

Policy on the handling of Rohingya refugees in Aceh: Balancing state sovereignty and human rights?



Chalik Mawardi ^{a,1,*}, Farah Hanum ^{b,2},

^a Doctoral of Law Programme, Universitas Sebelas Maret, Surakarta, Indonesia

^b Master student of International Development Practice, Monash University, Melbourne, Australia

* corresponding author: chalik_mawardi@student.uns.ac.id

Article Info

Received: 22 April 2023

Revised: 28 May 2023

Accepted: 25 June 2023

Keywords:

Rohingya Refugees;

Human Rights;

Covid 19 Pandemic;

Justice

Abstract

Without formal documentation, Rohingya ethnic refugees in Indonesia have encountered criticism and rejection. The global COVID-19 pandemic has increased the number of refugees, forcing many countries, including Indonesia, to close their borders. Indonesia helps refugees when they enter the country despite not signing the 1951 treaty or 1967 Refugee Status Protocol. This is because they support the 1945 Constitution's first paragraph's principle of safeguarding and guaranteeing human rights. This legal document examines how the government and other stakeholders' management of Rohingya ethnic refugees aligns with human rights during Indonesia's COVID-19 pandemic. The author of the legal essay uses a normative juridical approach. This technique seeks to match legal provisions with field practices. This study shows that Lhokseumawe Aceh implemented several initiatives to help Rohingya ethnic refugees during the COVID-19 outbreak. These initiatives included creating a refugee management task force and a working committee to address refugee challenges. The local administration, humanitarian organizations, and community worked together to protect Rohingya refugees' human rights and fundamental freedoms.

This is an open-access article under the [CC BY-SA 4.0](https://creativecommons.org/licenses/by-sa/4.0/) license



1. Introduction

Refugees are commonly associated with "problem-solving discourse," which refers to discourse that necessitates the use of a problem-solving framework. The presence of foreign refugees in Indonesia has various repercussions stemming from the issues faced by the refugees' home countries upon their arrival in the territory of the Unitary State of the Republic of Indonesia (NKRI).¹ The influx of refugees and asylum seekers significantly

¹ M. Syafi'ie, 'Instrumentasi Hukum Ham, Pembentukan Lembaga Perlindungan Ham Di Indonesia Dan Peran Mahkamah Konstitusi', Jurnal Konstitusi, 9.4 (2016), 681 <<https://doi.org/10.31078/jk945>>.

<https://doi.org/10.62264/jlej.v1i2.7>

journaloflawandjustice@gmail.com

influences the policies of recipient nations, such as Indonesia. Despite not being a signatory to the 1951 convention and the 1967 Refugee Status Protocol, Indonesia assists refugees and asylum seekers once they are within Indonesian territory. This is due to their commitment to the principle of protecting and guaranteeing Human Rights, as stated in the preamble of the 1945 Constitution.²

The Indonesian government currently handles foreign refugees based on the regulations outlined in Article 27, paragraphs (1) and (2) of Law Number 37 of 1999 concerning Foreign Relations. According to paragraph (1), the President is responsible for setting policies on the issue of refugees from abroad, taking into account the Minister's considerations.³ Paragraph (2) states that the principles of these policies are to be regulated by the Presidential Decree. Consequently, the President established Presidential Regulation Number 125 of 2016 on December 31, 2016, specifically addressing the handling of refugees from abroad within the territory of the Unitary State of the Republic of Indonesia (NKRI). This rule serves as a directive for all procedures related to the management of foreign refugees or refugees from abroad upon their arrival in Indonesian territory.⁴

According to data provided by UNHCR, there are currently 13,175 foreign refugees in Indonesia, originating from different countries (UNHCR Indonesia Data, 2020). The influx of refugees into Indonesia can be attributed to the prevalence of unstable countries globally, as well as nations experiencing crises such as wars, forced expulsions, or economic factors. Indonesia's strategic location and stable conditions make it an attractive transit point for refugees seeking temporary respite while awaiting resettlement in a third country.⁵

Aceh Province, an Indonesian region, has emerged as a key transit hub for Rohingya refugees who undertake perilous sea voyages from Myanmar to Bangladesh, Thailand, and Malaysia. These migrants are driven by the desire to reunite with their relatives or find sanctuary and improve their living conditions. The treacherous maritime voyage embarked upon by Rohingya refugees gained significant humanitarian traction in 2015.⁶

2 Bobi Aswandi and Kholis Roisah, 'Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (Ham)', *Jurnal Pembangunan Hukum Indonesia*, 1.1 (2019), 128 <<https://doi.org/10.14710/jphi.v1i1.128-145>>.

3 Mabarroh Azizah, 'Peran Negara Dalam Perlindungan Konsumen Muslim Di Indonesia', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 4.2 (2021), 153–65 <<https://doi.org/10.24090/volksgeist.v4i2.5738>>.

4 Nyoman Krisnanta Davendra, 'Eksistensi Hukum Internasional Dalam Penerapan Hak Asasi Manusia', *Ganesha Law Review*, 4.1 (2022), 1–10 <<https://doi.org/10.23887/glr.v4i1.1497>>.

5 Sal Clark, 'Contested Worldmaking from "above" and "below": Bordered Spaces and Bordered Subjects in Search of Asylum', *Political Geography*, 106 (2023), 102940 <<https://doi.org/https://doi.org/10.1016/j.polgeo.2023.102940>>.

6 Syed S Mahmood and others, 'The Rohingya People of Myanmar: Health, Human Rights, and Identity', *The Lancet*, 389.10081 (2017), 1841–50 <[https://doi.org/https://doi.org/10.1016/S0140-6736\(16\)00646-2](https://doi.org/https://doi.org/10.1016/S0140-6736(16)00646-2)>.

During that period, Malaysia, Thailand, and Indonesia repelled the boats into each other's maritime territories until they were ultimately rescued by Acehese fishermen. These fishermen acted by Hukom Adat Laot, which is the customary law of the sea in Acehese culture. This law is upheld by local institutions such as the Panglima Laot, which obligates them to save all lives in distress at sea, regardless of their background.⁷

The influx of Rohingya refugees into the Aceh region of Indonesia commenced in 2009 and continued until the early part of 2022. The Indonesian government opposed and rejected the arrival of Rohingya ethnic refugees due to their lack of official documents. The presence of Rohingya ethnic refugees in 2020 and 2021 was further complicated by the global COVID-19 outbreak, which was declared a pandemic by the World Health Organisation. This led many countries, including Indonesia, to close their borders to foreign nationals.⁸ In response to these global developments, the Indonesian government, under the President's authority, issued Presidential Decree Number 12 of 2020, which declared the spread of the Corona Virus Disease 2019 (COVID-19) as a national disaster. Consequently, the regulations governing entry into Indonesia are exceedingly stringent, particularly for refugees and asylum seekers lacking proper documentation. Not only the Indonesian government, but also several other countries including Thailand, the Philippines, Malaysia, Australia, and others, oppose the admittance of Rohingya ethnic refugees into their territories. Before the arrival of Rohingya ethnic refugees in Aceh Province, there were already reports indicating the presence of hundreds of Rohingya ethnic refugees who were believed to be heading toward Malaysia. This raised concerns among security forces in Aceh, including the Aceh Regional Police (Polda), who conducted aerial patrols to prevent the entry of Rohingya ethnic refugees amidst the Corona Covid-19 pandemic.⁹

Despite the ongoing COVID-19 pandemic, Rohingya ethnic refugees remain motivated to embark on perilous journeys in search of a safe country. Fortunately, some have been able to find both safety and a means of livelihood in Indonesia, particularly in western Indonesia (Sumatra Island), which has become a destination for Rohingya refugees seeking refuge. Indonesia is geographically situated in a key location, serving as a transit country for refugees crossing national boundaries. Indonesia is one of the world's largest

7 Parveen Parmar, Sandra Hsu Hnin Mon, and Chris Beyrer, 'The Rohingya Genocide and Lessons Learned from Myanmar's Spring Revolution', *The Lancet*, 400.10355 (2022), 793–95 <[https://doi.org/https://doi.org/10.1016/S0140-6736\(22\)01651-8](https://doi.org/https://doi.org/10.1016/S0140-6736(22)01651-8)>.

8 Lindsay Robbins, 'The Rohingya Case in Aceh: Indonesia's Role as a Destination for Refugees', *Towson University Journal of International Affairs*, 53.2 (2020), 1--15.

9 Bilal Dewansyah, Wicaksana Dramanda, and Imam Mulyana, 'ASYLUM SEEKERS IN A NON-IMMIGRANT STATE ASYLUM SEEKERS IN A NON-IMMIGRANT STATE AND THE ABSENCE OF REGIONAL ASYLUM SEEKERS MECHANISM: A CASE STUDY OF ROHINGYA ASYLUM SEEKERS IN ACEH-INDONESIA AND ASEAN RESPONSE', *Indonesia Law Review*, 7.3 (2017), 341–66 <<https://doi.org/10.15742/ilrev.v7n3.373>>.

archipelagic countries.¹⁰ Due to its proximity to the Andaman and Nicobar Islands and its location near the Andaman Sea, Aceh province in Indonesia has experienced an influx of Rohingya ethnic refugees. Aceh province shares borders with the Bay of Bengal, the Indian Ocean, and the Strait of Malacca, making it a gateway for Rohingya refugees coming from Cox's Bazar, Bangladesh, which is home to one of the largest refugee camps in the world.¹¹

The presence of Rohingya refugees in Bangladesh camps is primarily due to the Myanmar government's refusal to recognize them as citizens and acknowledge their ethnic identity. Despite being identified by the United Nations as one of the most persecuted minority groups, the Rohingya continue to face discrimination and persecution from both the citizens and the government of Myanmar. The measures undertaken by the Myanmar government are more egregious than the bigotry that transpired in South Africa. The fundamental cause of this humanitarian issue is the lack of acknowledgment of the Rohingya as citizens of Myanmar. The arrival of Rohingya ethnic refugees in Aceh Province, Indonesia, started in mid-2020. Specifically, on June 25th, 99 Rohingya refugees arrived in Seuneudon, North Aceh, after being stranded at sea for over 120 days. They departed from Cox Bazar, Bangladesh, at the end of February 2020 and were denied entry by the authorities in Malaysia and Thailand. Initially, some local authorities in North Aceh opposed the landing of Rohingya refugees in Lancok village, Syamtalira Bayu sub-district, and refused to allow them to disembark and seek shelter. Nevertheless, the fishermen community residing in the coastal region of Lancong village in Syamtalira Bayu promptly intervened to rescue and disembark the Rohingya refugees who needed assistance.¹²

The local authority in North Aceh reluctantly consented to temporarily house the refugees in the area, pending a decision from the Central authority in conjunction with the UNHCR. The arrival of the first wave of Rohingya ethnic refugees in June 2020 is still ongoing. In addition, on a specific date of September 8, 2020, a separate wooden vessel transporting a total of 296 Rohingya migrants arrived at Ujong Blang Beach in Lhokseumawe City, located in the Aceh Province. Within a short period, two waves of Rohingya ethnic refugees have entered Indonesian territory, posing new challenges for both the local and central government. This influx comes at a time when Indonesia is already grappling with the COVID-19 outbreak and striving to contain the virus's spread from outside the country. The entry of 395 Rohingya individuals into Indonesian territory

10 Antje Missbach and Gunnar Stange, 'Muslim Solidarity and the Lack of Effective Protection for Rohingya Refugees in Southeast Asia', *Social Sciences*, 10.5 (2021) <<https://doi.org/10.3390/socsci10050166>>.

11 Siti Munirah Yusoff, Mohd Afandi Salleh, and Md Mahbubul Haque, 'Malaysian and Indonesian Law and Policy on Rohingya Refugees: A Comparative Review', *Indonesian Comparative Law Review*, 4.2 (2022), 59–71 <<https://doi.org/10.18196/iclr.v4i2.15819>>.

12 Yulia Rina Wijaya, 'Building Peaceful Coexistence Between Rohingya Refugees And Buffer Communities In Langsa City And East Aceh', *Journal of Islamic Law Studies*, 1.3 (2018) <<https://scholarhub.ui.ac.id/jilsAvailableat:https://scholarhub.ui.ac.id/jils/vol1/iss3/6>>.

has raised concerns among the government regarding the potential transmission of COVID-19 by these refugees.¹³

The influx of Rohingya refugees into Indonesian territory during the COVID-19 pandemic necessitated the increased involvement of the Indonesian government and other stakeholders in addressing the needs of these individuals while ensuring the protection of their human rights. The problem formulation of this discussion focuses on the government and other stakeholders' efforts to handle Rohingya ethnic refugees and ensure the fulfillment of human rights during the COVID-19 pandemic in Indonesia.

2. Research Method

A research method is a systematic and rigorous approach employed to acquire materials or data for the goal of conducting research.¹⁴ This study employs a qualitative normative legal research method to address the research questions. This paper provides a comprehensive examination, elucidation, and evaluation of the legislative framework governing the treatment of Rohingya ethnic refugees about the protection and promotion of human rights amidst the COVID-19 pandemic.¹⁵ The research employs a comprehensive data collection strategy using library research. Moreover, the data analysis is conducted through the utilization of the argumentative approach, which involves the application of theoretical concepts and real-world circumstances in the field.¹⁶ The data acquired from literature reviews and field records are further examined via theoretical and conceptual investigations.

3. Results and Discussion

Indonesia has not yet agreed to formally approve the 1951 Convention and 1967 Protocol. However, the Indonesian government has taken several practical measures to support human rights principles by offering assistance and temporary residence to refugees. It is important to note that Indonesia serves as a transit point for refugees who are ultimately destined for Australia, Malaysia, or other countries.¹⁷

The arrival of Rohingya ethnic refugees in Aceh, Indonesia during the COVID-19 pandemic

13 Lindra Darnela, 'Islam And Humanity Commodification Of Aid For Rohingya In Aceh', *Al-Jami'ah*, 59.1 (2021), 57–96 <<https://doi.org/10.14421/ajis.2021.591.57-96>>.

14 Muhamad Khalif Ardi and others, 'The Imperative Is to Restrict Customary Criminal Offenses after Implementing Indonesia ' s New Criminal Code', *Wacana Hukum*, 29.2 (2023), 130–45 <<https://doi.org/10.33061/wh.v29i2.9829>>.

15 M Zaid and others, 'Eradicating Public Official Corruption Indonesia : A Revolutionary Paradigm Focusing on State Financial Losses', *Wacana Hukum*, 29.2 (2023), 87–111 <<https://doi.org/10.33061/wh.v29i2.9564>>.

16 Rian Saputra, Josef Purwadi Setiodjati, and Jaco Barkhuizen, 'Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)', *JOURNAL of INDONESIAN LEGAL STUDIES*, 8.1 (2023), 243–88 <<https://doi.org/10.15294/jils.v8i1.67632>>.

17 Robbins.

in 2020 generated significant concerns among various groups in Indonesia. This was because the Covid-19 outbreak posed a significant threat to the Indonesian population. Consequently, the Indonesian government prioritized the safety of its citizens to protect them from this unprecedented disaster.¹⁸ This aligns with Marcus Tullius Cicero's perspective on the role of the state as a guardian of society, as expressed in his famous adage "Salus Populi Suprema Lex Esto," which emphasizes that the safety of the people should be the highest law. However, Indonesia is also dedicated to acknowledging the universal principle of freedom as a fundamental human right that must be upheld by all nations. Additionally, Indonesia demonstrates unwavering resolve and determination in opposing colonialism, imperialism, torture, and any form of human rights violations, as these actions contradict the principles of humanity and justice. Every state has the fundamental obligation to protect refugees.¹⁹

Indonesia, as a nation committed to upholding principles of compassion and justice, plays a significant role in humanitarian missions. This includes providing aid to both its residents and other nations in need, especially refugees of Rohingya origin. By the Indonesian government's policy during the 2016 humanitarian incident, the presence of a significant number of Rohingya ethnic refugees stranded in North Aceh prompted the government to issue Presidential Regulation Number 125 of 2016. This regulation specifically addresses the handling of refugees from abroad and is based on Article 27 paragraph (2) of the Law on Foreign Relations. This presidential decree grants legal authority to other ministries or institutions to participate in the management of refugees, whether they are at sea, on land, or in refugee shelters.²⁰

The rescue of Rohingya ethnic refugees, who were granted temporary stay in Indonesia under immigration supervision and the management of UNHCR, IOM, and other humanitarian agencies, has brought international attention to Indonesia's involvement in humanitarian missions. Indonesia has received recognition for its efforts, including appreciation from the United States Government, represented by Antony J. Blinken, Deputy Minister of Foreign Affairs. Blinken commended the Indonesian government for its actions. In addition, during the COVID-19 pandemic, Indonesia provided accommodation for numerous stranded refugees in Aceh. Despite encountering various challenges and disagreements during the rescue mission, the actions taken by the Indonesian government in rescuing Rohingya ethnic refugees, particularly from 2020 to early 2022, were acknowledged and appreciated by Ann Maymann, the head of the UNHCR Representative for Indonesia. It is worth noting that the pandemic situation led many countries to impose restrictions on mobility at their borders. Nevertheless, the Indonesian government managed to organize these rescue efforts while considering the human rights of the refugees.

18 Kendyl Salcito and others, 'Assessing Corporate Project Impacts in Changeable Contexts: A Human Rights Perspective', *Environmental Impact Assessment Review*, 47 (2014), 36–46 <<https://doi.org/https://doi.org/10.1016/j.eiar.2014.03.004>>.

19 Robin Elizabeth Al-haddad and Pradipto Vaskar Rakshit, 'Finding Home: Participatory Geospatial Mapping with Rohingya Refugees', *Applied Geography*, 161 (2023), 103136 <<https://doi.org/https://doi.org/10.1016/j.apgeog.2023.103136>>.

20 Yusoff, Salleh, and Haque.

The Indonesian government implements various mechanisms to handle refugees from other countries. One such mechanism was implemented in 2020 during the Covid-19 pandemic. The central and local governments collaborated to handle refugees in Aceh Province, specifically by placing Rohingya ethnic refugees in Mee Kandang village, Muara Satu sub-district, Lhokseumawe city. The placement of Rohingya ethnic refugees in the Ex-Blaster Training Centre (BLK) of Mee Kandang village, Lhokseumawe city, complies with Article 26 paragraph (1) of Presidential Regulation 125 of 2016 regarding the Handling of Refugees from Abroad. This provision states that the district/city government is responsible for determining the shelter for refugees. The Rohingya ethnic refugees have been placed in various locations in Lhokseumawe. The local government, particularly the city of Lhokseumawe, has implemented several policies to address the challenges posed by the Rohingya refugees during the COVID-19 pandemic. Additionally, there has been a coordinated effort across different sectors to ensure the protection of the human rights of these refugees from abroad. The specific measures taken are as follows:

Aceh local government Rohingya refugee policy during the COVID-19 pandemic

To address the issue of Rohingya refugees in Lhokseumawe City, the local government, under the leadership of Mayor Suaidi Yahya, has implemented a camp management system. This was done through the issuance of Decree (SK) Number 310/2020, which established a local task force responsible for handling the Rohingya refugees. The task force, chaired by Drs. Ridwan Djalil consists of advisors, coaches, and task executors. The decree also involves the participation of the Forkopimda of Lhokseumawe City and includes international agencies such as UNHCR, UNICEF, and IOM as members of the task force.²¹

On 9 November 2020, the mayor of Lhokseumawe evaluated and revised the Decree of the Task Force for handling Rohingya refugees. As a result, a new Task Force Decree with Number 491/2020 was issued. This new decree only involves the Regional Leadership Coordination Forum (Forkopimda) of Lhokseumawe City, excluding any involvement from international, national, and local Non-Governmental Organisations (NGOs). The NGO element is only included in the Decree of the Task Force for Handling Refugees from Abroad in the city of Lhokseumawe with number 01 of 2020, which pertains to the establishment of a Working Group (Pokja) for Handling Refugees from abroad in the city of Lhokseumawe in 2020. On December 4, 2020, the responsibility for managing Rohingya refugees in Lhokseumawe was transferred from the local administration to the United Nations High Commissioner for Refugees (UNHCR). Although the city of Lhokseumawe has implemented policies at the local government level, such as the formation of a Task Force and a field implementation team at the Rohingya ethnic refugee shelter, the Lhokseumawe City Government is facing difficulties in implementing these policies due to budget constraints. Despite the existence of Presidential Regulation Number 125 of 2016, which addresses the use of budget for handling foreign refugees, the policy does not provide specific guidelines on how.²²

²¹ Robbins.

²² Robbins.

The Role of Cross-Sectors in Managing Ethnic Rohingya Refugees amidst the Covid-19 Pandemic in Aceh

During the COVID-19 pandemic in 2020, various measures were taken by multiple sectors involved in managing Rohingya ethnic refugees in the city of Lhokseumawe. Following the issuance of a policy by the Mayor to establish a Task Force for Handling Refugees from Abroad, the Task Force formed a working group specifically dedicated to managing Rohingya refugees in shelters. Within the disaster management system or shelter, there exists an application known as camp management.²³ This application serves the purpose of efficiently coordinating and overseeing the many activities within the shelter. Its primary objective is to streamline the implementation of all operations within the Rohingya ethnic refugee shelter area.²⁴

The presence of Rohingya refugees in the city of Lhokseumawe has attracted the attention of various parties, including humanitarian organizations. These organizations aim to assist the refugees by providing necessities and regular health check-ups, especially considering the coinciding presence of the Rohingya refugees in Aceh with the COVID-19 pandemic. Additionally, humanitarian organizations are also offering non-formal education to the children among the Rohingya refugees. The management of Rohingya ethnic refugees in the city of Lhokseumawe during the COVID-19 pandemic was conducted through a highly coordinated mechanism. The Task Force responsible for handling Rohingya refugees in Lhokseumawe established a Working Group to oversee the refugees placed in the city. The Working Group consisted of the following members: a. Transportation and Equipment Working Group; b. Food, Nutrition, and Logistics Working Group; c. Education and Spikosocial Working Group; d. Water, Sanitation and Health Working Group. The two groups are the Working Group on Water, Sanitation, and Health and the Working Group on Environmental Order and Security.²⁵

Every working group comprises government officials and humanitarian agency members to ensure the efficient management of Rohingya refugees in Lhokseumawe City, serving as a model for implementation in other regions. The management of Rohingya refugees in BLK Kandang, which comprises multiple stakeholders, has effectively supported the realization of human rights for each Rohingya refugee. Multiple parties have provided direct contributions to the handling of Rohingya refugees during the Covid-19 pandemic. These efforts are focused on various aspects within the Rohingya ethnic refugee shelters, including:

23 Yasmin Ali Khan and Claudio Minca, 'In the Camp but Not of the Camp. The Forced Incorporation of Bangladeshi Host Communities in Rohingya Refugee Camps', *Political Geography*, 97 (2022), 102639 <<https://doi.org/https://doi.org/10.1016/j.polgeo.2022.102639>>.

24 Ifrah Mahamud Magan, Krushika Uday Patankar, and Rahma Ahmed, 'The Educational, Social, and Emotional Impact of COVID19 on Rohingya Refugee Youth: Implications for Educators and Policymakers', *Children and Youth Services Review*, 142 (2022), 106619 <<https://doi.org/https://doi.org/10.1016/j.childyouth.2022.106619>>.

25 Yusoff, Salleh, and Haque.

The Aceh Government's policy in the logistics, transportation, and equipment sector

The management of Rohingya ethnic refugees at the BLK Lhokseumawe shelter is primarily focused on addressing their logistical requirements. This responsibility falls under the coordination of TAGANA Lhokseumawe City, as mandated by the Working Group Decree issued by the Lhokseumawe City Rohingya Refugee Handling Task Force. Currently, essential supplies such as rice, cooking oil, sugar, instant noodles, eggs, and toiletries for the Rohingya refugees are sourced from the BLK Kandang logistics warehouse. The provision of foodstuffs and other necessities for refugees is reliant on donations and help from the community and humanitarian agencies.²⁶

The policies implemented by the Aceh Government encompass several sectors such as water, sanitation, food, livelihood, and health

During the COVID-19 pandemic, the responsibility of providing clean water for Rohingya ethnic refugees at BLK Kandang Lhokseumawe is shared by various organizations, including PMI Lhokseumawe City and IOM. Both PMI and IOM fill water tank cars with clean water and deliver it to the camp every morning and evening. As for drinking water, it is currently managed by the Human Initiative. Volunteers from the Human Initiative ensure that drinking water is delivered to the BLK Kandang camp every day, following strict health protocol standards.²⁷

The environment of the BLK Kandang shelter area where Rohingya ethnic refugees are placed, the first period refugees were placed in the BLK area, many areas were dirty and less clean, added to that in terms of culture and clean living behaviour of Rohingya refugees not neat and clean, the second is the amount of garbage generated per day in the camp is quite a lot while the availability of landfills is still very limited, to overcome these problems, because considering the cleanliness of the refugee shelter area is a priority especially during the Covid 19 pandemic, which is also the main thing is personal hygiene and the environment where you live, then every Friday it is used to clean up the camp area by all NGOs volunteers involved in handling Rohingya refugees, In addition, a garbage car is also provided through the cooperation of the humanitarian agency with YKMI with the Lhokseumawe City Sanitary Service, to overcome the lack of garbage containers, for example IOM has provided medium-sized garbage containers in the refugee placement building, and the Geutanyoe Foundation has provided large plastic for garbage disposal and added medium-sized garbage bins, so that the problem of garbage and cleanliness at BLK Kandang Lhokseumawe is well resolved, apart from that the humanitarian agencies involved also educate about the culture of clean living for Rohingya ethnic refugees.²⁸

In the city of Lhokseumawe, various humanitarian agencies, such as PMI Lhokseumawe

²⁶ Yusoff, Salleh, and Haque.

²⁷ Yusoff, Salleh, and Haque.

²⁸ Yusoff, Salleh, and Haque.

City and IOM, are actively involved in addressing the health needs of Rohingya refugees. Specifically, IOM collaborates with the Muara Dua District Health Centre to provide healthcare services in the refugee shelter area. Additionally, a health clinic is available in the main building of the BLK Kandang camp. Given the ongoing COVID-19 pandemic, regular health screenings, including COVID-19 testing, as well as med The Cut Mutia General Hospital (RSUCM) North Aceh remains the primary healthcare facility for Rohingya refugees residing in Camp BLK Kandang Lhokseumawe, particularly those requiring critical medical treatment. Additionally, medical personnel are stationed at BLK Kandang daily, and ambulance services are readily available to transport sick Rohingya refugees from the camp. In 2020, a man Rohingya refugee with mental illness/depression received speleotherapy and help from UNICEF, IOM, and other entities.²⁹

Food and additional nutrition are provided for Rohingya refugees at BLK Kandang Lhokseumawe with the assistance of multiple NGOs who are part of the food and nutrition working group. The provision of food occurs three times a day (morning, afternoon, and evening) and is supported by various humanitarian agencies. The food is provided in the form of packaged rice, buffets, and cooked meals at the shelter. In addition to the assistance from humanitarian agencies, many ethnic refugees who have families prepare their meals for consumption with their families. Humanitarian agencies offer supplementary sustenance in the form of red bean porridge, fruits, milk, and vitamins.³⁰

Humanitarian volunteers from various institutions are implementing education programs for Rohingya refugees, including children. The learning system is designed to facilitate the educational needs of both children and adults in the Rohingya refugee community. The materials currently provided are still presented in the traditional "Read, Write, and Memorise" format, with a specific emphasis on Indonesian conversation, English language skills, and numerical counting. In addition, volunteers organize activities to aid in the recovery of trauma and alleviate boredom among Rohingya ethnic refugee children. These activities include teaching shalawat, asma ul husna, reading al fatihah, and conducting socialization activities on children's rights, facilitated by the UNICEF Institute, PKSAl, and the Geutanyoe Foundation. Sharing sessions on children's rights are also held to commemorate the arrival of the year 2020. Regarding the topic of children's rights, specifically in the context of refugee children, the discussion revolves around how they should be treated. Humanitarian groups like YKMI and ACT are enhancing the capabilities of Rohingya ethnic refugees at BLK Kandang Lhokseumawe by providing training in sewing, make-up application, and high-value iron welding.³¹

29 Yusoff, Salleh, and Haque.

30 Tamal Chowdhury and others, 'Developing and Evaluating a Stand-Alone Hybrid Energy System for Rohingya Refugee Community in Bangladesh', *Energy*, 191 (2020), 116568 <<https://doi.org/https://doi.org/10.1016/j.energy.2019.116568>>.

31 Nazifa Rafa and others, 'The Pursuit of Energy in Refugee Contexts: Discrimination, Displacement, and Humanitarian Energy Access for the Rohingya Refugees Displaced to Bangladesh', *Energy Research & Social Science*, 83 (2022), 102334 <<https://doi.org/https://doi.org/10.1016/j.erss.2021.102334>>.

Obstacles and challenges encountered in managing the influx of ethnic Rohingya refugees in Aceh Province amidst the COVID-19 pandemic.

COVID-19, also known as coronavirus disease 2019, is an illness caused by a virus called SARS-CoV-2, which belongs to the coronavirus group. This virus, commonly referred to as the Coronavirus has been officially declared a global pandemic by the World Health Organisation (WHO). It has spread to 118 countries and has infected a significant portion of the world's population. The detection of positive cases of the Corona or Covid-19 virus in Indonesia occurred in March 2020.³² Since that day, the incidence of positive Corona cases has been steadily escalating. Several individuals succumbed to the illness, whereas a significant portion tested negative and ultimately experienced a full recovery. As of 2 December 2020, the number of positive COVID-19 cases in Indonesia has risen by 5,533, reaching a total of 549,508 instances. The number of individuals who have recovered has risen by 4,001, reaching a total of 458,880 people. The number of patient deaths rose by 118, reaching a total of 17,199 individuals. In the province of Aceh, there is a significant number of COVID-19 cases. Specifically, in Lhokseumawe City, which serves as a shelter area for Rohingya refugees, the incidence of COVID-19 cases is considerably higher compared to other districts and cities in Aceh province.³³

The initial instance of Rohingya refugees in Lhokseumawe City contracting the COVID-19 virus was first reported on October 15, 2020. In this case, one Rohingya refugee unfortunately succumbed to the illness and was laid to rest in Kuta Blang village, Banda Sakti sub-district, Lhokseumawe city. In November 2020, a new case of Covid-19, also known as the coronavirus, was discovered. The case involved a 7-year-old female Rohingya refugee named Asma Bibi, who tested positive for Covid-19. The test results were obtained from the Cut Mutia General Hospital (RSUCM) in North Aceh on November 25, 2020.³⁴

Following the confirmation of one Rohingya refugee testing positive for COVID-19, the Rohingya Refugee Handling Task Force in Lhokseumawe City and the Lhokseumawe City Covid-19 task Force have collaborated with non-governmental organizations (NGOs) responsible for managing Rohingya refugees in Lhokseumawe City. As the camp manager at BLK Kandang Lhokseumawe, UNHCR has also collaborated with many NGOs such as IOM, Geutanyoe Foundation, PMI Lhokseumawe City, YKMI, ACT, Dompot Dhuafa, and other institutions. There is a consensus to conduct testing for all Rohingya refugees residing at BLK Kandang.³⁵ The UNHCR, IOM, and the Lhokseumawe Health Office have collectively administered quick testing to all 366 Rohingya refugees. Following the release of the rapid test results, the Lhokseumawe City Government, along with the Rohingya refugee handling task force and Lhokseumawe City COVID task force, have collaborated with UNHCR and other NGOs to address the COVID cases among Rohingya refugees. UNHCR has identified and

32 Robbins.

33 Ashraful Alam and others, 'Impact of Rohingya Refugees on Food Prices in Bangladesh: Evidence from a Natural Experiment', *World Development*, 154 (2022), 105873 <<https://doi.org/https://doi.org/10.1016/j.worlddev.2022.105873>>.

34 Missbach and Stange.

35 Al-haddad and Rakshit.

isolated 9 individuals who are likely to spread COVID within their community. The refugees have been placed in isolation and are receiving adequate medical care.³⁶

Moreover, on 2 December 2020, a meeting was convened in Lhokseumawe City by UNHCR, Geutanyoe Foundation, IOM, JKMI, PMI Lhokseumawe City, ACT, Human Initiative, and LPDI to deliberate on the management of Rohingya refugees and their connection to the Covid-19 situation. After the meeting, several recommendations were formulated: 1. All activities about refugees, such as education, vocational training, etc., shall be temporarily halted for a period of 14 days, except essential services like provision of food, beverages, clean water, and healthcare. 2. Security guards at BLK will conduct temperature checks on every visitor. Visitors are required to adhere to health guidelines upon entering and exiting BLK. 3. Due to the urgent need for shelters and facilities, construction work at BLK will proceed with rigorous health regulations, based on discussions with the Covid Task Force. The work area will be off-limits, and only authorized workers are permitted to enter. Every worker will adhere to rigorous health regulations and will maintain no interaction whatsoever with refugees. 4. YKMI, in collaboration with UNHCR, will deliver two rounds of nourishing meals to all refugees at BLK throughout the next 14 days. 5. The technical and operational support, as well as personnel, have been prepared for a 14-day isolation period outside the camp. On December 3, 2020, 9 Rohingya refugees who tested positive for COVID-19 were relocated to Rusunawa, which is owned by the Lhokseumawe City government. The transfer of the refugees was carried out in compliance with health protocols. The Rohingya refugees who were moved will be isolated in Rusunawa for a period of 14 days. Specifically for the COVID-positive refugees, their food and nutrition intake will be increased, and their diet will be closely monitored.

In 2020, there have been Rohingya ethnic refugees who fled from the BLK Kandang camp. Despite several attempts to escape, the security forces responsible for guarding the camp have successfully prevented their escape. In November 2020, a zinc fence was erected in the BLK Kandang area as a precautionary measure against the potential escape of Rohingya refugees from BLK Kandang Lhokseumawe. In addition, the Indonesian National Armed Forces and National Police have apprehended three individuals believed to be members of a human trafficking syndicate.³⁷ This syndicate specifically targeted Rohingya refugees in the city of Lhokseumawe. The North Aceh 0103 Military District Command successfully thwarted an attempt to smuggle 14 Rohingya refugee women from the BLK Kandang Lhokseumawe Camp. The women were intended to be transported to Medan for escape. The security personnel at the camp discovered the process of the Rohingya refugee escape and apprehended them on Friday, November 20, 2020.³⁸ Many Rohingya refugees have attempted to flee from BLK Kandang Lhokseumawe. One of the primary motivations for their escape is their desire to reach Malaysia, which is the ultimate destination for most refugees. The refugees can leave the BLK Kandang camp because they possess mobile phones, which allow

³⁶ Darnela.

³⁷ Kendra L Duran, Robin Al-haddad, and Saleh Ahmed, 'Considering the Shrinking Physical, Social, and Psychological Spaces of Rohingya Refugees in Southeast Asia', *Wellbeing, Space and Society*, 4 (2023), 100152 <<https://doi.org/https://doi.org/10.1016/j.wss.2023.100152>>.

³⁸ Khan and Minca.

them to communicate with their families in Malaysia. They then contact agents in Medan, who assist in facilitating their journey from Lhokseumawe to Malaysia.

4. Conclusion

The management of Rohingya ethnic refugees during the COVID-19 pandemic in 2020 in Aceh province has presented numerous challenges and may serve as a precedent for the future handling of foreign refugees in Indonesia. Local governments and humanitarian agencies have collaborated in rescue missions and efforts to address the needs of Rohingya ethnic refugees in Lhokseumawe city, Aceh province. These efforts have involved various activities and a coordinated approach to handling the refugees, particularly in the placement of Rohingya ethnic refugees in Mee Kandang village, Muara Satu sub-district, Lhokseumawe city. The establishment of regional policies commenced with the release of a decree that formed a task force to manage refugees from foreign countries, as well as a separate decree to address the specific issue of Rohingya refugees. The management of foreign refugees requires significant reforms, such as the establishment of standard operating procedures (SOPs) by the government for the handling and rescue of foreign refugees. These procedures should be implemented during search and rescue operations on ships carrying foreign refugees in emergencies in the Indonesian Sea. These procedures must adhere to humanitarian principles, including non-expulsion, non-refoulement, non-discrimination, and the fulfillment of obligations without neglecting any of them.

5. References

- Al-haddad, Robin Elizabeth, and Pradipto Vaskar Rakshit, 'Finding Home: Participatory Geospatial Mapping with Rohingya Refugees', *Applied Geography*, 161 (2023), 103136 <<https://doi.org/10.1016/j.apgeog.2023.103136>>
- Alam, Ashraful, Indranil Dutta, M Emranul Haque, and Ricardo Nogales, 'Impact of Rohingya Refugees on Food Prices in Bangladesh: Evidence from a Natural Experiment', *World Development*, 154 (2022), 105873 <<https://doi.org/10.1016/j.worlddev.2022.105873>>
- Ardi, Muhamad Khalif, Muhammad Ikhsan Kamil, Devi Triasari, and Doris Rahmat, 'The Imperative Is to Restrict Customary Criminal Offenses after Implementing Indonesia 's New Criminal Code', *Wacana Hukum*, 29.2 (2023), 130–45 <<https://doi.org/10.33061/wh.v29i2.9829>>
- Aswandi, Bobi, and Kholis Roisah, 'Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (Ham)', *Jurnal Pembangunan Hukum Indonesia*, 1.1 (2019), 128 <<https://doi.org/10.14710/jphi.v1i1.128-145>>
- Azizah, Mabarroh, 'Peran Negara Dalam Perlindungan Konsumen Muslim Di Indonesia', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 4.2 (2021), 153–65 <<https://doi.org/10.24090/volksgeist.v4i2.5738>>

- Chowdhury, Tamal, Hemal Chowdhury, Monirul Islam Miskat, Piyal Chowdhury, Sadiq M Sait, M Thirugnanasambandam, and others, 'Developing and Evaluating a Stand-Alone Hybrid Energy System for Rohingya Refugee Community in Bangladesh', *Energy*, 191 (2020), 116568 <<https://doi.org/https://doi.org/10.1016/j.energy.2019.116568>>
- Clark, Sal, 'Contested Worldmaking from "above" and "below": Bordered Spaces and Bordered Subjects in Search of Asylum', *Political Geography*, 106 (2023), 102940 <<https://doi.org/https://doi.org/10.1016/j.polgeo.2023.102940>>
- Darnela, Lindra, 'Islam And Humanity Commodification Of Aid For Rohingya In Aceh', *Al-Jami'ah*, 59.1 (2021), 57–96 <<https://doi.org/10.14421/ajis.2021.591.57-96>>
- Dewansyah, Bilal, Wicaksana Dramanda, and Imam Mulyana, 'ASYLUM SEEKERS IN A NON-IMMIGRANT STATE ASYLUM SEEKERS IN A NON-IMMIGRANT STATE AND THE ABSENCE OF REGIONAL ASYLUM SEEKERS MECHANISM: A CASE STUDY OF ROHINGYA ASYLUM SEEKERS IN ACEH-INDONESIA AND ASEAN RESPONSE', *Indonesia Law Review*, 7.3 (2017), 341–66 <<https://doi.org/10.15742/ilrev.v7n3.373>>
- Duran, Kendra L, Robin Al-haddad, and Saleh Ahmed, 'Considering the Shrinking Physical, Social, and Psychological Spaces of Rohingya Refugees in Southeast Asia', *Wellbeing, Space and Society*, 4 (2023), 100152 <<https://doi.org/https://doi.org/10.1016/j.wss.2023.100152>>
- Khan, Yasmin Ali, and Claudio Minca, 'In the Camp but Not of the Camp. The Forced Incorporation of Bangladeshi Host Communities in Rohingya Refugee Camps', *Political Geography*, 97 (2022), 102639 <<https://doi.org/https://doi.org/10.1016/j.polgeo.2022.102639>>
- Mahamud Magan, Ifrah, Krushika Uday Patankar, and Rahma Ahmed, 'The Educational, Social, and Emotional Impact of COVID19 on Rohingya Refugee Youth: Implications for Educators and Policymakers', *Children and Youth Services Review*, 142 (2022), 106619 <<https://doi.org/https://doi.org/10.1016/j.childyouth.2022.106619>>
- Mahmood, Syed S, Emily Wroe, Arlan Fuller, and Jennifer Leaning, 'The Rohingya People of Myanmar: Health, Human Rights, and Identity', *The Lancet*, 389.10081 (2017), 1841–50 <[https://doi.org/https://doi.org/10.1016/S0140-6736\(16\)00646-2](https://doi.org/https://doi.org/10.1016/S0140-6736(16)00646-2)>
- Missbach, Antje, and Gunnar Stange, 'Muslim Solidarity and the Lack of Effective Protection for Rohingya Refugees in Southeast Asia', *Social Sciences*, 10.5 (2021) <<https://doi.org/10.3390/socsci10050166>>
- Nyoman Krisnanta Davendra, 'Eksistensi Hukum Internasional Dalam Penerapan Hak Asasi Manusia', *Ganesha Law Review*, 4.1 (2022), 1–10 <<https://doi.org/10.23887/ghr.v4i1.1497>>
- Parmar, Parveen, Sandra Hsu Hnin Mon, and Chris Beyrer, 'The Rohingya Genocide and

Lessons Learned from Myanmar's Spring Revolution', *The Lancet*, 400.10355 (2022), 793–95 <[https://doi.org/https://doi.org/10.1016/S0140-6736\(22\)01651-8](https://doi.org/https://doi.org/10.1016/S0140-6736(22)01651-8)>

Rafa, Nazifa, Thi Tuong Van To, Mukesh Gupta, and Sayed Mohammad Nazim Uddin, 'The Pursuit of Energy in Refugee Contexts: Discrimination, Displacement, and Humanitarian Energy Access for the Rohingya Refugees Displaced to Bangladesh', *Energy Research & Social Science*, 83 (2022), 102334 <<https://doi.org/https://doi.org/10.1016/j.erss.2021.102334>>

Robbins, Lindsay, 'The Rohingya Case in Aceh: Indonesia's Role as a Destination for Refugees', *Towson University Journal of International Affairs*, 53.2 (2020), 1--15

Salcito, Kendyl, Burton H Singer, Gary R Krieger, Mitchell G Weiss, Mark Wielga, and Jürg Utzinger, 'Assessing Corporate Project Impacts in Changeable Contexts: A Human Rights Perspective', *Environmental Impact Assessment Review*, 47 (2014), 36–46 <<https://doi.org/https://doi.org/10.1016/j.eiar.2014.03.004>>

Saputra, Rian, Josef Purwadi Setiodjati, and Jaco Barkhuizen, 'Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)', *JOURNAL of INDONESIAN LEGAL STUDIES*, 8.1 (2023), 243–88 <<https://doi.org/10.15294/jils.v8i1.67632>>

Syafi'ie, M., 'Instrumentasi Hukum Ham, Pembentukan Lembaga Perlindungan Ham Di Indonesia Dan Peran Mahkamah Konstitusi', *Jurnal Konstitusi*, 9.4 (2016), 681 <<https://doi.org/10.31078/jk945>>

Wijaya, Yulia Rina, 'Building Peaceful Coexistence Between Rohingya Refugees And Buffer Communities In Langsa City And East Aceh', *Journal of Islamic Law Studies*, 1.3 (2018) <<https://scholarhub.ui.ac.id/jilsAvailableat:https://scholarhub.ui.ac.id/jils/vol1/iss3/6>>

Yusoff, Siti Munirah, Mohd Afandi Salleh, and Md Mahbubul Haque, 'Malaysian and Indonesian Law and Policy on Rohingya Refugees: A Comparative Review', *Indonesian Comparative Law Review*, 4.2 (2022), 59–71 <<https://doi.org/10.18196/iclr.v4i2.15819>>

Zaid, M, Rabani Merton Halawa, Kartika Asmanda, Fadhel Arjuna Adinda, and Lamberton Cait, 'Eradicating Public Official Corruption Indonesia : A Revolutionary Paradigm Focusing on State Financial Losses', *Wacana Hukum*, 29.2 (2023), 87–111 <<https://doi.org/10.33061/wh.v29i2.9564>>