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## State's Presence in Fulfilling Human Rights for Illegal Immigrants of Rohingya in Aceh

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### ABSTRACT

The study delves into the phenomenon of Rohingya illegal boat migration to Indonesia's Aceh Province during the period of 2020–2023, amid allegations of human rights violations by the Myanmar government. It aims to elucidate the factors driving this migration while examining the Indonesian government's response in meeting the basic needs of Rohingya arrivals from a human rights perspective. Employing a qualitative research methodology with a descriptive analysis approach, this study utilizes a framework encompassing national policy, migration, and human rights principles. Findings reveal that most Rohingyas view Aceh as a temporary transit point en route to Malaysia, often resorting to various means, including escape from Indonesian detention facilities. Their undocumented status impedes legal entry into Malaysia, leaving many stranded in Aceh and other parts of Indonesia. International law mandates that the Indonesian government afford protection to these individuals. The study underscores the Indonesian government's adherence to international legal obligations in safeguarding the human rights and welfare of Rohingya immigrants, thereby highlighting implications for policy and humanitarian practice.

**Keywords:** Human Rights, Illegal Migration, Rohingya.

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### INTRODUCTION

Myanmar is a multiethnic country plagued by instability and civil conflict since its independence in 1948. This resource-rich country has various kinds of conflicts between the government and ethnic minorities there. Some conflicts that have occurred include conflicts with ethnic Kachin, Shan, Lahu, Karen, and Arakan, and what continues to occur until now is a conflict with ethnic Rohingya.

The Rohingya have consistently been subjected to human rights violations committed by the Myanmar government. This is because the Myanmar government does not consider the Rohingya ethnic as citizens there. They were denied citizenship by the government under Myanmar's 1982 citizenship law. According to this law, Rohingyas are considered stateless Muslim Bengalis of Bangladeshi origin. Due to its stateless status and not being considered part of Myanmar, there is a systematic policy of the Myanmar government to expel this ethnicity (expulsion) from Myanmar territory.

Conflicts between the Rohingya ethnicity and the Myanmar government occurred repeatedly, namely in 1978, 1991-1992, 2012, 2015, and 2016-2018. Such conditions have caused many Rohingya to exodus from Myanmar and become refugees seeking asylum to other countries. More than 700,000 Rohingya have fled Myanmar since 2017. Rohingya refugee camps exist at several border points with India, Bangladesh, and Thailand, and some camps are located in Malaysia. The largest and most populous Rohingya refugee camp in the world is Kutupalong Camp in Cox's Bazar, Bangladesh. The Government of Bangladesh organizes the camp with assistance from UNHCR, IOM, and the UN Resident Coordinator based in Bangladesh. Internal conditions in Myanmar, along with various limited supporting facilities available in this refugee camp, caused some Rohingya to try to escape by boat to the sea and reach the beaches in Indonesia, Malaysia, Thailand, and even Australia (Sultana et al., 2020; Sumpter & Franco, 2018; Zamzani, 2022).

As an archipelagic country that is so large and has a long coastline, Indonesia has its own level of vulnerability regarding border areas. With so many Indonesian border posts with other countries, both legal and illegal, as well as international airports and ports as entry and exit routes for foreigners, Indonesia is constantly faced with human migration flows. The influx of foreigners to Indonesia, if not properly monitored and controlled, will cause various problems to Indonesia's national resilience. This is because every foreigner entering Indonesian territory certainly brings their own interests and will have their own impact on the economic, political, social, cultural, and so on.

(Hanita, 2020) Describe national resilience as the country's effort to survive, adapt, bounce back, and be more resilient in the face of various shocks such as economic, social, political, ideological, globalization, military attacks, terrorists, radicalism, and viruses/diseases, both from outside and from within. These various threats, disturbances, obstacles, and challenges (ATGH) can endanger the nation and state's integrity, identity, and survival. Given the large influx of foreigners into Indonesian territory with different aims and objectives, Indonesia's national resilience will face various threats.

With the large influx of foreigners into Indonesian territory, the level of transnational crime will certainly increase, such as transnational terrorism, cybercrime, human trafficking, people smuggling, illegal immigrants, money laundering, and smuggling of illegal drugs and firearms. In addition to having an impact on national security, these forms of crime, if left unchecked, will definitely affect the security of the community and individuals in the country if national security does not work optimally. This is because the traditional concept of threat to national security has changed from fear of war to threat from terrorism, poverty, disease, natural disasters, and other man-made disasters (Suth & Elias, 2004).

Within Indonesia, there are currently 12,805 refugees from 51 countries. Of this number, approximately 1,000 people (8%) are Rohingya immigrants. The completely restricted life expectancy in Myanmar is the reason the Rohingya people leave Myanmar by sea and become illegal sea migrants. In the period from 2020 to 2023, 3691 Rohingya immigrants landed in the Aceh region using boats. Most of them are in poor situations and conditions, such as starvation and illness, and some have even died. Nevertheless, the flow

of Rohingya boat displacement continues, and Aceh is the region in Indonesia that most often receives Rohingya immigrants. The problem is that many of the Rohingya boat people are victims of people smuggling. Rohingya smuggling activities are carried out in an organized manner from Myanmar, Bangladesh, Malaysia, and Indonesia (Lee, 2021).

Several studies have been conducted to look at this Rohingya case from a different perspective. Research by Darnela and Nugroho sees that customary international law must be implemented by the Government of Indonesia in providing protection to refugees and asylum seekers. They stressed the role of the Ministry of Social Affairs in addressing the refugee problem in Indonesia. On the other hand, it explained that the Indonesian Government does not have full obligations to take action against Rohingya refugees because Indonesia has not ratified the Vienna Convention of 1957 and the Protocol of 1967 on Refugees. Thus, the Rohingya problem in Indonesia cannot be solved by the Indonesian government independently but must involve various international communities. see the need for Acehese local law to address the legal vacuum in dealing with the Rohingya problem.

The study aims to comprehensively investigate the Rohingya case in Indonesia, examining the implementation of customary international law by the Indonesian government for the protection of refugees and asylum seekers, particularly the Rohingya, while also considering the role of the Ministry of Social Affairs in addressing the refugee problem. It explores Indonesia's obligations concerning the Rohingya issue in light of its non-ratification of key international conventions, emphasizing the necessity of involving various international communities due to the government's limited capacity. Additionally, the study delves into the necessity of Acehese local law to address legal gaps, focusing on Transnational Organized Crime (TNO) elements in analyzing the illegal entry of Rohingya immigrants into the Aceh region. It seeks to determine the status of Rohingya immigrants, scrutinizing whether they are genuine refugees fleeing violence or individuals seeking better living conditions in Malaysia. It also evaluates Indonesia's role as a transit country and its implications for migration policy and international cooperation (Asmara & Syahrin, 2021; Darnela & Nugroho, 2017; Faisal, 2022)

## **RESEARCH METHODS**

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The study employs a qualitative research methodology with a focus on descriptive-analytical research. Library research is used to collect information relevant to the research objectives. This method entails analyzing pertinent cases to establish a robust conceptual framework for comprehending a social phenomenon. Primary documents and literature such as laws, regulations, implementing guidelines, and convention provisions, along with secondary documents like books, magazines, and articles from previous studies, are used to gather data. Subsequently, the collected data is sorted or selected to address the research questions. Analytical decryption techniques are applied to process the data, followed by in-depth explanation and integration with logical analyses arising during the data comprehension phase. Finally, synthesizes the results of this description and analysis,

systematically processing them to facilitate the drawing of rational conclusions regarding the issues discussed in the article.

## RESULTS AND DISCUSSION

### Conditions of Rohingya Ethnicity in Myanmar

In state life, a government that has legitimacy issues laws and rules that bind all its citizens. All these laws and rules are outlined in a policy that must be obeyed to achieve goals together. The characteristic of public policy is its broad scope, which consists of many fields such as political, social, economic, cultural, religious, and so on, and its nature is hierarchical of national, regional, and local orders. According to the article, public policy is the forced spread of values to everyone. Government, as a form of embodiment of power holders over a country, is considered an authority that must do something for its people, allocate values, and implement them forcibly. Provide a sharper definition of public policy, namely the entire series of activities or actions carried out based on proposals by a person, group, or government where the goal is to overcome various obstacles and difficulties that arise in order to achieve the desired goals in a certain environment/place. By looking at the definition, we can say that public policy is what the government does to its people to achieve public interest goals that ultimately create order and public welfare. However, not all public policies implemented can be accepted by all groups of society. This is because the diversity of people with different backgrounds is not all willing and able to accept the public policies implemented by the government towards them (Carl et al., 1941; Easton, 1953)

Rohingya are a Muslim ethnic minority group in the Buddhist-majority country of Myanmar. This ethnicity claims traditional links to Myanmar's Rakhine Province, where the province borders Bangladesh. The Myanmar government and its military do not recognize the legitimacy of Rohingya identity, and this has been stipulated in Myanmar's 1982 Citizenship Law. The name Rohingya is also not recognized either by the government of Arakan/Rakhine province, where this ethnicity lives, or by Myanmar's central government (Ferguson, 2015; Lee, 2021)

The Myanmar government refers to the Rohingya as Bengalis from Bangladesh. The implementation of Myanmar's Citizenship Law is that Rohingya people will be prevented from obtaining rights as Myanmar citizens. They are also the ones who are subjected to various restrictions by the state, such as travel restrictions, restrictions on access to education and health facilities, and other restrictions on the right to livability. Amnesty International calls the Rohingya case Myanmar's apartheid politics, while the International State Crime Initiative categorizes it as humanitarian genocide.

**Table 1.** Countries with the Highest Population of Rohingya Ethnicity

|                   | Population | Continent |
|-------------------|------------|-----------|
| <b>Bangladesh</b> | 1600000    | Asia      |
| <b>Myanmar</b>    | 850000     | Asia      |

|                      |        |           |
|----------------------|--------|-----------|
| <b>Saudi Arabia</b>  | 470000 | Asia      |
| <b>Pakistan</b>      | 450000 | Asia      |
| <b>Malaysia</b>      | 200000 | Asia      |
| <b>India</b>         | 50000  | Asia      |
| <b>UAE</b>           | 50000  | Asia      |
| <b>Thailand</b>      | 5000   | Asia      |
| <b>Australia</b>     | 5000   | Australia |
| <b>United States</b> | 5000   | America   |
| <b>Jordan</b>        | 1300   | Asia      |
| <b>Indonesian</b>    | 1200   | Asia      |
| <b>Canada</b>        | 1100   | America   |

Source: Rohingya Solidarity Organization (2019)

Table 1 shows the distribution of the Rohingya population in the world. Bangladesh became the country with the highest Rohingya population due to the influx of Rohingya people from Myanmar. On the other hand, Indonesia is not the main destination country for Rohingya migration, which can be seen from only 1200 people in 2019. The displacement of Rohingya from Myanmar occurred because the country's internal conditions did not support their presence there.

Various restrictions imposed by the government are exacerbated by ethnic and religious conflicts, putting the situation of the Rohingya population constantly under threat and pressure. Ethnic and religious violence between Rakhine's Buddhist population and Rohingya Muslims has been going on for a long time. In some cases, radical Buddhists have set fires to Rohingya villages there, as well as perpetrating violence against the Rohingya people. To prevent the recurrence of inter-ethnic violence, the government carried out population separation between Rakhine and Rohingya ethnicities, which strategy is more accurately seen as an attempt by the government to concentrate the Rohingya population into concentration camps. In addition to the various violence committed by the civilians above, the Myanmar military also exerts various pressures and even military forces to fight the Rohingya rebels. The military's crackdown on the Rohingya, known as Pyat Lay Pyat (Four Cuts), allows attacks on civilians under the pretext of cutting the insurgency's chain of access to food, financing, intelligence, and villages suspected of being rebel recruitment centers. These violations have caused many Rohingya to leave the country, either to Bangladesh as a nearby country or to use boats to escape persecution by the government. This migration of Rohingya people out of Myanmar is the largest form of forced migration that occurred in the world after the Second World War. Given the enormity of the situation in Rakhine, Myanmar should have been among the countries that received international intervention in terms of R2P (Responsibility to Protect) to protect the lives, dignity, and cultural heritage of the Rohingya, but that has not happened, and it seems as if there is neglect (Bong, 2022, 2022; Karazsia, 2019; Lee, 2021, 2021).

#### **Illegal Arrival of Rohingya Immigrants to Aceh**

People migrate based on various factors, starting from the simplest things, namely economic problems, to more complex things where driving factors and pulling factors contribute. Meanwhile, according to Piguet, someone migrates from their country to become a refugee because of violence, emergency, and danger that causes them to be forced to leave their country to find a safe country to live in. Under the 1951 Refugee Convention, a refugee is a person who is unable or unwilling to return to his or her country of origin due to fear of persecution based on race, religion, nationality, membership in a particular social group, or political views. Gender-based persecution, including gender discrimination and persecution of LGBT people, can also be determined as refugee status (Piguet, 2018).

(Wood, 1994) Create models to explain forced migration and use them to explain the phenomenon. In this model, there are three overlapping driving factors: political instability, conflict, and persecution, which are the biggest drivers of forced migration. Second, economic downturn, life-threatening environmental damage, and malnutrition and chronic diseases in poor countries. Third, religious, ethnic, and tribal conflicts can lead to intolerance of foreigners and ethnic cleansing. According to Wood's forced migration model, all three domains of factors forcing migration, both internal and international, occur at the sub-national level.

There are two types of refugees: the first is those who leave their country in a planned manner and have a clear plane ticket and destination, and second, those who leave across national borders under military pressure or follow the movement of other refugees without having the desire to become citizens of another country (to save themselves), and after a period of time in the transit country will be safely placed in the destination country. Kunz also explained two migration patterns, namely, anticipatory refugee movement and acute refugee movement. Anticipatory refugees who come to a country leave their home country before the political and security situation worsens. They come to other countries with a plan, at least already know/understand the language that will be used in the destination country, have economic stability, and know how to get back their old jobs in a new country because of their skills. This type of refugee is often mistaken for voluntary migrants who seek better opportunities in other countries, even though the difference between the two can be seen from the historical background of the country left behind. An anticipatory refugee is traditionally said to be a migration that follows a pattern of push and pull (push and pull factor) where the pull factor has only a small contribution (Kunz, 1973, 1973).

On the other hand, acute refugees are formed as a result of major political changes in their home countries and armed conflicts. They will move in large numbers or, if not possible, will move individually or in groups to escape. Their main goal is to find security in neighboring countries and other countries that are easy to pass. At this stage, they realize that to return to their home country is impossible. Various economic, psychological, and administrative pressures will force them to become immigrants in a country willing to accept them. This form of acute refugee displacement hurts the countries that host their existence, both in South and Southeast Asia.

Discrimination and violence experienced by the Rohingya community in Myanmar led to nearly one million Rohingya being driven out and fleeing towards the Bangladesh border, with some of them fleeing by boat and sailing to the high seas. This incident has become one of the biggest humanitarian crises of modern times. According to data collected, from 2020 to early 2023, 3691 Rohingya immigrants landed in Aceh illegally (Sultana et al., 2020).

**Table 2.** Illegal Rohingya Arrival in Aceh

| <b>Year</b>     | <b>Month</b>     | <b>Location</b> | <b>Number (People)</b> |
|-----------------|------------------|-----------------|------------------------|
| <b>2020</b>     | <b>June</b>      | North Aceh      | 94                     |
|                 | <b>September</b> | Lhokseumawe     | 297                    |
| <b>2021</b>     | <b>June</b>      | East Aceh       | 81                     |
|                 | <b>December</b>  | Bireun          | 105                    |
| <b>2022</b>     | <b>March</b>     | Bireun          | 114                    |
|                 | <b>November</b>  | North Aceh      | 229                    |
|                 | <b>December</b>  | Aceh Besar      | 57                     |
|                 | <b>December</b>  | Pidie           | 185                    |
| <b>2023</b>     | <b>January</b>   | Aceh Besar      | 184                    |
|                 | <b>February</b>  | Aceh Besar      | 50                     |
|                 | <b>March</b>     | Southwest Aceh  | 21                     |
|                 | <b>March</b>     | East Aceh       | 184                    |
|                 | <b>October</b>   | Bireun          | 36                     |
|                 | <b>November</b>  | Pidie           | 196                    |
|                 | <b>November</b>  | Pidie           | 174                    |
|                 | <b>November</b>  | Bireun          | 249 (denied residents) |
|                 | <b>November</b>  | Bireun          | 490 (denied residents) |
|                 | <b>November</b>  | Pidie           | 241                    |
|                 | <b>November</b>  | Sabang          | 219                    |
|                 | <b>December</b>  | Sabang          | 139                    |
|                 | <b>December</b>  | Pidie           | 180                    |
|                 | <b>December</b>  | Aceh Besar      | 135                    |
| <b>December</b> | East Aceh        | 31              |                        |

Source: Processed from various sources

Table 2 shows the monthly illegal Rohingya arrivals in Aceh from 2020 to 2023. Their arrival increased due to the Acehnese people's acceptance of them. In addition, UNHCR mentioned other factors that encourage the increasing number of Rohingya migrant arrivals in 2023. Some of these factors include ongoing instability in Myanmar, a lack of progress in addressing the root causes of Rohingya displacement and conditions allowing them to return to the country, rising insecurity and declining humanitarian aid in camps in Bangladesh, increasingly active smuggling networks, and falling costs of displacement by sea (UNHCR, 2024). Some of the ways they can enter Indonesian territory illegally include:

1. **Boats and boats.** One reported method is using boats or boats to smuggle Rohingya migrants across border waters. They would pay smugglers to put them in boats or boats, which then took them to Indonesian waters.
2. **Hidden routes.** Rohingya migrants use hidden routes or routes poorly supervised by border patrols. They try to evade surveillance from security personnel in the waters to cross the border successfully.
3. **Loading in remote places.** Smugglers will load Rohingya migrants in remote places or on small islands difficult for Indonesian authorities to reach. This is to avoid strict detection and inspection at official ports or points of entry.
4. **Collusion with fishermen or boat captains.** Rohingya immigrants use smugglers who have connections to fishermen or boat captains working in Indonesian waters. They paid local fishermen to help smuggle Rohingya migrants into Indonesian waters before landing in Aceh.

The case of the illegal arrival of Rohingya migrants to Aceh by sea is a form of acute refugee movement where they plan to move to other countries as refugees due to the deteriorating situation in their country. Social, political, and security reasons stemming from the policies of the Myanmar government are the main factors that encourage the decision to carry out illegal cross-border displacement/displacement coupled with socioeconomic reasons that give rise to migration. They flee, migrate, and indirectly turn into refugees, often with inadequate conditions. Although some of them have the ability to leave their countries for the planned country, most must be forced to enter the transit country temporarily.

These led to the mass displacement of Rohingya and forced migration, which were directly affected by the harsh pressure from Myanmar's repressive and discriminatory government and military. This boat transfer is a practical option made by the Rohingya people to avoid and save themselves from internal pressures in their country that cause their arrival to Aceh to occur continuously. The Rohingya immigrants entered Indonesian territory, especially Aceh, with consideration of religious similarities so that their arrival was considered easier. By entering Indonesian territory, the Rohingya immigrants have at least avoided problems in their country and are just waiting for relocation to be carried out by UNHCR while staying in Indonesia or illegally crossing into Malaysia.

#### **Potential for Conflict between Acehese People and Rohingya Immigrants**

Since the emergence of Rohingya refugees via boats arriving in Aceh, Indonesia has enthusiastically handled their arrival. Social factors can explain why Indonesia has enthusiasm for dealing with Rohingya immigrants. The enthusiasm arose because of demographic proximity and religious similarities, plus the openness of the Acehese people, who strongly emphasized humanity. Although openly accepting Rohingya immigrants, there is a potential for conflict that can occur with local Acehese communities. Conflicts can usually occur due to differences in thoughts, ideas, words, and actions between two or more groups where Acehese people and Rohingya immigrants—despite having the same religion—have different cultures (Azhari & Wilopo, 2022).

Acehnese reported that Rohingya immigrants who had been accepted into the local area behaved poorly, did not maintain cleanliness, did not comply with local community norms, and did not heed Islamic law. Some Rohingya migrants displayed body language, expressing that the food they received in the refugee camps was not enough for them. Such conditions have resulted in Acehnese people judging Rohingya immigrants as ungrateful for what they got while in refugee camps. This then developed into an unstoppable hatred of Rohingya immigrants and evolved into a narrative of excessive Rohingya hatred. In addition, there are limited shelters, and there are immigrants who have fled shelters, but on the other hand, their numbers continue to grow, causing the community to feel threatened by the presence of these Rohingya immigrants.

Although many Acehnese remain supportive and sympathetic to the challenges facing Rohingya migrants, their recent boat arrivals have met unprecedented resistance in Indonesia. Some Rohingya migrants were prevented from disembarking the boat, while the migrants who managed to disembark were only to be forced by local people to return to the boat and return to the sea. Acehnese student groups also had time to expel Rohingya immigrants in Aceh in December 2023. The student group denied the Rohingya immigrants were in Aceh and pushed for their repatriation back to their home countries.

#### **Indonesian Government Policy towards Rohingya Immigrants**

Transnational organized crime (TNOc) has increased in scale as well as breadth and has become a complex threat worldwide as transnational criminals work by ignoring national borders and moving large sums of money through the international financial system. TNOc acts outside the law to gain profit. TNOc perpetrators use bribery, corruption, and violence to achieve their goals. Because TNOc has a strong potential and a very dynamic nature, this crime poses a serious danger to both the country and the world community as a whole.

The term TNOc was first widely introduced in the 1990s at meetings between countries to discuss the prevention of various forms of transnational crime. The concept of TNOc is defined by some researchers or experts as organized crime committed by a specific criminal organization or group. Others see TNOc as a series of criminal activities carried out by a specific entity. The practice of TNOc refers to the activities of organizations or criminal activities that cross national borders, so handling involves the territory and laws of at least two countries (Albanese, 2019).

According to the United Nations, there are 18 types of violations that fall under the category of the most dangerous TNOc. These include money laundering, terrorism, theft of art and cultural goods, intellectual property theft, illegal arms trade, aircraft piracy, ship hijacking, insurance fraud, cybercrime, environmental crime, human trafficking, organ and human parts trafficking, and drug and narcotics smuggling. This form of violation has a huge impact on the economic and security aspects as well as the resilience of a country.

Despite protocols and institutions combating TNOc, multilateral efforts to develop a collective response to transnational organized crime remain weak, fragmented, and ineffective. The Global Initiative's 2019 report found that 79 out of 102 UN entities, agencies, and agencies have a mandate to address some dimension of organized crime, and several

other multilateral organizations involved in efforts to combat the problem do not yet have a coherent strategy in place to address TNOC.

Human smuggling cases that intersect with the displacement of Rohingya people from Myanmar continue to increase. The entry of these illegal immigrants into Aceh, which was initially suspected to be a direct arrival from Myanmar, after being investigated, turned out to be human trafficking and smuggling activities. The involvement of international networks has brought Rohingya immigrants to several countries, including Indonesia and Malaysia. The Rohingya who fled their country using the boat were deliberately made to land in the Aceh region. On the other hand, Indonesia, which until now has not ratified the 1951 Refugee Convention, continues to accept the arrival of illegal refugees. The principle of non-refoulement, which refers to the right of refugees when stranded or visiting the territory of a country not to be returned to their home country or other countries where their security is threatened, is implemented by the Indonesian government because this principle has also become a norm that has become an international custom, so it seems to require every country in the world is no exception for countries that have not ratified the 1951 Refugee Convention (Setia et al., 2021).

Although Rohingya immigrants are mostly welcome in Indonesia, they can only stay temporarily before they can be relocated to a country that is a signatory to the 1951 Refugee Convention. Since Indonesia has yet to ratify the 1951 Convention and the 1967 Protocol on International Refugees and Asylum Seekers, they cannot remain permanently resident in Indonesia. In addition, Indonesia does not allow them to live permanently and like other citizens, obtain jobs and income, and provide access to education, health, and population facilities. This is because the authority to carry out the mandate to protect refugees is in the hands of UNHCR.

Their status in Indonesia can also only be determined by UNHCR. Prior to their refugee status, Rohingya immigrants who entered Indonesian territory illegally due to acts of violence and discrimination they experienced in their home countries were considered asylum seekers. Countries that have ratified the 1951 Refugee Convention can establish mechanisms to protect asylum seekers. Thus, the country concerned will determine the status of refugees to the illegal migrants. On the other hand, for countries that have not ratified the 1951 Refugee Convention – such as Indonesia, then a person's status can be said to be a refugee or not can only be done by the UNHCR Representative Office in the relevant country, and this certainly takes a long time.

Although Indonesia has not ratified the 1951 Refugee Convention, it already has several legal instruments specifically designed to regulate the handling and reception of refugees and asylum seekers. Among them is Article 28 G Paragraph 1 of the 1945 Constitution, which guarantees that everyone has the right to receive asylum from other countries and freedom from all acts that degrade human dignity. In addition, Law No. 37 of 1999 regulates foreign relations and refugees and asylum issues. In addition, there is also Presidential Decree No. 125/2016, which regulates foreign refugees.

In dealing with the Rohingya issue, through the Ministry of Foreign Affairs, the government of Indonesia has held several meetings with UNHCR. According to the agreement reached, the Indonesian government, together with UNHCR, will try to send Rohingya immigrants to third countries who want and are ready to receive them. Meanwhile, during the transfer process, the government will provide them with temporary housing. These shelters will have clean water, health facilities, places of worship, play and sports areas, and the fulfillment of other basic needs provided by UNHCR and IOM. In addition, if possible, the government will facilitate the process of voluntary repatriation of Rohingya immigrants back to their home country, Myanmar.

The main problem for Indonesia is that often, these Rohingya boat people are infiltrated by people smuggling activities. Several times, the Rohingya immigrants disappeared from shelters carried out by the local government in Aceh. The disappearance of the Rohingya migrants was identified as an attempt to flee to Malaysia by paying money to smugglers with links in Bangladesh, Myanmar, and Malaysia, as well as agents in Indonesia. Based on police records, some smugglers have been arrested in several areas of Sumatra. They were Indonesians tasked with bringing Rohingya refugees from Aceh to Malaysia as ordered by agents in neighboring countries. An Indonesian agent liaison was in a Rohingya refugee camp in Lhokseumawe. The liaison acted from inside the refugee camp by searching for individuals to be smuggled into Malaysia. In addition, they work closely with indigenous Acehnese, who are responsible for providing vehicles and drivers to be taken to Medan before being sent to Malaysia.

The Indonesian government and various international agencies are working together to stop this smuggling practice and provide assistance to Rohingya migrants. The Rohingya issue cannot be left entirely to the Indonesian government alone. UNHCR, as an agency under the United Nations that handles refugees, is tasked with managing the entire process of transferring and resettling refugees to destination countries. However, with the increasing number of Rohingya immigrants coming to Aceh, the opportunities possessed by these Rohingya immigrants to get resettlement in third countries are increasingly limited. According to UNHCR, in one year, less than 1% of refugees can be resettled in their destination countries.

For the Indonesian government, the illegal presence of Rohingya immigrants presents its dilemma. Three solution options are commonly used globally for refugee problems, namely repatriation, resettlement, and integration, none of which can be implemented in Indonesia. The choice to repatriate is certainly difficult, considering that Rohingya immigrants need to be recognized by the country where they come from. So, repatriating them to Myanmar was not the right choice. If the re-settlement option is made, of course, it must be thought about how long the Rohingya immigrants will be moved. This is because the option of re-assignment can only be done by UNHCR as an international institution that has authority over refugee issues. Still, the quota they have for refugee transfer is very limited. Their quotas are further narrowed because host countries that ratify the 1951 Refugee Convention certainly have their limits on how many refugees will be allowed into their countries. The option of integration into Indonesian society is also impossible, considering that Indonesia is not a ratification

country to the 1951 Refugee Convention, so the Indonesian government has no obligation to settle Rohingya immigrants in Indonesia permanently. In addition, there are still many population problems in Indonesia, requiring the government to prioritize solving domestic problems rather than having to share the resolution of problems with the Rohingya immigrants.

The settlement of the illegal migration of Rohingya people cannot only be solved in Indonesian territory. The main thing is to find a solution that causes why the Rohingya people are displaced. The Myanmar government is expected to pay attention to the Rohingya refugee problem because these people are from their jurisdiction. The Myanmar government must urgently address this Rohingya issue in two main areas: first, addressing the poverty of the Rohingya people due to the struggle to meet their basic needs and limited livelihoods, and second, regulating relations and cooperation between Buddhists and Muslims in Myanmar. Moreover, for long-term peace, the Government of Myanmar must pursue a comprehensive approach that combines inclusion, social cohesion, as well as communal equality rather than the use of force by the military (Bashar, 2019).

## CONCLUSION

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The violence and discrimination faced by the Rohingya in Myanmar have led many to flee the country in various ways. The Aceh region is one of the target areas for smuggling Rohingya immigrants because the majority of Acehese residents are Muslim and open to their arrival. Rohingya immigrants, considered refugees in need of assistance, have, in some cases, been involved in international smuggling networks. This causes Indonesia to be in a dilemma, namely, the humanitarian and legal sides, which are opposite. Under such conditions, Indonesia, which is not a ratification country of the Refugee Convention, already has its legal instrument for handling refugees as an effort to fulfill human rights. Various handling standards provided by the government show Indonesia's commitment to upholding human rights. However, these various legal instruments have not been fully used to solve the problem of refugees entering illegally. To solve the Rohingya problem in Indonesia, cooperation between the Government of Indonesia and various international communities, UNHCR, IOM, ASEAN, and third countries that have ratified the Refugee Convention is needed.

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