

## **Legal Vacuum in Refugee Protection Law in Indonesia Due to Non-Ratification of Refugee Conventions**

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### **Abstract**

*Indonesia has not ratified the 1951 Convention on the Status of Refugees and its 1967 Protocol, resulting in a specific legal vacuum concerning the substantive legal status and rights of refugees and asylum seekers. This study employs normative legal research with a statutory and conceptual approach to examine the adequacy of existing national regulations in addressing refugee protection. The analysis focuses on constitutional provisions, immigration law, human rights legislation, and Presidential Regulation No. 125 of 2016, which currently functions as the primary legal framework for refugee handling. The findings demonstrate that existing regulations are predominantly administrative and procedural, lacking normative recognition of refugees as legal subjects entitled to enforceable rights. The absence of a national Refugee Status Determination mechanism further reinforces Indonesia's dependence on the United Nations High Commissioner for Refugees (UNHCR), raising concerns regarding legal certainty and state sovereignty. From a socio-legal perspective, this legal vacuum generates practical consequences, including increased burdens on local governments, social vulnerability among refugees, and challenges in diplomatic relations with destination countries. This article argues that normative reform is urgently required through the ratification of international refugee instruments or, alternatively, the enactment of comprehensive domestic refugee legislation grounded in human rights principles while safeguarding national security interests. Such reforms are essential to strengthen Indonesia's legal coherence, enhance refugee protection, and maintain its credibility within the international humanitarian legal order.*

**Keywords:** Legal vacuum, refugees, asylum seekers, 1951 Convention, 1967 Protocol.

### **Abstrak**

Indonesia belum meratifikasi Konvensi Status Pengungsi 1951 dan Protokol 1967, yang mengakibatkan kekosongan hukum khusus mengenai status hukum substantif dan hak-hak pengungsi dan pencari suaka. Studi ini menggunakan penelitian hukum normatif dengan pendekatan undang-undang dan konseptual untuk mengkaji kecukupan peraturan nasional yang ada dalam menangani perlindungan pengungsi. Analisis berfokus pada ketentuan konstitusi, undang-undang keimigrasian, undang-undang hak asasi manusia, dan Peraturan Presiden No. 125 Tahun 2016, yang saat ini berfungsi sebagai kerangka hukum utama penanganan pengungsi. Temuan ini menunjukkan bahwa peraturan yang ada sebagian besar bersifat administratif dan prosedural, tidak memiliki pengakuan normatif terhadap pengungsi sebagai subjek hukum yang berhak atas hak yang dapat ditegakkan. Tidak adanya mekanisme Penentuan Status Pengungsi nasional semakin memperkuat ketergantungan Indonesia pada Komisaris Tinggi PBB untuk Pengungsi (UNHCR), menimbulkan kekhawatiran mengenai kepastian hukum dan kedaulatan negara. Dari perspektif sosial-hukum, kekosongan hukum ini menghasilkan konsekuensi praktis, termasuk peningkatan beban pada pemerintah daerah, kerentanan sosial di kalangan pengungsi,



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dan tantangan dalam hubungan diplomatik dengan negara tujuan. Artikel ini berpendapat bahwa reformasi normatif sangat diperlukan melalui ratifikasi instrumen pengungsi internasional atau, sebagai alternatif, pemberlakuan undang-undang pengungsi domestik yang komprehensif yang didasarkan pada prinsip-prinsip hak asasi manusia sambil melindungi kepentingan keamanan nasional. Reformasi semacam itu sangat penting untuk memperkuat koherensi hukum Indonesia, meningkatkan perlindungan pengungsi, dan mempertahankan kredibilitasnya dalam tatanan hukum kemanusiaan internasional.

**Kata Kunci:** Kekosongan hukum, pengungsi, pencari suaka, Konvensi 1951, Protokol 1967.

## INTRODUCTION

The refugee and asylum seeker crisis has become a complex global issue, involving humanitarian, security and international political aspects.<sup>1</sup> Armed conflict, human rights violations, natural disasters and political instability are the main factors driving millions of people to leave their home countries.<sup>2</sup> This phenomenon not only causes suffering for the individuals forced to flee but also poses significant challenges for destination and transit countries. Countries in Southeast Asia, including Indonesia, often serve as transit points for refugees before being resettled in third countries.<sup>3</sup> This reality makes refugee management an urgent issue that requires clear and comprehensive regulation.

Indonesia occupies a strategic position as an archipelagic nation on international migration routes, making it a frequent transit point for refugees.<sup>4</sup> However, Indonesia is not a signatory to either the 1967 Protocol or the 1951 Convention pertaining to the Status of Refugees. This legal policy choice creates limitations in formal legal protection for refugees in Indonesian territory.<sup>5</sup> Despite cooperation with international agencies such as the UNHCR and the IOM, their presence does not necessarily address the national legal gap. This situation creates uncertainty for refugees and challenges the government's ability to safeguard national interests.

This legal gap is a major problem facing Indonesia in managing the presence of refugees and asylum seekers.<sup>6</sup> Existing regulations, such as Presidential Regulation Number 125 of 2016, are only administrative and technical in nature regarding handling, without providing a clear legal status for refugees.<sup>7</sup> As a result, many refugees lack certainty regarding basic rights such as education, health and access to employment.<sup>8</sup> This ambiguity has implications for increased social vulnerability, both for refugees and local

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<sup>1</sup> F. Hasan, "Politik Dan Kemanusiaan: Relasi Tumpang Tindih Dalam Penanganan Pengungsi Di Indonesia," *Jurnal Trias Politika* 7, no. 2 (2023): 2.

<sup>2</sup> H. Zulaiha et al., "Perlindungan Bagi Pencari Suaka, Implikasi Dan Tantangan Bagi Pengungsi Dan Negara Tuan Rumah," *I'tiqadiyah: Jurnal Hukum dan Ilmu-ilmu Kesyariahan* 2, no. 2 (2025): 68–82.

<sup>3</sup> D. Achnisundani et al., "Paradoks Pengungsi: Antara Perlindungan Ham Dan Kedaulatan Nasional Dalam Krisis Kemanusiaan," *Journal Of Law And Nation* 4, no. 2 (2025): 371–93.

<sup>4</sup> T.B. Pamungkas et al., *Hak Pengungsi Dalam Hukum Internasional* (Nasya Expanding Management, 2021).

<sup>5</sup> C.P. Primadasa et al., "Problematika Penanganan Pengungsi di Indonesia Dari Perspektif Hukum Pengungsi Internasional," *Risalah Hukum* 17, no. 1 (2021): 44–51.

<sup>6</sup> N. Firdausiah and F.K. Listiyapuji, "Perbandingan Perlindungan Pencari Suaka Dan Pengungsi Di Indonesia Dan Negara Lain Berdasarkan Hak Asasi Manusia: Comparison Of The Protection Of Asylum Seekers And Refugees In Indonesia And Other Countries Based On Human Rights," *Constitution Journal* 2, no. 2 (2023): 57–74.

<sup>7</sup> Y.S. Utomo et al., "Perlindungan Hukum Terhadap Pengungsi Di Indonesia," *Court Review: Jurnal Penelitian Hukum* 5, no. 04 (2025): 80–99.

<sup>8</sup> Z.Z. Mutthu and W. Afifah, "Perlindungan Hukum Bagi Pengungsi Rohingya Terhadap Hak Atas Suaka di Indonesia," *Media Hukum Indonesia (MHI)* 3, no. 2 (2025).

communities. It demonstrates that available legal protections do not fully address the real challenges on the ground.

The urgency of human rights protection is a fundamental reason why this issue cannot be ignored. The 1945 Constitution clearly states the following rights: the rights to liberty, life, and freedom from discrimination.<sup>9</sup> All people are entitled to these rights, regardless of their citizenship. States have a moral and constitutional duty to prevent cruel treatment of people who seek refuge within their borders.<sup>10</sup> The balance between human rights protection and national security interests is a challenge that must be addressed through appropriate regulations.

The theory of state sovereignty explains a state's full right to regulate who can be within its territory.<sup>11</sup> Sovereignty encompasses the authority to admit, reject, or regulate the presence of foreigners, including refugees and asylum seekers. This principle serves as the basis for a state to protect national interests, both in terms of security and social stability.<sup>12</sup> However, in global reality, sovereignty cannot be understood absolutely because countries are also bound by binding international norms.<sup>13</sup> This situation creates tension between domestic interests and the demands of the international community on the refugee issue.

The application of sovereignty theory to the refugee issue reflects the dilemma between national sovereignty and humanitarian solidarity. Indonesia, with its sovereignty, has the legal basis to determine whether or not an asylum seeker should be admitted. However, in practice, the policy cannot be separated from international pressure and regional cooperation. The ever-increasing refugee population demonstrates that sovereignty must be exercised with due regard for the moral obligation to protect human life.<sup>14</sup> Thus, state sovereignty must be aligned with broader humanitarian principles.

The theory of human rights protection is based on the understanding that every individual possesses a dignity that must be respected.<sup>15</sup> These rights are inherent in every person without exception, including those without citizenship. The state has an obligation not only to respect but also to protect these rights from threats, discrimination, or neglect.<sup>16</sup> In the refugee issue, human rights principles require states to provide minimum protection such as the right to life, freedom from torture, and access to basic services.<sup>17</sup>

<sup>9</sup> N.D. Wongkar et al., "Pelaksanaan Hak Untuk Hidup Berdasarkan Pasal 28a Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Lex Administratum* 11, no. 3 (2023).

<sup>10</sup> Abqa Junaidi et al., *Hukum & Hak Asasi Manusia: Sebuah Konsep dan Teori Fitrah Kemanusiaan Dalam Bingkai Konstitusi Bernegara* (PT. Sonpedia Publishing Indonesia, 2023).

<sup>11</sup> D.D. Wijaya and N. Mubin, *Teori Kedaulatan Negara*, vol. 2, no. 4 (Jurnal Ilmu Sosial dan Humaniora, 2024).

<sup>12</sup> M.A. Syahrin, "Perbandingan Hukum Kebijakan Penanganan Pencari Suaka dan Pengungsi di Berbagai Negara: Diskursus Ekskulsivitas dan Relativitas Kedaulatan Negara," *Lex Librum* 8, no. 1 (2021): 1–28.

<sup>13</sup> I.D. Saputra, "Makna Serta Eksistensi Kedaulatan Dalam Hukum Internasional Di Masa Moderen," *Jurnal Ilmu Hukum Sui Generis* 2, no. 3 (2022): 1–22.

<sup>14</sup> S. Nugraha and K.D. Bangas, "Pemenuhan Hak Asasi Manusia: Peran Negara dalam Merespons Krisis Kemanusiaan dan Penanganan Pengungsi," *Innovative: Journal Of Social Science Research* 4, no. 3 (2024): 4458–74.

<sup>15</sup> A. Kennedy, "Hak Asasi Manusia Dan Keadilan Bermartabat: Perbandingan Teori Dan Realitas Di Indonesia," *Ekasakti Jurnal Penelitian Dan Pengabdian* 4, no. 1 (2024): 132–41.

<sup>16</sup> S. Ayuninsi, "Warga negara, hak dan kewajiban warga negara," *CARONG: Jurnal Pendidikan, Sosial dan Humaniora* 1, no. 3 (2025): 210–19.

<sup>17</sup> U. Setyardi, "Asas Kemanusiaan Versus Kedaulatan Negara: Dilema Perlindungan Hukum Bagi Pengungsi di Perbatasan Indonesia," *Citizen: Jurnal Ilmiah Multidisiplin Indonesia* 5, no. 3 (2025): 861–70.

This demonstrates that protecting refugees is part of a universal commitment to human rights.

The state's obligation to protect human dignity without discrimination reflects the principle of equality. There should be no differences in treatment based on nationality, ethnicity, or social status.<sup>18</sup> Refugees as a vulnerable group actually need greater protection because they have lost protection from their country of origin.<sup>19</sup> The implementation of human rights protection in refugee issues serves as a benchmark for a country's ability to uphold the principles of universal justice. Upholding these rights affirms that refugee protection is not merely a humanitarian issue but also a concrete manifestation of respect for the constitution and international law.

One of the most important tenets of international refugee law is the idea of non-refoulement. This concept forbids a state from sending someone back to their home country if there is a chance of torture or other cruel treatment, or a serious threat to their life.<sup>20</sup> All nations, including Indonesia, must abide by this standard since it is widely acknowledged as a component of customary international law. This implies that the commitment to refrain from forcefully returning refugees is still in force even if Indonesia has not joined the 1951 Convention. This reinforces the idea that non-refoulement is a global ideal that ought to be upheld.

Indonesia's collaboration with the UNHCR in determining refugee status is evidence of the country's application of the principle of non-refoulement. When someone applies for asylum, the government cannot immediately repatriate them until it is certain about the risks they face. This procedure demonstrates compliance with international norms, even without official ratification. This principle also aligns with the human rights guarantees stipulated in the 1945 Constitution and Law Number 39 of 1999 concerning Human Rights. The fact demonstrates that refugee protection in Indonesia cannot be separated from the global responsibility to uphold human dignity.

## RESEARCH METHODS

This study employs normative legal research using a statutory and conceptual approach as its research methodology. Normative legal research positions law as a written norm that is applicable and binding, so the primary focus of the study is directed at positive legal regulations related to the status of refugees and asylum seekers in Indonesia. Starting with the Republic of Indonesia's 1945 Constitution, Law Number 37 of 1999 concerning Foreign Relations, Law Number 39 of 1999 concerning Human Rights, Law Number 6 of 2011 concerning Immigration, and Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad, the statutory regulatory approach is implemented by methodically analyzing the hierarchy of regulations. The 1951 Convention on the Status of Refugees, the 1967 Protocol, and the International Covenant on Civil and Political Rights (ICCPR), which was approved by Law Number 12 of 2005, are among the pertinent international treaties that are included in the analysis, and the 1948 Universal Declaration of Human Rights. A conceptual approach is used to understand the ideas and theories underlying the relationship between state sovereignty,

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<sup>18</sup> S.M. Habibah et al., *HUKUM INTERNASIONAL: Pilar Keadilan dan HAM Universal* (CV. Ruang Tentor, 2025).

<sup>19</sup> R. Putri et al., "Perlindungan Pengungsi dalam Perspektif Al-Qur'an," *Jurnal Pengabdian Masyarakat dan Riset Pendidikan* 3, no. 4 (2025): 3289–99.

<sup>20</sup> Y.A. Pio et al., "Tinjauan Hukum Pengaturan Asas Non-Refoulement dan Penerapannya Terhadap Pengungsi di Indonesia," *Student Online Journal (SOJ) UMRAH-Ilmu Sosial dan Ilmu Politik* 2, no. 1 (2021): 729–40.

the obligation to protect human rights, and the principle of non-refoulement as a universal standard. Through this approach, the research not only examines the normative aspects of legal texts but also constructs a conceptual understanding of how national law should interact with the international legal regime regarding refugees. The combination of these two approaches is expected to provide a comprehensive analysis of legal gaps, the consequences that arise, and normative steps that Indonesia can take to strengthen protection for refugees and asylum seekers.

## **RESULTS AND DISCUSSION**

### **Regulations on the Status of Refugees and Asylum Seekers in Indonesia Based on Applicable National Legislation**

Universal human rights are guaranteed under the Republic of Indonesia's 1945 Constitution, which is the nation's highest fundamental law. Everyone has the right to life and the right to defend it, according to Article 28A. Every child's right to survival, growth, and development as well as protection from discrimination and violence is affirmed in Article 28B, paragraph (2). Everyone has the right to protection, recognition, guarantees, and equitable legal certainty, according to Article 28D, paragraph (1). According to Article 28I paragraph (1), the freedom of thought and conscience, the right to life, and the prohibition against torture are all unalienable rights. These constitutional norms provide a legal basis for refugee protection, even though their legal status has not been explicitly regulated.

The Indonesian Constitution does not limit the application of human rights to citizens, but rather uses the term "every person" to encompass all individuals within Indonesian jurisdiction. This implies that the Constitution's provision of human rights protection also applies to refugees and asylum seekers. Everyone has the right to protection for themselves, their families, their honor, their dignity, and any property under their control, according to Article 28G paragraph (1). This provision reinforces the argument that protection for refugees is not only a moral obligation but also a constitutional obligation. This constitutional basis provides the entry point for the development of further regulations.

Law No. 37 of 1999 concerning Foreign Relations regulates how Indonesia engages in international cooperation, including on refugee issues. Foreign relations are defined in Article 1, number 1, as actions taken by the central and regional governments that have both regional and global components. Article 3 emphasizes that the implementation of foreign relations is based on an independent and active foreign policy directed towards the national interest. This provision serves as the basis for the Indonesian government to cooperate with international institutions such as the UNHCR and the IOM in handling refugees. This regulation also provides legal legitimacy for Indonesia's involvement in the refugee protection regime, even though it is not yet a party to the 1951 Convention.

Everyone's fundamental rights are guaranteed by Law No. 39 of 1999 concerning Human Rights. Everyone has the right to life, to sustain life, and to raise their level of living, according to Article 9, paragraph (1). Everyone has the right to protection for their personal growth, according to Article 12. Everyone on Republic of Indonesia territory is required to abide by rules and regulations and has the right to legal protection, according to Article 66. This provision is inclusive, so that refugees and asylum seekers within Indonesian territory also have the right to protection from discrimination and degrading treatment.

Foreigners' admission and departure from Indonesian territory are governed by Law No. 6 of 2011 Governing Immigration. Immigration is defined as the movement of

individuals into or out of Indonesian territory and the oversight of that movement under Article 1, paragraph 1. Every foreign national entering or departing Indonesian territory is required by Article 8 to have a valid travel document and a valid visa. Article 13 regulates the immigration authority to reject foreigners who do not meet the requirements. However, this law does not specifically address the status of refugees or asylum seekers, so their presence is often treated as "illegal foreigners" who are handled under the administrative immigration authority.

Presidential Regulation No. Law No. 125 of 2016 is a special regulation that explicitly governs the handling of refugees from abroad. Article 1, number 1, defines refugees as foreigners who are in Indonesian territory due to fear of persecution and are unable to return to their country of origin. Article 3 stipulates that refugee management is conducted through coordination between government agencies, regional governments, and international organizations. Article 27 authorizes regional governments to provide temporary shelters. This regulation serves as an important legal instrument, although it is more administrative in nature than granting substantive legal status to refugees.

The involvement of relevant agencies in Presidential Regulation No. 125 of 2016 demonstrates that refugee issues are not solely the responsibility of one agency. The Directorate General of Immigration, the Indonesian National Police, local governments, and health and social agencies all play a role in the handling mechanism. Article 29 states that refugee handling costs can be borne by the national and regional budgets. This involvement demonstrates the collective nature of refugee management in Indonesia, although the regulation does not stipulate substantive refugee rights, such as access to education or work permits. This gap often presents a major problem in practice.

The fundamental weakness of Presidential Regulation No. 125 of 2016 lies in the lack of clear regulations on the legal status of refugees. Refugees remain treated as foreigners under immigration supervision without guarantees of substantive rights. They are not recognized as legal subjects with full rights to work, education, and health care. The reliance on international institutions like the UNHCR to determine refugee status underscores the limitations of national regulations. This situation demonstrates that despite Indonesia's administrative regulations, substantive legal protection for refugees is not yet available.

Even though Indonesia has not joined the 1951 Convention and the 1967 Protocol, international legal instruments have a substantial impact on national arrangements. Everyone has the right to seek and enjoy sanctuary from persecution, according to Article 14 of the 1948 Universal Declaration of Human Rights. Article 6 of the 1966 International Covenant on Civil and Political Rights (ICCPR), which Indonesia ratified through Law No. 12 of 2005, upholds the right to life and prohibits torture and cruel treatment (Article 7). With this ratification, Indonesia is bound by international obligations to guarantee the protection of human rights, including for refugees within its territory.

Soft law principles also influence refugee protection practices in Indonesia. While not as binding as treaties, soft law instruments such as UNHCR guidelines, UN General Assembly recommendations, and UN Human Rights Council resolutions still provide normative standards that must be respected. These norms affirm the principles of humanity and global solidarity in handling refugees. Indonesia, as a member of the international community, cannot ignore these standards, as this would impact its international reputation and diplomacy. The fact indicates that international law, both hard law and soft law, remains an important reference in regulating refugees in Indonesia.

## **Legal and Sociological Consequences of Non-Ratification of the 1951 Convention and the 1967 Protocol on the Status of Refugees and Asylum Seekers in Indonesia**

The lack of ratification of the 1951 Convention and the 1967 Protocol creates a serious legal vacuum regarding refugee status in Indonesia. Indonesia relies solely on Presidential Regulation No. 125 of 2016, which is limited in scope, leaving refugees without a strong legal basis for obtaining legal status. This situation raises legal issues because national regulations only regulate administrative aspects without providing certainty regarding the recognition of refugee rights. The country lacks legal instruments equivalent to international standards to guarantee the survival of refugees. As a result, the protection provided is often partial and dependent on ad hoc policies.

The absence of ratification also impacts the absence of a national Refugee Status Determination (RSD) mechanism. The RSD procedure is a crucial instrument for determining who truly meets the criteria for being a refugee according to international standards. Without this mechanism, Indonesia completely hands over the status determination process to the UNHCR, meaning domestic legal sovereignty is not functioning optimally. This situation creates legal vulnerabilities because the state appears to abdicate its responsibility to international organizations. The absence of a national system also results in limited protection for vulnerable groups such as refugee women and children. Complete reliance on UNHCR for refugee affairs raises legal legitimacy issues. Indonesia, as a sovereign nation, should have its own independent mechanisms to protect and manage refugees. Handing over responsibility to external parties has the potential to create coordination problems with domestic agencies, including immigration and local governments. This situation often creates confusion in policy implementation on the ground. Conflicts of interest often arise between the central government, regional governments, and international institutions regarding authority.

The presence of refugees in Indonesia has significant social impacts on local communities. Local governments hosting refugees face additional burdens related to providing shelter facilities, basic services, and security. Limited regional budgets are often unable to meet these urgent needs. Tensions can arise when local communities perceive their access to public facilities as increasingly limited by the presence of refugees. This dynamic creates the potential for social friction, often causing discomfort for both parties.

The economic burden is also a crucial issue in refugee management. Local governments often have to bear additional costs for logistics and healthcare services, despite limited fiscal capacity. The absence of a clear legal framework exacerbates the situation because funding mechanisms are not systematically regulated. Presidential Regulation Number 125 of 2016 only regulates inter-agency coordination without providing an adequate financing formula. This often results in local governments seeking unsustainable, temporary solutions. The long-term impact could disrupt regional fiscal balance.

Politically, the failure to ratify the 1951 Convention and the 1967 Protocol could impact Indonesia's international image. Other countries may perceive Indonesia as lacking commitment to the refugee protection regime. As a member of the United Nations, Indonesia is required to support global humanitarian values. Indonesia's reliance on limited domestic regulations weakens regional diplomacy. Consequently, Indonesia's reputation as a nation that upholds human rights could be questioned.

Indonesia's foreign diplomacy also faces potential pressure from the non-ratification policy. Final destination countries for refugees, such as Australia, frequently

highlight Indonesia's role as a transit country. Unclear national legal mechanisms often complicate coordination between countries. This situation could lead to diplomatic tensions, particularly if refugee-related incidents are not handled properly. This vulnerability could disrupt the bilateral and regional relationships Indonesia is building.

The principle of non-refoulement, a key pillar of refugee protection, faces significant challenges in Indonesia. Without ratification, this principle lacks full binding force under national law. In practice, state officials still have the potential to deport refugees without considering the risks they face in their countries of origin. Such actions can lead to serious human rights violations. The absence of oversight mechanisms makes potential violations even more difficult to prevent.

The limitations on refugees' rights to education, health care, and employment reflect the serious impact of the lack of ratification. Presidential Regulation No. 125 of 2016 only provides an administrative framework for handling refugees, without guaranteeing their basic rights. Refugee children often lack full access to formal education due to their unclear legal status. Similarly, in the health sector, refugees often rely on limited international assistance. This situation exacerbates the social and psychological vulnerability experienced by refugees.

Indonesia's reputation within the international community is further jeopardized when the refugee issue is linked to its commitment to human rights. The inability to provide comprehensive protection can create the impression that Indonesia is only fulfilling its obligations minimally. The international community tends to view countries that do not ratify international conventions as shirking global responsibilities. This situation ultimately has the potential to weaken Indonesia's position in international forums. The credibility of its humanitarian diplomacy could also be undermined.

The failure to ratify the 1951 Convention and the 1967 Protocol has legal consequences, including a legal vacuum regarding refugee status, unclear mechanisms for determining status, and dependence on the UNHCR, which undermines national legal sovereignty. From a social, political, and economic perspective, this places a significant burden on local governments, creates potential conflict with local communities, and impacts Indonesia's diplomatic standing in the region and globally. Meanwhile, on the human rights front, limited access to education, healthcare, and employment further emphasizes the vulnerability of refugees and weakens Indonesia's reputation for global humanitarian commitments.

## **CONCLUSION**

Due to the lack of national laws offering substantive recognition, Indonesia has a legal void concerning the status of refugees and asylum seekers. Presidential Regulation No. 125 of 2016 does not fully address the legal status and fundamental rights of refugees; instead, it solely governs technical aspects of administrative processing, such as shelter and interagency coordination. Indonesia's refusal to ratify the 1951 Convention on the Status of Refugees and its 1967 Protocol has made matters worse, resulting in unavoidable legal consequences, such as dependence on the UNHCR. Social, economic, and political impacts also arise, ranging from burdens on regions to potential conflicts with local communities, to a weakening of Indonesia's diplomatic position in global humanitarian issues. Refugees' limited access to education, health care, and employment underscores the significant challenges facing the fulfillment of human rights.

Ratifying the 1951 Convention and its 1967 Protocol is a crucial step towards establishing a stronger legal framework for Indonesia to address refugee issues. Furthermore, the development of specific legislation regarding refugees and asylum

seekers needs to be prioritized to ensure legal certainty and clear standards of protection. Inter-agency coordination, including between the central and regional governments, and relevant agencies such as Immigration and the National Police, as well as strategic collaboration with UNHCR and IOM, must be strengthened to ensure more focused policy implementation. All policies should be based on human rights principles while still considering national security interests, enabling Indonesia to balance its humanitarian moral obligations with the interests of national sovereignty.

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