

Implementation of Presidential Decree 125 of 2016 regarding Rohingya Ethnic Myanmar Refugees in Karang Gading Village, Deli Serdang

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Abstract

Based on Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad, this study aims to provide a complete picture of how the handling of Rohingya refugees is carried out in Karang Gading Village, Deli Serdang Regency. This study uses a sociological legal approach to investigate the implementation of the regulation in the fields of finding, sheltering, securing, and monitoring immigration of refugees. The results of the study show that, although Indonesia has not ratified the 1951 Convention on Refugees, the government is still committed to providing protection based on human rights and humanity. Stranded in Karang Gading Village, Rohingya refugees have been cared for by various related institutions, such as UNHCR, IOM, and the local government. However, there are problems with the management of shelters and rejection by the local community. In addition, this study found that long-term monitoring and resolution mechanisms need to be improved.

Keywords: Rohingya Refugees; Refugee Handling, Implementation, Presidential Regulation 125 of 2016, IOM

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Introduction

One of the global issues that is widely discussed and of particular concern to the international community is refugees. By the end of June 2024, more than 122.6 million people worldwide were forced to flee due to conflict, war, persecution, violence, disasters, human rights violations or life-threatening/endangering events in their home country. This shows that there has been an increase of 5% or 5.3 million people compared to the end of 2023. As many as 87% of refugees come from low- and middle-income countries.

The history of refugees in Indonesia itself has existed for a long time, especially in 1975 there was a war in Vietnam, many of its citizens fled to neighboring countries, including Indonesia, it was recorded that in 1979 there were around 40,000 people who fled into Indonesian territory and most of them occupied Galang Island in the Riau Islands. At that time Indonesia had not ratified the 1951 Convention on the Protection of Human Rights for Refugees and the 1967 Protocol, so the large amount of funds needed for refugees could not be claimed from the UN. Then Presidential Decree (Keppres) Number 38 of 1979 concerning the Coordination of the Settlement of Vietnamese Refugees in Indonesia was issued which was signed on September 11, 1979.

Indonesia's geographical location makes it an ideal transit point for refugees seeking asylum in third countries (*reset*), one of which is the Rohingya. Data on refugees registered with the UNCHR in Indonesia as of the end of 2023, between January-December 2023, as many as 1,752 Rohingya refugees were disembarked from 11 ships in several locations in Aceh and North Sumatra.

The remaining people are about 10,543 refugees and asylum seekers, including about 5,980 Afghans, 2,063 Myanmarers, 1,170 Somalis, 536 Iraqis, 449 Yemenis and others. Of the 3,555 children registered with UNHCR, 227 are unaccompanied by parents or other adult relatives and 106 are separated from their parents.

Although it has not ratified the convention and protocol on refugees, Indonesia remains committed to participating in handling refugees and asylum seekers who enter Indonesian territory in accordance with the Universal Declaration of Human Rights and the 1945 Constitution of the Republic of Indonesia (Article 28A: "Everyone has the right to live and the right to defend his life and existence"). Indonesia also adheres to the principles of *non-refoulement* (not to be forcibly returned to a dangerous area or a region that threatens his freedom and/or life), *non-penalization* (not to be sanctioned or punished for entering a country's territory in seeking protection even without complete documents), and *non-discrimination* (not discriminating or discriminating in the treatment of refugees or asylum seekers based on nationality, religion, race, membership in a

particular social group, or political views) . Indonesia has also cooperated and handed over the handling of refugees to the international organization UNHCR (*United Nations High Commissioner of Refugees*) to conduct data collection, checking, and determining refugee status or not and IOM (*International Organization for Migration*) as the institution responsible for providing assistance for the daily living needs of refugees, such as food, clothing, temporary housing (*community houses*), and health.

Indonesia is one of the countries that accepts Rohingya refugees, because Indonesia is known for its humanity and solidarity. Indonesia has also taken action to protect Rohingya refugees who fled violence since the humanitarian crisis that hit the Rohingya ethnic group in Myanmar. Based on Presidential Regulation (Perpres) Number 125 of 2016 concerning Handling of Refugees from Abroad is a major step taken by the Indonesian government. This Perpres provides a legal basis for handling refugees in Indonesia, including Rohingya refugees. Then Law Number 6 of 2011 article 1 paragraph 9: "Foreigners are people who are not Indonesian citizens" and is regulated in detail from the beginning of entry, completeness of documents, supervision, security, sanctions, to leaving the territory of Indonesia.

For decades, the Rohingya ethnic group in Myanmar has been the victim of a humanitarian crisis. More precisely in 2017, the violence and systematic massacre carried out by the Myanmar military against the Rohingya people increased. The Muslim group known as Rohingya mostly lives in Rakhine State, Myanmar, located in the western part of the country, on the edge of the Bangladesh border. They have long been subject to violence, marginalization, and discrimination in political, social, and economic terms.

In Medan City in September 2024, there were 1,381 refugees spread across 14 *community houses* (temporary shelters). Since several years ago, many Rohingya refugees have arrived in Karang Gading Village, Deli Serdang District, North Sumatra. They were placed in Karang Gading Village to receive temporary protection until a long-term solution was found. The total number of refugees from Myanmar (Rohingya) when they arrived at Mercusuar Beach, Karang Gading Village was 157 people, with details: 86 men; 71 women; 26 families; 43 single people (38 men and 5 women); and 24 toddlers (11 men and 13 women).

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Figure 1. Rohingya Refugees in Karang Gading Village

Many studies on the refugee issue focus on the factors that cause, influence, and resolve the problem. For example, one study found that the three main causes of the increase in the number of refugees worldwide are armed conflict, political instability, and climate change. According to the study, *Refuge: Rethinking Refugee Policy in a Changing World*, refugee countries often face major challenges in providing adequate assistance and socio-economic integration for refugees, leading to social and economic tensions that undermine national stability.

In addition, the psychological impacts of being a refugee include long-term trauma caused by violence and loss of home, according to a study published in *The Lancet* in 2022. The study showed that refugees often experience more severe mental disorders, such as depression and anxiety, which require greater mental health care. In contrast, a study conducted by *the International Organization for Migration (IOM)* in 2023 found that inclusive integration policies and economic empowerment for refugees can reduce social tensions and improve their quality of life in the long term. Therefore, this study will explore the case of Rohingya refugees who landed in Karang Gading village. This study can also provide a more comprehensive picture of the difficulties faced by refugees and the actions needed to better assist them in their destination countries.

Research Methods

This analysis aims to provide a comprehensive picture of the implementation of Presidential Regulation 125 of 2016 in the context of refugee protection in Karang Gading Village, Deli Serdang . Sociological law (*sociological research*) is used as the research methodology, using a statute approach *and* a case approach. Primary and secondary data in the study come from the author's observations of the handling of refugees from abroad and secondary legal materials,

consisting of books and journals on legislation. Supporting sources of primary and secondary data are the internet and news media.

Results and Discussion

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The handling of Rohingya refugees in Karang Gading Village must be carried out in accordance with Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad (Presidential Regulation on Handling Refugees from Abroad), taking into account the principles of humanity and respect for human rights. It is hoped that, with cooperation from all parties, Rohingya refugees will receive proper protection and permanent solutions.

The Presidential Decree on Handling Refugees from Abroad regulates how to handle refugees entering Indonesia starting from the stages of discovery, shelter, security, immigration supervision, and financing. As one of the countries that has not ratified the 1951 Refugee Convention, Indonesia is one of them. Therefore, Indonesia receives assistance from international organizations, such as UNHCR to determine refugee status and IOM to meet the basic needs of refugees.

a. Invention

Articles 5 to 23 of the Presidential Decree on Handling Refugees from Abroad regulate the discovery of refugees. In cases of refugee discovery, it is usually coordinated by the Search and Rescue Agency (Basarnas) and may involve the TNI, the Indonesian National Police (Polri), the Ministry of Transportation (Kemenhub), the Maritime Security Agency (Bakamla), and other related ministries and government and non-ministerial institutions on duty in Indonesian territorial waters. Refugees are then handed over by the Police to the relevant institutions. Refugees in emergency situations, especially in Indonesian territorial waters, are the focus of research regulated in the Presidential Decree.

Specifically in Karang Gading Village, Deli Serdang Regency, Lantamal I Belawan reported to Asops on December 31, 2023 at 07.00 WIB via WhatsApp and telephone that local residents were aware of refugees stranded in the early hours of December 31, 2023. A total of 157 refugees were stranded on the beach of Karang Gading Village, Deli Serdang Regency. Their boat was found damaged on the shore. Furthermore, handling of refugees was carried out by setting up temporary tents, providing food and drinks, and conducting data collection simultaneously.

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b. Shelter

Based on the results of the case analysis that the research has conducted, further data collection was carried out in Karang Gading Village on January 1, 2024 by UNHCR, Rudenim Medan, Regional Disaster Management Agency (BPBD), Regional Government, Police, and TNI. The results showed 157 Rohingya refugees from Myanmar. In addition, BPBD has sent more suitable tents and kitchen equipment to meet the basic needs of the refugees. International organizations such as IOM have taken several actions to help these refugees, such as conducting health checks by IOM and UNHCR doctors, and providing food and drinks for Rohingya refugees.

On January 2, 2024, Medan Immigration Department officers conducted further data collection to identify each refugee by name, age, and status (family or single). The results showed that 26 families with 114 people and 43 refugees had single status. In addition, photos and fingerprints were taken on the same day, and each refugee was briefly interviewed. Regulation of the Director General of Immigration Number IMI-0352.GR.02.07 of 2016 concerning Handling of Illegal Immigrants Who Declare Themselves as Asylum Seekers or Refugees also refers to the issue of placing refugees in shelters.

c. Security

According to Article 31 and 32 of the Presidential Decree on Handling Refugees from Abroad, the Indonesian National Police are responsible for guarding refugees both when they are found and when they are in shelters. In the Intelligence and Security Unit (Intelkam), the Foreigner Surveillance Unit (POA) is the unit responsible for guarding refugees and asylum seekers. Technically, security in shelters is carried out by shelter managers and security guards trained by the police. However, the police maximize the function of the security guards provided by the shelters.

At the shelter located in Karang Gading Village, Deli Serdang Regency, village officials are tasked with supervising every day. The Village Guidance Officers (Babinsa) carry out routine supervision to ensure that refugees are safe and orderly in the shelter and do not disrupt the activities of residents around them.

d. Immigration Supervision

By following the provisions in the Presidential Decree on Handling Refugees from Abroad, its implementation in the field has been supervised as much as possible by Medan Immigration Center officers. According to Articles 33, 34, and 35 of the Presidential Decree on Handling

Refugees from Abroad, immigration supervision upon discovery includes checking identity, travel documents, photos, and fingerprints. When refugees arrive at the shelter, they go through a re-examination process and are given cards by Immigration Center. There is also no problem in supervising the sending of refugees to the destination country and their transfer to another province. This is because Immigration Center supervises the sending process to the destination country, especially to supervise departures and complete the required documents such as passports and visas. By working together with UNHCR, IOM, and the recipient country, refugees who will be sent to the destination country are supervised to meet administrative requirements.

Medan Rudenim officers continue to report to the Head of the North Sumatra Ministry of Law and Human Rights Regional Office to the Immigration Division and to the Tensipor Coordinator. They also report to the Directorate of Immigration Supervision and Enforcement. In addition, the Deputy Regional Police (Wakapolda) of North Sumatra is responsible for immigration supervision of refugees in Karang Gading Village.

Problems Faced in Handling Rohingya Ethnic Refugees

On the evening of December 30, 2023, "hundreds of Rohingya refugees in North Sumatra were rejected by the people of Kwala Besar Village, Langkat Regency when they were about to land." After being rejected, the refugees then moved about 200 meters, where the area is now included in the administrative area of Karang Gading Village, Deli Serdang Regency. On January 1, 2024, the Deli Serdang Regional Disaster Management Agency (BPBD) set up temporary tents to accommodate 157 refugees at Mercusuar Beach.

Strong suspicions over the shift in the ship's landing location are related to the increasing rejection in Aceh Province towards Rohingya Refugees, so that the refugees chose to land in other parts of Sumatra Island. The refugees aim to settle in Indonesia, on the grounds that they feel that Indonesia has relatives of the same religion, feel that Indonesian citizens love them, and the departure process to a third country is faster.



Tolak Pengungsi Rohingya, Aceh Sebut Rohingya Beri Kesan Buruk dan Sikap Tak Baik!

Figure 2. News related to Rejection of Rohingya Refugees on Social Media

The surrounding community, especially Kwala Langkat Village and Karang Gading Village, showed their concern by providing humanitarian aid such as clothing, drinking water, and food. This was done despite the rejection and concerns of the arrival of these refugees.

In handling refugees, cases of refugees who run away are often encountered. Refugees run away from shelters due to various reasons. Some of the reasons for refugee escape are generally insecurity or threats, poor living conditions, concerns about personal security, psychological problems or mental health, lack of privacy or autonomy, limited access to services or information and the hope of seeking better opportunities.

Since December 31, 2023, refugees have been temporarily placed on the Coast of Mercusuar Beach, Karang Gading Village, Deli Serdang Regency. This placement is an emergency humanitarian response. Various parties have taken part in: Provision of tents by the Regional Disaster Management Agency (BPBD); Health checks and provision of medicines by the Indonesian Red Cross (PMI); Food and drink supplies by IOM; Refugee registration by UNHCR; Data collection and fingerprinting by Rudenim Medan; Security by the Police, Army (AD), and Karang Gading Village Apparatus.

Due to its wide regional and international impact, the issue of foreign refugees has become a global problem. Serious action is needed to address this issue. The Presidential Regulation on Handling Refugees from Abroad regulates the handling of refugees in Indonesia. In addition, the Circular Letter of the Minister of Home Affairs Number 300/2308/SJ concerning the Establishment of the PPLN Task Force in Districts/Cities is included. Overall, the responsibilities of the PPLN

Task Force include several main aspects such as handling humanitarian crises, coordination between agencies, public communication, and coordination with external parties.

In the past, the Acehnese people welcomed refugees who arrived in their territory well. However, at this time, the Acehnese people have changed and have begun to reject refugees for various reasons. After the Acehnese people rejected them, the refugees have now turned to North Sumatra. Currently, there have been three landings spread across various places, with the following data:



Figure 4. Number of Refugees Landing in North Sumatra Region

Efforts to Handle Rohingya Refugees in Karang Gading Village

Handling Rohingya Refugees in Karang Gading Village is a complex effort involving many parties, including the government, non-governmental organizations, and local communities. These refugees have faced many problems since their arrival, including meeting their basic needs and adapting to the community. The previous relocation was carried out at Pantai Mercusuar, Karang Gading Village, which was difficult to get food, clean water, and health services. It had to use a small boat to get there, and it took about six months to place the new location in Dusun VII, Karang Gading Village. During the relocation, Immigration, Police, TNI, IOM, UNHCR, and the Karang Gading Village Apparatus continued to work together to determine the best place for Rohingya refugees. In an effort to handle Rohingya refugees in Karang Gading Village, Rudenim Medan has made several efforts including:

- a. Coordination with the Deputy Chief of Police of North Sumatra regarding the handling of refugees on Gading Island, Deli Serdang Regency
- b. Coordination meeting on handling Rohingya refugees who have just landed in Karang Gading village with the Regent of Deli Serdang

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- c. Handover of 157 refugees in Karang Gading Village from Belawan Police to the Head of Medan Rudenim
- d. Refugees have been relocated from Karang Gading Beach to Hamlet VII, Karang Gading Village.
- e. Stakeholder collaboration and community education for better handling of refugees.

For handling refugees themselves, one of the government's efforts is to provide temporary shelter for foreigners who have just arrived. In the city of Medan itself, according to data as of August, there are 14 *Community Houses* with 1381 refugees.

Table 1. Refugee Shelters in Medan City.

| No | Community House | Gender | | Amount |
|--------------|-------------------------|--------|-------|--------|
| | | Man | Woman | |
| 1 | Cendana Residence | 86 | 82 | 168 |
| 2 | AA Grace | 50 | 54 | 104 |
| 3 | Rizki Hotel | 41 | 0 | 41 |
| 4 | My Mansion | 162 | 0 | 162 |
| 5 | Rainbow Hotel | 95 | 57 | 152 |
| 6 | Our Home | 55 | 25 | 80 |
| 7 | Virgo Guesthouse 2 | 32 | 40 | 72 |
| 8 | Sustainable Homes 1 | 47 | 41 | 88 |
| 9 | Sustainable Homes 2 | 52 | 39 | 91 |
| 10 | Shandy Putra Guesthouse | 58 | 52 | 110 |
| 11 | Shalom House | 29 | 22 | 51 |
| 12 | Lakonita 2 Extension | 6 | 25 | 31 |
| 13 | Family Boarding House | 87 | 79 | 166 |
| 14 | The Level of Pride | 39 | 26 | 65 |
| Total | | 839 | 542 | 1381 |

In terms of shelter, it is regulated in Presidential Decree Number 125 of 2016, Article 24 paragraph 1 that Rudenim coordinates with the local district/city government to bring and place refugees and places found in shelters. And paragraph 2, in the event that shelters are not yet available, refugees can be placed in temporary accommodation. Placement of refugees in Rudenim refers to the Regulation of the Director General of Immigration Number IMI-0352.GR.02.07 of 2016 concerning Handling of Illegal Immigrants Who Declare Themselves as Asylum Seekers or Refugees. Which among other things states that Asylum Seekers and Refugees who are in the territory of Indonesia are placed in Immigration Detention Rooms, Immigration Detention Houses or other places. The provisions regarding "Asylum Seekers and Refugees can be placed in other places are in the case of:

- a) The Immigration Detention House or Immigration Detention Room has exceeded its capacity;

- b) Sick and in need of treatment;
- c) About to give birth;
- d) Children.

Follow up on the enactment of the Ministerial Circular Letter Domestic Number 300/2308/SJ Concerning the Establishment of a Task Force for Handling Refugees from Abroad: in the Regency/City is carried out by the Medan City Regional Government, namely the Mayor of Medan by establishing a Task Force for Handling Refugees from Abroad: Refugees from Outside Country in City Medan. As for formation The task force is based on the validity of Decree of the Mayor of Medan Number 465.2/30. K concerning the Medan City Refugee Task Force in 2022. Furthermore, based on the Decision Guardian City Medan Number 465.2/30. K about Unit Task Refugees Medan City 2022, regulates several important matters including personnel composition, duties, responsibilities, and costs for the birth of the Medan City Refugee Task Force 2022.

Besides That, there is 88 refugee children who receive assistance from the Medan City Government to pursue education at school The city government owns the country. This is a form of implementation of Presidential Regulation Number 125/2016 Article 27 paragraph (4) which explains that placement outside of shelters for refugees with special needs is carried out with the aim of give maintenance special, with provision (a) given maintenance by medical personnel according to need; (b) children who are refugees are given treatment based on the principle of the best interests of the child who is a refugee; (c) refugees who are sick and require treatment are placed in facilities service health; And (d) Refugees Which suffer disease infectious and dangerous to be referred to a hospital or other health care facility.

Conclusion

The problem of handling refugees is not only faced by the Central Government, but also by the Regional Government, where the refugees are temporarily placed. This conclusion provides comprehensive information on the refugee issue, particularly focusing on the situation of Rohingya refugees in Indonesia. This article discusses global refugee statistics, Indonesia's involvement in refugee protection despite not having ratified the 1951 Refugee Convention, and the legal framework of Presidential Regulation No. 125 of 2016. The situation of Rohingya refugees arriving in Karang Gading Village, Deli Serdang, is highlighted, with details on the role of international organizations such as UNHCR and IOM. This article outlines the main challenges in handling refugees, including legal issues, logistics, and social integration. Recommendations to improve the

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handling of Rohingya refugees in Indonesia include: first, increasing socialization to local communities to reduce stigma against refugees; second, improving shelter facilities by providing more decent places; and third, increasing cooperation between the government, UNHCR, and IOM for a faster and more coordinated response. Fourth, providing health services and psychosocial support for refugees; fifth, facilitating access to work and skills training to boost the economy of refugees; and finally, improving legal protection regulations for refugees and encouraging international cooperation to achieve long-term solutions such as resettlement.

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