

The Role of the United Nations High Commissioner for Refugees (UNHCR) In the Protection of Afghan Refugees in Indonesia amid the Covid-19 Pandemic

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Abstract

One of the refugees that became the focus of this study is Afghan refugees in Indonesia in the middle of the COVID-19 pandemic. The purpose of this study is to understand the role of the United Nations High Commissioner for Refugees (UNHCR) in protecting Afghan refugees in Indonesia amidst the COVID-19 pandemic. This research used descriptive research that looks at reality by compiling conceptual research. The limit period of this study is 2019-2021 because it is the year the COVID-19 pandemic occurred. The results showed that UNHCR's role for Afghan refugees in Indonesia during the Covid-19 pandemic was to provide assistance to refugees in Indonesia, amounting to Rp. 6 million UNHCR continues to advocate for refugees to access their fundamental rights, including their access to health, education, empowerment, and livelihoods. Besides that, UNHCR has also assisted refugee rights to cover the cost of basic needs. To overcome the COVID-19 pandemic, the Indonesian government also provided vaccines for free to all refugees, including all migrants from Afghanistan, which are very large in number. The Indonesian government continues to pay attention to how Afghan refugees are handled, especially during disasters, while higher values on the traditional international standards in dealing with refugees, such as non-refoulement.

Keywords

united nations high commissioner for refugees (UNHCR); refugees; COVID-19



I. Introduction

Refugees generally include people persecuted based on race, religion, membership in social or political groups, and victims of armed conflicts, erroneous economic policies, or natural disasters. As well as for humanitarian reasons, this definition also includes those who are called internally displaced people, that is, citizens who are forced to leave their hometowns for the same violent reasons as refugees in general, but they do not cross the national borders.

Refugees who cross national borders and enter a territory with sovereignty deserve concern because it is a universal problem. Cooperation between countries is essential to address the refugee problem, especially in the event of a sudden mass movement across the country's borders. International movements can significantly reduce the burden on border countries, such as resolving political crises in refugees' home countries and financial and material assistance to asylum-granting countries to help refugees. The United Nations High Commissioner for Refugees (UNHCR) is essential in mobilizing and coordinating responsibility and burden-sharing initiatives.

The outbreak of the conflict in Afghanistan made its citizens feel threatened by a cease-fire from the enemy, which resulted in many of Afghan refugees fleeing to various

countries for their safety and decent life as well as protection. Refugees arriving from Afghanistan are usually under the protection of the UNHCR (United Nations High Commissioner for Refugees) or the UN High Commission for reviewing and handling refugee cases. UNHCR was headquartered in Geneva, Switzerland, on December 14, 1950. To protect and provide assistance to refugees based on the state government or the United Nations and supervision for refugees moving from the country of origin to the country of transit or destination. In Indonesia, UNHCR was established in 1979 and is currently headquartered in Jakarta and has representatives in several cities in Indonesia.

One of the refugees in the focus of this study is Afghan refugees in Indonesia in the midst of the COVID-19 pandemic. Based on data compiled by UNHCR in January 2022, of the 13,219 refugees currently registered to live in Indonesia, 56% of them, 7,410 refugees, are refugees from Afghanistan. It cannot be considered a small number because the number of refugees from Afghanistan has reached 56% of the total number of refugees living in Indonesia. Therefore, refugees from Afghanistan have always dominated refugee shelters spread across various cities in Indonesia. The outbreak of this virus has an impact of a nation and Globally (Ningrum et al, 2020). The presence of Covid-19 as a pandemic certainly has an economic, social and psychological impact on society (Saleh and Mujahiddin, 2020). Covid 19 pandemic caused all efforts not to be as maximal as expected (Sihombing and Nasib, 2020).

COVID-19 has made it difficult for refugees to find work because of their refugee status and language barriers. UNHCR continues to advocate for refugees to access their fundamental rights, including access to health, education, empowerment, and livelihoods. Meanwhile, Indonesia is also still entangled in economic problems where Indonesian citizens are still not fully living prosperously and still need attention as well as assistance from the government. Despite being the country with the largest economy in the Southeast Asian region and the 10th in the world in terms of purchasing power balance, it still does not guarantee a high quality of life for its citizens. It was recorded that until 2020, the level of quality of life possessed by Indonesian citizens only obtained the 107th rank out of 189 countries. In addition, the Indonesian economy is still not developing equally, especially with the outbreak of the COVID-19 pandemic, which has also affected various fields of people's lives. In the economic sector, around 3.6% of Indonesian citizens to date still live below the poverty line, and 64.3% of Indonesian citizens of productive age also still do not have a job. The score indicates that Indonesia still has to work harder to meet its citizens' needs.

Moreover, a refugee's process until he can enter and be accepted into the destination country is also complicated. According to the UNHCR, there is still a considerable disparity between the number of refugees who can transmigrate to the destination country or third country and the number of refugees who need to move. In 2019 alone, out of a total of 1.4 million refugees worldwide in need of movement, only 63,696 refugees were able to transmigrate to destination countries. Therefore, it is likely that refugees and asylum seekers will stay in Indonesia for an extended time. Therefore, the needs of the migrants are also becoming greater. At the same time, the Indonesian government is still not optimal in fulfilling all the needs and rights of its citizens.

The government has issued one of the legal products, i.e., Presidential Regulation Number 125 of 2016, to deal with around 13,743 refugees and asylum seekers previously not regulated in law in the Indonesian state. The condition of the refugees in Indonesia is based on Presidential Regulation Number 125 of 2016. That regulation does not mention their rights to work and study refugees found in international waters, which is significant

because Indonesia is an archipelagic country. The absence of legal opportunities to work or attend school has caused boredom for the refugees.

Based on this phenomenon, the author wants to examine The Role of the United Nations High Commissioner for Refugees (UNHCR) in Protecting Afghan Refugees in Indonesia amid the COVID-19 Pandemic. With the articulation of the issue of UNHCR's involvement in protecting Afghan refugees in Indonesia during the Covid-19 outbreak and the Indonesian government's policy on the treatment of Afghan Refugees and asylum seekers under the principle of non-refoulement. The main objective of this study was to determine UNHCR's contribution to the protection of Afghan refugees in Indonesia during the COVID-19 epidemic and to gain knowledge about the Indonesian government's non-refoulement-based policies toward Afghan refugees and asylum seekers.

II. Review of Literature

2.1 Principle of Non-Refoulement

The French verb *refouler*, which means back, is the root for the word non-refoulement (to push back). Along with the 1951 Convention, the 1949 Geneva Convention IV (The Fourth Geneva Convention), Article 13 of the Covenant, and Article 3 of the Convention Against Torture all reveal the concept of non-refoulement. The 1966 International Covenant on Civil and Political Rights and other laws protecting human rights. (Sakharina & Hendrapati, 2017)

The idea of non-refoulement arose from global experience and historical precedents when the government failed to provide a safe place for refugees who were fleeing from the particular genocides that were later perpetrated by the Nazi regime during World War II. The concept of non-refoulement has evolved into *jus cogens*. It can not only be implied to the signatory governments of the 1951 Convention. (Marett, 2018)

2.2 International Organization of United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR) is the UN High Commissioner to deal with refugees. UNHCR has taken over as the organization responsible for processing refugees (IROs). The first organization formed specifically to handle migrants was the International Refugee Organization (IRO). The United Nations Council established this organization on December 14, 1950, and officially opened for business on January 1, 1951. However, its existence lasted only from 1947 to 1952. The world community also believed that the existence of the new UNHCR organization at that time would have the same impact based on those assumptions. (Marbach, 2018)

Jaquemet points to the negative view for three reasons. First, the Soviet Union and its allies in the Eastern Bloc chose not to participate in the debate over the formation of the UNHCR. Second, America and Europe control different parts of the Western Bloc. Third, the Western Bloc, which tended to work exclusively for these countries, established the UNHCR. Since its founding, UNHCR has struggled to protect refugees and create long-term solutions to the problems they face with governments worldwide. (Goodwin-Gill & McAdam, 2017) Goodwin-Gill confirms it, "UNHCR has a unique statutory responsibility to provide international protection to refugees and together with government to seek a permanent solution to their problem."

2.3 Duties and Roles of UNHCR

The United Nations generally established the UNHCR organization to defend the rights of refugees as provided for in the Universal Declaration of Human Rights (UDHR). The second point of the UDHR states that these rights include the right to life, the right to freedom, and the right to personal security if the government or its people do not protect it. UNHCR's main task for forty refugees is to offer international protection, long-term solutions to refugee problems, and promote international refugee law. UNHCR has mechanisms in place to assist in the implementation of international human rights protections (UDHR). This concept generally includes legally preventing repatriation, promoting the physical security of refugees, promoting and supporting voluntary repatriation, and assisting in refugee resettlement. Joko Setiyono, "Kontribusi Unhcr dalam Penanganan Pengungsi Internasional di Indonesia," *Masalah-Masalah Hukum* (2018). The functions of the UNCHR are as follows:

1. Offer worldwide protection to people and organizations who feel attacked, intimidated, or even abandoned in their own countries;
2. Offer long-term solutions, such as the voluntary repatriation of refugees, if the person or group concerned already feels safe;
3. Integrating the premises for refugees;
4. Assignment to a third country means that the UNHCR will act as a facilitator for these refugees to find countries that will accept them according to the legal framework of each country; and
5. Establish international refugee laws, the 1967 Protocol, and the 1951 Convention on the Status of Refugees so the international community is aware that refugees are protected by law.

2.4 COVID-19 Pandemic

COVID-19 is a disease caused by a new type of coronavirus that first appeared at the end of 2019 in Wuhan, China, and is currently causing a pandemic almost everywhere around the world. The main symptoms of COVID-19 disease are cough, fever, and shortness of breath. COVID-19 infections also cause relatively high mortality in various countries. The disease incidence due to COVID-19 in the world on May 8, 2020, reached 3,679,499 people, with a death rate of 254,199 people in 215 countries. Meanwhile, the incidence rate in Indonesia reached 12,776 people, with a death rate of 930 people. The incidence of COVID-19 infections in children in China reached 2,143 children. Half experienced symptoms of fever, inflammation, throat, cough, cold, soreness all over the body, and sneezing. To prevent the spread of COVID-19. The government urges all levels of society to take various preventive measures such as physical distancing, using masks, washing hands regularly, increasing endurance, and maintaining health.

2.5 Status and Condition of Afghan Refugees in Indonesia

Most of the population of Islamic countries has decided to leave their country. The reason is to seek safety and a safer life as well as seeking asylum in other countries due to the wars that have occurred in these countries, especially in Afghanistan and many other countries that are currently still war-prone. Typically, the UNHCR is responsible for protecting refugees from countries in war. (Adhaniah, Heryadi, & Sari, 2021)

Most refugees that escape to Indonesia come from war-torn regions in the Middle East, Central Asia, and South Asia, especially Afghanistan, Iraq, and Sri Lanka. The lack of security in their country is the cause of this escaping incident. For example is Afghanistan, where inter-ethnic infighting there has been going on for more than three

decades, and it forces its population to go to other countries because of unfavorable circumstances that make them feel threatened. The dispute in the Afghan government that developed as the war ended caused Afghanistan to become much more devastated than ever. (Missbach, 2017) Military coups, which often resulted in changes of authority, and the invasion of Afghanistan by the Soviet Union in late 1979, prompted religious Afghans to take up arms against Soviet nationals.

III. Research Method

COVID-19 is a disease caused by a new type of coronavirus that first appeared at the end of 2019 in Wuhan, China, and is currently causing a pandemic almost everywhere around the world. The main symptoms of COVID-19 disease are cough, fever, and shortness of breath. COVID-19 infections also cause relatively high mortality in various countries. The disease incidence due to COVID-19 in the world on May 8, 2020, reached 3,679,499 people, with a death rate of 254,199 people in 215 countries. Meanwhile, the incidence rate in Indonesia reached 12,776 people, with a death rate of 930 people. The incidence of COVID-19 infections in children in China reached 2,143 children. Half experienced symptoms of fever, inflammation, throat, cough, cold, soreness all over the body, and sneezing. To prevent the spread of COVID-19. The government urges all levels of society to take various preventive measures such as physical distancing, using masks, washing hands regularly, increasing endurance, and maintaining health.

IV. Result and Discussion

4.1 The Role of UNHCR in Afghan Refugees in Indonesia During the Covid-19 Pandemic

With COVID-19, refugees and asylum seekers are the most vulnerable group, suffering physically and politically due to lack of information and the stressful and unforeseen situations faced by the refugees. Due to the dangers of the COVID-19 pandemic, many political parties, especially the government, must prepare to prevent refugee camps from becoming a new group of COVID-19 infections. According to the UNHCR, Turkey (3.6 million), Colombia (1.8 million), Pakistan (1.4 million), Uganda (1.4 million), and Germany are the five countries with the most Afghan refugees (1.1 million).

In 2019 Afghan refugees were included in the list of people entitled to assistance money from UNHCR amounting to Rp. 6 million. Although this aid money was only received once, the Afghan refugee still felt quite lucky. The pandemic has presented several obstacles, according to the UNHCR, not just for some people in Indonesia but for many people worldwide, including refugees. Covid-19 has made it difficult for refugees to find work because of their status as refugees and language barriers.

UNHCR continues to advocate for refugees to access their fundamental rights, including access to health, education, empowerment, and livelihoods. Besides that, UNHCR has also assisted refugee rights to cover the cost of basic needs. However, Julia Zajkowski, UNHCR's Senior Protection Officer, admitted that this assistance was not enough. Therefore, they still need disbursed aid again, which this time focused on the most vulnerable groups.

According to Zajkowski, refugees should be kept with their rights and dignity, given the idea of business development, for example, in handicrafts, e-commerce, and food catering businesses typical of their country or e-farming. That way, they can also contribute to the local economy. Zajkowski assured that his party continued to try to help

the refugees. The Indonesian Ministry of Health, on September 27, 2021, opened access to coronavirus vaccine injections for refugees. About 30 percent of refugee children are already attending public schools. As for access to legal employment, Zajkowski admitted that there is no legal framework for refugees in Indonesia on this matter. UNHCR is still working on it even without a legal framework, given its huge potential.

According to refugee protocols 1951 and 1967 (UNHCR Indonesia, 2018). (Almudawar & Muthahari, 2021) Under the powers granted by the Indonesian government, UNHCR serves as an actor working within its jurisdiction to deal with Afghan refugees. (Almudawar & Muthahari, 2021) Communities in Indonesia include Komnas HAM, ASYLUM, PMI, Dompot Dhuafa, and Roshan Belajar, assisting UNHCR in carrying out its duties by helping refugees. UNHCR recognized these communities during the commemoration of World Refugee Day 2016. In addition, UNHCR has developed a relationship with the Indonesian government by drafting the 10 Point Plan of Action in Addressing Refugee Protection and Mixed Migration in Indonesia. This document contains recommendations to improve the Indonesian government's ability to protect refugees as a necessary first step toward ratification of the Convention by Indonesia.

The UNHCR is working to create local integration solutions with the intention to help Afghan refugees in Indonesia to be able to live freely and fulfill their basic requirements because there are so many of them. The Indonesian government is depriving them of their rights. According to the Book of International Migration: A Very Short Introduction: "Integration can be defined simply as the process by which immigrants become accepted into society, both as individuals and groups. The Global Commission on International Migration considered Integration to be "a long-term and multi-dimensional process, requiring a commitment on the part of both migrants and non-migrant members of society to respect and adapt to each other, thereby enabling them to interact in a positive and peaceful manner."(Priyatno & Pranata, 2020)

To this moment, millions of people worldwide have left their homelands to avoid wars and other forms of violence. UN figures recently reported 22.5 million refugees and 38 million internally displaced persons (IDPs). Statistics from 1996 to 2016 show that the number of refugees reached its highest figure in twenty years. According to data from the United Nations High Commissioner for Refugees (UNHCR), 55% of refugees scattered around the world come from countries experiencing prolonged civil wars, namely Syria (5.5 million), Somalia (1.4 million), and Afghanistan (2.5 million). Afghanistan overtook Venezuela and Syria as countries that contributed refugees to countries around the world. Afghans became a displaced group from their homeland because of the causality of a war that lasted for 40 years. As many as 3.5 million people live in refugee facilities in their own country in the shadow of fears of missile and bomb attacks by both Taliban militant groups and terrorists, with another 2.6 million seeking asylum in other countries. In addition to feeling terror, these refugees also experience various other humanitarian problems such as poverty which causes famine and malnutrition. (Kemigisha, Rai, Mlahagwa, Nyakato, & Ivanova, 2020)

The problems that continue to occur in Afghanistan, whether it is economic, security, or human rights in the domestic and even international spheres, make Afghans flee to various countries looking for a place to live that matches their life expectancy for the better. The majority of Afghan refugees fled to nearby countries such as Pakistan and Iran as well as Asia, especially Indonesia, by boat and sea.

Indonesia has long been willing to accept refugees, mainly from Afghanistan. Although Indonesia is not yet a party to the 1951 Convention and the 1967 Protocol on refugees, it will still assist refugees coming to Indonesia and provide life facilities in

accordance with refugee protection standards according to the UNHCR. Based on the regulation of the Minister of Law and Human Rights Number M.HH-011. OT.01 of 2009 that the government temporarily allowed immigrants to stay in Indonesia and provided housing facilities for refugees and asylum seekers at the Immigration Detention Center or Rumah Detensi Imigrasi (RUDENIM) until the Refugee Status Determination (RSD) procedure was completed. RUDENIM is one of the facilities provided by the government for refugees that have various built-in areas such as Surabaya, Jayapura, Manado, Bali, Makassar, and others. The Ministry of Law and Human Rights objectives are expanded in RUDENIM, namely the protection of human rights (HAM), law enforcement, and increasing efforts to protect, promote, enforce, fulfill, and enforce human rights. (Kemenkumham, 2017)

Refugees in the territory of Indonesians who do not have an expired residence permit or permit are occupied by RUDENIM, including Afghan refugees who enter ships or are commonly called sailors. Residents of this RUDENIM have the right to worship according to their religion and beliefs, receive treatment and health services, and get family visits. Refugees are also responsible for following the rules, being kind, and providing accurate information to officials. In addition to aid programs, refugees from Afghanistan are also provided with legal protection in Indonesia. Indonesia ratified the Universal Declaration of Human Rights. The principles contained in the declaration in the 1951 Geneva Convention, the principle of non-rehabilitation, means that a person with asylum status is entitled to the protection of human rights. (Beny, Yani, & Ningrum, 2019)

In fulfilling the fundamental rights of refugees, the Indonesian government provides assistance in the form of discovery, shelter, security, and immigration supervision carried out through data collection, facilitating temporary housing, and providing mental and physical health facilities to minimize the trauma of refugees. (Brilianto, Fikri, & Hardianty, 2022) The Government of Indonesia assisted up to 13,840 refugees spread across several parts of Indonesia in collaboration with UNHCR and IOM (International Organization for Migration). However, Indonesia was not a State Party of the 1951 Refugee Convention. The Indonesian government consistently pays extra attention in times of need based on humanitarian ideas and universal aspirations of human rights. (Oktavian, Haryadi, Poerwantika, & Windary, 2018)

However, it is not uncommon for obstacles and problems to occur between the Indonesian government and refugees, especially Afghan refugees. One of the challenges is that under Indonesian law, refugees and asylum seekers only have the right to stay and wait for the UNHCR to handle the situation before exercising its legal rights following the 1951 Refugee Convention and the 1967 Refugee Protocol. The 1951 Convention and the 1967 protocol regulations and applicable rules in Indonesia are subject to change due to refugee handling efforts reported to the UNHCR. With domestic problems still occurring in Indonesia, it is difficult for Indonesia to equate its rules with UNHCR, one of which is the issue of licensing Afghan refugees to work legally. (Abbas, 2018) In addition, a fairly well-known problem in the scope of refugees is the suicides committed by Afghan refugees. In August 2021, as many as fourteen Afghan refugees committed suicide, and there were even two refugees in RUDENIM Manado, North Sulawesi set themselves on fire. In the research conducted by Samuel and Cornelius, several factors cause Afghan refugees to commit suicide. First, there is a change in policy regarding the admission of refugees from the ratifying countries.

In an effort to overcome the COVID-19 pandemic, the Indonesian government also provided vaccines free of charge to all refugees, including all migrants from Afghanistan, which are very large in number. In its implementation, the Indonesian government, from

the Ministry of Health, the House of Representatives of the Republic of Indonesia Commission XI, to the city government, then implemented various COVID-19 vaccination programs for free for all refugees and asylum seekers in various regions in Indonesia. The various facilities provided and the policies set by Indonesia are a form of universalism because the Indonesian government considers that all refugees and asylum seekers from Afghanistan have inalienable rights and must be treated with dignity regardless of their affiliation.

4.2 Indonesian Government Policy Regarding the Handling of Refugees and Afghan Asylum Seekers Based on The Principle of Non-Refoulement

Afghanistan is one of the countries where refugees continue to arrive in Indonesia as the pattern of refugees entering a country continues into the 21st century. Many of them cross the Indonesian border illegally, even across the sea. These refugees came to Indonesia to ask the UNHCR for help so that they could enter their final destinations, such as Australia. To overcome this, the Ministry of Foreign Affairs of the Republic of Indonesia, the Ministry of Internet, the Ministry of Law and Human Rights, and the Ministry of Social Affairs are just a few examples of relevant institutions cooperating with Indonesia under its system. State Intelligence Agency, National Police of the Republic of Indonesia, and local governments. Strategic Assessment. (Rachman, 2021)

The following protocols are used among these agencies:(Rachman, 2021) 1) The government must notify the foreign ministry immediately upon becoming aware of a refugee, asylum seeker, or illegal immigrant at a location to cooperate with other government agencies to identify appropriate action.; 2) The Ministry of Foreign Affairs will coordinate notification of the presence of refugees, asylum seekers, or illegal immigrants to international organizations for follow-up. The Government of Indonesia will contact UNHCR for additional action if any refugees or asylum seekers are found entering Indonesian territory through appropriate channels; 3) The Ministry of Foreign Affairs, relevant departments, and agencies may establish a Task Force deemed necessary to coordinate the handling of refugees, asylum seekers, or illegal immigrants if necessary; 4) The Department of Foreign Affairs, local governments, and relevant agencies will evaluate the refugee response efforts that have been implemented and their follow-up(Pribadi, 2021)

Since Vietnamese refugees first arrived in Indonesia in 1979, the Indonesian government and several related organizations, such as UNHCR, carried out this process, along with the option of placing refugees in specific locations. UNHCR runs the shelter. The Indonesian government did not change the refugee management system between 2000-2016. In line with Law Number 6 of 2011 concerning Immigration which has played a role in handling refugees in Indonesia, the authorities require the authorities to cooperate in dealing with refugees, asylum seekers, or immigrants who enter Indonesian territory unlawfully. According to this law, as referred to in article 1, section 9, those who are not Indonesian citizens are categorized as refugees, asylum seekers, or foreigners entering Indonesia. (Brilianto et al., 2022)

Although the legal framework in Indonesia for protecting Afghan refugees or refugee researchers is very complicated, this does not mean they are without legal protection. Indonesia acknowledged in the Universal Declaration of Human Rights that the 1951 convention contained principles, including the principle of non-renewal. According to the principle of non-rehabilitation, everyone who has the status of a refugee has the right to protect human rights. Refusing to accept refugees or forcibly returning them to their place of origin is contrary to the general principles of international law. It is seen as a rejection of

international responsibility to resolve refugee-related issues. (Nurcahyawan & Andika, 2017)

The Government of Indonesia has issued Presidential Regulation 125/2016 on the Treatment of Refugees Abroad as a Basis for Legal Protection of Afghan Refugees Domiciled in Indonesia. In order to exercise their rights as a host country, take all necessary measures to prevent violations that can harm the country, which relates to diplomatic relations between Afghanistan, the sending country, and Indonesia, the host country. Although not yet legally established, the prevailing system in Indonesia is considered capable of upholding the basic principles of the 1951 Act of 1951 Convention, such as compensation, punishment, or lack of punishment. The principle of nondiscrimination. The Indonesian government does not repatriate them to their place of origin, does not punish them for violating immigration laws, and does not make distinctions between them, following the three main principles established by international law. (Primadasa, Kurnia, & Erawaty, 2021)

Managing the Afghan refugees is one of Indonesia's roles as a host country for Afghan diplomatic representatives. The 1961 Vienna Convention states that recipient states have the right to take all necessary precautions to prevent violations that may endanger their national interests. This can be seen in Indonesia's handling of Afghan refugees as a result of the lack of efforts of Afghan diplomatic officials, and the use of the argument "incapacitated or reluctant from the sending country" as justification. Since there has been no activity from Afghan diplomatic officials to develop cooperation in handling refugees, Indonesia took action to deal with refugees from Afghanistan to defend the national interests of the receiving countries, especially Indonesia. (Primadasa et al., 2021)

Indonesian authorities work closely with UNHCR and IOM to support the 13,840 refugees scattered throughout the country, even though their country is not a party to the 1951 Refugee Convention. As the designated party to deal with refugees and human trafficking abroad, the Ministry of Politics, Law, and Security coordinated such activities (P2LNPM). The Indonesian government continues to pay attention to how Afghan refugees are handled, especially during disasters, while upholding traditional international standards in dealing with refugees, such as non-refoulement. As a normative framework, Presidential Regulation Number 125 of 2016 concerning Refugee Governance from Abroad coordinates Ministries/Institutions in handling refugees from abroad and including local governments' responsibilities. The Presidential Regulation regulates security, temporary housing, immigration supervision, and procedures for handling refugees in Indonesia at the time of discovery. As a follow-up to the Presidential Regulation, the Ministry of Foreign Affairs and the Ministry of Law and Human Rights are currently discussing a Memorandum of Understanding (MoU) discussing Refugee Data Sharing between the Government of Indonesia and UNHCR. The deal is expected to increase government oversight of Afghan refugees in Indonesia and reduce the likelihood that they will arrive through official channels (pure immigration violators).(Primadasa et al., 2021)

Indonesia was chosen as UNHCR's regional hub because, at least for the previous 20 (twenty) years, it was considered quite safe compared to other regions. UNHCR believes that Indonesia is prepared to face problems such as refugee flows. Indonesia has a significant presence in regional cooperation for conflict resolution. By offering to support the government in the settlement process through peaceful dialogue, UNHCR wants to strengthen this partnership. There is currently no legal structure or procedure for recognizing refugees in Indonesia, and neither the 1951 Convention on the Status of Refugees nor the 1967 Protocol on the Status of Refugees applies to the country. As a result, the UNHCR is now responsible for handling refugee status requests. Because the

government does not have the authority to decide whether individuals or groups of asylum seekers will be recognized as refugees, Indonesia relies on the UNHCR to deal with incoming refugees. Without influence from the host government, the UNHCR exercises this power.

Indonesia does not have jurisdiction to decide whether a person qualifies for refugee status, often known as the "Determination of Refugee Status, as Indonesia is not a party to the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees (RSD). The UNHCR is responsible for managing issues related to refugees as a result. All countries that have not signed the mandatory respect for refugee protections have been included since the convention has become a standard that cannot be violated. No refugee can be sent back to a location where his life or freedom is in danger which has become a universally enforceable covenant.(Mayaut, 2021)

Making RUDENIM a refugee shelter is another action taken by Indonesia against migrants. This is due to the lack of designated locations for them in Indonesia. The penitentiary was initially intended for visitors entering Indonesian territory without permission. A safe haven for refugees is an immigration detention facility. The physical and spiritual needs of the migrants are met here. Refugees are treated according to human rights principles when placed in immigration detention facilities. It is based on international human rights treaties that control how prisoners are treated.

V. Conclusion

UNHCR continues to advocate for refugees to access their basic rights, including access to health, education, empowerment, and livelihoods. Not only that, but UNHCR has also provided assistance for refugee rights to cover the cost of basic needs. UNHCR's role in Afghan refugees in Indonesia during the Covid-19 pandemic provided assistance to refugees in Indonesia, amounting to Rp. 6 million. In an effort to overcome the Covid-19 pandemic, the Indonesian government also provided vaccines free of charge to all refugees, including all migrants from Afghanistan, which are very large in number.

The Indonesian government continues to pay attention to how Afghan refugees are handled, especially during disasters, while upholding traditional international standards in dealing with refugees, such as non-refoulement. As a normative framework, Presidential Regulation Number 125 of 2016 concerning Refugee Governance from Abroad coordinates Ministries/Institutions in handling refugees from abroad and including local governments' responsibilities. The Presidential Regulation regulates security, temporary housing, immigration supervision, and procedures for handling refugees in Indonesia at the time of discovery.

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