

The Rejection of Rohingya Refugees in Aceh: A Scientific Analysis from Human Rights and Public Policy Perspectives

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Abstract: This scientific analysis critically examines the polemic surrounding the rejection of Rohingya refugees in Aceh, Indonesia. Drawing from the fields of human rights and public policy, the study explores the reasons behind the rejection, including concerns about the behaviour and attitudes of Rohingya people in refugee camps. The analysis provides a comprehensive examination of the issue, considering the ethical implications and socioeconomic considerations from a scientific standpoint. This study aims to Aceh's policy on refugees and asylum seekers, focusing on the legal framework and the country's approach as a transit nation. The analysis includes an exploration of Indonesia's handling of refugees, provisions for interception and rescue, and the absence of long-term resettlement options. The article also discusses the implications of Indonesia's stance on the Rohingya crisis and the sustainability of Aceh's hospitality towards refugees. The article raises questions about the future prospects for greater hospitality and the granting of rights to refugees in Indonesia and neighbouring countries. The research results also show Approaching the rejection of Rohingya refugees in Aceh through a scientific lens allows policymakers to navigate this issue effectively. By integrating human rights principles, ethical considerations, and socioeconomic factors, policies can be formulated to protect refugees' rights while promoting the well-being of the host community.



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INTRODUCTION

Indonesia, while not a signatory to the UN Refugee Convention, has established a legal framework for refugees through a presidential regulation enacted in 2016. This article critically examines Indonesia's refugee policy, particularly in light of the recent influx of Rohingya refugees seeking asylum in Aceh (Hoque et al., 2023). The adverse experiences stemming from the attitudes and behaviors of these refugees have generated significant resistance from the Acehnese community, highlighting the complexities of local responses to humanitarian crises (Kadir & Nurdin, 2022).

From a social perspective, the community's rejection of the refugees raises concerns regarding adherence to human rights principles (Hyndman & McLean, 2006). Concurrently, from a formal legal standpoint, such attitudes are seen as inconsistent with national policies designed to provide comprehensive protection for individuals seeking asylum in Aceh. This research seeks to explore the arguments and rationales that inform the Acehnese community's decision to reject the Rohingya refugees, thereby contributing to a deeper understanding of the complex interplay between local attitudes and broader humanitarian frameworks (Abee et al., 2019).

The issue of Rohingya refugees in Aceh, Indonesia, has garnered attention in both humanitarian and academic circles. However, there remains a significant gap in comprehensive analyses that integrate human rights frameworks with public policy considerations specific to the Acehnese context. Most existing studies focus on either the humanitarian plight of the Rohingya or the legal frameworks governing refugee status in Indonesia, often neglecting the interplay between local attitudes, policy responses, and the broader implications for human rights. Additionally, the socio-political dynamics that influence the rejection of Rohingya refugees in Aceh have not been sufficiently explored. This research aims to fill this gap by providing a holistic examination of the factors contributing to the rejection of Rohingya refugees, considering ethical implications, local community perspectives, and the legal context within which these issues arise.

The rejection of Rohingya refugees in Aceh, Indonesia, has sparked a polemic that necessitates a scientific analysis. This article critically examines the issue, drawing from the fields of human rights and public policy, to provide a rigorous and evidence-based understanding of the phenomenon.

Aceh became a refuge for hundreds of Rohingya refugees stranded at sea in May 2015. (Thom, 2016). Although there had been several groups of Rohingya stranded in Aceh in 2009, 2011, 2012, and 2013, the handling of Rohingya refugees

in 2015 was different from previous arrivals and other refugees who came to Indonesia. (Missbach, 2016).

Recent literature on the Rohingya crisis highlights a range of topics, including the historical context of Rohingya persecution, the legal frameworks for refugee protection, and the humanitarian responses of neighboring countries. Studies have documented the plight of Rohingya refugees in various Southeast Asian nations, emphasizing the need for regional cooperation and comprehensive protection mechanisms. However, research specifically focusing on Aceh's response to the Rohingya influx remains limited. The Bali Declaration and other regional agreements aim to enhance cooperation among Southeast Asian nations in addressing issues of people smuggling and trafficking, yet their implementation and impact on local policies in Aceh are not well-documented. Furthermore, the ethical considerations related to local community responses and the socio-economic implications of hosting refugees require deeper investigation. This study will build on existing research by critically examining the rejection of Rohingya refugees in Aceh through the lenses of human rights and public policy.

This study aims to explore the underlying reasons for this rejection, focusing on the humanitarian implications and the ad hoc approaches adopted by Aceh in addressing the situation. By analyzing both the legal framework and the social dynamics at play, the research seeks to provide a comprehensive understanding of the challenges faced in integrating refugees within local communities while also assessing the broader implications for Indonesia's commitment to human rights and refugee protection.

RESULTS AND DISCUSSION

The 2015 discovery of mass graves in Thailand's Sadao district, on the border with Malaysia, led to a crackdown on people smugglers by the Thai and Malaysian authorities. Thousands of Rohingya (as well as Bangladeshi migrants) were left stranded in the Andaman Sea as smugglers abandoned their human cargo. Initially pushed back by the Thai, Malaysian, and Indonesian navies, it was only after Indonesian fishermen rescued three boats that approximately 1,800 people were permitted to disembark in Indonesia's Aceh province. The crisis in the Andaman Sea highlighted the lack of a basic regional protection or cooperation framework in the Southeast Asia region. While some states are still hesitant, there have been recent attempts to improve government collaboration, as demonstrated in the March 2016 Bali Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime.

Historical Context

The Absence of a Comprehensive Regional Protection Framework in Southeast Asia Exposed by the Andaman Sea Crisis

The 2015 discovery of mass graves in Thailand's Sadao district catalyzed significant attention to the dire situation of Rohingya refugees and other migrants in Southeast Asia, revealing the inadequacies of existing regional protection frameworks. Following a crackdown on people smugglers by Thai and Malaysian authorities, many Rohingya and Bangladeshi migrants found themselves stranded in the Andaman Sea, highlighting their extreme vulnerability during transit.

Initial responses from the Thai, Malaysian, and Indonesian navies involved attempts to repel the incoming boats, reflecting a lack of coordinated humanitarian action. However, the situation shifted dramatically when Indonesian fishermen intervened, rescuing three vessels and facilitating the disembarkation of approximately 1,800 individuals in Aceh province. This pivotal moment underscored the critical role of local communities in providing immediate humanitarian assistance amidst a broader systemic failure.

The Andaman Sea crisis has illuminated the pressing need for a comprehensive regional protection framework that effectively addresses the multifaceted challenges of irregular migration and human trafficking in Southeast Asia. Such a framework must prioritize the protection of vulnerable populations, enhance cooperation among nations, and establish mechanisms for safe and legal migration pathways. Without these measures, the region risks perpetuating cycles of vulnerability and exploitation among displaced individuals.

The Rohingya, a Muslim minority from Myanmar's Rakhine State, have faced systemic persecution, violence, and discrimination for decades. The escalation of violence in 2015 led to a mass exodus, with many fleeing to neighboring countries, including Thailand, Malaysia, and Indonesia. Aceh, with its historical experience of conflict and a predominantly Muslim population, has become a focal point for Rohingya refugees seeking safety.

Aceh as a Transit Country

Indonesia perceives itself primarily as a transit country for refugees and asylum seekers, rather than a destination or resettlement country. This approach shapes the treatment and rights afforded to individuals seeking refuge within its borders.

Rohingya refugees have sought asylum in Aceh since 2015. These refugees face significant challenges, including a lack of legal rights to work, limited access to education, and no opportunities for formal integration into society or for obtaining Indonesian citizenship. This situation underscores the critical need for a comprehensive policy response that addresses both humanitarian concerns and the legal status of refugees within the region. (Missbach, 2016). Despite the challenges faced by Rohingya refugees, Aceh has emerged as a hospitable environment for them. The local community has provided shelter, food, and support, allowing refugees to learn English from Acehese teachers. (Yasin et al., 2018). In 2020, Aceh once again became a refuge for Rohingya refugees, highlighting the region's ongoing role as a place of asylum and support for those in need. This situation reflects a complex dynamic where humanitarian assistance coexists with the challenges of integration and legal recognition. (Rahman, 2021).

The Rohingya Crisis and Aceh's Hospitality

The article discusses the role of Indonesia, particularly Aceh province, in responding to the Rohingya crisis. Aceh's hospitality towards Rohingya refugees is acknowledged; however, sustainability and long-term integration pose significant challenges without a coordinated approach and support from the central government.

Assessment of the Response by Thai and Malaysian Authorities

The text critically examines the responses of Thai and Malaysian authorities to the Andaman Sea crisis, raising concerns about the effectiveness of their measures in combating people smuggling and protecting vulnerable migrants. The abandonment of individuals by smugglers and their subsequent stranding highlights the significant challenges authorities face in addressing clandestine networks involved in human trafficking, revealing a gap between policy intentions and real-world outcomes.

The limitations of the initial responses underscore the urgent need for enhanced coordination among Southeast Asian nations. Improved capacity-building and cross-border cooperation are essential to develop effective strategies against human trafficking, as a fragmented approach may hinder meaningful action.

The emphasis on protecting the rights of migrants indicates the necessity of integrating human rights perspectives into migration policies. Effective responses must ensure the dignity and safety of individuals involved, aligning with

international human rights standards. This calls for proactive strategies that address the root causes of migration and the vulnerabilities of those affected.

Indonesian Regulation

The Bali Declaration, established in March 2016, represents a crucial effort to enhance intergovernmental collaboration in addressing the complex issues of people smuggling and trafficking in Southeast Asia. This declaration is particularly relevant to the phenomenon of Rohingya refugees seeking asylum in Aceh, as it provides a framework for regional cooperation among countries such as Thailand, Malaysia, and Indonesia key players in the Rohingya refugee crisis.

The Bali Declaration recognizes the interconnected nature of transnational crimes, such as people smuggling and human trafficking, which directly impact the Rohingya. The ongoing persecution of the Rohingya in Myanmar has led to their desperate attempts to flee, often falling prey to smugglers and traffickers. The declaration aims to foster collaboration among nations to combat these illicit activities, which are crucial in finding sustainable solutions for vulnerable populations like the Rohingya.

Government Collaboration and Humanitarian Response

The emphasis on government collaboration in the Bali Declaration is significant for Aceh, which has historically provided refuge to Rohingya refugees. The declaration encourages sharing information and developing joint strategies, which could enhance Aceh's capacity to manage the influx of refugees. A coordinated regional response could facilitate better rescue operations and humanitarian assistance, ensuring that refugees are treated with dignity and their rights protected.

Resettlement and Repatriation Challenges

The presidential regulation in Indonesia, which governs the processing of refugees, primarily focuses on resettlement to third countries or repatriation to their countries of origin. However, it lacks provisions for long-term resettlement options within Indonesia. This creates a dilemma for Rohingya refugees in Aceh, who may find themselves in a state of limbo without a clear pathway to stability. The Bali Declaration's framework could encourage discussions on expanding resettlement options and integrating refugees into local communities, addressing both humanitarian needs and regional stability.

Interception and Rescue Commitments

The regulation's provisions for the interception and rescue of refugees highlight Indonesia's commitment to humanitarian assistance, aligning with the principles outlined in the Bali Declaration. This commitment is crucial, especially given the historical context of Rohingya refugees being stranded at sea. Enhanced cooperation among Southeast Asian nations could lead to more effective search and rescue operations and a unified approach to addressing the needs of those at risk.

The analysis of the Bali Declaration and its implications for the Rohingya refugee situation in Aceh underscores the importance of a comprehensive regional protection framework. By fostering enhanced government collaboration and addressing the multifaceted challenges of human trafficking and people smuggling, Southeast Asian nations can better protect vulnerable populations. The ongoing situation of Rohingya refugees in Aceh serves as a critical case study, illustrating the need for effective strategies that prioritize humanitarian responses while navigating the complexities of national and regional policies. In this context, the Bali Declaration serves as a foundational step towards creating a more coordinated and compassionate approach to refugee protection in Southeast Asia.

Observations and Future Prospects

The Acehnese hospitality has not resulted in permanent stay or integration for previous cohorts of Rohingya refugees. The article raises questions about the future prospects of greater hospitality and the granting of rights to refugees, both in Indonesia and neighboring countries.

Indonesia's policy on refugees is shaped by its legal position, considering itself a transit country rather than a destination for resettlement. The article emphasizes the need for a more coordinated approach, support from the central government, and regional cooperation to address the challenges posed by the Rohingya crisis and future refugee situations.

In the long term, a more effective and humane approach may involve distributing small groups of Rohingya refugees within Acehnese communities and allowing them to seek livelihoods. However, many questions remain about the future of Rohingya refugees in Aceh. The province has served as a refuge for Rohingya who were stranded at sea in both 2015 and 2020. While Aceh has provided a welcoming environment, numerous challenges still lie ahead.

Sustained and coordinated support from the central government is essential to effectively address the needs of Rohingya refugees in Aceh. This includes not

only humanitarian assistance but also the development of legal frameworks that facilitate integration and access to basic services such as education, healthcare, and employment opportunities.

Furthermore, fostering community engagement and promoting understanding between local populations and refugees can help mitigate potential tensions and enhance social cohesion. As the situation evolves, it will be crucial to implement comprehensive policies that ensure the protection of Rohingya refugees while also addressing the concerns of the host communities. This balanced approach can contribute to a more sustainable solution for both the refugees and the Acehese society in the long run.

Although the Indonesian government has yet to ratify the UN Refugee Convention, a presidential regulation on handling refugees was established in 2016 (The Conversation, 2020). However, as one of the poorest provinces in Indonesia, Aceh may struggle to manage Rohingya refugees in the long term without more coordinated support from the central government (Missbach, 2016).

Another reason for this situation is operational considerations, where the Aceh government has chosen not to engage in existing practices for handling asylum seekers. The consequences of this stance have led to perceptions that Aceh lacks empathy towards refugees. In reality, one of the reasons for Aceh's rejection of certain refugee practices is the concern about the potential impacts on the local community and those who have been rescued.

This highlights the complexity of the situation, where the desire to protect the rights of refugees must be balanced with the needs and concerns of the local population. To create a sustainable solution, it is essential for the Indonesian government to provide adequate resources and support to Aceh, while also fostering dialogue and understanding between refugees and the local community. This approach can help mitigate tensions and promote a more compassionate response to the refugee crisis.

Strategy for Solutive Considerations

Solutive Consideration Strategies. Solutive considerations result from a comparison of human rights considerations, formal legal aspects, public policy, and social economy.

Table 1: Strategy for Solutive Considerations

Aspects	Strategies
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Human Rights Perspective	From a human rights perspective, the principle of non-refoulement, which prohibits the involuntary return of individuals to a place where they may face persecution, is paramount. The study explores the fundamental rights of seeking asylum, protection from harm, and access to basic services, emphasizing the importance of upholding these rights irrespective of individual behavior or attitudes.
Public Policy Perspective	The analysis delves into the public policy considerations surrounding the rejection of Rohingya refugees. It examines proactive measures such as effective communication, cultural sensitivity training, and community engagement programs, aiming to address concerns about behavior and attitudes while fostering social cohesion and integration. The study emphasizes the significance of public policy in promoting inclusive and sustainable development while safeguarding human rights.
Ethical Considerations	Ethical considerations play a crucial role in the rejection of Rohingya refugees based solely on behavior or attitudes. The study explores the ethical implications, highlighting the need to differentiate between individual actions and collective responsibility in protecting vulnerable populations. It underscores the importance of utilizing human rights principles as a guiding framework for fair and just treatment.
Socioeconomic Implications	The analysis investigates the broader socioeconomic implications of rejecting Rohingya refugees in Aceh. It examines the potential economic benefits refugees can bring to the local economy and the long-term social and cultural contributions they can make to the community. The study emphasizes the necessity of considering these factors in public policy formulation.
Balancing Human Rights and Public Policy	The study provides a scientific approach to balancing human rights principles and public policy considerations. It emphasizes the need for evidence-based policies that prioritize the protection of human rights while simultaneously addressing societal concerns, promoting social stability, and fostering inclusive and sustainable development.

The application of Sharia law to the Rohingya presents a dilemma for UNHCR, as refugees are generally expected to adhere to the laws of the host country. However, the situation is complicated by the fact that the Rohingya did not seek to reach Aceh voluntarily; they are now detained in conditions that do not align with their wishes and face severe penalties, including forced marriages, for actions that are considered legal in other parts of Indonesia (and Malaysia).

This duality raises critical questions about the protection of human rights within the framework of local laws and cultural practices. The UNHCR's challenge lies in balancing the enforcement of national laws with the obligation to protect

vulnerable populations, particularly when such laws may conflict with international human rights standards. The plight of the Rohingya in Aceh thus underscores the need for a nuanced approach that considers both the legal context of the host country and the specific vulnerabilities of refugee populations.

In addressing this dilemma, it is essential for the international community to advocate for the rights of Rohingya refugees, ensuring that their treatment aligns with humanitarian principles while also engaging with local authorities to promote understanding and cooperation. This situation highlights the broader challenges faced by refugee protection systems in contexts where legal frameworks and cultural practices diverge significantly from international norms.

Table 2: The Solution

Comprehensive Solutions	Addressing the Rohingya refugee crisis in Aceh necessitates a multifaceted approach
Legal Recognition	Establishing legal frameworks that provide refugees with rights and access to services, facilitating their integration into society.
Regional Cooperation	Strengthening collaboration among Southeast Asian nations to create a unified response to irregular migration and human trafficking.
Capacity Building	Enhancing the capacity of local governments and communities to manage the needs of refugees while promoting social cohesion.
Humanitarian Aid	Ensuring sustained humanitarian assistance to meet the basic needs of refugees, particularly in education, healthcare, and livelihood opportunities.

The economic situation in Aceh also raises concerns about the long-term sustainability for Rohingya refugees living there. Even if they are allowed to work, finding employment will be extremely challenging. Some individuals have told us that the differential in wages they would receive, assuming they could find jobs, compared to what they could earn in Malaysia, would be significantly lower.

The phenomenon of the Acehnese community rejecting Rohingya refugees has sparked controversy and is seen as lacking compassion. Logically, however, the reasons for this rejection stem from the attitudes and behaviors of the Rohingya community in the refugee camps, which disrupt social stability, such as spreading rumors and engaging in anarchic behavior.

The situation in Aceh regarding the Rohingya refugees should not lead to lasting negative impacts. The reason is clear: issues of international refugee status fall under the purview of the central government and should be addressed within a broader national approach. The community questions why Aceh is a destination for refugees when many other regions exist. This stance becomes logical if we consider that the issue of international protection should be treated equitably for refugees and asylum seekers throughout Indonesia, from Aceh to Papua.

The Indonesian government should develop a structured and rights-based approach for those seeking protection. This would play a crucial role in shaping future regional protection frameworks.

Tabel 3: Analyze the phenomenon of Rohingya refugees to Aceh.

Humanitarian Response	Aceh's response to the influx of Rohingya refugees has been characterized by a mix of humanitarian assistance and local community support. Initially, the Acehnese community provided shelter, food, and basic necessities to the refugees, reflecting a cultural and religious affinity. Local fishermen played a pivotal role in rescuing stranded boats, demonstrating grassroots humanitarianism in the face of a regional crisis.
Challenges Faced by Refugees	Despite the welcoming attitude of many Acehnese, Rohingya refugees face significant challenges. They lack legal status, which restricts their access to employment, education, and healthcare. The absence of formal integration pathways exacerbates their vulnerability, leaving them dependent on humanitarian aid and community support. This situation can lead to tensions between refugees and local populations, particularly as resources become strained.

The presence of Rohingya refugees in Aceh raises important social and political questions. While the Acehnese community has shown solidarity, there are underlying concerns regarding the long-term implications of hosting refugees. Issues related to social cohesion, resource allocation, and public sentiment toward migrants can influence local attitudes and policies.

On a broader scale, the phenomenon highlights the inadequacies of regional protection frameworks in Southeast Asia. The responses from Thai and Malaysian authorities during the Andaman Sea crisis exemplify a lack of coordinated action and the need for comprehensive policies that address the root causes of irregular migration.

CONCLUSION

The rejection of Rohingya refugees in Aceh presents a complex issue that warrants a scientific analysis from human rights and public policy perspectives. The study underscores the importance of upholding human rights principles, considering ethical implications, and incorporating socioeconomic factors in policy formulation. By taking a scientific approach, policymakers can navigate this polemic in a manner that respects the rights of refugees while ensuring the well-being of the host community. The phenomenon of Rohingya refugees in Aceh is a complex interplay of humanitarian needs, local responses, and broader geopolitical dynamics. While Aceh has emerged as a refuge for many, the challenges faced by the Rohingya highlight the urgent need for comprehensive, coordinated efforts to address the underlying issues of displacement and to protect the rights of migrants in the region.

BIBLIOGRAPHY

- Abee, S., Nasution, H. B., & Abas, S. (2019). Dayah Cleric Views towards Aceh Community Plurality. *Budapest International Research and Critics in Linguistics and Education (BirLE) Journal*, 2(4), 306–314. <https://doi.org/https://doi.org/10.33258/birci.v2i4.592>
- Hoque, M. A., Ahmad, T., Manzur, S., & Prova, T. K. (2023). Community-Based Research in Fragile Contexts: Reflections From Rohingya Refugee Camps in Cox's Bazar, Bangladesh. *Journal on Migration and Human Security*, 11(1), 89–98. <https://doi.org/10.1177/23315024231160153>
- Hyndman, J., & McLean, J. (2006). Settling like a state: Acehnese refugees in Vancouver. *Journal of Refugee Studies*, 19(3), 345–360. <https://doi.org/10.1093/jrs/fel016>
- Kadir, M. Y. A., & Nurdin, N. (2022). Global transformation of disaster sciences into risk reduction education system in Indonesia. *Jamba: Journal of Disaster Risk Studies*, 14(1). <https://doi.org/10.4102/JAMBA.V14I1.1257>
- Missbach, A. (2016). Rohingya Refugees in Aceh, Indonesia: Hostile Hospitality. *Middle East Institute*. <https://www.mei.edu/publications/rohingya-refugees-aceh-indonesia-hostile-hospitality>
- Rahman, M. (2021). *Community's Perspectives on the Attendance of Rohingyas in Aceh*. 495(June 2020), 128–132. <https://doi.org/10.2991/assehr.k.210125.022>
- The Conversation. (2020). *Why Aceh is a Rare Place of Welcome for Rohingya Refugees*. <https://doi.org/https://theconversation.com/why-aceh-is-a-rare-place-of-welcome-for-rohingya-refugees-143833>
- Thom, G. (2016). The May 2015 Boat Crisis: the Rohingya in Aceh. *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, 8(2), 43–62.

<https://doi.org/10.5130/ccs.v8i2.4816>

Yasin, B., Yusuf, Y. Q., & Junita, M. (2018). Acehese Teachers Teaching English to Rohingya Refugees: Process and Cultural Barriers. *SAGE Open*, 8(2), 215824401878257. <https://doi.org/10.1177/2158244018782574>