

Cases of Rohingya Refugees in the Perception of International Law

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<i>Article Information</i>	<i>Abstract</i>
<p><i>Submitted :</i></p> <p><i>Accepted :</i></p> <p>Keywords : Rohingya, Refugees, Seek Asylum, Myanmar</p>	<p><i>The issue of refugees has now become a serious problem for the international community. Among the refugee issues is the case of Rohingya refugees in Myanmar. Where the Government of Myanmar which was commanded by the military Junta put pressure on the Rohingya people because they were not recognized as citizens. Thus they are considered not to have citizenship which causes them does not receive any protection from any country. As a result, Rohingya people fled to other countries to seek asylum. However, their presence in a country, in some cases, is returned by force by the country, which is a violation of the principles of customary international law.as well as the law article 14 (1) of the Universal Declaration of Human Rights which among other things regulates the right to seek asylum, which is recognized and complied with by civilized countries. This study aims to analyze the rights of Rohingya refugees seeking asylum according to international law. The research approach uses a descriptive-qualitative method that collects sources through literature, be it books or journals. The research results will be used to identify how international law can protect the rights of Rohingya refugees and show the state's responsibility to provide such protection.</i></p>

INTRODUCTION

In a military takeover during the UNU era in 1962, Ne Win took over the leadership of the Myanmar government. This came about as a result of an uprising by racial minorities who opposed the incumbent government. Following the coup, a military junta seized control of the country. Since then, it has oppressed the Rohingya and refused to recognize them as an ethnic minority in Myanmar. The Rohingya people are not considered to be one of

Myanmar's national ethnic groups, according to the Union of Myanmar's Ministry of Foreign Affairs. It was noted that a group of separatists in Rakhine State coined the moniker "Rohingya." It was further observed that Muslim immigrants from various nations had entered the country illegally, particularly in Rakhine State, since the First Anglo-Myanmar War in 1824, without the required immigration documents.[1]

The Rohingya are recognized by the Myanmar government as illegal Bangladeshi immigrants. The Rohingya, on the other hand, assert that they are the original Burmese ethnic group and are derived from the first Arakanese Muslims who arrived in or around the 9th century [2]

The Myanmar military regime has violated the Rohingya's human rights, according to Amnesty International. The Nagamin operation was carried out by the military regime in 1978 with the intention of researching every person in Myanmar, determining their citizenship status, and registering those who had entered the country illegally. In response to this operation, some 200,000 Rohingya fled to Bangladesh. [3]

Myanmar has a lengthy history of violating human rights, according to Amnesty International. The suppression of free speech and violations of human rights against the underrepresented ethnic communities continue. A periodic report on the state of human rights in Myanmar was released by the Human Rights Council in January 2011. The report found that the government had failed to address the country's dire situation and take effective corrective measures, including denying citizenship to Rohingya ethnic minority citizens. As a result, a large number of civilian Rohingyas in Myanmar are classified as undocumented immigrants and are therefore denied the same rights and protections as other citizens. [4]

The weak, like the Rohingya, have suffered horrendous rights violations, including denial of civil rights, restrictions on their freedom of movement, exploitation by monopolistic systems, extortion, unjust taxes, forced labor, confiscation of their property, denial of access to education, torture, and even murder. [5]

Accessing jobs and other resources has been made difficult due to the way the Rohingya are treated by the military junta in Myanmar, which does not consider them to be one of Myanmar's indigenous ethnic groups. Additionally, this abuse led a large number of Rohingyas to leave by boat across the sea to

neighboring nations. Which directly compels them to choose to flee Myanmar as "boat people" and seek asylum abroad. Bangladesh, Malaysia, Pakistan, Saudi Arabia, Thailand, Indonesia, and Australia are nations that serve as transit hubs or as final destinations, [6]

If not handled properly, the crisis in Myanmar might compromise national security and put a strain on the nations hosting Rohingya refugees. Due to the fact that it affects several nations close to Myanmar, particularly those in Southeast Asia, this has turned into a regional problem. Negotiations are therefore required to find the best way to avoid the Rohingya's being subjected to human rights violations. The Rohingya are one of Myanmar's original ethnic groups, but the military government in Myanmar refuses to acknowledge them as such, making it harder to resolve the issue. Refugees, asylum seekers, and stateless individuals are governed by international laws established by the Universal Declaration of Human Rights, including the Territorial Declaration on Asylum, the 1951 Convention on the Status of Refugees, and the 1967 Protocol on the Status of Refugees [7]

In every country they travel to, authorities treat refugees inhumanely. They have a right to humane treatment as individuals, as a community, and as fellow humans. The rights of refugees encompass universal civil, political, economic, social, and cultural rights. Even though there are international human rights agreements that protect the rights of refugees, not all nations have ratified them, thus many individuals still cannot take full use of these rights [8]. Because of this, refugees are being forced deported from various transit or destination nations (returning them to their original place). Such treatment is categorically in violation of the norms of international law that developed nations acknowledge

METHODOLOGY

A. Theoretical Background and Literature Review

Asylum and Refugees

When someone from another nation seeks sanctuary from persecutors or danger, that country may give asylum as a type of refuge. The principle of non-refoulement, which entails being allowed to stay on the territory of the nation that offers refuge and generally being treated in accordance with human standards, is one of several components of the right to asylum [9]. According to the 1951 Refugee Convention's Article 33, under the principle of nonrefoulement, no signatory state may deport or send a refugee back across a border if doing so would endanger their life or freedom because of their race, religion, nationality, affiliation with a particular social group, or political beliefs..

One of the *jus cogens* standards is represented by this rule [10]. Because it is a part of customary international law, which applies to all nations, including those that are not parties to the 1951 Convention [11].

Refugee is a legal status that is recognized by both international and/or domestic law. The rights and duties specified will be accepted by a person whose status as a refugee has been recognized. Refugees are defined by the 1951 Refugee Convention on the Status of Refugees as: "Persons who are outside their country of nationality out of genuine fear of persecution based on their race, faith, nationality, membership of a particular social group, or political views, and are unable or unwilling to access that country's protection; or who are stateless and are outside their country of previous residence as a direct result of the event, and are unable or unwilling to access that country's protection."

This definition applies to those who fled their homes as a result of circumstances that occurred before January 1, 1951, and other international agreements recognize their refugee status. In this instance, the UN General Assembly adopted Resolution 2198 (XXI) 1966, also known as the Protocol on the Status of Refugees in 1967, which came into effect on October 4, 1967. The notion of refugees is no longer constrained by occurrences before to 1951, according to this policy. The phrase "As a result of events happening before January 1,

1951" and the phrase "... As a result of such occurrences" are removed from Article 1 paragraph 2 of the protocol. The 1951 Convention's geographic restrictions on its application are likewise eliminated by the Protocol [12].

Refugees had different connotations before and after 1951. This discrepancy was caused by the provisions of international accords, notably those that dealt with the definition of refugees. Prior to 1951, most refugees were from certain regions as per international accords. As a result, it is centered on individuals who originate from a certain region but are compelled to leave due to local constraints.

In contrast, the concept of refugees was construed broadly, rather than specifically, in international accords following 1951. However, there are still restrictions in this agreement, particularly the time limit that is only applicable to individuals who left before January 1, 1951, therefore there is a date constraint even though it is not geographically restricted.

Literature Review

In this section, the author will cite several journal articles which of course discuss the condition of Rohingya refugees in light of international law. Although practically every item has the same perspective, they all complement one another to provide clear dan comprehensive problem boundaries.

In its journal, *Myanmar: The Rohingya Minority: Fundamental Rights Denied*, [13] Amnesty International provided an in-depth look at the Rohingya situation, including its history and the ethnic Muslim population in Myanmar. One of the passages in the journal gives a comprehensive overview of the past of the Muslims in Rohingya and Rakhine State, including the fact that Rakhine State (formerly known as Arakan) is among the seven outnumbered ethnic groups states created under the 1974 constitution. The Rohingya are mainly located in Maungdaw, Buthidaung, and Rathedaung, three northern towns. Furthermore, the Rohingya language is a

mixture of Bengali, Urdu, Hindi, Arabic, Bama and English, which is similar to the dialect spoken in Chittagong, Bangladesh. Amnesty International also explain detail about the restrictions on movement experienced by the Rohingya, where they must consistently apply for authorization for going out from their village, even it is only to go to another nearby village. This practice, however, does not apply to the Rakhine people of Rakhine State.. Therefore, the freedom of movement of the Rohingya is much more limited than that of the rest of the population in Rakhine State. Then, this jurnal explain detailed discussion of forced labor, land grabs, evictions and destruction of homes, extortion and arbitrary taxation and restrictions on marriage licenses.

As a result, it is clear that Amnesty Internastional's Journal focuces more on human rights volations against Rohingya muslims. ethnicity by the local government. Even though there is discussion about the history of the Rohingya ethnic group in Myanmar and their citizenship law, identification of the overall discussion is about the restrictions on the movements experienced by the Rohingya ethnic group.

Aris Pramono in his thesis, UNHCR's Role in Handling Rohingya Ethnic Myanmar Refugees in Bangladesh[14]. aims to look in detail at the role of the International Organization: UNHCR in dealing with Rohingya ethnic refugees in Myanmar. Where UNHCR itself is one of the agents in the UN organizational body that emerged as a successor of UNRRA and IRO as refugee protection organizations. As we know, the movement of people or the flow of refugees that occurs in large numbers from one country to another will certainly have an impact that covers various aspects, such as the humanitarian aspects experienced by refugees, handling incoming refugee flows, and the internationalization of refugee issues. In the country. If it is related to the cases of Rohingya ethnic refugees involving and fleeing to neighboring countries in the Southeast Asian region, especially Bangladesh, in large numbers, the role and activities of UNHCR

towards the Rohingya here become very important.

Even though in his explanation there is a discussion regarding Rohingya ethnic refugees in international law, it can be concluded that Aris Pramono's discussion focuses on UNHCR's role in Handling Rohingya Ethnic Myanmar Refugees.

In its journal, *Crimes against Humanity in Western Burma: The Situation of the Rohingyas*[15], The Irish Center for Human Rights explained explicitly about the situation in detail in Rohingya. The Irish Center for Human Rights explained a discussion whose content was almost similar to that described by Amnesty International, where both explained in detail the situation experienced by the Rohingya ethnicity.. Ranging from movement restrictions, forced labor, land confiscation, eviction and house destruction, as well as extortion and arbitrary taxes. However, what distinguishes the journals created by the Irish Center for Human Rights and Amnesty International is the discussion on abuse, and rape and sexual violence. The Irish Center for Human Rights explains in detail the discussion of persecution, rape and sexual violence.

Since the 1990s, a number of Special Rapporteurs have been appointed to monitor Burma's situation and have drawn attention to the prevalence of sexual violence in the country. Numerous rape cases have been reported, such as occurences going to target Rohingya women and girls in Southeast Arakan State.. Two logal groups, the Shan Human Rights Foundation and Shan Women's action network, collaborated to chronicle the number of sexual abuse conducted by the Burmese military upon 625 girls and women in Shan state during 1996 and 2001, compiled detailed information on 173 such incidents in a publication titled 'License to Rape'.

Since 2002, Burmese organizations have documented a significant number of reports on rape and sexual violence, including those allegedly perpetrated by military forces. These reports include 125 cases of sexual crimes in Karen State from 1988 to 2004, 637 cases of rape in Mon State from 1995 to 2004,

738 cases of rape in Chin State from 1989 to 2006, and 826 cases of rape across Burma from 2002 to 2004. These egregious violations of the human rights of Burmese women, especially the Rohingya as an ethnic minority, are wholly unacceptable and must be addressed in order to bring justice to those affected.

B. Data gathering Method

This study uses normative legal research with an approach to international law and Indonesian law via the restrictions and norms that regulate it, particularly laws and supervised contact to the Rohingya refugee problem..

This study will take a statute approach[16] because it will describe several legal mechanisms, including the Universal Human Rights Declaration and other refugee-related conventions that apply to the Rohingya case, such as the 1951 Convention Relating to the Status of Refugees and its Protocol. Because this study aims to investigate the guidelines or laws of awareness of problems to the Rohingya case, it will also employ a case approach[17].

ANALYSIS

The Historical Background of the Rohingya Ethnic

On January 4, 1948, Myanmar, formerly known as Burma, achieved independence from England in a peaceful treaty between the English government and nationalist Burma which commanded by Thakin Nu. To demonstrate that their rule was for all people of Myanmar regardless of ethnic origin, on June 18, 1989 the military junta declared that the nation's name would be changed from Burma to Myanmar. This change aimed to promote unity amongst all clannish cluster living in Myanmar since 'Burma' is historically associated with only one particular ethnic group within the country. [18]

Approximately 33% of Burma's population is comprised of clannish minorities. These minorities are represented by seven minority states named after the Shan, Kachin, Chin, Kayin, Kayah, Mon, and Rakhine ethnicities. These states are located around the main Bama (Burmese) population in the seven divisions in the central plains of Myanmar. However, each state and division has a mix of

several ethnic groups; for instance, The Ayeyarwaddy Division is home to thousands of Kayin people..[19]

Most of the Rohingya population is concentrated in Rakhine State, an isolated area in western Myanmar formerly known as Arakan. This area was previously called Rohang and is now better known as Rakhine. As a result, Muslims living in the Rohang area are commonly referred to as Rohingya or Arakan Muslims. [20]. Therefore, "Rohingya" is synonymous with "Arakan" or "Rakhine".

The physical appearance, language and cultural characteristics of the Rohingya show their closeness to the people of South Asia, especially the Chittagong people.[21] since the 7th century, Rohingya people have lived in Rakhine.[22] Although the Rohingya have lived in Myanmar for centuries, the Myanmar military junta government regards them as ethnic Bengalis from Bangladesh. As a result, the state does not acknowledge people as one of Burma's ethnic groups. The Rohingya managed to lose Myanmar citizenship when the Burmese Naturalization Act was adopted in 1982.

The Myanmar government's declaration that the Rohingya do not have citizenship status has caused them to face immense persecution in their homeland. With no protection from the state, they have experienced countless human rights violations, leading to their mass exodus to other countries in search of asylum. Countries including Bangladesh, Malaysia, Pakistan, Saudi Arabia, Thailand, Indonesia, and Australia have taken in Rohingya refugees in an effort to provide them with a secure place to live.

The Rohingya Asylum-Seekers

The Myanmar government has inflicted harsh persecution upon the Rohingya, leaving them no choice but to seek refuge in other countries. Consequently, they lack any sense of national security as they are not officially recognized as citizens of Myanmar. Rohingya seeking asylum from neighboring Myanmar such as Bangladesh, Thailand, Malaysia, etc. Officials from the Internal Security Operations Command (ISOC) detained Rohingya who

entered Thailand between November and December 2008 for several days. The military unit then took them to the island of Koh Sai Deng. Then on 18 December 2008, the Thai Navy expelled around 400 Rohingya and only provided them with food for 2 days.[23]

In early 2009, approximately one thousand Rohingya "boat people" were apprehended as they attempted to enter Thailand. Reports indicate that the Thai navy located these individuals in the Andaman Sea and then took action to force them back out to sea in boats without engines, water or food. As of now, it is estimated that at least 78 of these Rohingya are being held in Ranong, a city located in southern Thailand. The exact amount of Rohingya detained is not known for certain; according to UNHCR representatives based in Bangkok, this figure has yet to be determined. In response to the situation, the Thai government classified these individuals as economic migrants rather than refugees who met the requirements for refugee status, claiming that they were illegally crossing borders. [24] In Malaysia, some Rohingya become undocumented migrant workers, while others become permanent refugees. Malaysian naval vessels perceived 93 Rohingya refugees who had been stranded on a ship for a month in early March 2010. Their ship was found near Langkawi Island's northern shore.. [25]

Since January 2010, some 1,160 Rohingya have been detained in Bangladesh, most of whom have been deported to Myanmar. The majority of those arrested were tortured, and the Rohingya in evacuation were not protected. They are going to starve because Bangladesh's government refuses to permit international humanitarian groups to assist the refugees..[26]

The Indonesian government is responsible for up to 129 tribal Rohingya. At around 11:00 p.m. on February 15, 2011, they were seen aboard a ship in the ocean near Krueng Harbor in Nanggroe, Aceh Darussalam. After their boat had drifted for 20 days. They mentioned drifting out to sea after their wooden boat's engine failed. The Rohingya claim to have fled persecution in their native Burma. [27]

1) Every person has the opportunity to seek and appreciate asylum in those other states from oppression, according to Article 14 of the Universal Declaration of Human Rights.

2) And then, this right cannot be invoked if a person has been accused with a non-political offense or has done something contrary to the goals and rules of the United Nations.

The Universal Declaration of Human Rights serves as the foundation for all laws and regulations concerning refugees, particularly Article 14 (1), which declares that everyone has the freedom to seek and find refuge from oppression in other countries.. This right is especially applicable to the Rohingya people, who are seeking refuge in other countries.[28]

A person or group of individuals who have escaped their home nation and seek protection as refugees outside of their country of origin are commonly referred to as asylum seekers. Generally, asylum seekers must apply to the country they are seeking refuge in and must demonstrate they are in need of protection due to a well-founded fear of persecution in their home country. [29]

When a conflict within a nation leads to difficulties for refugees abroad, it is essential for all countries, especially those in the vicinity, to work together to bring peace and stability back to the affected area. [30] It is obligation of neighboring countries to lend assistance to Rohingya refugees, such as by providing asylum. This poses a challenge for international refugees as many are pressured to leave their home countries and cross borders.

International Law Perspective on the Rohingya Refugees

Both international refugee law and international human rights law are critical for safeguarding the rights and dignity of particularly vulnerable individuals and groups of people.. International refugee law provides a framework for responding to displacement and displacement-related issues, while international human rights law focuses on the promotion and protection of the inherent dignity and well-being of all persons. Together,

these two bodies of law ensure that the most vulnerable people are treated humanely.

In terms of the rights of refugees and asylum seekers according to international human rights law in countries of asylum [31]. The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees are used in international law to determine or recognize a person's refugee status.. [32]

Article 1A(2) of the 1951 Convention Concerning the Status of Refugees, defines a refugee as:

"...Any person who has been subjected to events prior to January 1st, 1951 that have caused them to fear persecution because of their race, religion, nationality, affiliation with a particular social group, or political opinion is located outside their country of nationality. These people are either unable or unwilling (due to fear) to take advantage of the protection that their country can provide. Alternatively, any stateless person who has experienced the same events and is currently located outside the country of their previous residence is either unable or unwilling (due to fear) to return to that country..."

Then the definition of refugee in the 1951 Convention was expanded to become Article 1 (2) of the 1967 Protocol Related to the Status of Refugees:

"For the purposes of this Protocol, a "refugee" is defined as any person who meets the requirements of article 1 of the Convention, except when applying paragraph 3 of this article, which ignores the words "As a consequence of events that occurred before 1 January 1951 and..." and the words "...as a result of the incident" in article 1.A (2).

The Rohingya people have thus fulfilled the requirements for refugees according to the definition of refugees in the 1951 Convention and its Protocol. Because the Rohingya people meet the following criteria [33].

The Role of UNHCR to the Rohingya Refugees Case

The United Nations High Commissioner for Refugees (UNHCR) is in charge of providing international protection and assistance to refugees all over the world. Established in 1951, UNHCR is the only international organization dedicated to protecting refugees and ensuring that their rights are respected. According to the High Commissioner's Constitution, screen sizes of the General Assembly of the Nations and ECOSOC, and the 1951 Conference Concerning the Status of Refugees,, UNHCR is responsible for protecting a number of groups collectively referred to as "persons of concern". [34]. This group of people typically consists of refugees and asylum seekers, those who have been repatriated to their home countries, those who have been denied a nationality or a state and those who have been displaced within their own countries due to conflict or disasters. [35]

According to the 1951 Convention on the Status of Refugees and the 1967 Protocol, UNHCR, as an international organization specializing in refugee issues, has the authority to determine whether a person or group of people qualifies as a refugee or not.. As part of this process, they will also assess if long-term solutions to the Rohingya refugee situation can be implemented. Prior to granting refugee status, UNHCR will conduct a verification process to decide whether or not the person or group is eligible for refugee status.

In Article 6 of the 1950 UNHCR Statute, UNCHR's powers in providing international protection include:

1.i) *Any person who has been recognized as a refugee in conformance with the May 12, 1926 and June 30, 1928 Agreements, the Conventions of October 28, 1933 and February 10, 1938, the Protocol of September 14, 1939, or the International Refugee Organization Charter..*

(ii) Anyone who, as a result of events occurring prior to January 1, 1951, is located outside the nation of their national identity and is unable or reluctant to avail themselves of the security provided by that nation; or people

who are empty and beyond their prior country of residence, and cannot or is hesitant to return there due to fear or for purposes other than persecution.

2. Anyone who, as a result of events occurring prior to January 1, 1951, is located outside the nation of their national identity and is unable or reluctant to avail themselves of the security provided by that nation; or people who are empty and beyond their prior country of residence, and cannot or is hesitant to return there due to fear or for purposes other than persecution.

Then, in the case of Rohingya refugees, UNHCR has a purpose to offer them a long-term (sturdy) solution. This solution is divided into three parts, including:

1. Repatriation

The United Nations High Commissioner for Refugees (UNHCR) strives to ensure refugees' safe and voluntary return to their country of origin. There are two methods for accomplishing this: UNHCR unification and voluntary repatriation. The UNHCR promotes and supports voluntary repatriation in practice. To this end, the UNHCR may arrange visits for refugees to gather recent information on their countries of origin and local districts; facilitate peace and reconciliation processes; promote the recovery of housing and property; and supply assistance and legal support for returning refugees.[36]

The repatriation solution requires that the origin country of the refugees have to be secure. Repatriation is not a feasible solution for the Rohingya since their country of origin, Myanmar, is not safe. As they are not citizens of the state, they do not receive any protection and can be subject to persecution.

2. Local Integration

The process of progressively integrating local refugees into the life of the people living in their new nation of residency requires several different steps. To properly finish the integration process, it is necessary to address the connected legal, economic, social, and cultural issues. This frequently results in obtaining citizenship in the nation of asylum,

which is advantageous for both the individual and the receiving society. [37]

Since Rohingyas are frequently seen as outsiders and are housed in detention facilities in certain nations, it is challenging to integrate them into the surrounding population.

3. Resettlement

Some refugees cannot or do not want to go back to their home countries because they run the risk of being persecuted again, and they are forced to live in potentially dangerous situations with unmet needs in the place where they have found safety. In such cases, UNHCR supports refugee resettlement in third countries as the only long-term, secure, and workable alternative [38].

In order to resolve refugee situations, the UNHCR uses resettlement, which enlists other nations as middlemen. Nine governments, including those in the United States, Canada, Australia, Sweden, Norway, Finland, New Zealand, Denmark, and the Netherlands, presently host the bulk of the refugees who are re-established each year in a new nation.

CONCLUSION

The research's conclusions suggest that the Rohingya people may qualify as refugees under international law. Because the Rohingyas satisfied the requirements to be recognized as refugees under the 1967 Protocol and the 1951 Convention Relating to the Status of Refugees. The Rohingyas are asylum seekers who should be safeguarded by the whole state prior to receiving refugee status. It is based on Article 14 of the Universal Declaration of Human Rights, which declares that anybody has the right to request and be granted refuge if they are a victim of persecution in another country. Due to a string of crimes committed against them, the Rohingya people abandoned their former place of habitation. Due to its mission from the UN, the UNHCR is charged with the duty of defending the rights of refugees, in this case the Rohingyas. The Rohingyas have been determined to fulfill the requirements for refugee status and are thus regarded as refugees by the UNHCR. The UNHCR offers aid and decides on the status of

asylum seekers even for governments that have not joined the Convention pertaining to the Status of Refugees.

BIBLIOGRAPHY

- [1] Alternative ASEAN Network on Burma, 2006, *Campaigns, Advocacy, and Capacity-Building for Human Rights & Democracy*, Bangkok
- [2] Irish Centre for Human Rights, 2010, *Crimes against Humanity in Western Burma: The Situation of the Rohingyas*, Galway: National University of Ireland Galway
- [3] Amnesty International, 2004, *The Rohingya Minority: Fundamental Rights Denied*
- [4] Amnesty International, *No international Compromise on Human Rights in Myanmar*, <http://www.amnesty.org/en/library/asset/AS16/001/2011/en/db0f9fd0-de19-4f3d-baac-81d78cd04b66/asa160012011en.pdf>. Downloaded on Desember 31, 2022.
- [5] Mohammed Ashraf Alam, 2011, *Marginalization of the Rohingyas in Arakan State of Western Burma*, http://www.burmacare.com/pdfftp/report/marginalization_rohingya.pdf, downloaded on December 31, 2022
- [6] Rismayati, Irma, 2009, *Manusia Perahu Rohingya: Tantangan Penegakan HAM di ASEAN*, *Opinio Juris* Vol. 1, Jakarta
- [7] Clayton, Gina, 2012, *Textbook on Immigration and Asylum Law*, Oxford: Oxford University Press.
- [8] Hamid, Abdul Ghafur, 2012, *Public International Law: a Practical Approach*, Kuala Lumpur: Sweet & Maxwell Asia
- [9] Ajat Sudrajat Havid, "Pengungsi dalam Kerangka Kebijakan Keimigrasian Indonesia Kini dan yang akan Datang", *Jurnal Hukum Internasional*, Vol.2 No 1 Tahun 2004, Jakarta: LPHI UI, hlm.. 88
- [10] Allain, Jean. "The Jus Cogens Nature of Non refoulment", *International Journal of Refugee Law*. Vol. 13 No. 4 Tahun 2002 Oxford University Press
- [11] Allain, Jean. "The Jus Cogens Nature of Non refoulment", *International Journal of Refugee Law*. Vol. 13 No. 4 Tahun 2002 Oxford University Press
- [12] M. Husni Syam, *Perlindungan Internasional terhadap Pengungsi dalam Konflik Bersenjata*, hlm. 54, tersedia di isjd.pdii.lipi.go.id/admin/jurnal/09525-2086.5499. Accessed Desember 31, 2022.
- [13] Amnesty International, 2004, *The Rohingya Minority: Fundamental Rights Denied*
- [14] Pramono, Aris, 2010, *Peran UNHCR Terhadap Pengungsi Rohingya*, Universitas Indonesia, Jakarta: UNHCR
- [15] Irish Centre for Human Rights, 2010, *Crimes against Humanity in Western Burma: The Situation of the Rohingyas*, Galway: National University of Ireland Galway
- [16] Ibrahim, Johnny, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang: Bayu Media, hlm. 302
- [17] Ibrahim, Johnny, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang: Bayu Media, hlm. 321
- [18] Pramono, Aris, 2010, *Peran UNHCR Terhadap Pengungsi Rohingya*, Universitas Indonesia, Jakarta: UNHCR
- [19] Amnesty International, 2004, *The Rohingya Minority: Fundamental Rights Denied*
- [20] Heri Aryanto, *Kondisi Faktual Muslim Rohingya di Indonesia*, PIARA, <http://indonesia4rohingyadotorg.files.wordpress.com/2013/03/kondisi-faktual-muslim-rohingya-di-indonesia.pdf>, downloaded December 31, 2022.

- [21] Krustiyati, Atik, 2012, *Kebijakan Penanganan Pengungsi di Indonesia: Kajian dari Konvensi Pengungsi Tahun 1951 dan Protokol 196*, Law Review, Vol. XII, No. 2, 2012, Jakarta, Universitas Pelita Harapan
- [22] Rismayati, Irma, 2009, *Manusia Perahu Rohingya: Tantangan Penegakan HAM di ASEAN*, Opinio Juris Vol. 1, Jakarta
- [23] Anonymous, Thailand Perlakukan Pengungsi Muslim Rohingya dengan Sadis, <http://www.republika.co.id/berita/breaking-news/internasional/09/01/18/26747-thailand-perlakukan-pengungsi-muslim-rohingya-dengan-sadis>, accessed on December 31, 2022.
- [24] Rismayati, Irma, 2009, *Manusia Perahu Rohingya: Tantangan Penegakan HAM di ASEAN*, Opinio Juris Vol. 1, Jakarta
- [25] Anonymous, Myanmar Didesak Untuk Lindungi Hak-hak Muslim Rohingya, <http://www.voaindonesia.com/news/south-east-asia/2010/03/19/4027/myanmar-didesak-untuk-lindungi-hak-hak-muslim-rohingya/>, accessed on December 30, 2022.
- [26] Anonymous, Myanmar Didesak Untuk Lindungi Hak-hak Muslim Rohingya, <http://www.voaindonesia.com/news/south-east-asia/2010/03/19/4027/myanmar-didesak-untuk-lindungi-hak-hak-muslim-rohingya/>, accessed on December 30, 2022.
- [27] Achmad Marzuq, Warga Rohingya Terdampar di Aceh, http://www.bbc.co.uk/indonesia/multimedia/2011/02/110216_rohingyaboat.shtml, accessed on December 30, 2022
- [28] Clayton, Gina, 2012, *Textbook on Immigration and Asylum Law*, Oxford: Oxford University Press
- [29] Jastram, Kate and Marilyn Achiron, 2001, *A Guide to International Refugee Law*, Jenewa: UNHCR
- [30] Jastram, Kate and Marilyn Achiron, 2001, *A Guide to International Refugee Law*, Jenewa: UNHCR
- [31] UNHCR, *Going Back Home*, <http://www.unhcr.org/pages/49c3646cfe.html>, accessed on December 30, 2022
- [32] Frenwick, Helen and Richard Glancey, 2013, *Civil Liberties and Human Rights*, London and New York: Routledge Hamid, Abdul Ghaf
- [33] Frenwick, Helen and Richard Glancey, 2013, *Civil Liberties and Human Rights*, London and New York: Routledge Hamid, Abdul Ghaf, halm 56-57
- [34] UNHCR, *A New Beginning in a Third Country*, <http://www.unhcr.org/pages/4a16b1676.html>, accessed on December 30, 2022
- [35] Davis, Howard, 2009, *Human Rights Law Directions*, Oxford: Oxford University Press
- [36] UNHCR, New Doors Open, <http://www.unhcr.org/pages/4a2ced836.html>, accessed on December 31, 2022.
- [37] UNHCR, New Doors Open, <http://www.unhcr.org/pages/4a2ced836.html>, accessed on December 31, 2022.
- [38] UNHCR, New Doors Open, <http://www.unhcr.org/pages/4a2ced836.html>, accessed on December 31, 2022.