



Externalization of the Italy-Albania Protocol on Extraterritorial Migration and Asylum Management Toward the Handling of Asylum Seekers in Indonesia

Olivia Alvionita Rustam¹, Rika Erawaty², Grizelda³

¹²³ Faculty of Law, Mulawarman University, Samarinda, Indonesia.

*Corresponding author: grizelda@fh.unmul.ac.id

Submitted	: 27-05-2025	Accepted	: 12-10-2025
Reviewed	: 14-07-2025	Published	: 23-10-2025

Abstract

Background: The surge in migration to Europe, particularly to Italy, has prompted bilateral cooperation with Albania through the Italy-Albania Protocol on Extraterritorial Migration and Asylum Management. This protocol aims to reduce Italy's burden by transferring the asylum status determination process to facilities in Albania. Meanwhile, Indonesia faces challenges related to Rohingya refugees fleeing persecution in Myanmar, making it a transit country for those seeking protection. **This study aims** to analyze the legality of the Italy-Albania Protocol in the context of fulfilling the human rights of asylum seekers and explore the application of the concept of externalization of asylum control from the protocol in Indonesia to address the Rohingya issue. **The method** used is doctrinal research with a legislative and comparative approach, as well as an analysis of international legal instruments such as the Universal Declaration of Human Rights and the 1951 Refugee Convention. **The results** of the study indicate that the substance of the articles in the Italian-Albanian protocol does not explicitly violate human rights and is in line with international principles. The externalization of asylum control is recognized as a global strategy to reduce migration pressure. However, Indonesia faces limitations in facilities, human rights violations, and the lack of ratification of the 1951 Refugee Convention, while Presidential Regulation No. 125 of 2016 has not been optimal in guaranteeing the rights of asylum seekers. Therefore, international cooperation and ASEAN synergy are essential for responsibility-sharing, improving facilities, and public education to support humanitarian principles and compliance with international law.

Keywords: externalization of asylum; italy-albania protocol; human rights.

Abstrak

Latar Belakang: Lonjakan migrasi ke Eropa, terutama ke Italia, telah mendorong kerja sama bilateral dengan Albania melalui Protokol Italia-Albania tentang Manajemen Migrasi dan Suaka Ekstrateritorial. Protokol ini bertujuan untuk mengurangi beban Italia dengan memindahkan proses penentuan status suaka ke fasilitas di Albania. Sementara itu, Indonesia menghadapi tantangan terkait pengungsi Rohingya yang melarikan diri dari penindasan di Myanmar, menjadikannya negara transit bagi mereka yang mencari perlindungan. **Penelitian ini bertujuan** untuk menganalisis legalitas Protokol Italia-Albania dalam konteks pemenuhan hak asasi manusia bagi pencari suaka dan mengeksplorasi penerapan konsep eksternalisasi kontrol suaka dari protokol tersebut di Indonesia untuk mengatasi masalah Rohingya. **Metode yang digunakan** adalah penelitian doktrinal dengan pendekatan perundang-undangan dan perbandingan, serta analisis terhadap instrumen hukum internasional seperti Deklarasi



Universal Hak Asasi Manusia dan Konvensi Pengungsi 1951. **Hasil penelitian** menunjukkan bahwa substansi pasal-pasal dalam protokol Italia-Albania tidak secara eksplisit melanggar hak asasi manusia dan sejalan dengan prinsip-prinsip internasional. Eksternalisasi kontrol suaka diakui sebagai strategi global untuk mengurangi tekanan migrasi. Namun, Indonesia menghadapi keterbatasan fasilitas, pelanggaran hak asasi manusia, dan ketiadaan ratifikasi Konvensi Pengungsi 1951, sementara Perpres No. 125 tahun 2016 belum optimal dalam menjamin hak pencari suaka. Oleh karena itu, kerja sama internasional dan sinergi ASEAN sangat diperlukan untuk pembagian tanggung jawab, peningkatan fasilitas, dan edukasi publik guna mendukung prinsip kemanusiaan dan kepatuhan hukum internasional.

Kata Kunci: eksternalisasi suaka; protokol italia-albania; hak asasi manusia.

A. Introduction

Migration is a crucial issue in international law because it involves cross-border issues, the protection of human rights, and the responsibility of states to provide safety guarantees for individuals seeking protection.¹ Both in Europe and Asia, the phenomenon of migration poses complex challenges and requires adaptive legal and policy approaches. In Europe, migration flows from Africa, particularly via the Mediterranean Sea, have been the main focus,² while in Asia, the Rohingya refugee crisis from Myanmar has raised similar concerns. One notable response in Europe is the bilateral cooperation between Italy and Albania, which, although not yet fully effective, offers an alternative model for managing irregular migration. This mechanism has the potential to serve as a reference for designing migration policies in the Asian region, particularly for transit countries like Indonesia, which also bear the burden of similar humanitarian crises.

Italy, as the primary destination for migrants in the Mediterranean region, faces significant pressure, with 275,049 arrivals in 2023.³ To address this situation, Italy has established cooperation with Albania through a protocol approved in February 2024, enabling the asylum status process to be conducted outside Italian territory.⁴ Albania provides ports and accommodation facilities, while Italy covers costs amounting to €670 million over five years.⁵ This protocol represents a new approach to externalizing asylum processing, emphasizing efficiency and bilateral cooperation between nations.⁶ This model is considered more structured and legally sound compared to previous practices such as Australia's *Offshore Processing*, which has faced significant criticism.

¹ Anselm Hager, "What Drives Migration to Europe? Survey Experimental Evidence from Lebanon," *International Migration Review* 55, no. 3 (2021): 929–50, <https://doi.org/10.1177/0197918320988662>.

² Anasua Basu Ray Chaudhury, *Revisiting The 1951 Refugee Convention: Exploring Global Perspectives*, New Delhi: ORF and Global Policy Journal, 2022, <https://www.unhcr.org/1951-refugee-convention.html%0Ahttp://files/619/1951-refugee-convention.html>.

³ "Migration Flows: Eastern, Central and Western Routes - Consilium," accessed December 28, 2024, <https://www.consilium.europa.eu/en/infographics/migration-flows-to-europe/>.

⁴ Sergio Carrera, Giuseppe Campesi, and Davide Colombi, "The 2023 Italy-Albania Protocol on Extraterritorial Migration Management: A Worst Practice in Migration and Asylum Policies," *CEPS Papers on Liberty and Security in Europe*, 2023, 1–23, <https://www.ceps.eu/ceps-publications/the-2023-italy-albania-protocol-on-extraterritorial-migration-management/>.

⁵ Article 13 of the Italy-Albania Protocol.

⁶ Carlotta Giordani, "The Italy-Albania Agreement on Migration: From the Fiction of Non-Entry to Functional Entry," *Eliamep*, no. June (2024): 1–12, www.eliamap.gr.

In Southeast Asia, Indonesia faces similar challenges due to the increasing number of refugees, with a total of 12,008 recorded in 2024,⁷ 2,889 of whom are Rohingya refugees remaining in Indonesia.⁸ Although it has not ratified the 1951 Convention, Indonesia has a legal basis through international human rights instruments such as the ICCPR, ICESCR, ICERD, and CAT, which serve as the legal foundation for refugee protection, as well as Presidential Regulation No. 125 of 2016. However, its implementation remains limited.⁹ As a transit country, Indonesia has a moral and legal responsibility to protect refugees. Approaches such as the Italy-Albania Protocol could serve as inspiration for Indonesia to improve its processing systems, facilities, and relocation schemes based on international cooperation. Several academics have highlighted the issue of externalization in the context of state responsibility and migration control. Greta Albertari (2019) examined Italy's involvement in Libya's *pull-back* operations in the Mediterranean Sea and argued that this violated Article 3 of the European Convention on Human Rights and raised questions about extraterritorial jurisdiction under Article 1 of the ECHR.¹⁰ Asher Lazarus Hirsch (2023) highlights Australia's cooperation with Indonesia, emphasizing the legal implications of border externalization practices and extraterritorial human rights obligations.¹¹ Although both studies address externalization practices, Albertari focuses on Italy's coordinated *pushback* practices, while Hirsch highlights regional cooperation in migration control. In contrast, this study examines Italian-Albanian cooperation through funding mechanisms and the provision of equipment, as well as Indonesia's efforts to deal with Rohingya refugees through an externalization approach to asylum control in Southeast Asia. Therefore, this study will examine the Italy-Albania Protocol as a model of bilateral cooperation in the field of asylum seeker protection and analyze its potential adaptation in the context of Indonesia's bilateral relations with other countries and as an opportunity for Indonesia to enhance international cooperation in addressing the challenges of asylum seekers and refugees through *burden sharing* or *responsibility sharing*, which is an idea to share the costs and responsibilities of providing asylum to refugees among more than one country. This study employs a doctrinal method with a legal and comparative approach to analyze the legality of the Italy-Albania Protocol in the context of fulfilling the human rights of asylum seekers. This study identifies and examines various laws and regulations, such as the Universal Declaration of Human Rights, the 1951 Refugee Convention, and relevant European Union regulations on migration and asylum. Furthermore, this study compares bilateral cooperation practices between Italy and Albania with similar practices in other countries to evaluate the

⁷ Mitra Suryono, "Indonesia FACT SHEET December 2024," 2024, www.unhcr.org.

⁸ UNHCR Indonesia, "Emergency Update; Rohingya Boat Arrivals," 2024.

⁹ Suaka Indonesia, "Increasing Vulnerability of Refugees in Indonesia Due to the Suspension of Financial Assistance from UNHCR Indonesia," 2024, https://suaka.or.id/rilis-media_meningkatnya-kerentanan-pengungsi-di-indonesia-akibat-pemberhentian-bantuan-finansial-dari-unhcr-indonesia/.

¹⁰ Greta Albertari and Maarten Den Heijer, "Libyan Pull-Backs in the Mediterranean Sea: Any Italian Responsibility under the European Convention on Human Rights?," no. July (2019).

¹¹ Asher Lazarus Hirsch, "Externalization and Access to Asylum: An Investigation into Australia's Migration Control Cooperation With," 2022.

effectiveness and legality of the protocol and its potential application in Indonesia to address the Rohingya asylum seeker issue.

A. Discussion

1. Legality of the Italy-Albania Protocol on Extraterritorial Migration and Asylum Management in Respect of the Fulfillment of Human Rights for Asylum Seekers

1.1. *International Legal Framework on Asylum*

The movement of people across national borders raises various legal, social, and political challenges. To create a more orderly migration system and protect the rights of migrants, various international legal instruments have been developed. The international legal framework on migration and asylum aims to provide protection for individuals who are forced to leave their country of origin due to conflict, persecution, or other human rights violations. The following are the universally regulated provisions concerning asylum

1.1.1 *Universal Declaration of Human Rights 1948*

The UN Charter The UN Charter establishes respect for human rights as one of its purposes, as affirmed in Article 1(3). The UDHR expands this principle through various universal rights, including non-discrimination (Articles 2 and 7), protection from arbitrary detention (Article 9), inhumane treatment (Article 5), and other civil, economic, and social rights such as the right to work, education, and a decent standard of living. These rights are intended to be enjoyed by all people, including those seeking protection, regardless of their status or official classification.¹² In the context of migration and asylum, Article 13(2) states that “Everyone has the right to leave any country, including his own, and to return to his country.” Meanwhile, Article 14(1) affirms that “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” However, paragraph (2) limits this right so that it is not abused for purposes contrary to the principles of the United Nations Charter.

1.1.2 *UN Declaration on Territorial Asylum 1967*

This Declaration affirms that there are no universally binding rules regarding asylum seekers. Article 1(3) states that states have the full right to assess the grounds for granting asylum. Nevertheless, the Declaration emphasizes the principles of international solidarity (Article 2) and non-refoulement, which prohibits the return of asylum seekers to their country of origin if they face the risk of persecution (Article 3). Although official channels for seeking asylum are not always available, international law affirms that all individuals retain the right to seek asylum, regardless of how they enter a country. Therefore, terms such as “illegal asylum seekers” are inconsistent with international law. For example, the Italy-Albania Protocol, although it does not explicitly mention the term “refugee,” still covers migrants and stateless individuals who meet the

¹² Heri Heriyanto and Nuchraha Alhuda Hasnda, “Refugee Crisis: Normative and Practical Handling of Rohingya Ethnic Refugees from Myanmar in Indonesia,” *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 5, no. 3 (2024): 1–13, <https://doi.org/10.52005/rechten.v5i3.137>.

criteria for asylum seekers as set out in Article 1(c) and reaffirms the application of the principle of non-refoulement. The Danish Refugee Council (DRC) emphasizes that access to asylum must be provided in a safe and humane environment, including timely asylum procedures, access to legal information, free legal assistance during the appeal process, and the prohibition of detention of children. Individuals who are not granted asylum must still be treated humanely.¹³ These principles serve as ethical standards in the protection of asylum seekers and should be used as a reference in international cooperation. In terms of legality, the Italy-Albania Protocol can be assessed based on the 1969 Vienna Convention, which defines international agreements as written agreements between states and governed by international law. This protocol meets these criteria as it has undergone a negotiation process, was signed by the heads of government of both countries in November 2023, and was ratified by their respective parliaments in February 2024. As signatories to the 1948 Universal Declaration of Human Rights and the 1951 Refugee Convention, Italy and Albania are obligated to uphold the protection of human rights in migration management, including ensuring that border controls do not hinder access to international legal protection for asylum seekers.

1.2. *Human Rights Protection in the Italy-Albania Protocol*

1.2.1 *Right to a Decent Life*

Article 6(7) of the Italy-Albania Protocol stipulates that Italy is fully responsible for the accommodation and care of migrants, including food, healthcare services, and other basic needs. This provision aligns with Article 25 of the UDHR, which guarantees the right to a decent standard of living, including housing and healthcare. Article 4(6)–(8) also requires Italy to provide health services and quarantine procedures and to cooperate with Albania in medical emergencies. Law No. 14 of 2024 strengthens the role of Italian government agencies in coordinating social and health assistance for migrants. The right to health guaranteed in the UDHR and ICESCR is a fundamental right that cannot be restricted under any circumstances.

1.2.2 *Right to Freedom from Torture and Inhuman or Degrading Treatment*

Article 6(7) of the Italy-Albania Protocol and Article 3(5) of the ratification law reaffirm Italy's commitment to respecting human rights, including the issuance of identity certificates for detained migrants. Detention must be lawful, not arbitrary, and carried out in humane conditions in accordance with the ICCPR and the UDHR. International law stipulates that detention should not be used during the asylum determination process, except after a claim has been finally rejected. Such measures must be preventive in nature, based on clear legal grounds, and subject to regular review. Therefore, detention

¹³D R Council, "Fundamental Rights and the EU Hotspot Approach," *Danish Refugee Council, Copenhagen, October*, no. October (2017), https://www.drc.ngo/media/epajgkvn/drc_fundamental-rights-and-the-eu-hotspot-approach_october-2017.pdf.

in the context of migration must be strictly enforced and accountable to prevent human rights violations.

1.2.3 Right to Legal Assistance

Article 3 of the Italy-Albania Protocol regulates the transfer of migrants rescued at sea to facilities in Albania for the asylum determination process or return. Article 9(2) guarantees the right to defense through access to a lawyer, assistant, and international organizations. Article 4(3) and (5) state that legal consultations may be conducted via audiovisual means to ensure confidentiality and efficiency. This right to legal protection aligns with Article 7 of the UDHR and Article 16 of the Refugee Convention. Personnel at the facilities are limited to legal and health officials, in accordance with the ratification law.

Table 1. Human Rights Protections Found in the Italy-Albania Protocol.

Aspek hak asasi manusia	Protokol	UU Ratifikasi 14/2024	Hukum Internasional
Hak atas Kehidupan yang Layak - Hak atas kesehatan - Hak atas pangan - Hak atas tempat tinggal yang layak	- Pasal 4 ayat (6) hingga (8) - Pasal 6 ayat (7)	Pasal 5 ayat (9): Koordinasi kesehatan	- Pasal 25 DUHAM - Pasal 12 KIHESB
Hak untuk Tidak Disiksa dan Diperlakukan secara Tidak Manusiawi Penahanan	Pasal 6 ayat (7) "... undertaking that such treatment respects"	Pasal 3 ayat (5): Sertifikat identitas migran	- Pasal 5 DUHAM - Pasal 9 ayat (1) KIHSP - Resolusi 1707
Hak atas Bantuan Hukum - Pemindahan dan Penahanan - Hak Pembelaan	Pasal 3 Pasal 9 ayat (2)	- Pasal 4 ayat (3): Personel di fasilitas - Pasal 4 ayat (5): Prosedur konsultasi	- Pasal 7 DUHAM - Pasal 16 ayat (1) Konvensi Pengungsi

Source: Various Sources, 2024

Frontline countries such as Italy, Greece, and Spain have tightened access to asylum protection, while countries like Hungary and Poland have implemented highly restrictive policies toward asylum seekers from Africa and the Middle East. The European Union itself, through the Migration and Asylum Pact and bilateral agreements with Africa and Turkey, has accelerated deportation procedures and limited protection. In this context, policies in various countries demonstrate diverse approaches:

1. Australia has implemented *offshore processing* by transferring asylum seekers who arrive by sea without authorization to third countries¹⁴ such as Nauru without considering their vulnerable conditions.¹⁵
2. The EU-Turkey deal shifts responsibility for the migration crisis to Turkey by requiring Ankara to take back all Syrian refugees who cross into Greece via the main sea route,¹⁶ in exchange for financial incentives and political concessions

¹⁴ Andre and Renata Kaldor, "Factsheet Offshore Processing: An Overview," 2021.

¹⁵ The Law Library of Congress, "Australia: Offshore Processing of Asylum Seekers," www.law.gov, 2024.

¹⁶ EU - Fact Sheet, "Implementing the EU-Turkey Agreement – Questions and Answers," <https://commission.europa.eu/>, 2016, https://ec.europa.eu/commission/presscorner/detail/el/memo_16_1494.

from the EU. However, human rights reports indicate that living conditions for refugees in Turkey are often inadequate and rife with violations.¹⁷

3. Italy has established cooperation with Libya through a Memorandum of Understanding (MoU) to curb illegal immigration, providing investment and security equipment in exchange for the detention of migrant boats and the prevention of departures from Libyan territory.¹⁸ This agreement includes funding for detention centers reported to have poor conditions and violate human rights, as well as promoting forced returns without distinguishing between refugees and economic migrants.¹⁹

All three policies primarily focus on preventing migrants from entering their territories without clearly distinguishing between refugees and economic migrants. In contrast, the Italy-Albania Protocol offers a different approach with a focus on rescue at sea and transfer to Albania for asylum status determination. This protocol remains within the European legal framework and provides legal access and basic protection for migrants. Although its implementation is not yet perfect, this approach is relatively more humane than policies in Australia or Libya. Thus, this protocol could be an alternative in handling migration in the Asian region.

2. Application of the Concept of Externalization of Asylum Control the Italy-Albania Protocol on Extraterritorial Migration and Asylum Management in Addressing Rohingya Asylum Seekers in Indonesia

2.1. The Concept of Asylum Control Externalization

Externalization refers to the transfer of responsibility for asylum management from one country to another outside its territory, which has an impact on the international asylum system. The concept of externalizing asylum procedures has three main objectives. First, to prevent people from undertaking dangerous journeys to reach Europe. Second, to facilitate the return process for asylum seekers whose applications are rejected. Third, to send a clear message that firm action will be taken against illegal migration practices and smuggling networks.²⁰ Three main approaches to responsibility transfer include interception in territorial waters, return to a transit country, and processing asylum claims outside the territory.

¹⁷ Elif Demirbaş and Christina Miliou, *Looking at the EU-Turkey Deal: The Implications for Migrants in Greece and Turkey*, *IMISCOE Research Series*, vol. Part F1581, 2024, https://doi.org/10.1007/978-3-031-42264-5_2.

¹⁸ Messayu Elisa Mega Irawan, "Analysis of the Italian Government's Efforts to Address Illegal Immigration During the Period 2014-2019" (State Islamic University Syarif Hidayatullah Jakarta, 2021).

¹⁹ Victoria Ceretti, "Italy-Libya Memorandum of Understanding: An Affront to the Fundamental Human Rights of Migrants, Refugees, and Asylum Seekers," [https://euromedmonitor.org/2023, https://euromedmonitor.org/en/article/5561/Italy-Libya-Memorandum-of-Understanding:-An-affront-to-the-fundamental-human-rights-of-migrants,-refugees,-and-asylum-seekers](https://euromedmonitor.org/2023/https://euromedmonitor.org/en/article/5561/Italy-Libya-Memorandum-of-Understanding:-An-affront-to-the-fundamental-human-rights-of-migrants,-refugees,-and-asylum-seekers).

²⁰ Salvatore Fabio Nicolosi, "Externalization of Migration Controls: A Taxonomy of Practices and Their Implications in International and European Law," *Netherlands International Law Review* 71, no. 1 (2024): 1–20, <https://doi.org/10.1007/s40802-024-00253-9>.

Table 2. Types of Externalization Approaches and Their Descriptions

Types of Externalization	Description
Preventing or Intercepting in Territorial Waters or Pushback/Pullback Practices	<i>Pushback</i> is a practice whereby countries forcibly return migrants to their country of origin without conducting individual assessments of their need for human rights protection. <i>Pullback</i> is a variation of <i>pushback</i> whereby countries use a third country to return migrants to their country of origin before they reach their destination country. Example: Italy and Libya reached an agreement allowing Libyan coast guard vessels to intercept ships from their country heading to Italy.
Return to Transit Countries or Funding, Equipping and Training in Third Countries	Many countries provide funding, equipment, and training to third countries to strengthen their migration control. For example, the European Union collaborates with Serbia through funding and technical support to establish asylum and reception systems in line with EU standards.
Offshore Asylum Processing	<i>Offshore</i> asylum processing refers to the processing of asylum claims outside the destination country, with or without the transfer of responsibility for protection. This measure aims to reduce asylum pressure on the destination country. Example: Australia previously implemented the Pacific Solution by transferring asylum seekers to Nauru and Papua New Guinea for processing.

Source: S.F. Nicolosi, 2024. *Externalization of Migration Controls: A Taxonomy of Practices and Their Implications in International and European Law*.

Externalization practices include prevention at sea, asylum processing outside the territory, and cooperation with countries of origin to improve conditions there. Although there is an international obligation to protect refugees, the sharing of responsibility in addressing refugee crises is voluntary. These policies often fail to distinguish between refugees and economic migrants, which can lead to unfair categorization. The transfer of responsibility to a safe third country is a lawful measure as long as the assessment of asylum claims and effective protection can be guaranteed. While the fundamental rights of every individual guaranteed under the ICCPR remain paramount, international law recognizes such relocation as an established international practice.²¹ *Burden sharing* or *responsibility sharing* as a form of international cooperation is crucial in sharing the responsibility for addressing refugee crises. Therefore, it is important for countries to develop policies that protect the rights of all migrants while effectively managing their borders. Italy, as a major gateway to Europe, has adopted an externalization policy by cooperating with countries of origin and transit, including the construction of detention centers in African countries, to manage the increasing flow of migrants.

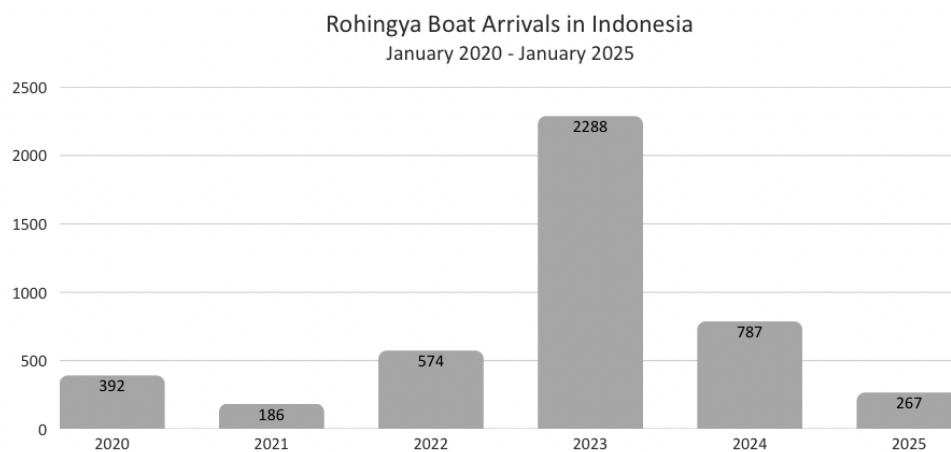
2.2. *Characteristics of the Protection System for Asylum Seekers and Refugees in Indonesia*

Indonesia's strategic geographical position makes it an easy transit point for asylum seekers and refugees from abroad. Located between two continents and two oceans, Indonesia is an attractive stopover point for refugees and asylum seekers. In addition, the length of Indonesia's coastline, which is difficult to monitor, opens up opportunities for human smuggling. These conditions make Indonesia vulnerable to national security threats due to the illegal entry of foreign nationals.²² Indonesia has become a transit point for asylum seekers, particularly Rohingya refugees who undertake dangerous sea journeys, as the situation in refugee camps in Bangladesh drives them to seek safety in other countries.

²¹ Helene Lambert, "'Safe Third Country' in the European Union: An Evolving Concept in International Law and Implications for the UK," *Journal of Immigration, Asylum and Nationality Law* 26, no. 4 (2012), <http://ssrn.com/abstract=2229266>Electroniccopyavailableat:<https://ssrn.com/abstract=2229266>Electroniccopyavailableat:<http://ssrn.com/abstract=2229266>.

²² Hasti Wahyuni et al., "The Policy of President Joko Widodo in Handling the Issue of Asylum Seekers and Foreign Refugees in Indonesia," *Journal of Diplomacy and International Studies*, 2022, 23–32.

Figure 1. Number of Rohingya Arrivals in Indonesia via Sea Route



Source: UNHCR Indonesia: Rohingya Boat Arrivals.

The surge in Rohingya refugee arrivals in Indonesia, particularly in 2023, which exceeded 2,200 people, reflects systemic failures in addressing the root causes of the conflict in their countries of origin, as well as the lack of international solidarity in sharing responsibility. The significant decline in the following year is not an indication of an improving situation but may reflect increased obstacles along migration routes or stricter rejection policies. Refugees' reliance on dangerous sea routes highlights the lack of access to safe and legal migration pathways. This raises serious questions about the commitment of regional countries, including ASEAN, to ensuring the protection of refugees' human rights. In this context, Indonesia is often caught in a position of temporary responsibility, without adequate support from the international community, whether in terms of funding, relocation, or diplomatic pressure to stop the root causes of expulsion. Indonesia, as a country that has not ratified the 1951 Refugee Convention or the 1967 Refugee Protocol, lacks comprehensive regulations and places asylum seekers and refugees in a difficult situation. Therefore, Indonesia needs to immediately formulate stronger and more integrated policies and mechanisms to provide adequate protection for asylum seekers and refugees, given the potential increase in their numbers in the future due to Indonesia's strategic geographical location.²³

The following are human rights violations against asylum seekers and refugees in Indonesia:

- a) **October 2023:** The Indonesian Navy (TNI-AL) and the Lhokseumawe City Government prevented Rohingya refugees from entering Indonesian waters, violating Article 98 of UNCLOS and Article 14 of the UDHR, which guarantee the right of asylum seekers to receive assistance.²⁴

²³ Heru Susetyo, "The Urgency of Addressing Refugees and Asylum Seekers in Indonesia," law.ui.ac.id, 2021, <https://law.ui.ac.id/urgensi-penanganan-pengungsi-dan-pencari-suaka-di-indonesia-oleh-heru-susetyo-s-h-l-l-m-m-si-ph-d/>.

²⁴ No Name, "36 Rohingya Refugees Found in Bireuen, Aceh," suaka.or.id, 2023, https://suaka.or.id/rilis-pers_36-pengungsi-rohingya-ditemukan-di-bireuen-aceh/.

- b) November 2023: Over 200 Rohingya refugees who landed in Aceh were denied entry, with local authorities failing to take action in accordance with Presidential Regulation No. 125 of 2016, violating Article 13 of the ICCPR and Article 3 of the CAT, which prohibit refoulement to a country where there is a risk of persecution.²⁵
- c) December 2023: Students intimidated and expelled refugees from a shelter facility, violating Article 5 of the UDHR and Article 7 of the ICCPR, which protect against cruel and degrading treatment.²⁶
- d) October 2024: The Jakarta Metropolitan Police (Satpol PP) used violence against refugees who had set up tents, violating the right to an adequate standard of living under Article 11 of the ICESCR and Article 17 of the UDHR, which prohibit arbitrary deprivation of property.²⁷
- e) November 2024: The forced relocation of 152 refugees by the South Aceh Regional Government without basic assistance, violating Article 5 of the UDHR and Article 7 of the ICCPR, which prohibit inhumane treatment.²⁸

The refugee crisis in Indonesia has persisted for two decades without significant improvement, leading to various social and humanitarian issues. Universal human values form the foundation of international legal norms, with the 1969 Vienna Convention affirming that international law takes precedence over national law, meaning states cannot use national law to evade international obligations.²⁹ Indonesia has several regulations governing the protection of asylum seekers and refugees, including Article 28G of the 1945 Constitution, MPR Decree No. XVII/MPR/1998, Law No. 5 of 1998 on the Convention Against Torture, Article 25(1) and Article 26 of Law No. 37 of 1999 on Foreign Relations, Article 7 and Article 12 of Law No. 39 of 1999 on Human Rights, Article 86, Article 87(1) and (2), and Article 88 of Law No. 6 of 2011 on Immigration, Presidential Regulation No. 125 of 2016 on the Handling of Refugees from Abroad, and Article 4(1) and (2) of the Director General of Immigration Regulation No. IMI-0352.GR.02.07 of 2016 on the Handling of Illegal Immigrants Who Claim to Be Asylum Seekers and Refugees. Presidential Regulation No. 125 of 2016 provides guidelines for the handling of refugees, including identification, shelter, security, and immigration supervision. Technically, Indonesia faces the problem of insufficient refugee shelter facilities. The limited capacity

²⁵ Amanda Jufrian, "Around 250 Rohingya Refugees Land in Aceh," *voaindonesia.com*, 2023, <https://www.voaindonesia.com/a/sekitar-250-pengungsi-rohingya-mendarat-di-aceh/7357497.html>.

²⁶ Chaideer Mahyuddin, "Hundreds of Students Drive Rohingya Out of Aceh," *voaindonesia.com*, 2023, <https://www.voaindonesia.com/a/ratusan-mahasiswa-usir-rohingya-di-aceh/7414264.html>.

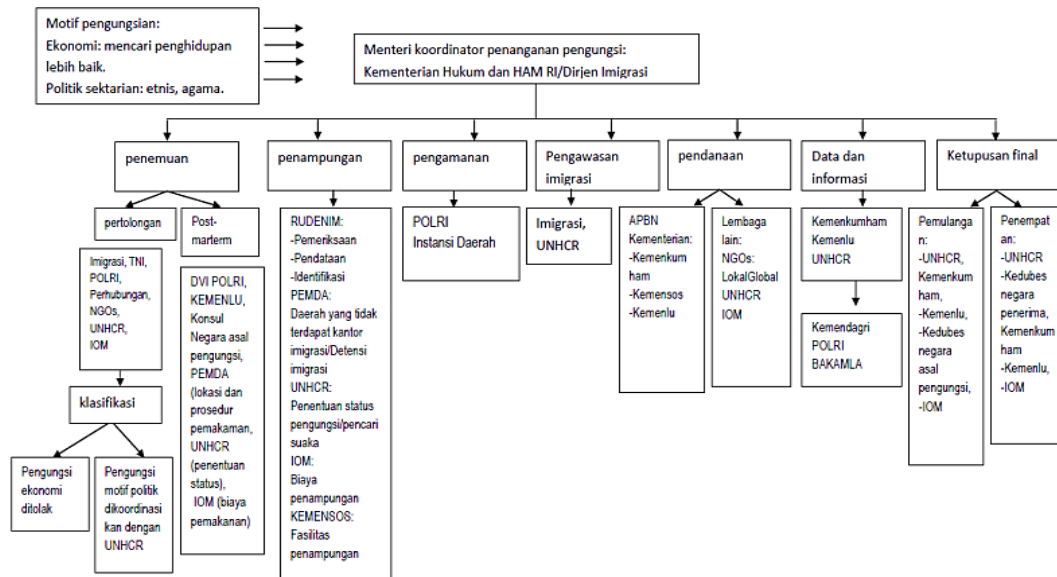
²⁷ No Name, "Jakarta's Satpol PP Again Uses Violence Against Refugees During the Eviction of Refugee Tents Behind the UNHCR Indonesia Office," *suaka.or.id*, 2024, https://suaka.or.id/rilis-media_satpol-pp-dki-jakarta-kembali-melakukan-kekerasan-terhadap-pengungsi-dalam-pengusiran-tenda-pengungsi-di-belakang-kantor-unhcr-indonesia/.

²⁸ 48 Hours of Rohingya Refugees Held on Trucks by the Indonesian Government. Accessed from <https://acehutara.inews.id/amp/517298/48-jam-pengungsi-rohingya-tertahan-diatas-truk-oleh-pemerintah-indonesia> on December 27, 2024, at 4:52 PM WITA.

²⁹ Fajri Matahari Muhammadin et al., *International Law*, ed. Fajri Matahari Muhammadin, *Buku Belaka Maju Jaya* (Yogyakarta: Buku Belaka Maju Jaya, 2023).

of some immigration detention centers has resulted in unsuitable shelter conditions.³⁰ Therefore, the Minister of Immigration and Corrections, Agus Andrianto, urged the revision of Presidential Regulation No. 125 of 2016 and the placement of Rohingya refugees in a location that does not disturb local residents.³¹ The flow and scheme for handling refugees are as follows:

Figure 2. Refugee Handling Process Based on Presidential Regulation No. 125 of 2016



Source: Rohmad Adi Yulianto, 2019. Refugee Handling Policy in Indonesia from the Perspective of Maqāṣid Al-Syariah.

The refugee management process in Indonesia consists of four main stages: discovery, shelter, security, and immigration supervision.

1. The discovery stage is carried out by agencies such as the Indonesian National Armed Forces (TNI), the Indonesian National Police (Polri), the Indonesian Coast Guard (Bakamla), and relevant ministries to provide first aid and initial identification, followed by registration by the UNHCR and local governments.
2. During the shelter stage, refugees are placed in Rudenim or alternative facilities owned by local governments with complete procedures such as registration, separation based on conditions, and issuance of identification.
3. In terms of security, the National Police and the community are responsible for maintaining security and providing information on regulations for refugees.

³⁰ Fahrin Waruwu, "Regional Office of the Ministry of Law and Human Rights, Riau Provincial Government, and the Pekanbaru Task Force for the Handling of Rohingya Refugees Hold a Meeting," <https://www.nawacitapost.com/2024/https://www.nawacitapost.com/nasional/27290242/kanwil-kemenkumham-pemprov-riau-dan-satgas-ppln-pekanbaru-rapat-penanganan-pengungsi-rohingya>.

³¹ Wisnu Prasetyo, "Highlighting Rohingya Refugees, Immigration Minister Calls for Revision of Presidential Regulation 125/2016 | Kumpanan.Com," [kumpanan.com, 2024, https://kumpanan.com/kumpananews/soroti-pengungsi-rohingya-menteri-imigrasi-minta-perpres-125-2016-direvisi-23r5WcacHeB](https://kumpanan.com/kumpananews/soroti-pengungsi-rohingya-menteri-imigrasi-minta-perpres-125-2016-direvisi-23r5WcacHeB).

4. Finally, immigration supervision is carried out by the Immigration Office, which includes identity verification, transfer, deportation, and voluntary repatriation, although the protection of refugees' social and economic rights is not explicitly regulated in Presidential Regulation No. 125 of 2016.³²

2.3. *Handling of Asylum Seekers and Refugees in the Asia-Pacific Region*

One of the main challenges in refugee protection is the gap between the right to seek asylum and the state's obligation to grant it. The case of Rohingya refugees, for example, highlights the complexity of this issue due to a lack of coordination among ASEAN countries. Many countries in Asia remain hesitant to ratify and implement the convention, with only the Philippines and Cambodia having done so to date.³³ McNevin argues that regional sharing of responsibility for refugee management, particularly in regions such as Southeast Asia, has greater potential for success than a global approach.³⁴ Economic factors, security, and high levels of regional integration can provide a strong foundation for enhancing cooperation in refugee management. Shared interests and regional identity can encourage countries in the region to share responsibility for protecting refugees.³⁵ As an alternative, Hathaway proposes a new framework for international refugee protection based on four main pillars: a) temporary protection; b) repatriation assistance and development; c) sharing of humanitarian responsibilities; and d) sharing of financial burdens.³⁶ To cooperate in handling asylum seekers and refugees, it is also important to consider the regulations of each country. The author identifies the following countries that are likely to enter into *joint agreements* with Indonesia:

1. Bangladesh: Bangladesh is hosting more than 1 million Rohingya refugees in Cox's Bazar camps³⁷ due to the ongoing conflict in Rakhine, Myanmar. Refugee protection is enshrined in the Constitution of Bangladesh, which guarantees fundamental rights, including legal protection and the prohibition of forced labor.³⁸
2. Thailand: Thailand has been a major transit point for Rohingya refugees since the 2012 ethnic conflict. Although it has not ratified the 1951 Refugee Convention, Thailand has demonstrated its commitment to international law by not deporting refugees who are at risk. Thailand's Anti-Torture Act prohibits deportation if there

³² Sri Muliana Azhari and Heru Susetyo, "Comparison of Indonesia and Malaysia's Policies on Granting Work Rights," *Unes Law Review* 6, no. 3 (2024): 8743–55, <https://review-unes.com/https://creativecommons.org/licenses/by/4.0/>.

³³ Santa Indah Theresia Pardosi, "Refugee Protection in Southeast Asia: A Comparative Study of Several ASEAN Member States," *Realism: Law Review* 2, no. 2 (2024): 182–99, <https://doi.org/10.71250/rlr.v2i2.45>.

³⁴ Anne McNevin, "Why We Would Gain from a Regional Approach to Refugee Protection - Monash University," monash.edu, 2013, <https://www.monash.edu/news/opinions/why-we-would-gain-from-a-regional-approach-to-refugee-protection>.

³⁵ McNevin.

³⁶ James C. Hathaway, "Reconceiving Refugee Law as Human Rights Protection," *Refugees and Rights* 4, no. 2 (2017): 59–77, <https://doi.org/10.4324/9781315244969>.

³⁷ UNHCR, "Rohingya Refugee Population In Bangladesh," 2025.

³⁸ Nour Mohammad, "Refugee Protection Under the Constitution of Bangladesh: A Brief Overview," *Refugee Watch*, no. 39 (2012): 141–56.

is a threat to an individual's safety. Thailand collaborates with UNHCR on refugee status determination and provides temporary shelter in nine border camps while also cracking down on human traffickers. The Thai government, with assistance from international organizations, provides assistance in various areas: basic needs, education, social services, and individual security. Overall, Thailand demonstrates a strong commitment to protecting Rohingya refugees, despite facing complex challenges.³⁹

3. Malaysia: As a country that is not a party to the 1951 Refugee Convention, Malaysia does not have a specific legal framework for refugees. In 2023, Malaysia hosted approximately 181,000 refugees, most of whom were from Myanmar, including 103,000 Rohingya.⁴⁰ Refugees are accepted based on humanitarian standards and case-by-case reviews, although there is no clear administrative structure to manage them.⁴¹

In addition to the three countries above, the author also identifies countries that are parties to the Refugee Convention that can establish cooperation with Indonesia in addressing the Rohingya refugee issue:

1. The Philippines: As the first country in Southeast Asia to ratify the 1951 Refugee Convention and the 1967 Protocol, it demonstrates a strong commitment to protecting the rights of refugees. Through *Executive Order* No. 304, the Philippines established a legal framework for refugee protection, including the provision of official identity and legal protection.⁴² The Philippines is committed to continuing to host Rohingya refugees fleeing conflict in Myanmar.⁴³
2. Australia: is a country that has ratified the 1951 Refugee Convention and has a legal obligation to protect refugees.

2.4. Identification of Risks of Externalization of the Italy-Albania Protocol for Indonesia

As explained earlier, externalization is an approach that shifts the responsibility for handling asylum seekers outside the country's territory, which may seem like a practical solution for Indonesia facing a surge of Rohingya refugees. However, as demonstrated by the Italy-Albania Protocol, the implementation of this model in Indonesia carries risks that need to be identified. First and foremost, there is a risk of human rights violations. Although the Italy-Albania Protocol includes human rights provisions, the

³⁹ Sella Augita, "The Role of the Thai Government in Addressing Rohingya Asylum Seekers in Thailand," *Journal of International Relations* 3, no. 1 (2017): 30–38, <http://ejournal-s1.undip.ac.id/index.php/jihi> Website: <http://www.fisip.undip.ac.id>.

⁴⁰ UNHCR Malaysia, "Malaysia | UNHCR Malaysia," [unhcr.org](https://www.unhcr.org/my/where-we-work/countries/malaysia), 2025, <https://www.unhcr.org/my/where-we-work/countries/malaysia>.

⁴¹ Azhari and Susetyo, "A Comparison of Indonesia and Malaysia's Policies on Granting the Right to Work."

⁴² Pardosi, "Refugee Protection in Southeast Asia: A Comparative Study of Several ASEAN Member States."

⁴³ The Philippines is willing to assist Afghan and Rohingya refugees. Accessed from <https://www.aa.com.tr/id/dunia/filipina-bersedia-membantu-pengungsi-afghanistan-dan-rohingya/2372107> on December 27, 2024.

implementation of externalization on the ground often disregards the vulnerable conditions of refugees. The case of Australia, which transferred asylum seekers to Nauru, shows how this practice can lead to inhumane conditions, lack of access to health care, education, and legal protection.⁴⁴ If Indonesia adopts a similar model, Rohingya refugees could face the same fate, trapped in inadequate facilities without clarity on their status, which ultimately violates international human rights instruments ratified by Indonesia. Second, externalization imposes significant financial and logistical burdens. The Italy-Albania protocol has cost a staggering €670 million over five years. Indonesia, with its limited budget, may not be able to afford the operational costs and construction of shelters in other countries.⁴⁵ Instead of alleviating the burden, externalization could become a large unsustainable expense, potentially leading to facilities that do not meet humanitarian standards and worsening conditions for refugees. Third, externalization does not release Indonesia from its international legal responsibilities. Although Indonesia has not ratified the 1951 Refugee Convention, it is bound by the principle of *non-refoulement* from other human rights instruments, which prohibits the return of individuals to places where they risk persecution.⁴⁶ By transferring refugees to a third country, Indonesia must ensure that the country can provide adequate protection.

2.5. Externalization of the Italy-Albania Protocol for Indonesia

In November 2023, Italy and Albania signed a bilateral protocol to manage migration through the externalization of asylum procedures and border control. The protocol includes the construction of two detention centers operated by Italy, with a maximum capacity of 3,000 individuals and the ability to process up to 36,000 people per year. One center will be located at the port of Shengjin for landing and identification, while the other will be in Gjader for those who do not qualify for asylum. The protocol establishes specific criteria for the treatment of migrants, limited to those rescued by the Italian Coast Guard and originating from 'safe' countries, with exceptions for vulnerable groups. The process includes identification, initial screening, asylum processing, and transfer or return, with an emphasis on compliance with international law and human rights. For Indonesia, the Protocol provides important lessons in maintaining a balance between migration management and human rights protection, as well as understanding the impact of externalization approaches, including potential violations of fundamental rights. The conceptual indicators of externalization from the Italy-Albania Protocol for Indonesia cover several important aspects.

- a) The subjects involved are migrants from Asia and Africa under the Italy-Albania Protocol, including stateless persons, with Rohingya being an example of stateless persons seeking asylum in Indonesia;

⁴⁴ Nicolosi, "Externalization of Migration Controls: A Taxonomy of Practices and Their Implications in International and European Law."

⁴⁵ Giordani, "The Italy-Albania Agreement on Migration: From the Fiction of Non-Entry to Functional Entry."

⁴⁶ Crawley and Hagen-Zanker, "Deciding Where to Go: Policies, People, and Perceptions Shaping Destination Preferences."

- b) The subjects in this context are Italy and Albania as neighboring countries, as well as Indonesia and its other neighboring countries.
- c) The proposed forms of handling include burden sharing or joint responsibility with neighboring countries, resettlement programs to destination countries, extraterritorial examination and processing, and processing centers for the identification and registration of refugees. Temporary shelters are also provided, with capacities that meet humanitarian standards, both in Albania and Indonesia.
- d) The impact of this handling is expected to reduce the burden borne by Italy and Indonesia, strengthen bilateral or multilateral relations, and have a positive impact on the economies of each country through financial assistance from neighboring countries.

Indonesia's efforts to improve its international image in handling refugees are reflected in the issuance of Presidential Regulation No. 125 of 2016, which is the first comprehensive regulation on refugees. This regulation emphasizes the importance of cooperation with UNHCR and other international organizations, as well as recognizing the need for "burden sharing" in refugee protection. Indonesia, as a strategically located archipelagic nation, has the potential to lead regional initiatives by involving Bangladesh, Thailand, Malaysia, the Philippines, and Australia. Bangladesh, although not a signatory to the Refugee Convention, has experience in handling humanitarian crises and requires international support. Malaysia and Thailand face structural challenges in managing refugees, as both lack clear legal frameworks, leading refugees to often be regarded as illegal immigrants. The Philippines, as a country with comprehensive refugee laws, can serve as a model for Indonesia in integrating refugees, while Australia, with its technological and financial advantages, can help strengthen Indonesia's maritime surveillance system, given Indonesia's geographical position as a transit point for asylum seekers. In line with these efforts, Indonesia's past experience with Galang Island, which once served as a refugee camp for Vietnamese refugees, demonstrates its potential to once again become a safe haven for asylum seekers and Rohingya refugees. Galang Island, with its long history of refugee management, could be redeveloped to provide the necessary protection. From the above description, the following recommendations for cooperation were made:

1. Establishing joint shelters in strategic locations such as Galang Island, with funding from Australia and other donors.
2. Developing a fair *resettlement* scheme whereby Australia and the Philippines accept refugees verified by the UNHCR, while Indonesia, Malaysia, and Thailand focus on temporary shelter.
3. Conducting technical training for Indonesian immigration officials by Australia and the Philippines and sharing experiences in handling mass refugee movements with Bangladesh.
4. Utilizing multilateral cooperation such as *the Bali Process* to formulate binding agreements on maritime patrols and combating human trafficking, and including binding clauses on refugee management.

This cooperation model emphasizes the sharing of responsibilities, with countries with greater economic capacity contributing to funding, while transit countries focus on temporary shelter. The establishment of a joint ASEAN task force for rapid response to refugee crises has also been proposed.

B. Conclusion

The Italian-Albanian cooperation on migration management is an innovative step to ease the burden on countries affected by the migration crisis by transferring asylum claim processing to Albania and guaranteeing the protection of human rights, including the right to a decent life and access to legal aid. Although this protocol seeks to respect the rights of migrants, challenges remain, particularly regarding human rights violations that frequently occur in asylum externalization practices, as seen in Australia's policies and the EU-Turkey agreement. Indonesia, as a strategic transit country, faces challenges in handling refugees, particularly Rohingya, due to the lack of a comprehensive legal framework and weak coordination. Although it has several regulations in place, such as Presidential Regulation No. 125 of 2016, Indonesia needs to ensure that externalization cooperation with partner countries takes into account high human rights standards and preserves national sovereignty. With a holistic and integrated approach, Indonesia can play an active role in addressing the refugee crisis in a fair and sustainable manner.

Reference

- Albertari, Greta, and Maarten Den Heijer. "Libyan Pull-Backs in the Mediterranean Sea: Any Italian Responsibility under the European Convention on Human Rights?" no. July (2019).
- Augita, Sella. "The Role of the Thai Government in Addressing Rohingya Asylum Seekers in Thailand." *Journal of International Relations* 3, no. 1 (2017): 30–38. <http://ejournal-s1.undip.ac.id/index.php/jihi> Website: <http://www.fisip.undip.ac.id>.
- Azhari, Sri Muliana, and Heru Susetyo. "A Comparison of Indonesian and Malaysian Policies on Granting Work Rights." *Unes Law Review* 6, no. 3 (2024): 8743–55. <https://review-unes.com/https://creativecommons.org/licenses/by/4.0/>.
- Carrera, Sergio, Giuseppe Campesi, and Davide Colombi. "The 2023 Italy-Albania Protocol on Extraterritorial Migration Management: A Worst Practice in Migration and Asylum Policies." *CEPS Papers on Liberty and Security in Europe*, 2023, 1–23. <https://www.ceps.eu/ceps-publications/the-2023-italy-albania-protocol-on-extraterritorial-migration-management/>.
- Ceretti, Victoria. "Italy-Libya Memorandum of Understanding: An Affront to the Fundamental Human Rights of Migrants, Refugees, and Asylum Seekers." <https://euromedmonitor.org/>, 2023. <https://euromedmonitor.org/en/article/5561/Italy-Libya-Memorandum-of-Understanding:-An-affront-to-the-fundamental-human-rights-of-migrants,-refugees,-and-asylum-seekers>.

- Chaudhury, Anasua Basu Ray. *Revisiting The 1951 Refugee Convention: Exploring Global Perspectives*. New Delhi: ORF and Global Policy Journal, 2022. <https://www.unhcr.org/1951-refugee-convention.html%0Ahttp://files/619/1951-refugee-convention.html>.
- Congress, The Law Library Of. "Australia: Offshore Processing of Asylum Seekers." *Www.Law.Gov*, 2024.
- Council, D R. "Fundamental Rights and the EU Hotspot Approach." *Danish Refugee Council*, Copenhagen, October, no. October (2017). https://www.drc.ngo/media/epajgkvn/drc_fundamental-rights-and-the-eu-hotspot-approach_october-2017.pdf.
- Crawley, Heaven, and Jessica Hagen-Zanker. "Deciding Where to Go: Policies, People and Perceptions Shaping Destination Preferences." *International Migration* 57, no. 1 (February 1, 2019): 20–35. <https://doi.org/10.1111/IMIG.12537>.
- Demirbaş, Elif, and Christina Miliou. *Looking at the EU-Turkey Deal: The Implications for Migrants in Greece and Turkey*. IMISCOE Research Series. Vol. Part F1581, 2024. https://doi.org/10.1007/978-3-031-42264-5_2.
- Giordani, Carlotta. "The Italy-Albania Agreement on Migration: From the Fiction of Non-Entry to Functional Entry." *Eliamep*, no. June (2024): 1–12. www.eliamap.gr.
- Hager, Anselm. "What Drives Migration to Europe? Survey Experimental Evidence from Lebanon." *International Migration Review* 55, no. 3 (2021): 929–50. <https://doi.org/10.1177/0197918320988662>.
- Hathaway, James C. "Reconceiving Refugee Law as Human Rights Protection." *Refugees and Rights* 4, no. 2 (2017): 59–77. <https://doi.org/10.4324/9781315244969>.
- Heri Heriyanto, and Nuchraha Alhuda Hasnda. "Refugee Crisis: Normative and Practical Handling of Rohingya Ethnic Refugees from Myanmar in Indonesia." *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 5, no. 3 (2024): 1–13. <https://doi.org/10.52005/rechten.v5i3.137>.
- Hirsch, Asher Lazarus. "Externalization and Access to Asylum: An Investigation into Australia's Migration Control Cooperation With," 2022.
- Indonesia, UNHCR. "Emergency Update; Rohingya Boat Arrivals," 2024.
- Irawan, Messayu Elisa Mega. "Analysis of the Italian Government's Efforts to Address Illegal Immigration During the Period 2014–2019." State Islamic University Syarif Hidayatullah Jakarta, 2021.
- Jufrian, Amanda. "Around 250 Rohingya Refugees Land in Aceh." *voaindonesia.com*, 2023. <https://www.voaindonesia.com/a/sekitar-250-pengungsi-rohingya-mendarat-di-aceh/7357497.html>.
- Kaldor, Andre and Renata. "Factsheet on Offshore Processing: An Overview," 2021.
- Krustiyati, Atik. "Asylum and the Guarantee of Rights in the Constitution." *Yustika* 15, no. 1 (2012).
- Lambert, Helene. "'Safe Third Country' in the European Union: An Evolving Concept in International Law and Implications for the UK." *Journal of Immigration, Asylum and Nationality Law* 26, no. 4 (2012). <http://ssrn.com/abstract=2229266> Electronic copy available at: <https://ssrn.com/abstract=2229266> Electronic copy available at: <http://ssrn.com/abstract=2229266>.
- Mahyuddin, Chaideer. "Hundreds of Students Drive Rohingya Out of Aceh." *voaindonesia.com*, 2023. <https://www.voaindonesia.com/a/ratusan-mahasiswa-usir-rohingya-di-aceh/7414264.html>.

- Malaysia, UNHCR. "Malaysia | UNHCR Malaysia." [unhcr.org](https://www.unhcr.org/my/where-we-work/countries/malaysia), 2025. <https://www.unhcr.org/my/where-we-work/countries/malaysia>.
- McNevin, Anne. "Why We Would Gain from a Regional Approach to Refugee Protection - Monash University." [monash.edu](https://www.monash.edu/news/opinions/why-we-would-gain-from-a-regional-approach-to-refugee-protection), 2013. <https://www.monash.edu/news/opinions/why-we-would-gain-from-a-regional-approach-to-refugee-protection>.
- "Migration Flows: Eastern, Central and Western Routes - Consilium." Accessed December 28, 2024. <https://www.consilium.europa.eu/en/infographics/migration-flows-to-europe/>.
- Muhammadin, Fajri Matahari, Agustina Merdekawati, Rangga Dachlan, Lely Frilia Melisa Dwi Nanda, Ibrahim Hanif, Kay Jessica, Haekal Al Asyari, and Anis Muhammad Alfa Afla. *International Law*. Edited by Fajri Matahari Muhammadin. *Buku Belaka Maju Jaya*. Yogyakarta: Buku Belaka Maju Jaya, 2023.
- Name, No. "36 Rohingya Refugees Found in Bireuen, Aceh." [suaka.or.id](https://suaka.or.id/rilis-pers-36-pengungsi-rohingya-ditemukan-di-bireuen-aceh/), 2023. <https://suaka.or.id/rilis-pers-36-pengungsi-rohingya-ditemukan-di-bireuen-aceh/>.
- . "Jakarta's Public Order Agency (Satpol PP) Again Uses Violence Against Refugees During the Eviction of Refugee Tents Behind the UNHCR Indonesia Office." [suaka.or.id](https://suaka.or.id/rilis-media-satpol-pp-dki-jakarta-kembali-melakukan-kekerasan-terhadap-pengungsi-dalam-pengusiran-tenda-pengungsi-di-belakang-kantor-unhcr-indonesia/), 2024. <https://suaka.or.id/rilis-media-satpol-pp-dki-jakarta-kembali-melakukan-kekerasan-terhadap-pengungsi-dalam-pengusiran-tenda-pengungsi-di-belakang-kantor-unhcr-indonesia/>.
- Nicolosi, Salvatore Fabio. "Externalization of Migration Controls: A Taxonomy of Practices and Their Implications in International and European Law." *Netherlands International Law Review* 71, no. 1 (2024): 1–20. <https://doi.org/10.1007/s40802-024-00253-9>.
- Nour Mohammad. "Refugee Protection Under the Constitution of Bangladesh: A Brief Overview." *Refugee Watch*, no. 39 (2012): 141–56.
- Pardosi, Santa Indah Theresia. "Refugee Protection in Southeast Asia: A Comparative Study of Several ASEAN Member States." *Realism: Law Review* 2, no. 2 (2024): 182–99. <https://doi.org/10.71250/rlr.v2i2.45>.
- Prasetyo, Wisnu. "Highlighting Rohingya Refugees, Immigration Minister Calls for Revision of Presidential Regulation 125/2016 | Kumparan.Com." [kumparan.com](https://kumparan.com/kumparannews/soroti-pengungsi-rohingya-menteri-imigrasi-minta-perpres-125-2016-direvisi-23r5WcacHeB), 2024. <https://kumparan.com/kumparannews/soroti-pengungsi-rohingya-menteri-imigrasi-minta-perpres-125-2016-direvisi-23r5WcacHeB>.
- Sheet, EU - Fact. "Implementing the EU-Turkey Agreement – Questions and Answers." <https://commission.europa.eu/>, 2016. https://ec.europa.eu/commission/presscorner/detail/el/memo_16_1494.
- Indonesian Refugee Council. "Increasing Vulnerability of Refugees in Indonesia Due to the Suspension of Financial Assistance from UNHCR Indonesia," 2024. <https://suaka.or.id/rilis-media-meningkatnya-kerentanan-pengungsi-di-indonesia-akibat-pemberhentian-bantuan-finansial-dari-unhcr-indonesia/>.
- Suryono, Mitra. "Indonesia FACT SHEET December 2024," 2024. www.unhcr.org.
- Susetyo, Heru. "The Urgency of Addressing Refugees and Asylum Seekers in Indonesia." [law.ui.ac.id](https://law.ui.ac.id/urgensi-penanganan-pengungsi-dan-pencari-suaka-di-indonesia-oleh-heru-susetyo-s-h-l-l-m-m-si-ph-d/), 2021. <https://law.ui.ac.id/urgensi-penanganan-pengungsi-dan-pencari-suaka-di-indonesia-oleh-heru-susetyo-s-h-l-l-m-m-si-ph-d/>.
- UNHCR. "Rohingya Refugee Population in Bangladesh," 2025.

- Wahyuni, Hasti, Nur Hilda Mardiah, Fauzan Azhari, Hafizoh Annisa, Rafika Abelia, and Rafika Abelia. "The Government's Policies Under President Joko Widodo in Addressing the Issue of Asylum Seekers and Foreign Refugees in Indonesia." *Journal of Diplomacy and International Studies*, 1(1), pp. 1–10. "The Government's Policies Under President Joko Widodo in Addressing the Issue of Asylum Seekers and Foreign Refugees in Indonesia." *Journal of Diplomacy and International Studies*, 2022, 23–32.
- Waruwu, Fahrin. "The Regional Office of the Ministry of Law and Human Rights, the Riau Provincial Government, and the Pekanbaru Task Force for the Handling of Rohingya Refugees Hold a Meeting." <https://www.nawacitapost.com/>, 2024. <https://www.nawacitapost.com/nasional/27290242/kanwil-kemenkumham-pemprov-riau-dan-satgas-ppln-pekanbaru-rapat-penanganan-pengungsi-rohingnya>.