

Local Government and Central Government Coordination with UNHCR in Order to Handle the Asylum Seeker and International Refugees in South Sulawesi (International Refugees Law Analysis)¹

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Abstract

There are several places in Indonesia which is found that accepted the asylum seeker and international refugees, one of them is the Government of South Sulawesi to the asylum seeker/Rohingya Refugees. The arrival of international asylum seekers and refugees is due to a threat to the life and security of themselves and their families in their home country. On the other hand, the South Sulawesi Provincial Government has practiced good treatment of asylum seekers and internally displaced persons resettled in its territory. In the handling the international asylum seekers and refugees, the Government of South Sulawesi always coordinates well with the district/city government, central government and the United Nations High Commissioner for Refugees (UNHCR) offices both in Jakarta and Makassar, is intended not only in terms of locating international asylum seekers and refugees in South Sulawesi, but also coordinating in the settlement of any issues involving such asylum seekers and refugees.

Keywords: Coordination, Local Government, Asylum Seeker, International Refugee.

I. Introduction

Republic Indonesia Law Number 23 year 2014 about the local government which is reflected from local autonomy as mandate from existing Law in Indonesia. From those regulation, some of the authority that conduct by the center of the government that then delegated to the local government, be it the provincial government as well as local government district/city. Government affairs belonging to the central government consist of absolute government affairs (Government Affairs fully entrusted by the Central Government), concurrent government affairs (Government Affairs divided between Central and Provincial and District/City Government), and general government affairs (Government Affairs which became the authority of the President as head of government relating to the maintenance of the ideology of Pancasila, the 1945 Constitution of the State of the Republic of Indonesia, Bhinneka Tunggal Ika, ensures a harmonious relationship based on ethnicity, religion, race and among groups as a pillar of nation and state life and facilitate life democratic). Concurrent government affairs² and the public government affairs conducted by the local government that delegated from central government. While the government affairs are absolute³ conducted by the central government but in implementation, the government can conducted itself or delegated to the vertical institution that exist in region or to governor as the representative of central government bases on deconcentrating principle.

International asylum seekers and refugees are groups of people who are particularly vulnerable to inhumane treatment both in their home country and country where they are displaced. They are very poor people and do not have travel documents. Their departure to other places or countries is not of their own personal desires but because they are forced to because there is no guarantee of safety from the country to be addressed. So indeed,

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² The affairs of the concurrent government under the authority of the Region shall consist of the Mandatory Government Affairs and Preferred Government Affairs, and the Governmental Affairs shall be further divided into Governmental Affairs relating to Basic Services and Governmental Affairs not related to the Basic Service. Compulsory Governmental Affairs relating to Basic Services include: (1). education; (2). health; (3). public works and spatial arrangement; (4). public housing and residential areas; (5). tranquility, public order and the protection of the people; and (6). social. Compulsory Governmental Affairs which are not related to the Basic Services include: (a). labor; (b). women's empowerment and child protection; (c). food; (d). land; (e). living environment; (f). population administration and civil registration; (g). community and village empowerment; (h). population control and family planning; (i). nexus; (j). communication and informatics; (k). cooperatives, small and medium enterprises; (l). capital investment; (m). youth and sports; (n). statistics; (o). encryption; (p). culture; (q). library; and (r). archives. The Government Affairs of Choice include: (i). marine and fisheries; (ii). tourism; (iii). agriculture; (iv). forestry; (v). energy and Mineral Resources; (vi). trading; (vii). industry; and (viii). transmigration.

³ The absolute government affairs as meant in question shall include: (1) Foreign Political Affairs; (2) Defense Affairs; (3) Security Affairs; (4) Justice Affairs; (5) National Monetary and Fiscal Affairs; and (6) Religious Affairs.

the refugees are very vulnerable to the violations of human rights violations that occurred against him.¹ The asylum seeker and international refugee is become one problem for the relationship between the state, since the international refugee is can be happen in each of the state cause by the conditions that made a person choose to move from their original country. The Conditions in question are unsafe conditions for a person or group, if they remain in the territory of their country of origin, so for the sake of security and safety, the person or group chooses to move from the territory of the country of origin to the state territory which is safer for them. But the migration of asylum seekers and international refugees is not without risk, the potential rejection of the targeted countries or their stops is also wide open before them.²

In Indonesia, there are some areas that accept the flow of asylum seekers and international refugees, namely the Riau Islands Local Government against the Refugees of Vietnam, the Government of Aceh Special Region to the Sri Lankan and Rohingya Refugees/Myanmar refugees, and the last is the Government of Aceh Special Region, North Sumatra, and South Sulawesi against asylum seekers/Rohingya Refugees.³ The arrival of international asylum seekers and refugees is due to a threat to the life and security of themselves and their families in their home country. On the other hand, the South Sulawesi Provincial Government has practiced good treatment of asylum seekers and internally displaced persons resettled in its territory. However, the treatment provided by the local government does not necessarily make international asylum seekers and refugees also obey the local rules, as there are also some violations committed by international asylum seekers and refugees, and have even disrupted the comfort of the activities of local people, such as marching and fighting.

In the handling of international asylum seekers and refugees, the Government of South Sulawesi always coordinates well with district/city governments, central government and the United Nations High Commissioner for Refugees (UNHCR)⁴. Whether in Jakarta or in Makassar, the coordination is intended not only in terms of locating international asylum seekers and refugees in South Sulawesi, but also coordinating in the settlement of any issues involving such asylum seekers and refugees. Based on the presentation, then the problem to be discussed in this paper is how is the practice of acceptance of international asylum seekers and refugees in South Sulawesi? And how is the coordination of the South Sulawesi Regional Government to the Central Government and UNHCR?

II. Research Methods

This is a normative legal research,⁵ with legal and case approach.⁶ Data used is secondary data like primary legal literature (Both international and National instrument) and legal secondary literature (book, journal, research result reported and news from electronic and online media) through library study. The collected legal materials are then analyzed qualitatively, then presented descriptively in order to answer the problems in this paper.

III. Result and Discussion

A. The Practice of Acceptance of Asylum Seekers and International Refugees in South Sulawesi

Each State is responsible for ensuring that the rights of its citizens are respected. The need for international protection therefore only arises when this national protection is denied or declared unavailable. At that time, the primary responsibility for providing international protection rests with the country where individuals have requested asylum. All States have a general obligation to provide international protection as a result of obligations under international law, including international human rights law and customary international law. States parties to the 1951 Convention concerning Refugee Status and/or the 1967 Protocol shall have obligations in accordance with the provisions of this instrument.⁷ Being among the countries receiving large numbers of

¹ Iin Karita Sakharina, *Pengungsi dan HAM*. Jurnal Hukum Internasional Vol. I Nomor 2. Nopember 2013. International Law Department of Law Faculty, Hasanuddin University, Makassar, p. 198

² We can see how the practice of refusing asylum seekers and refugees internationally is often done by Thailand, Even Australia and Egypt that have clearly ratified the 1951 Convention Relating to the Status of Refugees also often expel international asylum seekers and refugees who enter the territory

³ Iin Karita Sakharina, et.al., The involvement of Local Government in handling the asylum seeker and international refugees in *Indonesia*, Prosiding on National Symposium "International Law under the geopolitic of the contemporer world: from Indonesia experience and perspective" conducted by the International Law Lecturer Association (APHI) cooperate with Law Faculty, Andalas University, in Bukittinggi 7-8 September 2017.

⁴ UNHCR is an organ of the United Nations which has the mandate of international refugees. UNHCR operates a Refugee Status Determination (RSD) procedure, which begins with registration or registration of asylum seekers. After registration, UNHCR will conduct individual interviews with each asylum seeker, accompanied by a competent translator. This process gives rise to a reasonable decision that determines whether a person's purchasing status request is accepted or rejected and provides each of the individual have given a chance once to send their appeal when their application is rejected. Read also the history of UNHCR in <http://www.unhcr.org/id/sejarah-unhcr>

⁵ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Jakarta: Rajawali Pers, 2013, p. 118

⁶ Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group, 2010, p. 96

⁷ *Each State is responsible for ensuring that the rights of its citizens are respected. The need for international protection*

asylum seekers and refugees such as Malaysia, Thailand and Australia, Indonesia is severely affected by mixed population movements.¹ From the geographic situation, Indonesia is a strategic country that closed from Australia (One of the main country that give the place to the asylum seeker),² So Indonesia is always as a transit country for them who have purpose to Australia as a destination country.

After the decline in numbers in the late 1990s, the number of arrivals to asylum seekers in Indonesia increased again in 2000, 2001 and 2002. Although the number of arrivals subsequently declined again in 2003-2008, the trend of arrivals increased in 2009 with a total of 3,230 people asking protection through UNHCR. Currently the majority of such asylum seekers come from Afghanistan and Somalia³ UNHCR is Protect the asylum seeker and refugees are to make sure them have the protection from refoulement principles.⁴ Furthermore the refugees protection cover more the verification process of asylum seeker and refugees identity in order they will be able to registered and documented then able to apply to get a status as refugee trough the deep evaluation procedure by UNHCR, that called Refugee Status Determination (RSD).⁵ The refugees protection started with the RSD mechanism after the arrival in one country, become an important point when an asylum seeker have the right to get a status as refugee or must be send back their original country when the RSD process not categorize him as an international refugees.

This procedure is giving the opportunity to the asylum seekers individually for interview in their mother language by the RSD staff and get help by the translator that also evaluate the validity their protection application. Furthermore, the asylum seeker will be given a decision whether the refugee status is given or not to him, along with the reason. If the request for protection is denied, the procedure in RSD imposes an opportunity for re-submission (appeal). For those who get refugee status, UNHCR will look for one of three possible long-term solutions: placement in a third country, voluntary repatriation (if the conflict in the area of origin is over) or local integration. The search for a viable long-term solution for every refugee is a process that involves consideration of the individual and family circumstances. The solution sought is a solution that suits the needs of each refugee. Those identified as refugees will receive protection as long as UNHCR seeks long-term solutions, which are usually placements in other countries. To this end, UNHCR is closely linked to countries that have the potential to receive refugees. As of the end of March 2017, 6,191 asylum seekers and 8,279 refugees were

therefore only arises when this national protection is denied or is otherwise unavailable. At that point, the primary responsibility for providing international protection lies with the country in which the individual has sought asylum. All States have a general duty to provide international protection as a result of obligations based on international law, including international human rights law and customary international law. States that are parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol have obligations in accordance with the provisions of these instruments. UNHCR, An Introduction to International Protection Protecting Persons of Concern to UNHCR, Self-Study Module 1, Geneva: UNHCR, 2005, p. 12

¹ Indonesia has not ratified the *the Convention Relating to the Status of Refugees 1951* and *the Protocol Relating to the Status of Refugees 1967* until now, but Has help UNHCR alot regarding to received the asylum seeker and international refugee as a transit country before have their placement in the destination country.. Based on the main intruments of the protection of refugees, Although Indonesia is not bound by the Convention since has not ratified yet so Indonesia has No. direct responsibility to the given of international protection to the asylum seeker and refugees. Due to not become a state parry of the convention so in determining of refugees status, Indonesia give to UNHCR the authority to conduct this mandate in handling the refugees problem in Indonesia. See In Karita Sakharina, et.al, The involvement of local Government in handling the asylum seeker and international refugees in *Indonesia, Loc.Cit.*

² *How people from refugee backgrounds experienced regional resettlement in New South Wales, Australia, by focusing on their narratives of determinants of "successful" resettlement. While such challenges are consistent with research in metropolitan cities, there were limitations unique to the regional context. Resettlement policies have contradictory elements inherent to their design that can be detrimental to what refugees consider as successful resettlement.* Oscar Curry, Charlotte Smedley, and Caroline Lenette, *What Is "Successful" Resettlement? Refugee Narratives from Regional New South Wales in Australia*, Journal of Immigrant & Refugee Studies, October 2017 Edition, p. 1; as well as Lebanon under paper of Maja Janmyr, that stated "Lebanon, a country frequently hailed by the international community for its generosity towards refugees, and currently hosting the highest number of refugees in the world in proportion to its population size. While Lebanon engaged actively in the establishment of the international refugee regime, it has long insisted that it is not a country of asylum and steadfastly rejects ratification of the major refugee law instruments". Maja Janmyr, *No Country of Asylum: 'Legitimizing' Lebanon's Rejection of the 1951 Refugee Convention*, International Journal of Refugee Law, October 2017 Edition.

³ Data on arrival of asylum seekers enrolled in UNHCR from year to year: 385 in 2008; 3,230 in 2009; 3,905 in 2010; 4,052 in 2011, 7,223 in 2012; 8,332 in 2013; 5,659 in 2014; 4,426 in 2015; 3,112 in 2016.

⁴ Protection from forced repatriation to their place of origin in which their lives or freedoms are in danger or maltreatment. The Non-Refoulement Principle as well as the peremptory norm or *ius cogens* and customary international law, the Non-Refoulement Principle has become the norm of *erga omnes*, and also regulated in the 1951 Convention, is also contained in the Convention against Torture, Geneva Convention IV and the International Covenant on the Rights Civil and Politics. Kadarudin, *Indonesia's Relationship with Non-Refoulement Principle in International Legal Perspective, Loc.Cit.*

⁵ See also UNHCR in Indonesia di <http://www.unhcr.org/id/unhcr-di-indonesia>

registered with UNHCR Jakarta cumulatively.¹ So it's not wondering if UNHCR have a big role play in negotiated each country in order the refugee will get the place for the international protection.

When the international asylum seekers and refugees enter a new territory (Indonesia), they or their families must comply with applicable laws and comply with all regulations at both the central and regional levels in which they live. When international asylum seekers and refugees are well received by the South Sulawesi Provincial Government and local communities, it does not provide any assurance that the behavior of these refugees can proceed as desired. This can be seen from several problems that arise in the midst of the community, especially in Makassar related to the existence of asylum seekers and international refugees in the region, such as fighting² and demonstration. These events also occurred in several refugee areas in Indonesia and became a problem for UNHCR and the Government of Indonesia. Because if these incidents continue it will affect the perception of local communities so that their presence (asylum seekers and internally displaced persons) can be threatened in refugee areas, and it is not impossible if the local people are fed up with the conduct of international asylum seekers and refugees its territory will carry out eviction from their place. This will make local governments difficult in terms of protection of international asylum seekers and refugees in the future.³ So the international refugee will be difficult to get any respect from one country which cause of their own attitude, this is also narrowed it the refugees access in order to get the trusted and protection from one country.

In year 2012, since the violation is continuously happening in Myanmar, the Rohingya people has escaped to other country to survive.⁴ Since they don't have a passport and visa, so they must go over the sea by boat. Indonesia is not a destination country, but Australia, Malaysia and Thailand became a destination country for Rohingya ethnic. Unfortunately, they are swayed in the ocean and stuck in Indonesia. According to Musa (one of the Rohingya Refugees in Makassar)⁵

"I was in boat to Australia, but we were stopped in Indonesia. The only way that we can reach the country with safe since we don't have passport. Before that, the arrived in Indonesia, actually in Aceh. After that they separate to Jakarta, Surabaya, Bandung and Kupang because have no passport. After detained more than one year in prison jail, the refugees have given an immigrant identity card from the UN. To be able have a normal life, which is the important thing is can find the best solution. We only want to recognize as a human being that have a right to get the right to live and have a normal life."

After receiving a card from the United Nations, they were re-evacuated to big cities like Makassar and other cities. Living in Makassar, they can feel a bit of freedom, but still should not violate rules such as work, get out

¹ History UNHCR, *Loc.Cit.*

² Foreigners from Afghanistan and Sudan who became refugees in temporary shelters asylum seekers in Makassar, South Sulawesi clashed. The cause of the clash that took place on Wednesday, September 9, 2015 was a reprimand from an Afghan citizen against a Sudanese who was about to cook at a shelter. Head of Public Relations Bureau of Immigration Directorate of the Ministry of Justice and Human Rights Heru Santoso said the Afghans felt the dining room would be dirty if the Sudanese kept cooking in the room. However, the reprimand was rejected by the Sudanese citizen supported by his colleagues. As a result, other Afghans are angry. They then help their colleagues until there is a commotion. Seven Sudanese nationals and five Afghans were injured. Seven people were immediately taken to RSUD Daya Makassar. While Five Afghans that were injured taken to Awal Bross Hospital Bross. The case of the clash has been handled by Makassar police and immigration. Given the number of Sudanese minority compared to the citizens of Afghanistan. Currently 21 Sudanese WN are transferred from Wisma Bugis I to the Immigration Class I Quarantine Station of Makassar. Jawa Pos, Afghan and Sudanese Refugees in Makassar Clash, Issue 11 September 2015, See <http://www.jawapos.com/read/2015/09/11/3470/pengungsi-afghanistan-and-sudan-di-makassar-bentrok>

³ Iin Karita Sakharina, *et.al.*, The Involvement of Local Government in handling the asylum seeker and Internasional Refugees in Indonesia., *Loc.Cit.* compare paper from Will Jones and Alexander Teytelboym that explained "Once refugees are granted protection in a particular host country, there is little concern about where in that country they are settled. Yet this matters enormously for refugees' chances to prosper in the new country and for the willingness of the local community to welcome them. We propose a centralized clearinghouse a 'two-sided matching system' to match refugees with localities. Drawing on the success of matching in domains such as public-school choice, we outline principles underlying matching-system design, and illustrate in general terms how they could be applied to refugee protection. This matching system respects the priorities and capacities of localities and gives agency to refugees. As an example, we describe in detail how such a system could work to meet the British government's commitment to resettle 20,000 Syrian refugees by 2020". Will Jones and Alexander Teytelboym, *The Local Refugee Match: Aligning Refugees' Preferences with the Capacities and Priorities of Localities*, Journal of Refugee Studies, August 2017 Edition.

⁴ More than 300 houses were burned in violence that happened in Rakhine, State of West Burma. Kadarudin and Husni Thamrin, *Rohingya and Its Challenge of UNHCR Negotiation to the Main Country as a giver of Asylum (An Overview of International Refugees Law)*, National Symposium Prosiding "International Law Under geopolitic oin contemporer world" Conducted by the Assosiation of International Law Lecturers (APHI) cooperate with Faculty of Law, Andalas University, di Bukittinggi 7-8 September 2017. See also Kompas, Hundreds of Houses were burned in *Rakhine, Myanmar*, <http://lifestyle.kompas.com/read/2012/10/23/07425489/ratusan.rumah.dibakar.di.rakhine.myanmar>

⁵ Rappler Indonesia, *Kisah Pulu Pengungsi Rohingya Hingga "Terdampar" di Makassar*, see <https://www.rappler.com/indonesia/berita/181164-pengungsi-rohingya-terdampar-makassar>

of the city of Makassar and driving a motor vehicle plus the application of hours out of the shelter only until the deadline of 22:00 WITA. The journey from Myanmar to Aceh to place in Makassar was perceived to be quite hard and difficult. If it can be the best solution, they hope to experience the free life that others are feeling right now. Luckily during setting foot to Makassar, not even the immigrants received ill-treatment from the people of Makassar. Even according to the Rohingya Immigrants, Makassar showed their hospitality as they were adapting to a new environment. Even the people of Makassar who live in the area around the shelter taught them Indonesian language assisted by shelter guard who also always taught them fluent Indonesian.¹

There are still many problems in the handling of asylum seekers and international refugees in South Sulawesi, such as the limited capacity at immigration detention houses (rudenim).² Based on interviews with Rajiah (Head of Sub-Administration and Reporting Rudenim), Rudenim can only accommodate 100 people (even now there are 141 of total residents), so many of the refugees are placed in the homesteads in Makassar city.

From the hundreds of Rohingya immigrants who are accommodated in the 12 homesteads in Makassar City, almost fully even been fluent in Indonesian. During the evacuation in Indonesia, there were many griefs experienced by Rohingya refugees, especially in adapting to new environments. But togetherness makes everything forget the burden of life experienced. Some time ago, Rohingya refugees held a rally on the UNHCR Office Building page to question their fate. In the action, they demanded three points, namely returned to the country of origin, became an Indonesian citizen and the last departed to third country.³

B. Form of Coordination by the South Sulawesi Government to the Central Government and UNHCR

The relationship between the Central Government and the Regions can be traced from the third and fourth paragraphs of the Preamble of the 1945 Constitution of the State of the Republic of Indonesia. The third paragraph contains the statement of Indonesian independence. While the fourth paragraph contains a statement that after declaring independence, which was first established is the Government of Indonesia which is the National Government responsible for regulating and managing the nation of Indonesia. It further states that the task of the Government of the Republic of Indonesia is to protect the entire nation and the blood of Indonesia, to promote the common prosperity and intellectual life of the nation and to maintain the world order based on freedom, eternal peace, and social justice. Furthermore Article 1 of the 1945 Constitution of the Republic of Indonesia states that the State of Indonesia is a unitary state in the form of a republic. Logical consequence as a unitary state is the formation of the government of the State of Indonesia as a national government for the first time and then the national government that then form the Region in accordance with the provisions of legislation. Then Article 18 paragraph (2) and paragraph (5) of the 1945 Constitution of the State of the Republic of Indonesia states that the Regional Government has the authority to regulate and manage its own Governmental Affairs according to the Autonomy and Co-Administration Principles and shall be granted the widest possible autonomy.⁴

The broadest granting of autonomy to the Region is directed to accelerate the realization of the welfare of the community through the improvement of services, empowerment, and community participation. In addition, through broad autonomy, in the strategic environment of globalization, the Region is expected to improve its competitiveness by taking into account the principles of democracy, equity, justice, privilege and specificity and potential and regional diversity within the system of the Unitary State of the Republic of Indonesia. The granting of the widest possible autonomy to the Region shall be carried out on the basis of the principle of a unitary state. In a unitary state the sovereignty exists only in the government of a state or national government and there is no sovereignty in the Region. Therefore, no matter how much autonomy is granted to the Region, the final responsibility for the implementation of the Regional Government will remain in the hands of the Central Government. For that Regional Government in a unitary state is a unity with the National Government. In parallel, the policies made and implemented by the Regions are an integral part of national policy.

¹ According to Musa “because they were staying too long here, Indonesia is our compulsory language, for five years we only eat and sleep here so we need to adaptation.”. *Ibid.*

² We must learn from Brazil in willingness to maximize the facility in order to fulfill the demanding of international refugees. According to Julia Bertino Mereira “Refugee policy in Brazil constitutes an underexplored case study in the field of forced migration, given that researchers often focus on developed and developing countries that receive large refugee flows. Brazil has been investing more in this policy, since the country has been hosting a growing number of refugees and has been considered an emerging resettlement country in the developing world. Not only governmental agencies take part in refugee policy in Brazil, but also civil society institutions and international organizations such as Caritas and the United Nations High Commissioner for the Refugees. Julia Bertino Mereira, *Refugee Policy in Brazil (1995–2010): Achievements and Challenges*, Refugee Survey Quarterly, October 2017 Edition.

³ Musa revealed that “The first point is not possible, because we can see for ourselves how things are going now, the second point is also impossible because we appreciate the regulations of the Government of Indonesia. So only the third point of choice we hope now”. *Ibid.*

⁴ General Explanation of Republic Indonesia Law Number 23 Tahun 2014 of the Local Government

Differentiation lies in how to harness local wisdom, potential, innovation, competitiveness, and creativity to achieve these national goals at the local level which in turn will support the achievement of overall national objectives.¹ Based on this, we can know that the central government as a representative of the state in conducting international relations also coordinate with the local government at the local level which is an integral part of every movement made by the State (Indonesia).

Many countries, bodies, or organizations provide international protection for humanitarian reasons. Therefore, an organized cooperation is required between the state, the agency or organizations to cooperate in providing such international protection² At the end of 2016, the President of the Republic of Indonesia signed the Presidential Regulation No. 125 of 2016 on the Handling of Refugees from Abroad. The Presidential Regulation contains the main definitions and regulates the detection, holding and protection of asylum seekers and refugees. Various provisions in the Presidential Regulation are expected to be implemented soon. This will make the Government of Indonesia and UNHCR work more closely, including in the field of joint registration for asylum seekers.³ Based on this, Presidential Regulation No. 125 of 2016 on the handling of refugees from abroad became the main basis for Indonesia to receive, honor and provide protection to asylum seekers and international refugees who enter the territory. In practical level, the local government cannot refuse or deny the existence of international refugees because of the Presidential Regulation No. 125 of 2016 this year.

According to Alexander Betts and Gil Loescher in his paper that title Refugees in International Relations explained that bahwa Refugees are people who cross international borders in order to flee human rights abuses and conflict,⁴ While Achmad Romsan et al wrote in his book entitled Introduction to the International Refugee Law that refugees can also occur due to manmade disaster, such as armed conflict, the turn of the political regime, the suppression of fundamental freedoms, human rights abuses, and so on. Refugees can be done within the scope of one country territory or to another because of political differences.⁵

The number of asylum seekers in the year 2016 actually decreased compared to 2015 which reached 3,000 more in South Sulawesi. However, the Governor of South Sulawesi (Syahrul Yasin Limpo) stressed that the amount should not be increased again. The Immigration Division should follow up on it, and should coordinate with UNHCR immediately as soon as the internationally refugee asylum seekers are deployed to a third country, such as Australia. In addition to South Sulawesi, the number of asylum seekers in Indonesia is about 13 thousand. They are scattered in other areas, such as Manado, Balikpapan, Jayapura, Medan, Pekanbaru, Tanjung Pinang and Jakarta, but most are in South Sulawesi⁶ Nevertheless (South Sulawesi as the most populated area accommodating the number of asylum seekers and refugees), but the South Sulawesi Provincial Government continues to handle these asylum seekers and refugees internationally with the maximum. There is no special treatment word, nor the like, they (international asylum seekers and refugees) are treated equally, and the South Sulawesi Regional Government continues to coordinate with the UNHCR and the Central Government in Jakarta on developments that occur in every process that the refugees undergo, third country placement.

In the Year 2015, South Sulawesi has closed the possibility of re-addition of the number of asylum seekers and internally displaced to its territory, because in addition to the Regional Government of South Sulawesi has accommodated many asylum seekers and international refugees, as well as in general these asylum seekers and refugees are sent from other regions. The following is a news report from Harian Merdeka Online:⁷

“The number of immigrant asylum seekers in Makassar to date has reached 2,300 people. They inhabit 30 community houses scattered at several points facilitated by International Organization Migration (IOM). According to the head of the First-Class Immigration Office of Makassar, Tegas Hartawan said, Makassar is quite crowded by foreigners with the number 2,000 more people. So, the acceptance of new immigrants of asylum seekers and refugees is stopped or closed. "We have not received immigrant new migrants since January 2015. Immigrants usually enter through other areas in Indonesia and then referred to Makassar," said Tegas, when confirmed merdeka.com, Friday (May 13, 2016). These immigrants, said Tegas, include Afghan, Somali, Rohingya, Sudanese and Iraqi citizens. The largest number of immigrants from Afghanistan, 50 percent of the 2,300 immigrants. Not infrequently the

¹ *Ibid.*

² Iin Karita Sakharina and Kadarudin, *Hukum Pengungsi Internasional*, Makassar: Pustaka Pena Press, 2016, p. 44

³ UNHCR in Indonesia, see <http://www.unhcr.org/id/unhcr-di-indonesia>

⁴ Alexander Betts and Gil Loescher (Ed.), *Refugee in International Relations*, New York: Oxford University Press, 2011, p. 1 compare with Atik Krustiyati, Solving refugees policy in *Indonesia: Analysis from Refugee Convention 1951 and Protocol Year 1967*, UPH Law Review Volume XII No. 2, November 2012, p. 173

⁵ Achmad Romsan, et, al., *Pengantar Hukum Pengungsi Internasional: Hukum Internasional dan Prinsip-Prinsip Perlindungan Internasional*, Bandung: Sanic Offset cooperate with UNHCR Jakarta, 2003, p. 35

⁶ Tempo Online Edition 5 January 2017, South Sulawesi have received most illegal imigran in *Indonesia*, see: <https://nasional.tempo.co/read/news/2017/01/05/063832892/Sulawesi-Selatan-Terbanyak-Imigran-Ilegal-di-Indonesia>

⁷ Merdeka Online edition 13 May 2016, *Makassar has closed the receiving of new comers of Imigran for asylum seeker*, see <https://www.merdeka.com/peristiwa/makassar-tutup-penerimaan-pendatang-baru-imigran-pencari-suaka.html>

fighting, fighting among Immigrants as happened in 2015 ago. Fellow Immigrants from two different countries who live in one of the house community at Jalan Perintis Kemerdekaan VII, Makassar were involved in a fight until they were rushed to the hospital for injuries. "If there is such an incident, the perpetrator is given a sanction that is placed in the detention room, a special room. There are usually for months. If there are those who acknowledge his mistake and promise not to repeat then they are then returned to the dorm or house community before," Tegas said. A number of rules apply to these immigrants. Among them should not be involved in drugs, may not enter the Night of Events (THM). And night out limit until 22:00 WITA. Direct monitoring by internal security or security in each dormitory. Another rule that must be obeyed by these immigrants, he added, they must uphold local wisdom such as keeping the dress, how to communicate and not drinking alcohol in public places.

Presidential Decree Number 125 of 2016 on the Handling of Refugees from Abroad is the last presidential regulation signed in 2016 precisely on December 31, 2016, this rule consists of 45 articles, where the linkage of central government with local government is contained in Article 5, Article 9 up to Article 19 and Article 24 up to Article 26. From those aforementioned articles, it is very clear how the form of local government coordination be it district/municipality governments and provincial governments in the handling of international refugees. At the time of the issuance of Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad, local governments have difficulties in terms of authority granted or legal umbrella in carrying out the handling of asylum seekers and international refugees in their area. Like the Regional Government of South Sulawesi that has received refugees from the Year 2012 ago, but there is only a clear legal umbrella after the issuance of Presidential Regulation No. 125 of 2016 on the Handling of Refugees from Abroad, and so far, only rely on the Regulation of the Director General of Immigration, Ministry of Justice and Human Rights of the Republic of Indonesia IMI-1489.UM.08.05 Year 2010 on Immigrants Handling Illegal.

Coordination with UNHCR and the Central Government continues to be undertaken by the South Sulawesi Provincial Government so that the process of placement of asylum seekers who have been granted refugee status through the Refugee Status Determination mechanism by UNHCR in a third country is not dragged on, because although the South Sulawesi Provincial Government still permits the international asylum seekers and refugees in their area but the final handling process through placement in the third country is the best of both the international refugees themselves. Form of coordination in the form of reporting every existing information, and joint handling activities involving the Ministry of Justice and Human Rights and the UNHCR Indonesia Representative in Jakarta.¹

South Sulawesi Local Government is very enthusiastic about handling international refugees in its territory, the Indonesian Red Cross (PMI) of South Sulawesi has signed a memorandum of understanding (MoU) of humanity with UNHCR for the handling and pembekalan international refugees, as well as cooperation with the Provincial Health Office of South Sulawesi, Education of South Sulawesi Province, Social Service of South Sulawesi Province, and Regional Disaster Management Agency of South Sulawesi Province². The existence of good treatment and the willingness of local government in assisting international refugees in South Sulawesi Province is a manifestation of the implementation of human rights enforcement that deserves appreciation, good treatment and willingness of local government is evidenced by cooperation of handling and briefing of international refugees between South Sulawesi Provincial Health Office, South Sulawesi Province, South Sulawesi Provincial Social Service Agency, South Sulawesi Provincial Disaster Management Agency (as representative of local government) with PMI South Sulawesi and UNHCR, even every similar activity Thomas Vargas as Head of UNHCR Representative in Indonesia always present, Makassar itself is a UNHCR representative. This provides evidence that UNHCR greatly appreciates the assistance and assistance of the South Sulawesi Provincial Government to international refugees deposited in its territory.

In the discussion of the Rohingya Concerned Community Forum, Vice Chairman of Commission B of Makassar Parliament, Iqbal Djalil, said the forum was formed as a forum for communication to anyone directly related to the fate of Rohingya immigrants. This is done because Rohingya is a part of humans and Muslims. After conducting the discussions, he promised to communicate with ulama, government and UNHCR to clarify the problems faced by Rohingya immigrants. The problems facing immigrants today are part of human rights abuses. That is because for seven years they are not given certainty. To that end, the UNHCR responsible on this

¹ In Medan and Makassar, UNHCR is working with the Indonesian Red Cross (PMI) to support schools and hospitals that provide assistance to UNHCR's concerns. UNHCR hopes to advance the process of providing material assistance to local institutions that play an important role in meeting the basic needs of the receiving community. It is Expected to increase the security of asylum seeker and refugee also to increase the public receiving for their presents in Indonesia. All the services that given to the asylum seeker and refugee by the UNHCR and its partner without taken any cost. Special attention is given to the them categorize as vulnerable, they were risk by the age and gender, included women, children and dissablity people. See UNHCR di Indonesia, *Loc. Cit.*

² Makassar Terkini, head of Representative *UNHCR Indonesia appreciated the humanity work of IYL*, Edition 17 September 2017, see <https://makassar.terkini.id/kepala-perwakilan-unhcr-indonesia-apresiasi-kerja-kemanu-siaan-iy/>

matter can solve it.¹

In Sinjai District also always coordinate with immigration, based on interview result of research team with Andi Tenriaji (Unit 2 of Criminal Police Sinjai Unit) explained that:

“In the jurisdiction of Sinjai Regency, there is only one case of entry of foreigners, ie in the Year 2016 ago, never before, and until now there has been no similar cases. The foreigner has no clear immigration papers and identity cards, so the Sinjai Police immediately secures the foreigner for questioning, after being questioned and found that he is indeed a foreign national, the Sinjai Police then contacts the immigration to be handled”.

Thus, the key to the handling of foreigners (internally displaced persons) is actually on the immigration side, because every international refugee arrives detected by security forces and other agencies (other than immigration), the first thing to do after a series of interrogations is to coordinate with the immigration authorities.

While in the region of Gowa Regency also involved actively in the handling of refugees (immigration detention houses) and in the formulation of national-scale policies or regulations related to international refugees. The Gowa District House of Representatives (DPRD) is one of 14 DPRDs throughout Indonesia who are summoned and discussed the Presidential Regulation of the Republic of Indonesia Number 125 of 2016 on the handling of refugees from abroad in coordination meetings held by the Coordinating Ministry for Political, Legal and Security Affairs (Kemenko Polhukam) at the Office of Kemenko Polhukam Jakarta.

The Gowa District Government also always coordinates with immigration and UNHCR in handling international refugees in their area which is generally dominated by Rohingya Refugees. Immigration in terms of humanitarian work with UNHCR always provide the best service for international refugees in South Sulawesi region in general, although in this study only Gowa, Sinjai and Makassar districts are used as research samples, but according to the team this research is more than enough to represent the whole South Sulawesi Province as a whole related to the refugees, because in fact the international refugees in South Sulawesi province are concentrated in two areas, namely Makassar and Gowa.

IV. Enclosed

In conclusion, the authors can conclude two important points: the practice of acceptance of asylum seekers and internally displaced persons in South Sulawesi, especially in Makassar City is very good, local governments give good treatment to asylum seekers and internally displaced people who are accommodated in their area, freedom, but still must not violate the rules such as work, get out of the city of Makassar and driving a motor vehicle plus the application of hours out of the shelter only until the deadline of 22:00 WITA. During the time set foot to Makassar, not even the international refugees received ill-treatment from the people of Makassar. Even according to the Rohingya refugees, Makassar show their hospitality as they are adapting to a new environment. Even the people of Makassar who live in the area around the shelter taught them Indonesian language assisted by shelter guard who also always taught them fluent Indonesian. Coordination with UNHCR and the Central Government continues to be undertaken by the South Sulawesi Provincial Government so that the process of placement of asylum seekers who have been granted refugee status through the Refugee Status Determination mechanism by UNHCR in the third country is not protracted. Form of coordination in the form of reporting every existing information, and joint handling activities involving the Ministry of Justice and Human Rights and the UNHCR Indonesia Representative in Jakarta.

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¹ According to Iqbal Djalil (Vice head of Commission B Makassar legislative) “Actually the country, then moved to the third country. We ask UNHCR to conduct it, don’t let them stay for years while now there are refugees that stay until 7 to 10 years. 10 years is not a short time to handle themselves with the strict regulation with do nothing. Want to open a trade is not allowed, forbidden to get married that ignored their human rights. See Rappler Indonesia, Sad story of Rohingya Refugees until arrived in Makassar; *Loc.Cit.*

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