

## **Implementation of Non-Refoulement Principles in Legislation as Protection of Refugees in Indonesia**

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### **Abstract**

This article is about the implementation of the principles of non-refoulement related to refugee protection in Indonesia, the problem is that Indonesia still has not ratified the 1951 convention and the 1967 additional protocol, this has an impact on refugees who come to Indonesia. The purpose of this article is to see how the implementation of the principles of non-refoulement in Indonesian legislation, then to analyze the challenges and dynamics of refugees in Indonesia. The method used in this article is normative method, the type of analysis used is qualitative, the type of this article is library research. Then the results of this article found that the complexity of global problems related to refugees requires serious attention from the international community. Although Indonesia has not ratified the 1951 Convention and 1967 Protocol, the commitment to protect and assist refugees remains a focus to fulfill international responsibilities. The principle of non-refoulement is one of the foundations of refugee protection that prohibits forced return. Although Indonesia already has a national legal framework related to refugee protection, the implementation of the principle of non-refoulement needs to be analyzed more deeply. This article is important because it provides a deeper understanding of the challenges and steps that can be taken to improve refugee protection in Indonesia. This paper fills the knowledge gap regarding the implementation of the principle of non-refoulement in Indonesia and is expected to provide suggestions and recommendations to improve the protection and implementation of the principle of non-refoulement of refugees in Indonesia.

**Keywords: Non-Refoulement Principle; Refugee Protection; Regulations**



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## **INTRODUCTION**

The refugee problem is a complex global problem and requires serious attention from the international community. Refugees are forced to leave their country for fear of persecution, armed conflict, war, or other human rights violations. (Gil-Bazo, 2015) The birth of the 1951 Geneva Convention on the status of refugees was based on the difficult situation faced by millions of people who became refugees during World War II. Despite the adverse impact on refugee protection resulting from this convention, it seems that it is still difficult for Indonesia to ratify the convention. Although Indonesia has not yet ratified it in full, it remains committed to providing protection and assistance to refugees in accordance with its recognized international obligations and responsibilities. (Coen, 2018)

One of the basic principles of refugee protection is the principle of non-refoulement. The principle of non-refoulement prohibits forced return or refusal to return refugees to their countries of origin if they face risks of abuse, torture, or threats to life. (Ernawati, 2019) In

addition to reducing threats to humanity, protection of refugees is also needed to ensure persecution for various reasons such as religion, race, nation, and even political views. (Mu'in et al., 2022) Refugees are those who are vulnerable to discrimination, they do not get protection from their countries, and usually they get threats from their governments.

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The lack of protection for refugees can have an impact on the safety and security of everyone. Lack of protection can leave refugees vulnerable to exploitation, abuse, or violence by certain parties. In addition, the lack of refugee protection can create legal uncertainty where there are no rules on how their rights are in the host country. Then there are many other impacts that can be caused such as psychological impacts where this aspect still receives less attention even though this aspect is also very important, limited access to education and health is also one aspect that needs to be considered to make policies that regulate refugee protection more clearly.

Indonesia is not yet a party to the 1951 Refugee Convention, but Indonesia does have a legal framework for refugee protection as a form of recognition and application of the principle of non-refoulement related to human rights and refugee protection. However, this article was prepared because of the opinion that the principle of non-refoulement requires more in-depth articles and analysis, due to limitations in laws and practices of refugee protection in Indonesia. In-depth articles will help identify weaknesses in the protection system and assess the extent to which refugees' human rights are respected in Indonesia.

This issue is very interesting to discuss, because there have not been too many writings that discuss and analyze the implementation of the principle of non-refoulement in refugee protection based on laws and regulations in Indonesia. The background of this paper reflects the importance of a comprehensive understanding of refugee protection and the implementation of non-refoulement principles in Indonesia. This paper is expected to provide policy recommendations to improve refugee protection and the implementation of non-refoulement principles in Indonesia.

Several articles related to refugee protection in Indonesia and the principle of non-refoulement have been found by several researchers, the first by Robby (2019). This article discusses that UNHCR (United Nations High Commissioner for Refugees) has an important role in handling refugees and asylum seekers in Indonesia. However, there are also obstacles in handling refugees in Indonesia, where Indonesia has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. This article will evaluate and study the 1951 convention and its supplementary 1967 Protocol to Indonesia's applicable laws relating to displacement. Then this article will also provide recommendations on how clear refugee protection in Indonesia is based on the results of the analysis. (Fachrurrahman, 2016) Furthermore, research conducted by Reiner (2018) is that Indonesia does not have direct

responsibility to refugees, national security and social welfare priorities of the community are taken into consideration in this regard. The fact that Indonesia has not signed the 1951 Convention is the cause of this problem, it also causes a complex situation for refugees and asylum seekers in Indonesia. This article will provide another view of the reasons why Indonesia has not ratified the 1951 Convention, then this article will also discuss the constraints and challenges of handling refugees in Indonesia with the aim of providing answers and suggestions. (Sitana, 2018) The last is research by Fathul and Ana (2021) which discusses the impact of the Covid-19 pandemic on refugees and asylum seekers in Indonesia. These impacts include limitations in accessing health rights. Although Indonesia is not a party to the 1951 Convention and its 1967 Protocol, it remains committed to protecting the rights of refugees and asylum seekers because it refers to the principle of non-refoulement. The author will provide a clearer perspective on the principle of non-refoulement, especially how this principle is very powerful and can provide protection to refugees even if other countries do not ratify it. (Hamdani & Fauzia, 2021)

From some of the research above, the novelty of this article is to see the extent of the implementation of the principles of non-refoulement in Indonesian legislation for refugees. From the background of the above problem, the concept of "Non-Refoulement Principle" in the context of international law and Indonesian national law related to handling refugees from abroad, as well as policies that need to be developed to improve the implementation of this principle. The steps of the proposed article will help to understand in depth the key aspects related to refugee protection in Indonesia. Through this article, it is expected to make a broader and sustainable contribution to the understanding and protection of refugees in Indonesia and build a foundation for improved policies and more effective practices. The purpose of this article is to see how the implementation of the principles of non-refoulement in laws and regulations.

## **RESEARCH METHODS**

This paper uses normative legal research methods (juridical normative.), by conducting an analysis of existing legal norms, both at the international and national levels, relating to refugee protection and the principle of non-refoulement, which allows identification and deeper understanding of the principle of non-refoulement. The normative legal method makes it possible to research and understand relevant legal cases and legal precedents that may have influenced the implementation of the principle of non-refoulement in Indonesia. It can also provide insight into how this principle has been applied in legal practice. This research also identifies challenges and weaknesses in the implementation of the principle of non-refoulement, both in terms of international law and Indonesian national law. So that it can be the basis for formulating recommendations for improvement. This article will also explore key concepts in the principle of non-refoulement, including analyzing the criteria for determining serious threats, limitations related to national law, and the implications of violations of the principle of non-refoulement in Indonesia. This method also allows the authors to compare the implementation of the principle of non-refoulement in Indonesia with international standards, as stated in the 1951 Refugee Convention and the 1967 Protocol. Based on the findings of normative legal analysis, this article will formulate recommendations for improving policies

and practices to improve the implementation of the principle of non-refoulement in Indonesia. By combining normative legal analysis with a focus on identifying challenges and providing legal solutions, this article can make a substantial contribution to the understanding and improvement of refugee protection in Indonesia.

## **RESULTS AND DISCUSSION**

### **The principle of "Non-Refoulement" in International Law and Indonesian National Law Related to the Handling of Refugees**

One of the vulnerable groups in the global society that faces great risks to their lives, freedoms, and well-being is refugees and asylum seekers. Asylum, also called asylum, is protection granted by a country to one or more individuals who apply for it. This protection is granted for reasons such as humanity, religion, racial discrimination, politics, or other reasons.(Agung, 2021) Thus, asylum seekers are people who request protection and apply to UNHCR to become refugees. Therefore, asylum seekers are not refugees so they cannot receive protection and are under the responsibility of UNHCR until they arrive in the destination country, even if the destination is the same, requesting protection. Refugees, on the other hand, are asylum seekers entitled to refugee status and can then be the responsibility of UNHCR in accordance with the 1951 Convention on Refugees.(Sakharina, 2016) One of the main principles in international law governing the protection of refugees and asylum seekers is the principle of non-refoulement. This principle first appeared in the 1951 Refugee Convention and the 1967 Protocol, and it has become a major instrument in international law governing the rights and protection of refugees. The principle of non-Refoulement still applies in dealing with refugees from abroad in Indonesia, although Indonesia has not ratified the convention.

In refugee protection, this key concept known as the principle of non-refoulement prohibits states from repatriating, expelling, transferring refugees or asylum seekers to their countries of origin if there are good reasons to believe that they will face great danger. The principle of non-refoulement has been used to fulfill and protect the right not to be derogated, including the right to be free from torture, cruel, inhuman, and degrading acts. As a result, this principle is often used without exception and debated to achieve the status of Jus Cogen, the highest standard in international human rights law.(Hamdani & Fauzia, 2021) This status is the highest standard in international law. International law has evolved from refugee law which is based on the principle of non-Refoulement. States not participating in negotiations of the 1951 Convention must still abide by the rules contained in the principles.(Rudi Candra et al., 2022)

A country violates international law if it rejects refugees or even forcibly repatriates them. It is also a denial of international commitments to resolve the refugee problem. This has been proven by the signatures of several countries in Geneva, Switzerland, the United Nations Convention relating to the status of refugees 1951.(Fachrurrahman, 2016) Countries that expel refugees have violated international law that prohibits sending asylum seekers and refugees back to places where they could face danger and persecution. The principle of non-refoulement later became just cogens and was binding on states parties to the 1951 Convention. For example, every state has an obligation to respect the sovereignty of other countries, respect human rights, and avoid aggression against other countries. This means that states that have not ratified the Convention must also follow this principle.(Fachrurrahman, 2016)

The principle of non-refoulement has two main aspects, the first of which says that refugees are prohibited from being forced or deported to their home countries if they face danger, such as persecution, torture, or other things that threaten their lives or freedom. (Susetyo, 2022) Refugees usually do not have travel documents, so they are served arbitrarily in their country of origin, country of transit, and country of destination. (Romsan, 2003) It is a response to the horrific and cruel experiences of previous refugees forced to return to their insecure countries. In short, this principle prohibits the forced return of refugees. Second, States shall provide protection to refugees or asylum seekers residing in their territories in accordance with the principle of non-refoulement. Aspects such as human rights, education, healthcare, and access to the courts are part of this protection. If the refugee has the status of a refugee, the country receiving the refugee must not be expelled or expelled from the country. Impartiality and non-discrimination are the basis of the principle of non-refoulement. The receiving State has the authority to provide humanitarian assistance to refugees based on the principle of non-refoulement; Political or military reasons should not be grounds for providing humanitarian assistance to refugees. (Ismaniar & Atmadja, 2013)

International organizations have an important role to play in helping countries protect the rights of refugees in implementing the principle of non-Refoulement. UNHCR (United Nations High Committee for Refugees) is one of the important organizations in this regard. One of UNHCR's responsibilities is to find, protect and assist refugees around the world. To ensure the principle of non-Refoulement is respected, UNHCR works closely with countries. They help countries assess the status of refugees and ensure that there is no coercion on them to return to their countries of origin in case of danger. In addition, UNHCR aids refugees in the form of protection, purchase of necessities, as well as legal support. In addition to UNHCR, other agencies such as IOM and Caritas Internationalis also help refugees and asylum seekers. They provide humanitarian assistance, such as access to healthcare, education, and shelter.

The relevance and importance of the principle of non-Refoulement is enormous, it has an essential impact in dealing with the refugee crisis in the world. This principle is a concrete expression of human rights to remain alive and free from torture and torture. (Nurul Qamar, 2022) Adhering to the principle of non-Refoulement is a comprehensive part of ensuring that the rights of the individual are protected. Furthermore, this principle also enables refugees to obtain the protection they need, including access to facilities and guarantees of their basic humanitarian rights. The refugee issue is a shared responsibility of the international community. The presence of the principle of non-Refoulement is also a reminder to countries to share responsibility in efforts to protect refugees and jointly find long-term solutions for them.

In Indonesia, the 1945 Constitution, Law No. 39 of 1999, and various other laws provide more detailed regulations on the promotion and protection of human rights. Based on the principles contained in the 1948 UDHR, this Law guarantees the protection and implementation of human rights for everyone. (Krustiyati, 2012) Indonesia has not ratified the 1951 Refugee Convention and the 1967 Refugee Protocol, but Indonesia has issued Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad. It governs the protection, status, and rights of asylum-seeking refugees and respects their fundamental freedoms. Although in its implementation there are still some problems and obstacles. (Muthahari & Almudawar, 2022) For example, local governments have not been

socialized about the Presidential Decree, so regional heads still refuse refugees. But there is no longer a legal vacuum in Indonesia on how to deal with refugees entering its territory because Indonesia already has these rules.

Here, national issues mean state responsibility, while international issues mean cooperation between countries in dealing with refugees. That is, every country has the right and obligation to deal with the refugee issue, which is essentially a humanitarian issue, while maintaining the sovereignty of the country. The 1951 Convention on Refugees stipulates several types of treatment to be given to refugees. The first is national treatment, which means refugees are given freedom of religion, access to court, legal aid, and the right to results. The second is the treatment given by their home country, which includes protection of industrial property, inventions, trademarks, rights to results, and so on. Third, get the same treatment as foreign residents in the country, such as the right to own property, profits, and participate in organizations or form organizations, etc. (Krustiyati, 2012) Despite the fact that the provisions of the 1951 Convention are not implemented by many countries to refugees in their countries. Especially in Indonesia, where refugees are severely restricted in their rights. However, because Indonesia is not a party to the 1951 Convention, it is not obliged to comply with the rules or provisions in the convention.

### **Implementation of the Principle of "Non-Refoulement" in the Protection of Refugees from Abroad**

Basically, the problems faced by refugees and asylum seekers are not only related to humanitarian issues but also related to relations between countries. Therefore, to prevent good relations between the Government of Indonesia and the countries of origin of refugees and asylum seekers from being disrupted, this issue is fully handled possible. In dealing with refugees and asylum seekers, the Government of Indonesia through the Ministry of Foreign Affairs will cooperate with relevant international organizations, such as UNHCR and IOM, in accordance with Article 27 paragraph (2) of Law Number 37 of 1999 concerning Foreign Relations. (Rahayu, Roisah, and Susetyorini 2020) International refugee status is not easy to obtain. Since Indonesia has still not ratified the 1951 Convention on the status of refugees to date, UNHCR's existence was extended because its work was supposed to end when the Indo-Chinese refugee case was over. (Fachrurrahman, 2016)

To ensure that refugees and asylum seekers are protected from refoulement, that is, protection from forced return to their places of origin where their lives or liberty may be exposed to the threat of harm or persecution (Anggriawan et al., 2016), UNHCR began the protection it provides with it. (Alfarizi et al., 2022) But in addition, UNHCR must also ensure that asylum seekers and refugees in Indonesia are treated well and humanely. It is sad if Indonesia, a country that states clearly in the 1st paragraph of the Preamble of the 1945 Constitution which based on that paragraph, then Indonesia should play an active role in the international world in dealing with the existence and problem of refugees even though Indonesia did not ratify the 1951 Refugee Convention and its protocol. (H. M. A. Setiawan, 2020)

Asylum seekers and refugees must wait a long time to successfully move to a third country or even be repatriated to their country of origin. As a result, as a transit country, Indonesia must protect them during the period. The 1951 Refugee Convention and its 1967

Protocol have stipulated that refugees may not be repatriated, expelled, differentiated, or criminally charged if they enter Indonesian territory. Nevertheless, the government must continue to work to ensure the rights of refugee children such as adequate shelter and facilities, as well as access to education.(Cristiana, 2021) With the number of asylum seekers on the rise, UNHCR's limited capacity in Indonesia as well as the lack of places for placement to third countries lead to longer waiting times. Many people served become frustrated and depressed due to the lack of information and assistance available to Asylum Seekers and Refugees to help themselves and their families.(Fachrurrahman, 2016).

Even in a case that was successfully found in the process of writing, a person named Ali and his family who are refugees from Afghanistan kept a tragic and sad story during their decades in the process of seeking asylum in Indonesia. The Saur Revolution led to endless wars, forcing Ali and his family to leave their home country. They set out in 2000 to travel to Australia until their boat ran into trouble and became stranded on Sumbawa. They were also held in immigration detention centers, which are a kind of prison for those deemed to have violated immigration rules, including asylum seekers rejected by UNHCR. Ali's family is no longer part of the asylum seekers because their application was rejected by the UNHCR in 2019. There are so many sad cases experienced by refugees in Indonesia, Ali's case is only one of them.

UNHCR helps identify and recognize refugee status. They vet people seeking refuge and assess whether they qualify as refugees under international law. Basic rights can be accessed with refugee status, which also provides legal protection against forced return. One of UNHCR's most important tasks is to find long-term solutions for those in need of international protection in Indonesia. The Indonesian government is very helpful in granting asylum by granting asylum seekers permission to stay in Indonesia, use UNHCR services, and hold temporary stay permits while they wait for a suitable long-term solution.(Putri Paramitha, 2016) The involvement of regional and global interest groups has impacted Indonesia's policies protecting refugees and asylum seekers.

In cooperation with UNHCR (UN Refugee Agency) and other international organizations dealing with refugee issues, the Indonesian government must make policies more efficient. The process of identifying and registering refugees, purchasing humanitarian aid, and monitoring refugee conditions are all part of this cooperation. When resources are limited, strong cooperation can help refugees get better services and protection. In addition, since Indonesia has not ratified the convention, it does not have the authority to determine and grant RSD refugee status determination, it can only rely on and cooperate with UNHCR and IOM to determine refugee status. As a result, many of Indonesia's refugees are displaced.(Rakhmi et al., 2019)

Education and training policies are an important step to help refugees become more self-reliant and productive in society and not just dependent on the government forever. The Government of Indonesia and UNHCR should ensure that refugees have access to education and training, including programs that help them acquire useful skills and knowledge. As an individual, they certainly need activities and want to have something they can do, and they make money to help support themselves and their families. Education is a basic right that should be accessible to everyone, including refugees.

Refugee protection policies should also pay more attention to vulnerable groups, which in this case are pregnant women, unaccompanied children, the elderly, and minority groups. To protect these groups and ensure their needs are met, the Indonesian government and UNHCR should develop special programmes. The government can give them access to better health, giving them the right to health programs such as immunization or just to get enough nutrition for their future babies.

Although Indonesia has not ratified the 1951 Refugee Convention and its 1967 Protocol, countries can make national regulations governing refugee protection. These regulations may include how to identify refugees, how to assess their status, and the rights to be protected, including the principle of non-Refoulement. The creation of this regulation will provide a clear legal basis to protect the rights of refugees in Indonesia. Indonesia's decision, which until now has not ratified the convention, certainly raises a lot of debate to date. It is certain that if Indonesia later ratifies the convention, there will be advantages and losses. It is true that there are still many Indonesian people who are far from being prosperous, Indonesia is also a country with a large population. If Indonesia ratifies the convention, it will be unwise for the Indonesian people themselves. But the government also needs to think more broadly about the benefits that Indonesia can gain by ratifying the convention. Factors such as political, technical, legal, and administrative must be considered when deciding to ratify the international instrument. (Hadi, 1951) Hopefully the Indonesian government can reconsider ratifying the 1951 Refugee Convention and the 1967 Protocol for the fulfillment of human rights and the good of the refugee problem that has not found clarity until now in Indonesia.

Finally, the Indonesian government and UNHCR can work together to create a campaign to raise awareness among Indonesians about evictions in Indonesia. The goal is to create a more inclusive refugee environment. Communities can be educated about refugee rights and the challenges they face to reduce stigma and encourage solidarity. Campaigns can also be in the form of content or on social media that can now be more easily reached by the public, talking about the background stories of refugees in Indonesia so that people can understand and sympathize with their situation. Because until now the awareness of the Indonesian people towards refugees is still low, one of the reasons is the very minimal information about refugees in Indonesia.

### **Challenges and Dynamics of Protection of Refugees in Indonesia**

In its quest to provide adequate protection for refugees, Indonesia, a strategic and culturally rich archipelago, faces many complex issues. The efforts and desire to fulfill the basic rights of refugees are always changing due to dynamics stemming from internal and external factors. Limited institutional capacity is a major problem at hand. Indonesia does not have sufficient human resources and an effective administrative system to deal with the continuous influx of refugees. Until now, the issue of handling refugees is still a debate within the Indonesian government itself. To ensure that the protection provided covers the entire spectrum of refugee needs, institutional capacity building is essential. (Indrawan, 2016)

The uncertainty of refugee law is a second obstacle. Indonesia has not ratified the 1951 Refugee Convention and its Protocol, therefore there is no specific law governing the status and protection of refugees. As a result, refugees feel uncertain and find it difficult to obtain adequate legal status, such as refugee status or safe residency permits. There are many considerations for



the ratification of this convention, the main consideration is that there are still many Indonesian people who are not prosperous and need a lot of attention and development so that Indonesia can be considered "capable" in taking care of its people. To be able to accept refugees and possibly grant them citizenship status, of course, this will be an additional task for the government even though the existing task has not been completed properly and is still in process. The thought of putting its citizens first, then refugees is one of the reasons why Indonesia is still reluctant to ratify the convention.

Recognition of refugees' human rights can be compromised if there is no specific legal framework governing it. Without a clear legal framework, procedures for providing protection and determining refugee status may become unclear. A law regulating these rights would provide a solid legal foothold to protect refugees' fundamental rights, including the right to life, liberty, and protection from torture or inhuman treatment. This can lead to uncertainty and inconsistent or arbitrary interpretations, which can be detrimental to refugees' rights.

In addition, the vagueness of the legal framework can cause difficulties in administrative processes. Refugees may face difficulties in accessing legal procedures that can offer protection and may experience unfortunate delays in determining their legal status. This can make it difficult for refugees in Indonesia to obtain their basic rights as other human beings, such as accessing education or if there are children of refugees born in Indonesia, it will certainly make it difficult for refugees to produce birth certificates for their children. In one case of a refugee in Indonesia who married an Indonesian citizen and later gave birth to a child, the child did not have a birth certificate because his refugee father did not have enough papers to include his father's name on the birth certificate.

In the absence of a specific national legal framework, creating a discrepancy between on-the-ground practices and international standards, as laid out in the 1951 Refugee Convention and its protocols would create gaps in compliance with generally recognized international standards. The urgency of a specific law on refugee protection according to the *penuis* will provide a stronger legal basis and explicitly include the principles of the 1951 Refugee Convention and its Protocol, will ensure consistency and clarity in its implementation. In addition, specific laws can provide clearer national guidelines for the handling and protection of refugees that include procedures for assessing refugee status, the rights and obligations of refugees, and the government's responsibility to protect them. The specific law on refugee protection not only benefits refugees but also provides clarity for the Government, humanitarian organizations, and civil society involved in handling refugees in Indonesia. The existence of special laws can also ensure that the human rights of refugees are adequately protected in accordance with international human rights norms, including the right not to face serious threats to their lives or freedoms (the principle of non-refoulement). The existence of specific legislation that reflects the principles of the 1951 Refugee Convention will provide a strong legal foundation in improving refugee protection in Indonesia and ensuring consistency with international standards.

The various risks of human rights violations that refugees may face stem from the legal uncertainty associated with refugees. The process of protecting refugees who do not have a clear legal status faces many problems and doubts. Illegal detention, where refugees can be imprisoned without a solid legal basis or due process, poses a major threat. This can increase

the burden on refugees who are struggling to seek security and enable abuse of power and violations of personal rights.(Amiruldin, 2019)

In the context of legal uncertainty, deportation without fair legal procedures is another serious risk faced by refugees. Without a clear legal status, refugees can be exposed to the risk of deportation without obtaining the basic right to state their case or defend themselves legally. This poses a risk of human rights violations, including the right to life and the right to individual freedom, as deportation decisions can be made without considering the specific situation of refugees and the risks they may face in their home countries.

The next factor to consider is access to education and health care. Limited access is primarily related to limited resources and restrictive policies that can hinder the fulfillment of refugees' basic rights. Education and health are critical to the future of refugees, and limited access can negatively impact overall public health and the development of refugee children.

The condition of refugee facilities also needs to be considered. The health and well-being of refugees can be affected by a lack of clean water, sanitation, and hygiene. To ensure that these places truly provide the necessary protection and comfort, conditions for refugee facilities must be improved. In addition, the dynamics of mobility and limited settlement must be carefully observed. These restrictions can increase economic dependence, increase the risk of exploitation, and limit access to employment for refugees in Indonesia.

We cannot ignore how important it is to respond to the demands of local communities. Effective mechanisms are needed to communicate and integrate between refugees and local communities because social tensions or competition over resources can disrupt their social integration. Local communities also need to be educated and knowledgeable about refugees around them, this is done to avoid discrimination or conflict that can occur. Maintaining the principle of non-refoulement and preventing the forced return of refugees should also be top priorities. Meeting international legal obligations means Indonesia is actively involved in ensuring that refugees are not returned to their countries of origin where they could face serious threats to their lives.

To ensure effective refugee protection, the involvement of governments, international organizations, NGOs, and the private sector is needed. This is due to changes in government policies and priorities, as well as external factors such as geopolitical tensions that can affect Indonesia's approach. Indonesia must strengthen its legal framework, enhance its institutional capacity, and commit to implementing policies that support the basic rights of refugees. Improved conditions of refugee facilities, better access to education and health, and increased social integration are also strategic steps to build an environment that supports the protection of refugees in Indonesia.

Therefore, creating a specific legal framework for refugees is essential to reduce the likelihood of human rights violations.(I. Setiawan et al., 2022) This will not only be a foundation for fair law enforcement and prevent abuse of power but will also provide clear legal protection for refugees. Indonesia can ensure that refugees enjoy inseparable physical protection and human rights by defining their legal status and rights unequivocally.

The challenges and dynamics of refugee protection in Indonesia are primarily related to the urgency of the Special Legal Framework, to reduce uncertainty and gaps in the framework of meeting international standards. The fact that many refugees living in Indonesia face

uncertainty about their legal status, the time-consuming refugee status assessment process due to lengthy administration, has implications for refugees' lack of access to basic rights. Another challenge is that refugee shelters often experience overcrowding and inadequate conditions, making it a challenge to provide adequate accommodation especially the basic needs of refugees, including access to education and health services that can affect the right of refugee children to education and general welfare.

Given the location of refugees not far from settlement sites, the challenge of social and economic integration of refugees into local communities can be challenging, especially discrimination or inequality in access to employment and housing for refugees. Refugees also face challenges related to violence and exploitation, especially vulnerable women, and children, so special efforts are needed in providing protection. Other challenges, especially related to refugees experiencing conflict in their countries such as the Rohingya, have a close political and diplomatic complexity. No less important is the limited resources and international support that Indonesia still faces because it will affect the government's ability to provide adequate protection. For this reason, communication, collaboration, coordination, and consolidation with related parties, both governments, international institutions, and humanitarian organizations, are essential to help overcome challenges and strengthen refugee protection in Indonesia.

## CONCLUSION

The result of the explanation above can be concluded that the role of the police in taking action against *klitih* perpetrators based on law number 11 of 2012 is very important, because in addition to being at the forefront of the Criminal Justice System, the police are required to also provide the best for children in the sense that they can take action with penalties that are in accordance with the best life for the child himself. so, it is hoped that the punishment can provide a sense of justice for victims, perpetrators and the community where neutral peace is disturbed because of this *klitih* act. Based on the review of this article, the implementation of the principle of non-refoulement in Indonesia shows several opportunities and challenges. Although Indonesia has not ratified the 1951 Convention and its 1967 Protocol, its commitment to refugee protection remains a focus in support of its human rights and international responsibilities. Presidential Regulation No. 125 of 2016 is the first step, but the need to ratify the Convention is essential to strengthen authority in handling refugee issues in Indonesia. Closer cooperation between Indonesia and UNHCR as an international refugee management agency is one of the main opportunities. With good cooperation, the implementation of the principle of non-refoulement can be strengthened, and efforts to protect the rights of refugees can be improved. The importance of involving refugees in training activities and providing space for them to be self-sufficient is an important part of protection strategies. However, challenges remain, including uncertainty over the legal status of refugees and suboptimal conditions in shelters. In addition, Indonesia needs to raise public awareness of refugee issues, involve them in protection efforts, and provide support for social and economic integration of refugees. Overall, while considering the challenges at hand, Indonesia has an opportunity to strengthen refugee protection by ratifying relevant conventions, enhancing international cooperation, providing training for self-reliance, and building public awareness. It is not only

the responsibility of the government, but also the duty of the whole society to create a more inclusive and caring environment for the rights of refugees.

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