countries and not rely entirely on UNHCR for its implementation. As for repatriation, reflecting on the success of the Indonesian government in repatriating Vietnamese refugees in 1996, as well as the provisions in Presidential Decree 125/2016 regarding voluntary return procedures, the Indonesian government should have started coordinating with UNHCR and origin countries of refugees who have confirmed the repatriation of the refugees to their home region. Apart from repatriation, another option provided by UNHCR as a sustainable solution in handling refugees is resettlement to third countries. Many refugees refuse to carry out repatriation and choose to wait, even if it is for years, until the resettlement process is carried out. In Presidential Decree 125/2016, the regulation regarding resettlement is contained in Article 37. It can be seen in Article 37, letter a, that the implementation of resettlement can only be carried out if the

refugee resettlement application has been accepted by UNHCR. It proves that the implementation of resettlement very much depends on the decision of UNHCR and also the quota from the recipient country. Other countries such as Thailand also depend entirely on UNHCR for this resettlement process and use UNHCR procedures as refugee resettlement policy. If the Indonesian government acts like the Thailand government, then the implementation of resettlement cannot be executed optimally because UNHCR itself has stated that they cannot guarantee that all refugees can go to the recipient country. Therefore, as a sovereign country, the Indonesian government actually has the power to put pressure on UNHCR to make more efforts to communicate with recipient countries regarding the acceptance of refugees for resettlement. In this case, if necessary, such as provisions regarding repatriation policies, the Indonesian government, together with UNHCR, can also coordinate the implementation of resettlement with the recipient country. After all, Indonesia is not a party to the 1951 Convention, which is bound by the obligation to accept refugees, while the recipient countries are parties to the 1951 Conventions and the 1967 Protocol, which basically have the responsibility and obligation to accept refugees in the territory of their country.

IV. CONCLUSION AND SUGGESTION

Not only in Indonesia, but the problem of the accumulation of refugees in transit also occurred in Thailand and Bangladesh. Each country has different arrangements regarding the implementation of repatriation and resettlement of refugees in transit. Thailand and Bangladesh had repatriated Rohingya refugees back to Myanmar based on an agreement made with

the Myanmar government in the form of a Bilateral Agreement. However, in its implementation, it encountered obstacles due to refusal from refugees. Even though in Indonesia there are regulations regarding the implementation of voluntary repatriation in Presidential Decree Number 125 of 2016, though it has not been implemented to date. This is because the arrangement must be based on requests from refugees, while refugees prefer to wait for the implementation of resettlement rather than undertake voluntary repatriation. In addition, there has been no effort by the Indonesian government to convince refugees to undertake voluntary repatriation. Then, in this Presidential Decree, there is no regulation regarding the government's efforts to conduct negotiations with the origin countries of refugees and the UNHCR to make an agreement regarding the implementation of refugee repatriation. Meanwhile, regarding the implementation of resettlement, each transit country only follows the provisions set by UNHCR. As a result, many refugees have been in transit countries for years because UNHCR also does not guarantee that all refugees can go to the receiving country. The implementation of voluntary repatriation and resettlement of refugees in transit needs to be carried out immediately on the basis of various urgencies. The first is the exclusion of state responsibility for refugees who transit in Indonesia. There are factors that support Indonesia to exclude its responsibility for refugees. Second, as a sovereign state, Indonesia has the power to regulate the traffic of every foreigner who enters and leaves Indonesian territory, including refugees and asylum seekers in transit.

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REFERENCE

Books

Achmad Romsan. *Pengantar Hukum Pengungsi Internasional*. Bandung: Sanic Offset, 2003.

Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees HCR/IP/4/Eng/REV.1 Reedited, Geneva, January 1992, UNHCR 1979, paragraph 72, <https://www.unhcr.org/4d93528a9.pdf>

Iin Karita Sakharina, Kadarudin. *Pengantar Hukum Pengungsi Internasional (Perbedaan istilah Pencari Suaka, Pengungsi Internasional dan Pengungsi dalam Negeri)*. Yogyakarta: Deepublish, 2017.

Setyo Widagdo et al, *Hukum Internasional dalam Dinamika Hubungan Internasional*, Universitas Brawijaya Press, 2019.

Sulaiman Hamid. *Lembaga Suaka dalam Hukum Internasional*. Jakarta: Rajawali Pers, 2000.

UNHCR, 2011, UNHCR Resettlement Handbook, UNHCR, Geneva, p.3

UNHCR, Handbook Voluntary Repatriation: International Protection, UNHCR, Geneva, 1996, chapter 2.1

UNHCR, Chapter Three: Refugee Status and Resettlement, p.86, <https://www.unhcr.org/3d464c954.pdf>

Wagiman. *Hukum Pengungsi Internasional*. Jakarta: Sinar Grafika, 2012.

Journals

Arie Afriansyah, 2018, Indonesia and the Global Compacts on Refugees and Migration, *International Journal of Refugee Law*, Vol. 30, No. 4

Bakhouyu Driss, 2016, Rohingya Minority in Myanmar Between the Religious Persecution and The Reality of Constitutional Protection, *Brawijaya Law Journal*, Vol. 3, No. 2

Jeff Crisp and Katy Long, 2016, Safe and Voluntary Refugee Repatriation: From principle to Practice, *Journal on Migration and Human Security*, Vol. 4, No. 3

Joseph Rifkof, Ashley Geerts, 2019, Protected Groups in Refugee Law and International Law, *Laws*, Vol.8, No. 25

Loura Hardjaloka, 2018, Studi Perbandingan Ketentuan Perlindungan Pencari Suaka dan Pengungsi di Indonesia dan Negara Lainnya, *Journal Legislasi Indonesia*, Vol.12, No.1

Md Mahbubur, Haradhan Kumar Mahajan, Tripty Kana Bose, 2021, Future of Rohingyas: Dignified to Myanmar or Restoring Their Rights or Both, *The Journal of Southeast Asia Studies*, Vol.4, No. 2

Oly Viana Augustine, 2016, The Constitutional Will in Human Rights Protection for Refugees, *Constitutional Review*, Vol.3, No. 1

Rosmawati, (2015), Perlindungan Terhadap Pengungsi/ Pencari Suaka di Indonesia (sebagai negara transit) Menurut Konvensi 1951 dan Protokol 1967, *Kanun Jurnal Ilmu Hukum*, 67 (17)

Setiyani, Joko Setiyono. "Penerapan Prinsip Pertanggungjawaban Negara Terhadap Kasus Pelanggaran HAM Etnis Rohingya Di Myanmar. *Jurnal Pembangunan Hukum Indonesia*". *Jurnal Pembangunan Hukum*

Indonesia Vol. 2, No. 2, (Mei, 2020): 262.

Sigit Riyanto. "Prinsip Non-Refoulement dan Relevansinya dalam Sistem Hukum Internasional". *Mimbar Hukum vol. 22, No. 3, (2010): 433-449.*

Siciliya M. Yo'el, "Kajian Yuridis Perlindungan Pengungsi Di Indonesia Setelah Berlakunya Peraturan Presiden Republik Indonesia Nomor 125 Tahun 2016 Tentang Penanganan Pengungsi Dari Luar Negeri". *Journal Diversi, Volume 2. Nomor 2, (September, 2016)*

Regulations

The 1951 Convention relating to the International Status of Refugees

Thailand Immigration Act B.E. 2522

Presidential Decree Number 125 of 2016 concerning Handling of Refugee from Foreign Countries

Internet

BBC, Myanmar Rohingya Crisis: Deal to Allow Return of Muslim Refugees, accessed on October 3, 2021, <https://www.bbc.com/news/world-asia-42094060>

Isa Soemawidjaja, *663 Pengungsi transit di Indonesia jalani "resettlement" selama*

2019, accessed from <https://www.antaranews.com/berita/1269265/663-pengungsi-transit-di-indonesia-jalani-resettlement-selama-2019>

HRW, 2000, Burma/ Bangladesh: Burmese Refugees in Bangladesh: Still No Durable Solution, HRW, Vol. 12, No.3, <https://www.hrw.org/reports/2000/burma/index.htm>,

Profile of UNHCR Indonesia, accessed from <https://www.unhcr.org/id/>, accessed on April 14

<https://www.antaranews.com/berita/1269265/663-pengungsi-transit-di-indonesia-jalani-resettlement-selama-2019> accessed on April 14, 2021

UNHCR, Comprehensive Solution, online, accessed on October 15, 2021, <https://www.unhcr.org/id/en/comprehensive-solutions>

UNHCR Press Release, accessed from <https://www.unhcr.org/id/13527-siaran-pers-unhcr-pengungsi-di-indonesia-membutuhkan-dukungan-dan-solusi-lebih-besar.html>, accessed on April 14, 2021