



ROHINGYA REFUGEES IN ACEH-INDONESIA: REGULATORY DILEMMAS AND LEGAL IMPLICATIONS

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Abstract

The arrival of Rohingya refugees, who are essentially foreign nationals, in Aceh has generated legal challenges from the perspective of Indonesian national law. On the one hand, the Immigration Law stipulates that every foreign national entering the territory of Indonesia must pass through an Immigration Checkpoint and possess complete travel documents. On the other hand, the presence of Rohingya refugees does not conform to the provisions stipulated in the Immigration Law. This study aims to analyse the supervision of Rohingya refugees in Aceh and the juridical implications arising from regulatory weaknesses in handling Rohingya refugees. This research employs both normative juridical and empirical juridical approaches. Data were obtained through literature review and direct interviews. The data were analysed using a prescriptive analytical method. The results indicate that the supervision and regulatory framework governing Rohingya refugees remains weak, particularly due to the absence of a clear time limitation regarding the presence of Rohingya refugees in Aceh. Furthermore, the entry routes used by these refugees do not comply with the provisions stipulated in the Indonesian Immigration Law. The limitations of existing regulations have consequently facilitated the entry of Rohingya refugees into Aceh without undergoing the proper immigration procedures. This situation has also created legal uncertainty, as the regulations do not clearly regulate foreign nationals entering Aceh without passing through designated Immigration Checkpoints. This study emphasises the importance of establishing firm and clear regulations to ensure legal certainty regarding the presence of Rohingya refugees in Aceh.

Keywords: Refugees; Foreign Nationals; State Sovereignty; Rohingya

Introduction

Indonesia has not ratified the 1951 Refugee Convention, which serves as the principal international instrument for the handling of refugees; therefore, it is not legally obliged to manage refugee matters (Kartiko et al., 2019). Nevertheless, the presence of foreign nationals in Indonesia is not rejected; rather, they are treated appropriately in accordance with the humanitarian principle of just and civilised values (Alunaza & Juani, 2017). Data from the United Nations High Commissioner for Refugees (UNHCR) as of 31 January 2017 indicate that the number of migrants or refugees entering Indonesia reached 14,425 individuals, consisting of 8,039 recognised refugees and 6,386 asylum seekers. These refugees are distributed across various regions of Indonesia: 2,177 individuals reside in immigration detention centres (Rudenim), 2,030 individuals are under the supervision of Immigration Offices, 4,225 individuals live in community houses, and 5,993 are independent migrants. In this regard, Indonesia only has 13 immigration detention centres, and only one facility with adequate capacity is located in Jayapura (Primawardani & Kurniawan, 2018).



The increasing number of foreign nationals entering Indonesia constitutes an important issue that warrants deeper examination from the perspective of Indonesian law. This phenomenon arises for several reasons. First, although Indonesia is not a signatory to the 1951 Convention, empirically, many foreign nationals who declare themselves as refugees are currently received and accommodated within Indonesian territory. Second, the prevailing legal framework stipulates that every foreign national entering Indonesia must pass through designated Immigration Checkpoints and must possess complete travel documentation.

The obligation to possess valid travel documents is explicitly emphasised in Article 8 paragraph (2) of Law Number 6 of 2011 concerning Immigration, which stipulates that every foreign national entering the territory of Indonesia must possess a valid visa, unless otherwise stipulated by law or international agreements. Based on this provision, it can be understood that every foreign national entering Indonesian territory must possess a visa. However, the concluding clause of the provision provides an exception in cases regulated by international agreements. Meanwhile, Indonesia has not ratified international conventions specifically governing refugees. Consequently, in principle, every foreign national must possess a visa when entering Indonesian territory.

This requirement is further reinforced by Article 9, paragraph (1) of the Immigration Law, which stipulates that every person entering or leaving Indonesian territory must undergo inspection by Immigration Officers at an Immigration Checkpoint. Furthermore, foreign nationals who enter Indonesia without passing through immigration inspection may face severe legal sanctions (Hartono, 2012). According to Article 113 of the Immigration Law, any individual who intentionally enters or exits Indonesian territory without undergoing inspection by Immigration Officers at an Immigration Checkpoint, as stipulated in Article 9 paragraph (1), may be subject to a maximum imprisonment of one year and/or a fine of up to IDR 100,000,000.

In practice, a significant number of Rohingya refugees have entered Indonesian territory without undergoing immigration inspection and without possessing valid visas. This situation is considered contradictory, particularly in comparison with the presence of foreign nationals from Bangladesh who also enter Indonesia without undergoing immigration procedures. Many of these individuals enter through maritime routes without the knowledge of immigration authorities, the Water Police, or the Indonesian Navy.

Another issue that is particularly relevant for examination from the perspective of national law concerns the regulatory disharmony in the handling of foreign nationals who declare themselves as refugees. This disharmony can be observed, for example, in the Regulation of the Director General of Immigration Number IMI-0352.GR.02.07 concerning the Handling of Illegal Immigrants Declaring Themselves as Asylum Seekers and Refugees, signed on 19 April 2016. This regulation allows refugees from abroad to enter Indonesian territory relatively easily without passing through Immigration Checkpoints and without possessing complete travel documents.

Furthermore, regulatory inconsistency can also be identified in Presidential Regulation Number 125 of 2016, which broadly provides flexibility for foreign refugees to enter Indonesia without undergoing strict immigration procedures. In fact, the primary objective of immigration supervision is to ensure the preservation of national sovereignty and to prevent practices that



could threaten national integrity. The phenomenon of foreign nationals entering Indonesian territory merely by declaring themselves refugees appears paradoxical and contradicts the selective policy principle adopted in the Immigration Law.

Indonesia's immigration policy towards foreign nationals is based on the principle of selective policy, which emphasises that (Hendrawan et al., 2022): First, only foreign nationals who provide benefits may enter and remain in Indonesian territory. Second, only foreign nationals who do not endanger public order and national security may enter and remain in Indonesian territory. Third, foreign nationals must comply with the laws and regulations applicable in Indonesia. Fourth, foreign nationals entering and residing in Indonesian territory must do so in accordance with their stated purposes (Sande, 2020). Article 2, paragraph (2) of the 1951 Convention implicitly accommodates the principle of non-refoulement, which explains that foreign nationals declaring themselves as asylum seekers or refugees upon entering Indonesian territory should be handled at the earliest opportunity. This provision appears inconsistent with the selective immigration policy adopted by the Directorate General of Immigration.

Based on the issues outlined above, it is therefore important to conduct a comprehensive analysis regarding the legal framework governing the handling of refugees or asylum seekers in Indonesia. Previous studies have not specifically examined the juridical implications of handling Rohingya refugees. For example, research conducted by Hendrawan et al. focuses on immigration supervision in anticipating threats to Indonesian national sovereignty. Furthermore, research conducted by Gindo Ginting, Faisal A. Rani, and Dahlan Ali focuses on the deportation of foreign nationals who commit criminal offences. These studies primarily discuss the repatriation of foreign nationals who commit crimes and do not specifically address Rohingya refugees. Research conducted by Trisapto Agung Nugroho focuses on the role of immigration intelligence in anticipating potential risks posed by foreign nationals in Indonesian territory. This research emphasises intelligence functions and does not specifically address refugee issues. Research conducted by Rosmawati specifically discusses the protection of refugees and asylum seekers in Indonesia, focusing primarily on the protection of Rohingya refugees. However, this study differs in that it focuses more specifically on the juridical implications for Rohingya refugees arriving in Aceh. Additionally, research conducted by Syarifuddin et al. analyses Indonesian state policy in addressing Rohingya refugee cases from the perspective of society. That study primarily focuses on state policy and does not address the juridical implications within the context of handling Rohingya refugees.

This study, therefore, aims to address the limitations of previous research by comprehensively examining immigration supervision over Rohingya refugees in order to anticipate potential threats to Indonesian national sovereignty, as well as analysing the juridical implications arising from existing legal regulations in Indonesia concerning the handling of refugees. Accordingly, this research is important to complement previous studies and to provide a novel contribution to the existing body of knowledge.

Research Method

The research method employed in this study is a normative legal research method. This method was selected because the study examines legal norms, principles, and rules related to



refugee issues (Sunaryati, 2006). According to Mukti Fajar, normative legal research is a type of legal research that positions law as a structured system of norms, including legal principles, legal rules, statutory regulations, court decisions, agreements, and legal doctrines (Mukti Fajar, 2015). Normative legal research is therefore intended to examine, analyse, and identify legal concepts, rules, and principles relevant to the topic of this study. The legal norms that constitute the primary focus of this research are the Indonesian Immigration Law and Presidential Regulation Number 125 of 2016.

The approaches employed in this study include the conceptual approach and the statutory approach. The conceptual approach aims to examine legal concepts within the field of legal studies concerning the arrival of foreign nationals in Indonesia. Meanwhile, the statutory approach is used to assess the presence of foreign nationals in accordance with applicable laws and regulations. Data analysis in this research is conducted using a prescriptive analytical method, which involves evaluating whether the existing legal framework corresponds with the expected legal objectives.

Results and Discussion

I. Supervision of Rohingya Refugees in Aceh

Supervision constitutes one of the essential measures undertaken by immigration authorities in monitoring the entry and exit of foreign nationals into Indonesian territory, including Aceh (interview data, 2024). The primary objective of such supervision is to prevent and detect the presence of foreign nationals entering Indonesia and to monitor their activities while residing within Indonesian territory. Meanwhile, supervision at Immigration Checkpoints aims to ensure that individuals entering or leaving Indonesia comply with the requirements stipulated by the applicable laws and regulations (interview data, 2024). In relation to the supervision of Rohingya foreign nationals present in Aceh, immigration authorities also conduct monitoring activities. However, a fundamental issue arises because Rohingya refugees do not enter Aceh through official Immigration Checkpoints. Instead, they typically arrive through maritime routes, often drifting to coastal areas after travelling across open seas.

The presence of Rohingya refugees differs significantly from that of other foreign nationals. Consequently, the form of supervision applied by immigration authorities also differs, since they cannot be examined at Immigration Checkpoints in the usual manner. According to information provided by Ginting, supervision of Rohingya refugees differs from that applied to other foreign nationals because refugees are protected under a different regulatory framework that aligns with international standards. In Indonesia, Presidential Regulation Number 125 of 2016 governs the handling of refugees and asylum seekers, providing a specific legal basis for their supervision and protection (Gito Ginting, 2024).

Unlike other foreign nationals whose supervision is governed primarily by the Immigration Law, Rohingya refugees in Indonesia are treated in accordance with the provisions stipulated in this Presidential Regulation. In other words, because Rohingya individuals are categorised as refugees, their treatment is regulated under Presidential Regulation Number 125 of 2016. The handling of refugees, therefore, relies upon a distinct legal instrument that law enforcement authorities must follow in the field of immigration.



One of the main challenges faced by immigration authorities is the inability to deport Rohingya refugees in Aceh. According to international legal principles, refugees cannot be deported to their country of origin (Gito Ginting, 2024). This principle, commonly known as the principle of non-refoulement, prohibits states from returning refugees to countries where their lives or freedoms may be threatened. As a result, immigration authorities in Aceh are required to handle refugees while respecting their fundamental rights. This situation creates significant challenges for immigration authorities in addressing refugee-related issues, including those involving Rohingya refugees.

Immigration supervision of refugees, as stipulated in Presidential Regulation Number 125 of 2016, is conducted in three primary locations. First, at the time of discovery, officers may conduct identification, registration, and initial handling of Rohingya refugees upon their arrival in Indonesian territory. Second, within shelters or accommodation facilities, where supervision continues while refugees are granted temporary residence and protection in accordance with established procedures. Third, outside shelters, where authorities remain responsible for monitoring the presence and activities of refugees outside the designated accommodation facilities to ensure compliance with Indonesian regulations.

According to Gido Ginting, supervision of Rohingya refugees in Aceh is conducted through coordination between immigration authorities, the police, and local government institutions. This approach differs from the supervision applied to other foreign nationals, as emphasised in Article 32 of Presidential Regulation Number 125 of 2016 (Gido Ginting, 2024).

Another distinction between ordinary foreign nationals and Rohingya refugees lies in the necessity for coordination between local government authorities and the United Nations High Commissioner for Refugees (UNHCR). According to Gido Ginting, based on Article 13 of Presidential Regulation Number 125 of 2016, immigration officers conduct data collection through examination of travel documents, immigration status, and personal identity. In cases where a foreign national declares themselves to be a refugee, immigration officers coordinate with UNHCR after conducting a preliminary examination indicating that the individual concerned may indeed qualify as a refugee (Gido Ginting, 2024).

If the examination ultimately reveals that the foreign national concerned does not qualify as a refugee, immigration authorities may take administrative measures by deporting the individual to their country of origin. In such cases, the individual is categorised as an illegal immigrant. Deportation constitutes an administrative action undertaken by immigration authorities to return foreign nationals to their country of origin. This measure is taken because their presence within Indonesian territory is considered unlawful, or in other words, they are regarded as irregular migrants.

The decision to deport is based on the applicable immigration laws in Indonesia. Illegal immigrants are individuals who enter or remain in a country without official permission or valid legal documentation. The deportation process represents a form of legal enforcement aimed at maintaining national sovereignty and public order, as well as managing the entry of foreign nationals in accordance with established regulations. Deportation is generally implemented as a final measure after all verification procedures and comprehensive examinations have been completed.



II. Juridical Implications of the Handling of Rohingya Refugees in Aceh

The presence of Rohingya refugees stranded in Aceh has become a phenomenon currently occurring in Indonesia. The relatively easy entry of Rohingya refugees into Aceh is largely accommodated and legitimised by Presidential Regulation Number 125 of 2016 (Gido Ginting, interview, 2024). In other words, the existence of this Presidential Regulation has contributed to the arrival of Rohingya refugees in Aceh, as the regulation requires that refugees present in Indonesia be handled in accordance with the provisions stipulated therein. However, the presence of foreign nationals in Aceh should, in principle, occur through Immigration Checkpoints and must be accompanied by complete travel documentation. The obligation to enter through Immigration Checkpoints and to possess valid travel documents is mandated by the Immigration Law and must be implemented consistently.

The inconsistency between the Presidential Regulation and the Immigration Law demonstrates weaknesses in the legal substance of the Indonesian regulatory framework. On the one hand, the law stipulates that foreign nationals must enter through Immigration Checkpoints and possess valid travel documentation. On the other hand, the presence of Rohingya refugees occurs without complete travel documents. This inconsistency creates legal uncertainty and complicates law enforcement efforts. Consequently, it generates uncertainty within society. Moreover, the inconsistency arises between a statute and a presidential regulation, where the latter is hierarchically subordinate to statutory law. Ideally, a presidential regulation should not contradict statutory provisions because of its lower position within the hierarchy of legislation.

Regulations governing the handling of refugees should ideally be comprehensive and clearly formulated to provide legal certainty and serve as a basis for law enforcement authorities in carrying out their duties. The absence of clear legal provisions may result in ambiguity and obstacles in managing refugee issues. Clear regulations are required to determine who qualifies as a refugee, what criteria or conditions must be met to obtain refugee status, the procedures that must be followed by individuals or groups in applying for refugee status, and the requirements that must be fulfilled during the application process. In addition, it is equally important to establish a specialised body responsible for assessing whether an individual qualifies for refugee status based on specific indicators.

Several dynamics that arise as implications of the limited regulatory framework governing refugees in Indonesia can be identified as follows.

1. Time Limit for Residence in Indonesia

One of the regulatory challenges faced by the Indonesian government in handling refugees is the absence of a clear time limit regarding the duration of residence permitted for refugees. In fact, provisions concerning time limitations are essential in order to provide legal certainty regarding the presence of refugees in Indonesia. Foreign nationals who enter Indonesia through standard immigration procedures are subject to specific limitations regarding their permitted period of stay. In contrast, refugees are not specifically regulated with regard to their permitted duration of residence in Indonesia. According to information provided by Gido Ginting, the presence of Rohingya refugees in Aceh does not have a clear regulatory time limit under Indonesian law. Their presence is considered temporary in nature (Gido Ginting, interview, 2024).



Based on this explanation, the presence of Rohingya refugees in Aceh is regulated only temporarily. However, the existing regulation does not establish a clear timeframe indicating when this temporary period should end. Such ambiguity creates legal uncertainty within the Indonesian legal system. In a state governed by the rule of law, regulations should be clear and explicit in order to provide legal certainty within society. The absence of a defined timeframe regarding the presence of Rohingya refugees in Aceh may generate various challenges. Without a clear temporal framework, it becomes difficult for authorities, particularly immigration officials and local communities, to effectively plan and manage the situation. Legal uncertainty may also affect the refugees themselves, as they do not know how long they are permitted to remain in Aceh or what will happen to them in the future.

Within a state governed by the rule of law, legal certainty constitutes a fundamental principle that must be upheld (Azhari, 2012). Regulations that are unclear or ambiguous may create confusion and uncertainty for both society and the institutions involved. Legal certainty provides stability and a sense of security, as all parties understand their rights, obligations, and the applicable time limitations. Therefore, the Indonesian government has the responsibility to establish clear and firm regulations concerning the presence of Rohingya refugees in Aceh. Such regulations should clearly determine the duration of temporary residence and outline the procedures that must be followed once the temporary period expires. Through the establishment of such clear legal provisions, legal certainty can be achieved, thereby ensuring security and stability for all parties involved.

The arrival of Rohingya refugees in Indonesia, particularly in Aceh, from 2015 to 2023 has also had significant implications for national sovereignty and the social order of local communities. Various social issues have begun to emerge and are increasingly felt by the Acehnese community. Consequently, community life has been disrupted, and social imbalance has gradually emerged as a consequence of the presence of Rohingya refugees. One of the issues that has arisen within Acehnese society is the emergence of public resistance to the continuous arrival of Rohingya refugees without clear limitations (news.detik.com).

Another issue concerns incidents in which Rohingya refugees attempted to leave their shelters and move to other locations. The intention of some Rohingya refugees to relocate or even leave Aceh Province raises important concerns. Such behaviour may indicate the presence of other motives that could potentially threaten national security or disrupt public order. Other incidents reported include behaviour considered inconsistent with local cultural norms, such as rejecting humanitarian aid provided by local communities, engaging in actions contrary to local customs, and even involvement in criminal acts.

2. Entry Routes of Foreign Nationals

The regulatory framework in Indonesia stipulates that individuals entering or leaving the country must pass through designated Immigration Checkpoints (Arifin, 2018). This requirement is explicitly stated in Article 9, paragraph (1) of the Immigration Law, which provides that every person entering or leaving Indonesian territory must undergo inspection



by immigration officers at Immigration Checkpoints. Furthermore, Article 10 stipulates that foreign nationals who meet the required conditions may enter Indonesian territory only after obtaining an official entry permit.

Based on these provisions, it can be understood that only individuals who have fulfilled administrative requirements and obtained official entry authorisation from immigration officers are permitted to enter Indonesian territory. Foreign nationals who enter without passing through Immigration Checkpoints and without possessing valid travel documents are not legally permitted to enter Indonesian territory.

When this legal framework is compared with the arrival of Rohingya refugees, it becomes evident that their entry does not follow the established procedures. Rohingya refugees often enter Indonesian territory through maritime routes without undergoing immigration inspection and without possessing valid travel documents. From a *de jure* legal perspective, the presence of Rohingya refugees cannot be fully justified under Indonesian law because it contradicts existing legal provisions.

3. Determination of Refugee Status

Article 13 paragraph (3) and Article 20 paragraph (2) of Presidential Regulation Number 125 of 2016 do not clearly determine which institution holds the authority to formally establish refugee status. These provisions state that if a foreign national declares themselves to be a refugee, immigration detention officers must coordinate with the United Nations High Commissioner for Refugees through its office in Indonesia.

The procedures outlined in this regulation effectively transfer the assessment of refugee status to UNHCR, including cases where foreign nationals enter Indonesian territory illegally and subsequently declare themselves to be refugees. Such arrangements raise concerns regarding legal authority and state sovereignty, as the determination of who may remain within Indonesian territory is effectively influenced by an international organisation rather than solely by the state. Ideally, if UNHCR is authorised to determine refugee status, such authority should be explicitly regulated within a comprehensive legal framework.

4. Criteria for Refugee Status

Existing regulations governing refugee matters in Indonesia do not clearly define the criteria that determine who qualifies as a refugee. It remains unclear whether refugee status should be granted solely based on armed conflict, natural disasters, or other humanitarian circumstances. The absence of clear regulatory criteria creates challenges for policymakers in determining who should legitimately qualify as a refugee.

Clear and transparent criteria are therefore essential in determining refugee status. Such criteria would provide legal certainty in distinguishing between individuals who genuinely qualify as refugees and those who should be categorised as irregular migrants.



5. Repatriation to the Country of Origin

Clear policies regarding the repatriation of refugees to their country of origin are also necessary. The regulation of deportation or repatriation procedures for foreign nationals is important in order to provide guidance for law enforcement authorities in managing the presence of foreign nationals in Indonesian territory.

6. Establishment of a Special Team for Refugee Status Determination

Current regulations concerning refugees in Indonesia do not specify the establishment of a specialised team responsible for determining refugee or asylum seeker status. In practice, such a specialised body would be highly important in assessing whether foreign nationals entering Indonesia legitimately qualify for refugee status. This team could consist of professionals drawn from multiple institutions, including the Indonesian Armed Forces (TNI), the Indonesian National Police (POLRI), the Ministry of Law and Human Rights, and other relevant stakeholders.

Based on the various issues discussed above, it can be understood that Law Number 6 of 2011 concerning Immigration does not specifically regulate asylum seekers and refugees in a comprehensive manner. In principle, foreign nationals entering Indonesian territory must possess valid travel documents, such as a national passport. Foreign nationals may also be denied entry if they are involved in legal violations or international crimes. This demonstrates that, in addition to administrative requirements such as travel documentation, legal violations and international crimes are also considered in determining the legality of foreign nationals entering Indonesian territory.

The 1951 Refugee Convention and the 1967 Protocol emphasise several fundamental principles that must be implemented by states that have ratified these international instruments. These principles include the principle of non-discrimination, which requires that refugees be treated without discrimination based on race, ethnicity, religion, nationality, membership of a particular social group, or political opinion. Another principle is the prohibition of imposing penalties on refugees solely because of their refugee status. Furthermore, the principle of non-refoulement constitutes one of the most fundamental principles in refugee protection, prohibiting the expulsion or forced return of refugees to territories where their lives or freedoms may be threatened.

Given the various dynamics and challenges described above, the Indonesian government must develop appropriate legal strategies in managing refugee issues. One potential approach involves developing legal policies that regulate foreign nationals who claim refugee or asylum seeker status while simultaneously applying the principle of selective immigration policy in order to maintain national security and stability (Syarifuddin et al., 2023).

In addition, the Indonesian government should establish clear definitions and strict criteria for determining refugee or asylum seeker status to prevent misuse of refugee status by foreign nationals who intend to use Indonesia merely as a transit country (Rosmawati, 2015). Another important measure involves implementing strict registration procedures for



foreign nationals claiming refugee or asylum seeker status, accompanied by careful verification to ensure that such claims are based on legitimate grounds.

Furthermore, supervision mechanisms for refugees and asylum seekers should be strengthened by involving relevant institutions, including human rights organisations, to ensure that refugees' rights are respected while also monitoring any suspicious activities and reporting them to relevant authorities such as the Indonesian Armed Forces and the National Police.

Finally, policymakers must prioritise the security and welfare of the Acehnese community when responding to the arrival of Rohingya refugees. In the context of Indonesia's selective immigration policy, both the security approach and the prosperity approach play crucial roles in determining which individuals are permitted to enter Indonesian territory. The security approach focuses on protecting national security, preventing threats to state stability, and ensuring that foreign nationals entering the country do not endanger domestic security. This includes thorough background checks and assessments of potential threats such as terrorism, organised crime, or other illegal activities.

Meanwhile, the prosperity approach emphasises the contribution of foreign nationals to the economic and social development of the country. This approach encourages the admission of immigrants who can create employment opportunities, attract investment, and contribute to economic growth. It also involves selecting immigrants based on their expertise, skills, and professional experience needed in the Indonesian labour market, as well as evaluating their potential contributions to economic sectors and social welfare.

Conclusion

This study reveals that the supervision of Rohingya refugees differs from that applied to other foreign nationals in Indonesia. Generally, immigration supervision of foreign nationals begins at Immigration Checkpoints, which serve as the official entry points into Indonesian territory. In contrast, Rohingya refugees are monitored only after they have arrived in the territorial waters of Aceh, as they typically enter Indonesia through maritime routes rather than through designated Immigration Checkpoints.

The regulatory framework governing refugees in Indonesia remains relatively weak, particularly due to the absence of clear and firm provisions regarding the duration of Rohingya refugees' stay in Aceh. Furthermore, the entry routes used by the refugees do not comply with the procedures stipulated in the Indonesian Immigration Law. These regulatory limitations have significant implications, including the ease with which Rohingya refugees are able to enter Aceh without undergoing formal immigration procedures.

The legal uncertainty arising from regulations that do not clearly govern the presence of foreign nationals entering Aceh outside official Immigration Checkpoints has generated various challenges in the management and handling of refugees. This study, therefore, emphasises the importance of establishing clear and firm legal regulations to provide legal certainty regarding the presence of Rohingya refugees in Aceh. Such legal certainty is expected to enable more effective management of refugee issues, ensure security and stability for local communities, and guarantee appropriate protection for Rohingya refugees in accordance with applicable legal principles.



REFERENCES

- Alunaza, H., & Juani, M. K. (2017). *The Indonesian Government's Policy through the Securitization of Rohingya Refugee Migration in Aceh, 2012–2015*. *Indonesian Perspective*, 2(1), 1. <https://doi.org/10.14710/ip.v2i1.15535>
- Yudha, A. B. I. (2023). *Reconstruction of refugee regulations and their implications for immigration law in Indonesia based on the values of justice and legal certainty* (Doctoral dissertation, Universitas Islam Sultan Agung). <https://repository.unissula.ac.id/31281/>
- Fitriyadi, A. A., & Latukau, F. (2020). *The Differentiation between Refugees and Asylum Seekers in International Refugee Law and Its Relationship with the Principle of Non-Refoulement*. *Jambura Law Review*, 2(2), 120–138. <https://doi.org/10.33756/jlr.v2i2.5400>
- Hamdi, M. A. (2018). *Preventing the Occurrence of Transnational Crimes in Indonesia*. *Jurnal Ilmiah Kajian Keimigrasian*, 1(1), 165–175. <https://doi.org/10.52617/jikk.v1i1.20>
- Hartono, B. (2012). *Efforts to Enforce the Law Against Immigration Crimes*. *Jurnal Penelitian Hukum*, 26, 33. <https://jurnal.ubl.ac.id/index.php/KP/article/download/69/66>
- Hendrawan, H., Siregar, L. M., & Shatrya, M. (2022). *The Role and Supervision of Immigration in Addressing Threats to National Sovereignty*. *JiIP - Jurnal Ilmiah Ilmu Pendidikan*, 5(12), 5534–5543. <https://doi.org/10.54371/jiip.v5i12.1184>
- Kartiko, A. Y., Telaumbanua, J. C., & Putri, T. S. (2019). *Implementation of Immigration Supervision Refugees at Community House In Under Control Supervision of Immigration Detention House Jakarta*. *Journal of Law and Border Protection*, 1(1), 13–33. <https://doi.org/10.52617/jlbp.v1i1.154>
- Muhlisa, A. N., & Roisah, K. (2020). *Immigration Law Enforcement Against the Misuse of Visitor Stay Visas (Overstay) by Foreign Nationals*. *Jurnal Pembangunan Hukum Indonesia*, 2(2), 145–157. <https://doi.org/10.14710/jphi.v2i2.145-147>
- Mukti Fajar, Y. (2015). *The Dualism of Normative and Empirical Legal Research*. Pustaka Pelajar. Pustaka Pelajar. <https://pustakapelajar.com/dualism-penelitian-hukum-normatif-empiris>
- Primawardani, Y., & Kurniawan, A. R. (2018). *Treatment to international refugees by the officials of the Immigration Detention Center in the Province of South Sulawesi*. *Jurnal Ilmiah Kebijakan Hukum*, 12(2), 179–197. <https://doi.org/10.30641/kebijakan.2018.V12.179-197>
- Rosmawati. (2015). *Protection of refugees/asylum seekers in Indonesia (as a transit state) in the 1951 Convention and the 1967 Protocol*. *Kanun Jurnal Ilmu Hukum*, 17(3), 457–476. <https://jurnal.usk.ac.id/kanun/article/view/6081/5011>
- Sande, J. P. (2020). *Indonesia's Selective Immigration Policy toward Foreign Nationals from Visa-Required Countries*. *Indonesian Perspective*, 5(1), 92–111. <https://doi.org/10.14710/ip.v5i1.30196>
- Shalihah, F., & Nur, M. (2021). *Refugee Handling in Indonesia*. UAD Press. https://eprints.uad.ac.id/36720/1/BUKU_Fithriatus%20S_Penanganan%20Pengungsi%20di%20Indonesia.pdf
- Sunaryati, H. (2006). *Legal Research in Indonesia at the End of the 20th Century* (2nd ed.). Alumni.



- Syarifuddin, S., Cahyono, A. S., & Pahrijal, R. (2023). *Analysis of the Indonesian Government's Policy in Resolving Rohingya Refugee Cases from a Community Perspective*. *Jurnal Hukum dan HAM Wara Sains*, 2(12), 1159–1168. <https://doi.org/10.58812/jhhws.v2i12.870>.
- Arifin, R. (2018). *Refused entry persons in Indonesia through immigration border controls at international airports: Absolute sovereignty*. *Jurnal Ilmiah Kajian Keimigrasian*, 1(1), 151–165. <https://doi.org/10.52617/jikk.v1i1.18>
- Azhari, A. F. (2012). *The Rule of Law in Indonesia: Decolonization and the Reconstruction of Tradition*. *Jurnal Hukum IUS QUIA IUSTUM*, 19(4), 489–505. <https://doi.org/10.20885/iustum.vol19.iss4.art1>
- Tim detikcom. (November 21, 2023). *Why do the People of Aceh reject the Rohingya Refugees? Here's the Explanation*. *detik.com*. <https://news.detik.com/berita/d-7048044/mengapa-pengungsi-rohingya-ditolak-warga-aceh-ini-penjasannya>
- Zulkarnaini. (2024, June 1). *All Rohingya Refugees in West Aceh Escaped, Allegedly Facilitated by Human Trafficking Networks*. *Kompas.id*. <https://www.kompas.id/baca/nusantara/2024/06/01/semua-pengungsi-rohingya-di-aceh-barat-kabur-diduga-difasilitasi-jaringan-perdagangan-orang>