



IDEOLOGICAL AND LEGAL POLICY PERSPECTIVES ON THE EXISTENCE OF ROHINGYA REFUGEES IN INDONESIA

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Abstract:

The occurrence of the Rohingya and Rakhine ethnic conflict is a religious conflict in Myanmar between Islam and Buddhism that makes attention to the world, because the conflict resulted in ethnic Rohingya fleeing to neighboring countries, one of which is Indonesia. Indonesia is a legal state that upholds the sovereignty of the Unitary State of the Republic of Indonesia, but in addition to sovereignty there is a state ideology in the form of Pancasila which contains many humanitarian values. The purpose of this research is to find out the legal policies contained in Indonesia and how the Pancasila values are viewed towards foreigners who are refugees. The type of research used is normative or commonly called library research, the research approach is carried out with descriptive analysis with data collection techniques in the form of literature review, books, mass media, articles, journals, internet. The results of this study are that actually internationally normative, Indonesia has not ratified the 1951 convention and 1956 protocol, but Indonesia itself has specific guidelines for handling refugees contained in Presidential Regulation Number 125 of 2016 and Law Number 37 of 1999. There are several things that make Indonesia unable to ratify the Convention, namely if Indonesia ratifies it must comply with the convention, for example Article 17 of the 1951 Convention, namely the state must be responsible for providing jobs for refugees, even though Indonesia as a developing country still has a high unemployment rate, then Article 21 there is a provision that refugees must be given a house, even though the poverty rate of Indonesian citizens is still high and other articles that the Indonesian people have not been able to fulfill what is required in the convention. Then if seen from the point of view of Pancasila, Pancasila contains humanitarian values which means that upholding the human rights of anyone, including Rohingya refugees.

Keywords: Ideology; Refugees; Human Rights

Abstrak:

Terjadinya konflik etnis Rohingya dan Rakhine merupakan konflik agama di Myanmar antara Islam dan Buddhisme yang menarik perhatian dunia, karena konflik ini menyebabkan etnis Rohingya melarikan diri ke negara-negara tetangga, salah satunya adalah Indonesia. Indonesia adalah negara hukum yang menjunjung tinggi kedaulatan Negara Kesatuan Republik Indonesia, namun selain kedaulatan, terdapat ideologi negara berupa Pancasila yang mengandung banyak nilai-nilai kemanusiaan. Tujuan dari penelitian ini adalah untuk mengetahui kebijakan hukum yang ada di Indonesia dan bagaimana pandangan nilai-nilai Pancasila terhadap orang asing yang berstatus pengungsi. Jenis penelitian yang digunakan adalah penelitian normatif atau yang biasa disebut dengan penelitian kepustakaan, pendekatan penelitian dilakukan dengan analisis deskriptif dengan teknik pengumpulan data berupa

tinjauan literatur, buku, media massa, artikel, jurnal, internet. Hasil dari penelitian ini menunjukkan bahwa secara normatif internasional, Indonesia belum meratifikasi konvensi 1951 dan protokol 1956, namun Indonesia sendiri memiliki pedoman khusus untuk menangani pengungsi yang terdapat dalam Peraturan Presiden Nomor 125 Tahun 2016 dan Undang-Undang Nomor 37 Tahun 1999. Ada beberapa hal yang membuat Indonesia tidak dapat meratifikasi Konvensi tersebut, yaitu jika Indonesia meratifikasinya maka harus mematuhi konvensi tersebut, misalnya Pasal 17 Konvensi 1951, yaitu negara harus bertanggung jawab untuk menyediakan pekerjaan bagi pengungsi, padahal Indonesia sebagai negara berkembang masih memiliki tingkat pengangguran yang tinggi, kemudian Pasal 21 ada ketentuan bahwa pengungsi harus diberikan rumah, padahal tingkat kemiskinan warga negara Indonesia masih tinggi dan pasal-pasal lain yang rakyat Indonesia belum mampu memenuhi apa yang disyaratkan dalam konvensi. Kemudian jika dilihat dari sudut pandang Pancasila, Pancasila mengandung nilai-nilai kemanusiaan yang berarti menjunjung tinggi hak asasi manusia siapa pun, termasuk pengungsi Rohingya.

Kata Kunci: *Ideologi; Pengungsi; Hak Asasi Manusia*

A. Introduction

On December 10, the world commemorated the 75th anniversary of the Universal Declaration of Human Rights. Geneva, Switzerland, is hosting the second Global Refugee Forum event this month. However, there still seems to be doubts about the global community's commitment to human rights and humanitarian protection. This is especially true for ASEAN with regard to the issue of Rohingya refugees fleeing Myanmar. In Indonesia, the handling of Rohingya refugees is stealing the public spotlight due to news of community disapproval in Aceh, where thousands of refugees have landed. Somehow surprised the people of Aceh have long been famous for their habit of rescuing and accepting refugees for temporary shelter. This situation shows that the best solution must be sought immediately to prevent greater risks to society, such as social conflict and a greater humanitarian tragedy in Indonesia.

With the ongoing conflict in Myanmar and the deteriorating conditions of Cox's Bazar refugee camp in Bangladesh, the escalation of this wave of stateless Rohingya refugees is expected to continue. From November 14 to December 10, 2023, there have been nine waves of refugees entering Indonesia through several districts in Aceh Province, namely Pidie, Sabang Island, Bireun, and Aceh Besar. The issue of rejection is rampant in the mass media and social media intertwined with negative narratives about the existence of international organizations, the involvement of smuggling and human trafficking networks, and the option of relocating shelters to remote islands. To understand the attitudes and socio-cultural conditions of local communities in accepting Rohingya refugees, it is important to place the issue of rejection in the context of the limitations of local communities in mobilizing aid and accommodating the needs of large numbers of refugees. This emphasizes the need for joint handling between the central and local governments. The uncertainty of views and handling steps creates confusion and concerns in communities and local governments when providing assistance. This massive influx of refugees poses a serious challenge for Indonesia, which is trying to maintain a balance between its humanitarian obligations and the maintenance of the sovereignty of the Republic of Indonesia.

A collaborative role between the government and local communities is essential to ensure that Rohingya refugees are properly received and positively integrated into Indonesian society. An understanding of the humanitarian aspect and shared responsibility is the foundation for addressing this complex challenge. The maintenance

of the sovereignty of the Unitary State of the Republic of Indonesia is a crucial aspect in responding to the Rohingya refugee crisis. Smart diplomacy and a careful national security strategy are needed to ensure that the handling of the Rohingya refugee crisis supports the welfare of local communities and the overall stability of the country.

The Indonesian government must ensure that refugee management policies do not only focus on humanitarian aspects, but also take into account their impact on state stability and security. In responding to the complexity of the Rohingya refugee crisis, policy measures need to be formulated to maintain a balance between the humanitarian aspects and the maintenance of the sovereignty of the Republic of Indonesia. Besides having to maintain the sovereignty of the Republic of Indonesia, these problems cannot directly make Indonesia reject the presence of refugees because there are ethical and moral reasons including international law that bind it. One that regulates it is the refugee convention, where countries that have ratified it are obliged to accept it because the regulation is binding. In this case, Indonesia has not ratified the refugee convention regulations, but has ratified various human rights conventions and covenants, such as anti-torture and so on. In addition to the ideological basis and idealism about humanity as mandated in the Preamble of the 1945 Constitution as well as the Pancasila values of world peace and just and civilized humanity, Indonesia finds it difficult to reject Rohingya refugees because there is a religious sentiment with the fact that they are mostly Muslims. Indonesia is known as a Muslim-majority country.

B. Research Method

This research examines state ideology and the challenges of upholding human rights in the issue of Rohingya refugees in Indonesia. The research method used is normative legal research or library legal research. Researchers examine library materials or secondary data, both primary legal materials, secondary legal materials, and tertiary legal materials to find answers and solutions to existing problems, researchers use a statutory approach to analyze legal aspects and Pancasila values as the basis for upholding human rights. This research is descriptive, where researchers describe the values contained in Pancasila and positive law as the basis of state sovereignty. Literature study was conducted to collect data and information relevant to this research. Researchers searched and reviewed laws, books, government documents, and academic articles related to Rohingya refugees. The collected data was analyzed using the content analysis method, in which the researcher analyzes and interprets the content of the collected library materials.

C. Discussion

1. Legal Policy on Rohingya Refugees in Indonesia

The Rohingya and Rakhine ethnic conflict is a religious conflict in Myanmar between Islam and Buddhism. Apart from the conflict happening within Myanmar itself, the international world especially countries close to Myanmar such as Indonesia, Malaysia, and Bangladesh are affected by it (Siba & Qomari'ah, 2018). More than one million Rohingya people live in Rakhine state, Myanmar. They are mostly Muslims and have lived there for a long time. In contrast, the majority of Myanmar people are Buddhists (Auli & Pratama, 2020). The Rohingya ethnic violence began in July 2012 and continues to be the talk of the world today. The Myanmar government claims that the Rohingya are illegal immigrants from Bangladesh who have no place in Myanmar, but the Rohingya say that the Myanmar government and military have mistreated them

for years. As a result, the government does not recognize the Rohingya as Myanmar citizens. They don't have access to the same education, medical care, and public services. The UN has even named the Rohingya as one of the most persecuted minorities in the (Auli & Pratama, 2020).

The result was rebellion and resistance that led to acts of violence, including murder, torture, burning of houses, and forcing the Rohingya population to leave their homes. Therefore, the actions taken by the Myanmar government against the Rohingya are human rights violations. The Myanmar government treated the Rohingya people unfairly, so they fled to neighboring countries (Siba & Qomari'ah, 2018).

Basically, a refugee is a person who is forced to sever ties with his or her home country due to a well-founded fear and persecution (Ayub Torry Satriyo Kusumo, 2012). In another sense, a refugee is an individual or group of individuals who seek assistance in the form of protection and asylum from the state (Jovano & Gea, 2021). A refugee is an individual or group of individuals who, as a result of events constituting a genuine fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable, or because of such fear, is unwilling to avail himself or herself of the protection of that country, or a person who has no nationality and is outside the country in which he or she was previously habitually resident, is unable, or because of such fear, is unwilling to return to that country.

Normatively, Indonesia has positive laws that regulate how to handle foreign refugees. Refugee handling is carried out in accordance with the provisions of laws and regulations and follows generally accepted international provisions, according to Article 3 of Presidential Regulation 125/2016. Ultimately, the Minister of Political, Legal and Security Affairs is responsible for the coordination of refugee handling (Sefriani, 2011), which is used to make policies that include (Riyanto, 2012):

- a. Discovery of
- b. Shelter
- c. Security
- d. Immigration control

In addition, Indonesian law regulates refugees and the granting of asylum. Article 26 of Law 37/1999 states that the granting of asylum to foreigners is carried out in accordance with national legislation and by taking into account international law, custom and practice. Although Indonesia has a positive law on refugees, according to the UNHCR website, Indonesia is not yet a state party to the 1951 Convention and 1967 Protocol. First, keep in mind that if Indonesia becomes a party to the 1951 Convention and 1967 Protocol, the country must comply with the provisions stipulated in the 1967 Convention, such as:

- a. Article 4 (freedom of religion);
- b. Article 17 (right to work and receive wages);
- c. Article 21 (right to own a home);
- d. Article 22 (right to education); and etc.

There are several articles of the convention that are difficult to apply in Indonesia juridically. For example, Article 17 of the 1951 Convention stipulates that the state is responsible for providing employment for refugees. In contrast, as a developing

country, Indonesia still has a high unemployment rate. Then, in Article 21 of the 1951 Convention, there is a provision to provide houses for refugees, even though there is still poverty in Indonesia. In addition, there are areas in Indonesia that need proper infrastructure from the central government. Furthermore, Articles 22 and 4 of the 1951 Convention have additional provisions that can cause problems for the Indonesian people if implemented by the government, namely the occurrence of inequality for the Indonesian people themselves (Fattah, 2017).

Second, international law basically upholds the principles of non-intervention and consent (Sul-toni et al., 2014). According to Malcolm N. Shaw, a state is not allowed to intervene in matters that are essentially included in the domestic affairs or problems of other countries. Each state is given the freedom to determine its own affairs or problems freely without interference from any party on the principle of sovereignty. Such matters or problems include the determination of a country's political, economic, social, cultural and foreign policy systems. Third, according to Sefriani, in international law there is no supranational body that has the authority to make and impose international rules. Thus, in our opinion, no country has the right to force Indonesia to ratify the 1951 Convention and 1967 Protocol (Suryono, 2023). In addition to the above reasons, there are also local priorities of the Indonesian people that do not allow them to ratify the convention, among others:

- a. **Prioritization on education and economic development**
Indonesia has the status of a developing country, and the Indonesian government realizes that the economy and education are still not as good as developed countries. Ratifying the refugee convention can add to the economic burden and the Indonesian government must create educational facilities or in the form of special schools for refugees so that they can get the right to education in Indonesia.
- b. **Prioritization of domestic governance**
Indonesia has unresolved domestic problems, such as poverty, unemployment, and government policies. Ratifying the refugee convention may add international obligations that may interfere with domestic governance.
- c. **Prioritization on infrastructure development and security**
Indonesia has limited infrastructure and unstable security. Ratifying the refugee convention may reduce security and disrupt infrastructure development.
- d. **Prioritization on community development**
Indonesia has problems overcoming social restrictions, such as the assimilation of refugees, which can have negative effects on local communities. Ratifying the refugee convention could reduce social justice for all Indonesians.

Although the dialecta says the above, Indonesia cannot just expel the Rohingya refugees. Because even though Indonesia has not ratified the convention relating to refugees, Indonesia must accept that its country is used as a transit for refugees. This is because Indonesia abides by the principle of non-refoulment, which is the principle that states are not allowed to expel or return asylum seekers and refugees (United Nations High Commission for Refugees (UNHCR), 2001). The principle of non-refoulement is considered customary international law, which means that all states, whether or not they are parties to refugee and/or human rights conventions that prohibit expulsion, are obliged not to return or extradite a person to a country where that person's life or safety is seriously in danger (United Nations High Commission for Refugees (UNHCR), 2001). The UNHCR Executive Committee even established the principle of non-refoulement as an advanced peremptory norm in international law. Peremptory norm, also known as *jus cogens* or *ius cogens*, is a basic principle of international law that is accepted by states as a norm that cannot be derogated from and that must be respected in all circumstances and cannot be changed (Primadasa et al., 2021).

2. Proceedings A view of the value of Pancasila towards rohingnya refugees

Indonesia is one of the nations in the world that has a history and ideology of life that is different from other nations. In this case, Indonesia upholds several values of human life such as divine values and human values based on Pancasila as the ideology of this nation. As the foundation of the Indonesian state, Pancasila serves as a reference to organize and organize the life of the nation and state for Indonesian citizens. Widisuseno stated that the Indonesian nation was united on the basis of similarities, ideals and also a common determination to unite. In this case, Pancasila must actually be carried out or implemented as life in society (Widisuseno, 2014).

Today, the implementation of the values contained in Pancasila is fading, as we still encounter various phenomena that do not reflect that the Indonesian nation has embraced Pancasila and there are still many people who underestimate it, for example violations of human rights. These problems certainly need serious handling by the government and society. This is because, if we are indifferent to the various problems that exist, there will be great consequences that we will later receive both in the form of physical and non-physical threats and from abroad (Anggian Cassilas dan Tundjung Herning Sitabuana, 2021). For example, the application of the values of Pancasila, particularly the second principle, just and civilized humanity, has given direction to the Indonesian nation to respect and protect human rights, including the rights of refugees. Rohingya refugees are victims of serious human rights violations, including murder, rape, and house burning. Therefore, Indonesia as a country that upholds the values of Pancasila is obliged to provide assistance and protection to Rohingya refugees. Some views on the value of Pancasila towards Rohingya refugees are as follows:

a) Pancasila is the moral and legal foundation for helping Rohingya refugees.

Pancasila as the foundation of the state and the way of life of the Indonesian nation is the moral and legal basis for helping Rohingya refugees. The second principle of Pancasila, just and civilized humanity, affirms that everyone has the right to live in peace and dignity, regardless of race, religion, ethnicity, or national

origin. Therefore, Indonesia as a country based on Pancasila is obliged to provide humanitarian assistance to Rohingya refugees, including providing protection from violence and discrimination.

In the main, as Pancasila the basis of the state and open ideology by developing characters that are actualized in honesty, discipline, responsibility, caring, polite, environmentally friendly, mutual cooperation, peace-loving, responsive, and proactive attitudes. In the case of the Rohingya, as one of the ethnic groups that have been in Myanmar or "one of the world's most persecuted minorities" (Christyanti, 2022). They have experienced various human rights violations, both in terms of citizenship and in terms of adhering to beliefs or religion. In this context, Pancasila, as the basis of state and open ideology, can be interpreted as a moral and legal basis to help Rohingya refugees by protecting and understanding their human rights. The ways that can be taken by Indonesia based on the views of Pancasila, especially the second principle, include:

- a. Understand and safeguard human rights, such as moral standards by which to judge one's behavior.
- b. Develop disciplined, responsible and responsive character, which includes income and access to human rights.
- c. Assess human rights violations against Rohingya refugees and take necessary actions to understand and address them (Putu et al., 2019).
- d. Engage with surrounding countries and international organizations to safeguard human rights and assist Rohingya refugees.

Furthermore, although Pancasila may not directly answer the case of the Rohingya issue, given the basic concept of the state and the open ideology contained in Pancasila, the author argues that it is possible that it will help in maintaining and understanding human rights, especially for ethnic groups such as the Rohingya. There are several steps that Indonesia can take in taking a stance and action towards the Rohingya case, namely as follows:

- a. Criticize and condemn the human rights violations committed against the Rohingya.
- b. Support efforts to resolve the Rohingya case peacefully and justly.
- c. Provide humanitarian assistance to the Rohingya who are victims of human rights violations.
- d. Send a delegation to Rohingya refugee areas in Indonesia to meet with the Indonesian government to encourage a peaceful and just settlement of the Rohingya case.
- e. Voicing Indonesia's support for efforts to resolve the Rohingya refugee case in international forums.
- f. Provide humanitarian assistance to the Rohingya and neighboring countries where they have sought refuge.

Thus, Indonesia can also cooperate with other countries, both in the Southeast Asian region and internationally, to resolve the Rohingya refugee case. This cooperation can be done in the form of diplomacy, humanitarian assistance, or development cooperation. By taking attitudes and actions that are in accordance with the values of Pancasila, Indonesia can make a real contribution to the resolution of the Rohingya refugee case.

b) Pancasila as a universal value that can be applied in all countries.

Pancasila as an open ideology has universal values that can be applied in all countries, including in the case of Rohingya refugees in Indonesia. These values include, First, just and civilized humanity. This principle teaches that all humans have equal dignity and must be treated fairly and civilized. This is relevant to be applied in the case of Rohingya refugees, because they are victims of human rights violations in Myanmar. They must be treated fairly and civilized, in accordance with human rights guaranteed by international law. Second, Indonesian Unity. This principle teaches that Indonesia is a country consisting of various tribes, religions and races. Indonesian unity must be realized in the life of the nation and state, both at home and abroad. This principle is relevant to be applied in the case of Rohingya refugees, because Indonesia is a country that has long received refugees from various countries. Indonesia must uphold the values of unity and integrity in dealing with the Rohingya refugee case. Third, democracy led by wisdom in deliberation/representation. This principle teaches that democracy is the best form of government. Democracy must be realized in the life of the nation and state, both at home and abroad. This principle is relevant to be applied in the case of Rohingya refugees, because Indonesia is a democratic country. Indonesia must involve all parties, including the government, the community, and the Rohingya refugees themselves, in finding the best solution for this case. Fourth, social justice for all Indonesian people. This principle teaches that all Indonesians have the right to live in prosperity and justice. Social justice must be realized in the life of the nation and state, both at home and abroad. This principle is relevant to be applied in the case of Rohingya refugees, because Indonesia is a country that has long struggled to realize social justice. Indonesia must continue to strive to provide basic rights to Rohingya refugees, such as the right to life, the right to education, and the right to work. Some examples of the application of Pancasila values in the case of Rohingya refugees in Indonesia:

- a. Indonesia has provided humanitarian aid to Rohingya refugees, such as food, clothing, and shelter.
- b. Indonesia has provided education and skills training to Rohingya refugees, so that they can be independent and contribute to Indonesian society.
- c. Indonesia has facilitated dialog between the Myanmar government and Rohingya refugees, to find the best solution for them.

In essence, the values of Pancasila are not only applicable in Indonesia, but are also universal values that can be applied in all countries. Pancasila, as a state foundation and open ideology, contains five basic values, namely divinity, humanity, unity, democracy and justice. These values are considered universal, so they can be applied in all countries, even if the country does not use Pancasila as its state foundation. These values include moral and legal principles that are relevant to apply in a global context, including in helping Rohingya refugees or in efforts to maintain peace and social justice around the world. Pancasila as a universal value can be applied in all countries through

understanding and implementing its values in the life of society, nation and state. This includes recognizing divinity, human dignity, unity, democracy, and justice, as well as developing attitudes of mutual cooperation, tolerance, and social responsibility (Maulana, 2023).

Therefore, Indonesia is obliged to promote the values of Pancasila in an effort to resolve the humanitarian crisis in Rohingya. Indonesia can act as a mediator between Myanmar and the Rohingya to find a peaceful solution that respects the human rights of all parties. Thus, Pancasila can be a relevant moral and legal foundation in helping Rohingya refugees or in other universal contexts and by applying the values of Pancasila, Indonesia can make a real contribution to Rohingya refugees, as well as become an example for other countries in handling refugee cases.

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Pancasila, as the foundation of the state and an open ideology, contains five basic values that can be applied in a global context, including in efforts to fight injustice (Tegal, 2017). There are several ways of looking at Pancasila that can be used as a moral force to fight injustice, namely:

- a. Correcting order and injustice: Laws should be designed to correct injustice and inequity.
- b. Develop a disciplined, responsible and responsive character: Pancasila aspires to harmonize and prosper all Indonesians through health and the fulfillment of other social rights.
- c. Actively contribute to the life of the nation and state: Pancasila encourages individuals to be responsible for decisions made based on the principles of deliberation and consensus, and to contribute to world affairs by upholding moral and legal enforcement.
- d. Understand and safeguard human rights: Pancasila, as the foundation of the state and an open ideology, may serve as a moral and legal foundation to assist in safeguarding human rights, including in obtaining a law degree.

Pancasila, as the foundation of Indonesia, has the potential to be a moral force in fighting injustice for Rohingya refugees in Indonesia. The values of Pancasila, such as

humanity, unity, and justice, can serve as a foundation for the protection of refugees. For example, the humanitarian value of Pancasila supports respect for the dignity and human rights of refugees, while the values of unity and justice support their integration and fair treatment.

According to Sudjito, an expert from Gadjah Mada University, Pancasila democracy and politics are basically not only based on the rule of law, but also on moral awareness and appropriateness that prioritize the ethical values of Pancasila. This shows that the application of Pancasila values can be a moral foundation in dealing with refugee issues, including Rohingya refugees in Indonesia. Although Indonesia has not ratified the 1951 Convention and 1967 Protocol on Refugees (Afriandi & Nizmi, 2014), based on the humanitarian spirit of Pancasila, Indonesia remains committed to protecting refugees, including Rohingya refugees. This shows that the humanitarian value of Pancasila has become the basis for Indonesia's actions in protecting refugees, even though it has not been formally bound by international legal instruments related to refugees. Thus, it can be concluded that Pancasila has the potential as a moral force that can be applied in fighting injustice for Rohingya refugees in Indonesia, both in the context of protection and integration of refugees into Indonesian society.

Furthermore, that Pancasila can be a moral force to fight the injustice experienced by Rohingya refugees. The values of Pancasila can encourage the international community to take concrete action to help Rohingya refugees. Indonesia can act as a pioneer in this effort by inviting other countries to provide humanitarian assistance and protection to Rohingya refugees. Thus, Pancasila can be a relevant moral force in efforts to fight injustice and maintain social justice around the world. Based on the views above, it can be concluded that the values of Pancasila provide clear direction to the Indonesian people to help Rohingya refugees. Indonesia is obliged to provide humanitarian assistance and protection to Rohingya refugees, either directly or through cooperation with other countries.

D. Conclusion

Normatively, although Indonesia itself has not ratified the 1951 Convention and the 1965 Protocol relating to refugees, Indonesia has its own legal guidelines for dealing with foreign refugee, which were decided through presidential decree No. 125 of 2016 and Act No. 37 of 1999. The reason for not being ratified by the Indonesian government is because there are some articles which, if applied in Indonesia, are not relevant to the situation in Indonesia itself. So normatively, it's actually legal for Indonesia to temporarily accommodate the Rohingya refugees. It is also reinforced by the fact that Indonesia also upholds the principle of non-refoulment, which is a principle that the State is not entitled to expel or return asylum-seekers and refugees. The principle is regarded as international customary law, which means that any State, whether it has been a party or not, to the refugee conventions and/or human rights prohibiting expulsion, is obliged not to return or extradite a person to a country where the life or security of the person is seriously at risk.

Pancasila can be a strong foundation in handling the issue of Rohingya refugees in Indonesia, both in the context of protection and integration of refugees into Indonesian society. The application of Pancasila values in Indonesia's handling of Rohingya refugees can create a comprehensive and human rights-based approach. By incorporating these principles in its policies and actions, Indonesia can make a positive contribution to the resolution of this global crisis and demonstrate its commitment to

universal humanitarian values. Indonesia must immediately determine a clear regulatory direction, whether to continue to accept or reject the arrival of Rohingya refugees. Indeed, Indonesia upholds moral and human rights values. But there needs to be clear and firm legal regulations so as to minimize the occurrence of conflict within the country itself.

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