



Exploring International Legal Challenges For Unhcr in Dealing With Rohingya Refugees in Aceh, Indonesia

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Abstract: *The difficulties the UNHCR has managing Rohingya refugees in Indonesia are the main topic of this article. This article focuses on the challenges faced by the United Nations High Commissioner for Refugees (UNHCR) in managing Rohingya refugees in Indonesia. As the primary international agency tasked with refugee management globally, the UNHCR plays a crucial role in preventing statelessness, determining refugee status, and providing comprehensive remedies. However, the study reveals that despite receiving approval from the Indonesian government to operate, the UNHCR encounters difficulties in fulfilling its mandate to assist Indonesia's ethnic Rohingya refugees. This limitation is attributed to the escalating number of asylum seekers in Indonesia requiring aid. The research utilizes content analysis to delve into UNHCR's struggles with Rohingya refugees, gathering and analyzing various sources such as reports, studies, news, and policies related to Rohingya refugees in Aceh. Through this method, the study uncovers patterns and challenges encountered by the UNHCR, including managing crises and navigating international and local cooperation. Ultimately, this research provides a detailed understanding of the complexities surrounding the Rohingya refugee crisis in Aceh.*

Keywords : UNHCR, Refugees, Rohingya, International Legal.

Introduction

Building international relations is a necessity in the global community and something that cannot be avoided by a country. This is the oldest in the 1933 Montevideo convention which states the conditions for the formation of a country. One

of the most important things is being able to establish international relations with other countries. The goal is that one country needs each other. Therefore, of course there are many positive impacts, but there are also negative impacts. For example, a country may be involved in a domestic or international conflict with another country.¹ The world community is currently facing unique problems related to refugees. The UN has held many discussions in an effort to find better ways to support and protect this highly vulnerable group.² Displacement is usually caused by violations of refugees' human rights in their country of origin, where they also look for land or another country to use as a home as a place that is certainly far from human rights violations.³

The Rohingya ethnic group is one of the most marginalized populations in the world according to the United Nations (UN). The Rohingya live in Myanmar and are a Muslim ethnic minority known as Rohingya. Unfortunately, the Rohingya ethnic group does not have official citizenship because this ethnicity is not included in the list of ethnicities recognized by the Myanmar government. As a result, the Myanmar government treats the Rohingya ethnic group cruelly. Some of them even become victims of human trafficking. The Rohingya ethnic minority was forced to leave their country because of very cruel treatment, which led to mass displacement to various countries. One of the countries affected by the displacement of the Rohingya population is Indonesia.⁴ In 2023, in Indonesia news about Myanmar's Rohingya ethnic refugees has recently started to become popular again. More and more Rohingya refugees are entering Indonesian territory, especially Aceh province. It is known that in the period 14-21 November 2023 there were around 1,084 Rohingya refugees who arrived on boats belonging to Bangladeshis. Historically, Rohingya refugees have not only fled to Indonesia, they have also fled to several countries to seek protection. However, the presence of Rohingya refugees in Indonesia this time has had its pros and cons. As is known, the people of Aceh rejected the Rohingya refugees, one of

¹ Dewa Gede et al., "Suatu Kajian Umum Tentang Penyelesaian Sengketa Internasional Termasuk," *Perspektif* 17, no. 3 (2012): 150–161, h. 150.

² M. Alvi Syahrin, "Dimensi Hak Asasi Manusia dalam Pelanggaran Kasus Pengungsi Rohingya: Pendekatan Hukum Interdisipliner," *Lex Librum* 5, no. 02 (2019): 897–912, h. 898.

³ Budi Hermawan Bangun, "Tantangan ASEAN dalam Melakukan Penanganan Pengungsi Rohingya," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 3 (2017): 569–587, h. 570.

⁴ E.N. Domloboy Nst., "Peranan International Organization for Migration (IOM) Dalam Menangani Permasalahan Refugees (Pengungsi) Rohingya Di Indonesia," *Jurnal PIR: Power in International Relations* 2, no. 1 (2017): 70–81, h.71.

which was based on the Rohingya refugees not maintaining cleanliness, to the point that the area no longer had shelter. There is also bad treatment received by Rohingya residents in Aceh, even inappropriate behavior. Hundreds of local residents gave food and packages of used clothes to the refugees even though they rejected their arrival.⁵

As is known, in terms of processing refugees and assessing their status, Indonesia currently does not have strict legal requirements. Furthermore, Indonesia does not have the authority or obligation to take international action against refugees across national borders, such as Rohingya refugees who enter Indonesian territory, especially the Aceh region. This is because Indonesia has not ratified the 1951 Refugee Convention and the 1967 Protocol which regulate refugee status.⁶ However, the Indonesian government was forced to take part in the refugee crisis in its country. Apart from that, Indonesia is also an active member of the United Nations (UN). Upholding the principles of Human Rights (HAM) for both the Indonesian people and other groups is Indonesia's legal and moral obligation. This can be seen from the 1945 Constitution of the Republic of Indonesia, the second principle of Pancasila which reads "just and civilized humanity", the Preamble to the 1945 Constitution and its amendments, the fourth paragraph, and Law Number 39 of 1999 concerning Human Rights, all of which are very clear states that the Government of the Republic of Indonesia highly values the preservation, enforcement, fulfillment and promotion of human rights.⁷ The 1951 Vienna Convention is a multilateral agreement that defines refugee status, and also establishes individual rights to obtain responsibility and asylum from the country that grants asylum.⁸ Thus, the Government gave UNHCR the authority to carry out its mandate to protect refugees and to handle refugee problems

⁵ Ramadhan, "Bara Di Balik Penolakan Pengungsi Rohingya Di Aceh," BBC News Indonesia, December 2023.

⁶ Hardi Alunaza dan M. Kholit Juani, "Kebijakan Pemerintah Indonesia melalui Sekuritisasi Migrasi Pengungsi Rohingya di Aceh tahun 2012-2015," *Indonesian Perspective* 2, no. 1 (2017): 1–17, h. 2.

⁷ Sutiarnoto Sutiarnoto, Jelly Leviza, dan Saiful Azam, "Rohinga Stateless Persons: Role of Unhcr in Refugee Protection and Lack of Adequate Legal Protection in Indonesia," *Yustisia* 9, no. 2 (2020): 287–305, h.290.

⁸ Sindriani Akase, Caecilia J.J Waha, dan Natalia L. Lengkong, "KERJASAMA PEMERINTAH INDONESIA DAN ORGANISASI INTERNASIONAL DALAM PENANGANAN PENGUNGSI DI INDONESIA MENURUT HUKUM INTERNASIONAL," *Lex Privatum* XII, no. 3 (2023): 1–9, h. 2.

in Indonesia.⁹ UNHCR or United Nations High Commissioner for Refugees is an international organization shaded by the United Nations (UN) and authorized by the UN to protect and safeguard the rights of refugees. UNHCR as an international organization specifically handles refugees, stateless people, asylum seekers and internally displaced persons. UNHCR provides life-saving assistance, including shelter, food, water and medical care to people forced to flee conflict and persecution in collaboration with several partners.¹⁰

Related to the problems mentioned above, this article is intended to explain UNHCR's challenges in handling Rohingya refugees. Previous research tends not to look at the international law side, especially UNHCR's duties and obligations. Dzakwani and Annisa's research¹¹ states the importance of the international and domestic legal framework in dealing with Rohingya refugees in Aceh, Indonesia. Although the existing legal framework provides a strong foundation, challenges continue to arise in dealing with realities on the ground, especially in overcoming local community resistance. Prabaningtyas' research¹² tries to highlight the dynamics of discursive practices regarding refugees and protection issues in Indonesia through three different refugee crises. Although the Indonesian government deals with refugees by considering protection claims rationally, policies towards refugees tend to be linked to the country's security framework and depend on the social and political context of the arrival of different waves of refugees. The important role of UNHCR and the participation of civil society brings nuance to the politics of state protection for refugees, while the need for a comprehensive national policy only emerges when the refugee crisis is faced directly. In this study, content analysis helps understand UNHCR's challenges with Rohingya refugees. Researchers gather reports, studies, news, and policies about Rohingya refugees in Aceh. They then analyze these texts

⁹ Hardi Alunaza dan M. Kholit Juani, "Kebijakan Pemerintah Indonesia melalui Sekuritisasi Migrasi Pengungsi Rohingya di Aceh tahun 2012-2015," *Indonesian Perspective* 2, no. 1 (2017): 1–17, h. 2.

¹⁰ M. Alvi Syahrin, "Dimensi Hak Asasi Manusia Dalam Pelanggaran Kasus Pengungsi Rohingya: Pendekatan Hukum Interdisipliner."

¹¹ Adib Hakim and Arini Nur Annisa, "Legal Governance of Rohingya Refugee Affairs in Aceh: A Constitutional Perspective," *JURNAL SULTAN: Riset Hukum Tata Negara* 2, no. 2 (2024): h. 21, https://doi.org/10.35905/sultan_htn.v2i2.7990.

¹² Raden Ajeng Rizka Fiani Prabaningtyas, "Indonesia and The International Refugee Crisis: The Politics of Refugee Protection," *Journal of Indonesian Social Sciences and Humanities* 9, no. 2 (2019): h. 31, <https://doi.org/10.14203/jissh.v9i2.152>.

to find patterns and challenges UNHCR faces, like handling crises and getting international and local cooperation. This method gives a detailed look at dealing with the Rohingya refugee crisis in Aceh.

Remarks International law on refugee protection

International Refugees or Refugees in Indonesia are something that must be paid attention to. Moreover, every year an increasing number of asylum seekers come to Indonesia. The problem is, they entered Indonesia without having official letters and documents as determined by the UN. This makes the status of asylum seekers become illegal immigrants and they are detained by Rudenim in Indonesia.¹³

Refugees are people who are forced to sever ties with their home country due to well-founded fears and experience oppression.¹⁴ In the 1951 Convention, refugees are people who ask for protection because there is a threat to their life safety.¹⁵ In general, refugees are carried out because of the oppression of the human rights of refugees in their country. In general, they also look for land or another country as their new place of residence which is of course far from oppression of human rights.¹⁶ In order to create legal protection for refugees in the name of human rights, international refugee law was formed.¹⁷

International refugee law is all forms of regulations regarding refugees. The core of international refugee law is the 1951 Convention and the 1967 Protocol, which is the only Universal Treaty that outlines a special legal system for those in need of International Protection. There is also International Human Rights Law, namely law that applies to everyone in the country, whether they are citizens or not. This law is at the heart of the concept of international protection and asylum, as refugees usually

¹³ Vindy Septia Anggrainy, "Perlindungan Pengungsi Lintas Batas Negara Di Indonesia Menurut Hukum Internasional," *Lex Et Societatis* 2, no. 1 (2014): 55–64, <https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/3977>, h. 56.

¹⁴ Aryuni Yuliantiningsih, "INTERNASIONAL DAN HUKUM ISLAM (Studi Terhadap Kasus Manusia Perahu Rohingya)," *Dinamika Hukum* 13, no. 1 (2013): 159–70.

¹⁵ Iin Karita Sakharina, "Perlindungan Negara Bagi Pengungsi Pada Masa Pandemi Global COVID-19: Kajian Hukum Internasional," *Al-Azhar Islamic Law Review* 2, no. 2 (2020): 66–77, <https://doi.org/10.37146/ailrev.v2i2.27>, h. 69.

¹⁶ Maya I. Notoprayitno, "Suaka Dan Hukum Pengungsi Internasional," *Jurnal Cita Hukum* 1, no. 1 (2013): 101–108, h. 104.

¹⁷ Anggrainy, "Perlindungan Pengungsi Lintas Batas Negara Di Indonesia Menurut Hukum Internasional," h. 57.

seek security to escape human rights violations.¹⁸ Apart from being regulated in the 1951 Convention and the 1967 Protocol, International Refugees are also regulated in the Organization of African Unity Convention and the Cartagena Declaration. The 1969 Organization of African Unity Convention has the legal implication that people who flee the country due to civil unrest, widespread violence and war have the right to claim refugee status in the territory of countries that are parties to the convention.¹⁹

Every country has a general duty to provide international protection as an obligation based on international law, including international human rights law and international customary law. So countries that are participants/signatories to the 1951 Convention concerning the Status of Refugees and/or the 1967 Protocol have obligations as stated in the legal instruments regulated in the 1951 Convention concerning the legal framework for the protection of refugees and asylum seekers.²⁰ States that have not ratified the 1951 Convention and the 1967 Protocol do not have any authority regarding the determination of refugee status. For asylum seekers who have already come to countries that have not ratified the 1951 Convention and the 1967 Protocol, basically they do not get the rights as stated in the convention. However, specifically for the principle of non-refoulement, even if the receiving country is not a country that has ratified the 1951 Convention and the 1967 Protocol, that country is not justified in expelling or repatriating asylum seekers or refugees.²¹

International Refugee Law is linked to international human rights which focuses on maintaining the dignity and well-being of each individual.²² The development of

¹⁸ Ferdiansyah Putra, "Peranan United Nations High Commissioner For Refugee (UNHCR) Dalam Memberikan Perlindungan Terhadap Pengungsi Anak Rohingnya Di Indonesia Menurut Hukum Internasional (Studi Terhadap Pengungsi Anak Rohingnya Di Aceh)," *Jurnal Ilmiah Mahasiswa* 3, no. 3 (2019): 346–354, h. 348.

¹⁹ Ayub Torry Satriyo Kusumo, "PERLINDUNGAN HAK ASASI MANUSIA PENGUNGI INTERNASIONAL," *Yustisia* 1, no. 2 (2012): 169–179, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjmxDX0cPzAhX1_XMBHUCgAwgQFnoECAIQAQ&url=https%3A%2F%2Fadoc.tips%2Fdownload%2Fbab-2-landasan-teori294074b5647acbc51fc2a7055536b95a44523.html&usg=AOvVaw3tQ8UCQ2stW7nrQ.

²⁰ Yuliantiningsih, "INTERNASIONAL DAN HUKUM ISLAM (Studi Terhadap Kasus Manusia Perahu Rohingya).", h. 160.

²¹ Cipta Primadasa Primadasa, Mahendra Putra Kurnia, and Rika Erawaty, "Problematisa Penanganan Pengungsi Di Indonesia Dari Perspektif Hukum Pengungsi Internasional," *Risalah Hukum* 17, no. 1 (2021): 44–51, <https://doi.org/10.30872/risalah.v17i1.380>, h. 47.

²² Aryuni Yuliantiningsih, "Perlindungan Terhadap Pengungsi Domestik Menurut Hukum Humaniter Dan Hak Asasi Manusia," *Jurnal Dinamika Hukum* 8, no. 3 (2008): 190–198, <https://doi.org/10.20884/1.jdh.2008.8.3.73>.

refugee law was more prominently championed by humanitarian law, in the sense of its branching out as an autonomous scientific discipline, also starting from humanitarian law. Its development cannot be validated from the situation and conditions resulting from war on humanity, and this is where humanitarian law is based in finding solutions to problems resulting from war on humans and humanity, where in its development refugee law no longer focuses solely on the consequences of war, but rather on the situation. where the threat to human safety begins to be felt.²³

Background to UNHCR as an International Organization that is Authorized to Address International Refugee Problems

Problems related to refugees, which also involve human rights, have resulted in the emergence of concern from the international community to provide protection through the formation of a special international organization under the auspices of the UN. Based on SU UN 1946 has approved a Resolution No. 319A (IV) 1949 which laid the foundation for UN activities related to providing assistance to refugees.²⁴ UNHCR is an institution that has regular procedures for providing assistance related to the fulfillment of Human Rights in the form of international protection. Apart from that, the resolution also states that people who are expelled or refugees who have expressed legitimate objections to being returned to their country of origin do not have to comply with the repatriation effort. This is what caused the UN to form the International Refugees Organization (IRO), whose main goal is repatriation. Furthermore, in 1951 the IRO changed its name to UNHCR which was headquartered in Janewa, Switzerland, where the formation of UNHCR was intended to provide assistance and protect international refugees, as well as accompanying refugees in the process of moving their residence to a new place.²⁵

As for its development, UNHCR not only helps people who have lost their homes and been displaced, but UNHCR also helps people who are still refugees or living in

²³ Gloria Newrly, Friend H. Anis, and Youla O. Aguw, "PENGATURAN HUKUM MASALAH PENGUNGSI AKIBAT TERJADINYA KONFLIK BERSENJATA MENURUT KAJIAN HUKUM HUMANITER," *Lex Privatum* 9, no. 3 (2021): 286–294.

²⁴ Akase, Waha, and Lengkong, "KERJASAMA PEMERINTAH INDONESIA DAN ORGANISASI INTERNASIONAL DALAM PENANGANAN PENGUNGSI DI INDONESIA MENURUT HUKUM INTERNASIONAL," h.7.

²⁵ Joko Setiyono, "Kontribusi Unhcr Dalam Penanganan Pengungsi Internasional Di Indonesia," *Masalah-Masalah Hukum* 46, no. 3 (2018): 275–281, h. 277.

refugee camps, seeks permanent solutions to refugees and also provides international protection, helps and protects special groups of people. -people who are displaced internally and across international borders, but who are in situations similar to those experienced by refugees in their own countries.²⁶ Specifically, the people who are of concern to UNHCR are all people who need protection, whose needs and assistance are of concern, which includes refugees according to the 1951 Refugee Convention, then people who are fleeing serious disturbances of public order or conflict, namely refugees according to the definition of the Convention of the Organization of African Unity and the Cartagena Declaration, then also people who have returned to their countries of origin and people who have been displaced within the country.²⁷

UNHCR's efforts to find permanent solutions to the problems faced, begin with the need for various rights (human rights), especially for every refugee as an individual creature of God, which is carried out by: first, encouraging the governments of countries in the world to enforce related international and regional conventions and efforts with displaced people and refugees and ensuring that the standards set are actually implemented effectively; Second, seeking to grant asylum to refugees, namely by guaranteeing refugees that they are given a sense of security and that they are protected from being forced to return to their country of origin which they fear will carry out persecution or persecution against them; Third, guarantee to refugees that they are treated in accordance with internationally recognized standards and obtain adequate legal status, including allowing the same economic and social rights as those granted to citizens of the country granting them asylum; Fourth, guarantee permanent settlement for refugees either through voluntary repatriation to their country of origin, or if this is not possible, becoming citizens of the country where they domicile or live; Fifth, assisting the reintegration of refugees back to their country of origin through consultation with the government concerned and monitoring the amnesty or guarantee provided as a condition for their return; Sixth, strive for the physical safety of refugees, returnees and asylum seekers, especially their safety from acts of violence.²⁸

²⁶ Arfa Wulandari Tambunan, "Kerja Sama UNHCR dan IOM dalam Menangani Pencari Suaka dan Pengungsi Etnis Rohingya di Indonesia," *Journal of International Relations* 5, no. 2 (2019): 341–350, h. 343.

²⁷ Tambunan, h. 344.

²⁸ Tambunan, h. 345.

UNHCR's Contribution in Handling the Problem of Rohingya Refugees in Indonesia

Handling of international refugee problems is driven by a sense of humanity which is to provide protection and provide a sense of security and comfort to refugees who leave their country because they do not receive proper protection. Protection of refugees is still the reason for UNHCR's existence.²⁹ It needs to be stated that the position as a refugee will not last forever, which means it can stop, so the problem that arises is that the refugee's status as a refugee should not be arbitrarily harmed. For this reason, every refugee has an obligation to comply with all legal regulations or provisions that create public order in the country that provides asylum.³⁰

The 1951 Convention and the 1967 Protocol determine who can be recognized as a refugee. Determination of refugee status is very important, to be able to enjoy the rights stipulated by the 1951 Convention and the 1967 Protocol or subject to the authority of UNHCR. There are several stages that a refugee must go through in a country, namely first, registering an application containing official documents containing the complete identity of the refugee; second, conduct initial stage interviews; third, determining refugee status. Refugees who are accepted and declared worthy will be given status by UNHCR as international refugees through the issuance of a refugee certificate.³¹ Indonesia and UNHCR have collaborated since 1979 through the Agreement between the Government of the Republic of Indonesia and the United Nations High Commissioner for Refugees Regarding the Establishment of the Office of the UNHCR Representative for Indonesia which was signed on 15 June 1979. The agreement or agreement was in essence, it states that UNHCR is allowed to open a regional office in Indonesia and help in handling refugee problems in Indonesia.³²

²⁹ Riz Hilmi, Daffa Wardhana, dan Hendra Maujana Saragih, "Peran United Nation High Commissioner for Refugees (Unhcr) Untuk Pengungsi Rohingya Di Indonesia," *Jurnal Ilmu Politik dan Komunikasi* XII, no. 2 (2022): 33–43, h. 34.

³⁰ Hilmi, Wardhana, dan Saragih, h. 35.

³¹ Melina Tri Asmara dan Alvi Syahrin, "Aktualisasi Kebijakan Imigrasi Indonesia terkait Hak Asasi Manusia bagi Pengungsi Rohingya di Indonesia," *Journal of Law and Border Protection* 1, no. 2 (2021): 73–84, h. 81.

³² David Fernando, Razico P Putra, dan Satria Yulanda, "Kerjasama Direktorat Jenderal Imigrasi Dengan Unhcr (United Nations High Commissioner For Refugees)," *Jurnal Sains Riset* 11, no. 1 (2021): 57–63, h. 61.

In handling refugees, UNHCR can carry out voluntary repatriation which is very dependent on conducive conditions in the country of origin, then handling through local settlements, and resettlement in third countries. Regarding the recent presence of Rohingya refugees in Indonesia in 2023, UNHCR as an international organization has carried out its role in finding solutions to problems and monitoring, as well as carrying out its role as a facilitator, initiator and determinant well. There are three areas in Aceh where Rohingya refugees are accommodated, namely Lhokseumawe, Pidie and Aceh Besar. UNHCR works with local authorities, partners, non-governmental organizations and humanitarian actors to ensure that refugees are protected and their basic needs are met. Additionally, as many of these people had been registered as refugees by the UNHCR office in Bangladesh, UNHCR also registered and verified all Rohingya refugees and confirmed their status.³³

UNHCR's Challenges in Handling Rohingya Refugees in Aceh

Handling refugees in Indonesia is experiencing difficulties due to several factors and obstacles, among others:

The Myanmar Embassy in Indonesia does not care at all about the Rohingya problem because they do not recognize Rohingya as citizens of Myanmar;

1. Rohingya refugees do not have passports, which is an obstacle in the assessment process to become international refugees;
2. Rohingya people who do not want to be sent home because of Myanmar's security conditions;
3. Rohingya refugees are not IOM's priority immigrants, slowing down the process of assessing their status as refugees;
4. Rohingya refugees who often cause problems;
5. It is difficult to implement immigration measures because most Rohingya refugees cannot speak Malay or English.³⁴

Apart from the issues mentioned previously, there are other obstacles, such as the non-ratification of the 1951 Convention and the 1967 Protocol by Indonesia, so

³³ Farhanditya, "Perkembangan Terbaru Mengenai Pengungsi Rohingya Di Aceh, Indonesia," UNHCR INDONESIA, 2023, <https://www.unhcr.org/id/16531-perkembangan-terbaru-mengenai-pengungsi-rohingya-di-aceh-indonesia.html>.

³⁴ Sutiarnoto, Leviza, and Azam, "Rohinga Stateless Persons: Role of Unhcr in Refugee Protection and Lack of Adequate Legal Protection in Indonesia.", h. 291.

that Indonesia does not have obligations and authority over the survival and status of refugees and their impacts. Therefore, the government authorized UNHCR to fulfill its objectives in protecting refugees and dealing with refugee problems in Indonesia.³⁵ The Government of the Republic of Indonesia has given UNHCR permission to operate in the country. In 2010, an instruction from the Director General of Indonesian Immigration was issued (No: IMI-1489.UM.08.05) which mandated that individuals requesting asylum or refugee status be sent to UNHCR to be involved in the process of determining their status and that the status and whereabouts of the holder of the validation letter or card identities issued by UNHCR as asylum seekers, refugees or persons served by UNHCR, must be respected. Those who do not have these documents will be threatened with being sent to Immigration Detention Center, subject to fines and/or deportation.³⁶

Despite receiving permission from the Indonesian government to operate there, UNHCR's capacity is still very limited due to the increasing number of asylum seekers who need assistance. Immigration to Indonesia can only be accepted for a maximum of 10 (ten) years. It is understandable why Indonesia is still reluctant to ratify the 1951 Convention. It is believed that the ratification of the convention will have an impact on security stability and Indonesia's obligation to care for foreign citizens who enter the country to seek asylum. Indonesia adheres to the principle that foreigners entering Indonesian territory must provide benefits to Indonesia. Even though Indonesia is not a member of the 1951 Convention, as part of the international community, Indonesia cannot arbitrarily reject immigrants who come to request asylum, especially if the security situation in their country of origin does not allow them to return.

Conclusion

United Nation High Commissioner for Refugees or what is abbreviated as UNHCR is an international organization based in Geneva, Switzerland, under the auspices of the United Nations which specifically handles refugees. This organization was founded on December 14, 1950, by the UN General Assembly and only carried

³⁵ Sutiarnoto, Leviza, and Azam.

³⁶Raihan Pratama dan Surya Pranata, "The OPTIMIZATION OF COOPERATION AGREEMENTS BETWEEN IMMIGRATION AND IOM AND UNHCR IN THE HANDLING OF ASYLUM SEEKERS AND INDEPENDENT REFUGEES IN INDONESIA," *Jurnal Ilmiah Kajian Keimigrasian* 5, no. 1 (2022): 17–32, h. 25.

out its mandate in 1951. UNHCR was given the authority to provide international protection for refugees and strive to provide solutions to various problems faced by refugees.

In dealing with Rohingya refugees in Aceh, UNHCR as an international organization has carried out its role in finding solutions to problems and monitoring, as well as carrying out its role as a facilitator, initiator and determinant well. UNHCR collaborates and coordinates with authorities, partners, NGOs and humanitarian actors on the ground to ensure that refugees receive protection and that their basic needs are met. Apart from that, UNHCR also registers all Rohingya refugees and verifies their status.

UNHCR Indonesia in handling refugees in Indonesia experienced difficulties due to several factors and obstacles, one of which was the non-ratification of the 1951 convention and the 1967 Protocol in Indonesia, so that Indonesia did not have responsibility and authority in determining the status and survival of refugees and their impacts. Therefore, the Government authorized UNHCR to fulfill its mandate, including dealing with refugee problems in Indonesia and providing protection for refugees. Despite receiving permission from the Indonesian government to operate there, UNHCR's capacity is still very limited due to the increasing number of asylum seekers who need assistance.

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