







Refugee Regime in the Prolonged Transit: The Role of Non-State Actors in Indonesia's Fragmented Governance

Finahliyah Hasan , Randy W. Nandyatama , Bayu D. Kurniadi  and Ni Made Diah Apsari Dewi 

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ABSTRACT

This research scrutinizes the refugee regime in Indonesia, highlighting the role of non-state actors within a fragmented governance framework. Despite not signing the 1951 Refugee Convention, Indonesia functions as a notable transit point for refugees and asylum seekers. Through qualitative analysis, the findings suggest that the collaborative yet fragmented system presents both opportunities and challenges in addressing the intricate needs of refugees in Indonesia. This study contributes to a deeper understanding of how non-state actors influence practical policy and procedures in providing and advocating refugee rights in contexts where formal state mechanisms are constrained or absent.

KEYWORDS

non-state actors; refugee regime; fragmented governance; non-signatory states; refugee protection

RÉSUMÉ

Cette recherche examine le régime des réfugiés en Indonésie, en soulignant le rôle des acteurs non étatiques dans un cadre de gouvernance fragmenté. Bien qu'elle n'ait pas signé la Convention de 1951 sur les réfugiés, l'Indonésie fonctionne comme un point de transit notable pour les réfugiés et les demandeurs d'asile. Grâce à une analyse qualitative, les résultats suggèrent que le système collaboratif mais fragmenté présente à la fois des opportunités et des défis pour répondre aux besoins complexes des réfugiés en Indonésie. Cette étude contribue à une meilleure compréhension de la manière dont les acteurs non étatiques influencent les politiques et les procédures pratiques en fournissant et en défendant les droits des réfugiés dans des contextes où les mécanismes étatiques formels sont limités ou absents.

The global refugee crisis has drawn significant attention to the mechanisms and actors involved in managing refugee populations. At the end of June 2024, there were 122.6 million forcibly displaced persons due to persecution, conflict, violence, and human rights violations, and 71% of them were hosted in low- and middle-income countries (UNHCR, 2024a). Among these middle-income coun-

tries, Indonesia hosts around 11,735 refugees and 6,548 asylum seekers (UNHCR, 2024b). While hosting a relatively small number of refugees, Indonesia exemplifies the typical pattern of transit countries with developing and underdeveloped economic backgrounds (Collyer et al., 2012; see also İçduygu & Yükseler, 2012). As a non-signatory to the 1951 refugee convention, refugees usually live

CONTACT

^a (Corresponding author) ✉ finahliyah.hasan@mail.ugm.ac.id, Faculty of Social and Political Science, Universitas Gadjah Mada, Indonesia

^b ✉ randy.wirasta@ugm.ac.id, Faculty of Social and Political Science, Universitas Gadjah Mada, Indonesia

^c ✉ bayudardias@ugm.ac.id, Faculty of Social and Political Science, Universitas Gadjah Mada, Indonesia

^d ✉ diahapsari5@mail.ugm.ac.id, Faculty of Social and Political Science, Universitas Gadjah Mada, Indonesia

in Indonesia temporarily, awaiting resettlement to a third country, facilitated by UNHCR (Curby, 2020). However, this situation has worsened in recent years due to the lack of commitment from receiving countries to accept refugees, turning the supposed temporary waiting period into an indefinite one. For instance, the Australian government implemented a policy ending the resettlement of refugees registered with UNHCR in Indonesia after July 2014 (Mohammadi & Askary, 2022; Morrison, 2014).

To make things worse, refugees experiencing a prolonged transit status also suffer from the lack of the Indonesian government's commitment to providing systemic human rights protection, such as granting them permanent residency or work rights. Indeed, despite not being part of the international refugee regime and lacking a robust domestic protection framework, Indonesia has demonstrated its respect for key principles of the refugee convention, such as non-refoulement (Tobing, 2021), non-penalization, and nondiscrimination (Dermawan & Sadiawati, 2023). However, the implementation of such principles remains inconsistent. In 2016, the Indonesian government issued Presidential Regulation No. 125 of 2016 (PR 125), which provided technical guidance for government agencies managing refugees. While providing legal clarity, PR 125 reflects the central government's reluctance to provide refugee protection and services, leaving such responsibility in the hands of local governments and non-state actors (Kneebone et al., 2021). As such, despite the central government issuing certain regulations to ensure refugees' access to health, education, and capacity-building opportunities, local governments and non-state actors bear the responsibility to provide and advocate such rights. For example, the Ministry of Health detailed instructions on

COVID-19 vaccination for refugees, but it required refugees (with the help of non-state actors) to access the private sector vaccination scheme themselves. Moreover, while the Ministry of Education issued Circular Letter No. 75253/A.A4/HK/2019 concerning the inclusion of refugee children in formal education on July 10, 2019, the responsibility for implementation fell to each local government (UNHCR, 2023a).

The above-mentioned context illustrates how the level of refugee protection and services varies significantly across Indonesia. Refugees generally experience better conditions in Jakarta than in other regions. As the capital and administrative hub, Jakarta and its surroundings offer greater accessibility to services and support initiatives provided by non-governmental organizations (NGOs) and international organizations such as UNHCR. Various projects aim to improve refugees' living conditions, such as community housing developments and specialized educational programs initiated by non-state actors. During the COVID-19 outbreak, UNHCR and other organizations expanded health care and psychosocial support in Jakarta (UNHCR, 2021). In contrast, refugees in Aceh, a province on the western tip of Indonesia, have a different experience. Refugees, particularly from Rohingya, initially benefited from the generosity of the Acehnese people but now face rejection and expulsion. Most refugees in Aceh live in overcrowded shelters without proper amenities, including access to sanitary facilities, clean water, and medical care. Unlike refugees in Jakarta and its surroundings, Rohingya refugees in Aceh lack access to jobs, health care, and education, as well as support and services from NGOs. This situation reflects Aceh's limited local resources to sustain refugee populations over an extended period, potentially fuelling tensions with local communities.

In the context of prolonged transit in developing and underdeveloped countries, the various refugee protection conditions cannot be solely linked to the government. While the scholarly focus has often been on state-centric approaches and international treaties (see [Buxton & Draper, 2022](#); [Janmyr, 2021](#)), the role of non-state actors in refugee governance is increasingly recognized as crucial ([Choi, 2022](#)). Similarly, a more careful assessment of the complex structure of refugee governance and its fragmented nature in each country is needed, particularly to provide a clearer understanding of prolonged transit situations in countries such as Indonesia.

This article posits that non-state actors play a crucial role in addressing refugee challenges in Indonesia, particularly in the absence of a strong commitment from the central government to safeguarding refugees. Amid the weak and frequently fragmented governance in Indonesia, refugees encounter barriers to exercising fundamental rights, including accessing employment and education. Nonetheless, within this complex governance landscape, various non-state actors showcase their capacity to engage with multiple stakeholders, offering alternative means to safeguard and uphold refugees' rights, such as providing life-saving emergency medical aid, distributing monthly cash allowances to the most vulnerable refugees, facilitating education support, and preventing and responding to sexual and gender-based violence. Understanding non-state actors' involvement in Indonesia's refugee framework is crucial for several reasons. It reveals alternative governance paradigms where strong state mechanisms are absent and highlights the importance of localized responses to global challenges, showing how grassroots organizations, local government, and international entities can collaborate to meet

humanitarian needs. This understanding also enriches broader discussions on refugee governance dynamics in developing and underdeveloped countries, where similarly fragmented governance structures may exist.

The article comprises four main sections. It begins by examining the dynamics of refugee governance in Indonesia, highlighting the nature of fragmented governance in the country. The second section discusses the role of non-state actors within the Indonesian context. The third section presents two case studies—the Jesuit Refugee Service (JRS) and KontraS Aceh (the Aceh Commission for Missing Persons and Victims of Violence)—illustrating how non-state actors navigate fragmented governance structures to uphold refugee rights. The concluding section synthesizes the findings, emphasizing the need to move beyond state-centric analyses and demonstrating how non-state actors can effectively leverage political space to safeguard and uphold refugees' rights.

METHODOLOGY

This study adopts a qualitative research methodology in examining how non-state actors are involved in refugee governance in two regions: Aceh province and the greater Jakarta area. The fragmented governmental structure in Indonesia allows for the development of diverse treatment approaches based on the distinct contexts in each region. To illuminate these variations and similarities in refugee management practices, the research employs a multiple case study design. Following [Baxter and Jack \(2008\)](#), the multiple case study approach is useful in examining variations within and across cases. The primary goal of this approach is to enhance understanding by replicating findings across different situations. This method facilitates a comprehensive analysis and provides deeper

insights into the pertinent processes and contexts.

The focus on two organizations—JRS and KontraS Aceh—maps the landscape of non-state actor involvement in refugee governance in Indonesia. These organizations were selected based on the dynamics of refugee issues in prominent areas like Aceh province and the greater Jakarta area. The highlighted cases showcase the varied political spaces and agential capabilities that non-state actors exhibit in engaging with authorities and leveraging political contexts to provide protection for refugees in Indonesia.

The data for this study were gathered between 2021 and 2024, a time when the number of refugees increased dramatically to nearly 40 million in 2024 (UNHCR, 2024a). This influx also caused significant fluctuations in the number of refugees and asylum seekers entering Indonesian territory, particularly by sea. Refugees in Indonesia are dispersed across the country, with some living in urban areas, particularly in regions like the greater Jakarta area, while others reside in more rural areas, such as the islands of Sumatra and Sulawesi. Specifically, this research examines the management of refugees in the greater Jakarta area and Aceh province.

Jakarta and its surrounding areas, which include Tangerang, Bogor, and Bekasi, host approximately half of Indonesia's total refugee population, estimated at around 6,000 individuals from diverse nations (Mixed Migration Centre, 2021; RoshanLearning, n.d.). Of these, only 1,200 refugees receive monthly assistance from the International Organization for Migration (IOM) (UNHCR, 2023a), while the remainder live independently, either funding their own needs due to ineligibility for financial assistance or avoiding restrictions associated with institutional programs. The sizeable refugee population in

the greater Jakarta area has spurred a proliferation of non-state actors spearheading empowerment programs for refugees.

In contrast, Aceh is projected to accommodate approximately 2,000 refugees by the end of 2023, primarily Rohingya individuals—a relatively small number compared to those in the greater Jakarta area (UNHCR & IOM, 2024). However, in Aceh, IOM does not offer monthly financial aid but instead provides immediate humanitarian assistance such as cash-based interventions for essential needs (International Organization for Migration [IOM], 2020), including shelter; non-food items; protection and risk communications; and health, mental health, and psychosocial support (International Organization for Migration [IOM], 2023; UNHCR, 2024b).

This research relies on primary data, particularly in-depth interviews with 15 respondents from several important stakeholders, conducted between 2023 and 2024. The relevant stakeholders include representatives from the Indonesian government, such as the Ministry of Foreign Affairs, the Ministry of Law and Human Rights, and the Directorate General of Immigration; various non-state actors actively involved in providing humanitarian aid and advocating for refugee rights, such as representatives from JRS and KontraS Aceh; and several refugees in Indonesia. This article uses pseudonyms to protect the respondents' well-being, as the issue of refugees can be considered sensitive and controversial in Indonesia.

DYNAMICS OF REFUGEE REGIMES IN INDONESIA

The 1951 Refugee Convention Relating to the Status of Refugees and its 1967 Protocol are the cornerstones of the international refugee regime. Signatory states that adopt these instruments are obliged to provide protection and solutions to the refugee problem.

However, signatory states do not represent the whole picture of refugee protection and management worldwide. More than 71% of the world's refugees are accommodated by developing or underdeveloped countries, such as Indonesia (UNHCR, 2024a). As these countries are not obligated to accept refugees or allow them to enter their territory, they often lack adequate legal frameworks for regulating the entry, exit, and handling of refugees.

The main challenge in countries such as Indonesia is the government's weak commitment to regulating refugees transiting within its territory. To determine why the Indonesian government is reluctant to provide protection to refugees, a number of scholars have examined Indonesia's refugee policy. Prabaningtyas (2019) contends that security considerations and internal political factors impact Indonesian policies, frequently resulting in conflicting views regarding refugee protection. This argument is supported by the government's response when dealing with Rohingya refugees in Aceh, where the decision to put security ahead of humanitarian concerns has drawn criticism. Kuncoro and Prabandari's (2024) claim that any problems related to the refugee crisis in Indonesia are handled as security issues rather than humanitarian concerns also reflects this prioritization.

Economic reasons also factor in this security-first approach, as Indonesia views the influx of refugees as a financial burden (Kneebone et al., 2025) due to its slower economic growth and persistent challenges in reducing poverty. Kneebone et al. (2025) have further identified the Indonesian government's weak commitment even after the issuance of PR 125. The regulation has been criticized for its shortcomings in offering refugees both long-term solutions and effective protection (Kneebone et al., 2021; Missbach et al., 2018).

The discussion above demonstrates that refugee governance is a state-centric matter that focuses on why policies are established and how state policies are implemented. In this context, non-signatory states from developing and underdeveloped economies often try to address the global humanitarian crisis by involving non-state actors such as international organizations, local NGOs, and local communities (UNHCR, 2020). Although some literature has identified the delegation of authority to non-state actors in refugee protection, their role and relationship with the broader refugee regime tend to be neglected (Brahm, 2005; Weiss et al., 2013).

It is important to examine the growing awareness of the role of NGOs in global refugee regimes in the context of Indonesia. Indeed, certain research has shown that non-state actors are actively involved in refugee issues worldwide. For example, NGOs in Turkey seek to align their advocacy in refugee rights with compliance to the country's domestic policies (Keysan & Şentürk, 2021), and NGOs in Greece also advocate for better conditions in refugee camps as the government increases restrictions on humanitarian activities (Parsanoglou, 2020). In some situations, NGOs may be reluctant to work with governments when their policies impair the rights of refugees. For example, NGOs in Tunisia have re-evaluated their co-operation with the state due to its crackdown on civil society organizations that advocate for the rights of migrants and refugees (Amnesty International, 2024). Koinova et al. (2022) highlight the importance of understanding how non-state actors engage with refugees and state institutions, influencing refugee governance dynamics.

The role of non-state actors in Indonesian refugee protection has not yet been thoroughly examined. Few academics have examined the duties and responsibilities of

non-state actors, including their interactions with governments and international organizations. For instance, [Viartasiwi et al. \(2021\)](#) identify humanitarian actors and human rights defenders as the two primary roles that non-state actors may play when assisting refugees in Indonesia. While [Missbach and Adiputera \(2021\)](#) do not elaborate on the role of non-state actors, they argue that there is a chance that local governments and non-state actors may clash, particularly when it comes to legitimacy and accountability due to the disparities in the goals and interests of various stakeholders. This possibility arises from pragmatic refugee policies and the transfer of responsibility for refugee management from the central government to local governments.

In Indonesia, managing refugees involves intricate relationships between state and non-state entities. Non-state actors, including NGOs and local groups, are essential in offering protection and support to refugees ([Brenner & Lok, 2022](#); [Prabandari & Adiputera, 2019](#)). These actors often fill the gaps left by the government by creating unofficial structures for refugee protection ([Adiputera & Prabandari, 2018](#)), demonstrating how several actors—such as local communities, international organizations, NGOs, and local governments—are involved, often with overlapping roles.

Indeed, while existing literature highlights how non-state actors, such as local communities and NGOs, play significant and varied roles in protecting and empowering refugees, there is a lack of comprehensive analysis of how those non-state actors in various regions engage and influence Indonesia's fragmented governance on refugee protection. It is essential to acknowledge that Indonesia is not monolithic and often contains internal fragmentation, particularly after Reformasi in 1998. After the fall of President Suharto,

Indonesia underwent a democratization process, where the distribution of authority in the decision-making process across multiple distinct political units—between central and local governments—significantly influenced the implementation of state policies, including the management of refugees.

The term **fragmented governance** refers to the division or distribution of authority, responsibility, and power in the decision-making process involving various actors and institutions in a government system. This division can take place between different departments, agencies, and non-governmental groups within the same level of government or across different levels of government (local, regional, and national) ([Biermann et al., 2020](#)). According to [Lien et al. \(2021\)](#), fragmented governance is typified by a lack of coordination and collaboration among diverse governmental bodies, leading to inefficiencies, discord, and difficulties in decision-making and policy implementation. Fragmentation can result from the absence of incentives, diverging interests, or competing priorities, whether for financial gain or conflict resolution ([Lien et al., 2021](#)). In general, fragmented governance creates barriers to effective coordination between government agencies, policy execution, and decision-making, especially in a politically fragmented state like Indonesia. The fragmented governance of refugee management in Indonesia signals the absence of a clear nationwide mechanism to handle refugees, leaving variation of refugee protections in localized political, legal, and social contexts.

The governance of refugee management in Indonesia exhibits the aforementioned fragmentation features, as several actors and agencies share authority, responsibility, and administration of refugees. Prior to the PR 125, the decision-making process for refugee

issues was not well coordinated or consistent, and the roles of the involved stakeholders overlapped (Syahrin et al., 2024). The Ministry of Foreign Affairs, the Ministry of Social Affairs, and the Ministry of Law and Human Rights (via the Directorate General of Immigration) all play a part in managing refugees but with diverging goals and objectives, leaving refugee management resembling the treatment of illegal immigrants rather than that of individuals in need of special protection. For instance, immigration officials prioritize border security and border control, which occasionally results in the deportation or exclusion of refugees despite their recognition as individuals entitled to international protection (Missbach, 2015). This further highlights that the central government, working with international organization centres such as IOM, is in charge of managing refugees, while local governments play a relatively minor role (Kneebone et al., 2021).

After PR 125, a much clearer legal structure was established. This regulation allowed asylum seekers to be relocated from immigration detention centres to safe houses, facilitated by the IOM. Moreover, a task force for refugee management was established through directives from the coordinating minister for political, legal, and security affairs in 2022 (i.e., Ministerial Directive Number 118 of 2022) and revised in 2023 (i.e., Decree of the Coordinating Minister for Political, Legal, and Security Affairs of the Republic of Indonesia Number 21 of 2023) to address refugees' basic needs, education, health, and empowerment issues. The regulation also shifted the responsibility for refugee management from the central government to local authorities.

However, the decentralization of refugee management creates additional challenges, not only in meeting refugees' needs but also

in ensuring effective interministerial coordination. The engagement of local governments is frequently characterized by a lack of political will to carry out their new duties under PR 125, legal ambiguities regarding their authority to handle refugee-related concerns, and insufficient institutional or budgetary support for efficient refugee management (Kneebone et al., 2021; Syahrin et al., 2023). Until now, no derivative regulations from any government agency have clarified the legal norms of PR 125, thus creating new problems in implementation. As a result, local governments, as the coordinators for task forces, struggle with consistently interpreting and implementing national regulations, resulting in ineffective and inconsistent treatment of refugees.

NON-STATE ACTORS IN THE INDONESIAN REFUGEE PROTECTION REGIME

Indonesia is often seen as a transit point by refugees en route to safer, more stable destinations like Australia and other Pacific nations. However, with the rising refusal of developed countries to resettle refugees and Jakarta's weak refugee protection policies, refugees endure prolonged transit in Indonesia, leading to mounting psychological challenges (Hoffman et al., 2023; Nickerson et al., 2022). Structural factors, notably access to employment and education, further exacerbate these challenges. Restrictions on work rights reduce refugees' economic potential and sense of self-efficacy (Adiputera & Prabandari, 2018; Olivia et al., 2021). For instance, although the Ministry of Education has issued a circular letter granting refugee children access to formal education, this opportunity is limited to specific regions. Financial constraints, lack of facilities, and inadequate access to online learning resources during the COVID-19 pandemic have further

hindered refugee children's education (Prabaningtyas et al., 2023; UNHCR, 2022).

The involvement of non-state actors is crucial in Indonesia's fragmented refugee governance. International organizations like UNHCR and IOM, along with local NGOs such as the Sisterhood Women's Empowerment Centre, the Refugee Learning Nest, and the Hope Learning Centre, provide refugees with skills development programs, self-resilience initiatives, and community-building activities. Access to education is facilitated by organizations including Church World Services and Catholic Relief Services, which provide material support and basic education for refugee children. This underscores the significant reliance on non-state actors for ensuring refugee protection in Indonesia. However, the dependence on these actors also highlights the Indonesian government's lack of responsibility for refugee protection and the difficulties of establishing more sustainable protection in such fragmented governance.

In non-signatory states like Indonesia, fragmented refugee governance significantly impacts refugee management. While international commitments fall under the central government's exclusive responsibility, the implementation of those commitments inevitably brings in local governments and "local governments under a decentralized system may lack the knowledge or capacity to implement decisions" (Lele, 2018, p. 607). For instance, when Rohingya refugees arrived in Aceh in June 2020, the Aceh police were instructed to meet their needs immediately and then push the boat back to sea. However, because most of the refugees were dehydrated, local fishermen rescued them, leading to tensions between the Acehese coastal community and Indonesian authorities. The boat was finally permitted to land on the coast of Lancok, North Aceh, after

two days of disputes between maritime authorities and Aceh's traditional leader, the Panglima Laôt (Institute for Policy Analysis of Conflict, 2020). The process of policy implementation is thus often influenced by the political relationships among key stakeholders at the local level. In this context, non-state actors have the potential to collaborate with relevant stakeholders to advocate for and enact technical policies that enhance protection and uphold the rights of refugees. Their engagement highlights the need for a collaborative approach to address the complexities of refugee governance in a fragmented political landscape. The following is an example of how different non-state actors influence Indonesia's refugee protection.

THE CASE OF THE JESUIT REFUGEE SERVICE

The JRS is an international Catholic organization whose central aim is to provide companionship, service, and advocacy for refugees (Jesuit Refugee Service [JRS], n.d.c). Though JRS's operations span across Indonesia, its most notable service is based in Cisarua, a district located in the greater Jakarta area. JRS takes a distinct approach to navigating the fragmented governance among the central government, the Bogor Regency government, and the local government in Cisarua district, opting for a non-confrontational and collaborative approach to achieving its objectives.

The fragmented governance of refugee management in Cisarua is quite striking. On one hand, the Bogor government still treats refugees as a security issue. The government even created a task force in 2019 to conduct routine raids against refugees' business activities and to relocate refugees so as not to disrupt tourism activities in the area (Lau, 2021; Mahendra, 2022). On the other hand, local officials in the Cisarua district recognize

that fulfilling refugees' fundamental rights is necessary—as long as doing so does not harm the local community. Though raids are routinely conducted, local officials often allow refugees to continue working, provided that their businesses only serve other refugees (Lau, 2021). The local government also supports refugee-led initiatives that have thrived in Cisarua. For example, in 2014, a group of refugees advocated their right to education and subsequently formed an educational institution for children, later known as the Cisarua Refugee Learning Centre (Ali, n.d.). This initiative gradually gave refugees more room for independence as the learning centre allowed Cisarua refugees to volunteer as teachers.

The relatively lax regulation of refugee governance in Cisarua is shaped by JRS's non-confrontational and collaborative approach to fulfilling and to advocating refugees' rights:

As JRS is a humanitarian institution, we do not always position ourselves against the government. ... As a humanitarian institution, there is always a risk that, if we are too confrontational, humanitarian assistance could automatically stop. What are the consequences? Yes, this automatically causes harm or loss to refugees. ... So, the advocacy we do is more about coordination, negotiation, and lobbying, but we rarely make an open statement against the government. (Interview with JRS activist, 2023)

JRS rarely criticizes the government in public because it believes that effective communication between stakeholders helps preserve safety for both local residents and refugees. Whenever JRS conducts its activities, it actively works to build strong relationships with all parties that share its humanitarian mission. JRS's principle of openness is reflected in its dialogue-based relationships with local government stakeholders, local communities, and various organizations concerned with refugee welfare (Sanusi, 2023).

JRS openly shares information with relevant stakeholders about the refugees it assists and is willing to report to the authorities, including the police, in the case of fraudulent UNHCR-issued identities. JRS also assists the government with data collection on asylum seekers and refugees in the Cisarua districts. Through collaboration with the government, NGOs, and local communities, JRS is not only part of the task force providing emergency response through food assistance and emergency needs for refugees (Jesuit Refugee Service [JRS], n.d.a) but also actively involved in discussions on advocating refugee rights in Indonesia. JRS demonstrated this type of participation when it joined the workshop titled "Empowerment Strategy for Overseas Refugees in Indonesia as an Enhancement of Solutions to Third Countries," organized by the National Research and Innovation Agency in co-operation with the Directorate General of Human Rights, Ministry of Law and Human Rights, UNHCR, JRS, IOM, and the Resilience Development Initiative Urban Refugee Research Group (BRIN, 2023).

Through a collaborative and non-confrontational approach, JRS engages with other NGOs involved in refugee rights advocacy, such as SUAKA (the Indonesian Civil Society Network for Refugee Rights Protection), KontraS (the Commission for Missing Persons and Victims of Violence), and other civil organizations (JRS Indonesia, 2021). The goal of this collaboration is to promote a "responsibility-sharing" approach to handling refugees, meaning that joint efforts between local governments and NGOs are essential to protecting and fulfilling refugees' rights. JRS's approach is particularly evident in its focus areas in Cisarua—funding and education. These activities align with JRS's "great need and greater good" principle (interview with JRS activist, 2023).

The “great need” is assessed based on the number of refugees in Cisarua relative to other cities in Indonesia. According to UNHCR, West Java and Jakarta host the highest number of refugees in Indonesia (Lau, 2021), with Cisarua alone accommodating more than 5,000 of the 12,295 refugees nationwide (Bailey, 2023; UNHCR, 2023b). Most refugees in Cisarua do not receive financial assistance from IOM and UNHCR due to limited funding and budget prioritization (RDI Urban Refugee Research Group [RDI UREF], n.d.). To fill this gap, JRS supports around 150 refugees in Cisarua based on assessment, which varies according to need, from IDR (Indonesian rupiah) 500,000 to 2,400,000 (US\$35 to \$165) a month (Lau, 2021). Although JRS’s resources are more limited compared with those of IOM and UNHCR, JRS remains the only NGO in Indonesia that provides refugees with monthly stipends. JRS also collaborates with other organizations to help refugees become self-sufficient. For example, JRS partners with Skilled Migrants and Refugee Technicians (SMART), a refugee-led information technology startup, to support refugees in securing online livelihoods. Meanwhile, the “greater good” is determined by the projected impact JRS can have on refugees’ welfare in the region. Despite the presence of over 20 stakeholders, including international and local NGOs, JRS realizes that its services in Cisarua fill critical gaps left by other NGOs (RDI UREF, n.d.). This gap-filling approach is evident in the establishment of the JRS Learning Centre, a refugee-run education centre in Bogor, where JRS provides courses in English and Indonesian, as well as physical exercise. Moreover, through this education centre, JRS also offers psychosocial support—an area that has yet to be addressed by any other NGOs in Cisarua (Jones, 2015).

JRS’s collaborative and non-confrontational approach is the result of the fragmented refugee governance in Cisarua. Realizing the Indonesian government’s lack of commitment to providing refugee rights, JRS tries to lobby authority and utilize any window of opportunity provided by the local government. Indeed, the local government in Cisarua signals a relatively “flexible” attitude in refugee governance. The flexibility of the refugee conditions in Cisarua can be linked to the local government’s ambivalent response toward refugees. Local authorities have become accustomed to the presence of refugees, as most have been residing in Cisarua for 5 to 10 years or longer. However, government officials, particularly at the lowest levels of governance, are often left to handle social integration without clear national policies or funding, which leaves them feeling burdened with a task for which they lack sufficient resources. As such, JRS lobbies the local government, advocating a simple and less controversial program for refugees. For example, in responding to refugees’ prolonged stay in the greater Jakarta area, JRS tries to implement specific programs, such as managing the psychological impact of refugees’ protracted limbo status. JRS’s program in Cisarua, called Walking with the Asylum Seekers and Refugees in Indonesia, is aimed at reducing stress experienced by refugees by providing companionship and education to young refugees (Jesuit Refugee Service [JRS], n.d.b).

Indeed, through JRS’s continued engagement, both the Bogor Regency and Cisarua district government have gradually become less hostile to refugees. This is in contrast with other local governments, such as in Aceh province, where authorities face increasing social tension due to local resistance and limited resources for refugee management. Instead of shouldering full responsibility for

refugee welfare, the Bogor Regency government has deferred this role to refugees themselves, or to NGOs like JRS. While this certainly signals the Indonesian government's lack of accountability and responsibility, JRS's actions can somewhat help fulfill refugee protection.

THE CASE OF KONTRAS ACEH

The issue of refugees in Aceh province is actively addressed by several NGOs that perform various roles in providing humanitarian aid to refugees in Aceh. For instance, Aksi Cepat Tanggap encourages community participation and mobilizes local resources to help refugees in emergency situations, and the Geutanyoe Foundation works with international organizations and local governments to improve local communities' acceptance of and coexistence with refugees. The Aceh Commission for Missing Persons and Victims of Violence, also known as KontraS Aceh, investigates and reports cases of abuse toward, neglect of, and discrimination against refugees; provides policy recommendations; and pressures both central and local governments to improve refugee management. Since KontraS Aceh is the only group focused on systemic and structural issues while actively pressuring the government to reform the refugee regime in Aceh, this section will focus solely on its role.

KontraS Aceh was initially established in 1998 to investigate cases of forced disappearances during the Military Operations Area period from 1989 to 1998 (KontraS Aceh, n.d.). It has since expanded its scope to include cases of torture, extrajudicial killings, and the denial of refugees' basic rights. Leveraging its broad network, the organization consists of advocates, academics, journalists, university students, and civil society activists. KontraS has been vocal in advocating that the government of Indonesia fulfill refugee's

rights, particularly since the increase in Rohingya refugee arrivals by boat in 2023–2024 (KontraS Aceh, n.d.).

As the westernmost region of Indonesia, the province of Aceh has historically been an entry point for refugees from Myanmar and Bangladesh. Due to a shared history of protracted conflict between Indonesia's central government and the local separatist movement, the Aceh community was initially welcoming of refugees, particularly Rohingya people. This hospitality was also influenced by Aceh customary maritime law, called the Panglima Laôt, which governs Aceh's fishing communities, including fishing-related customs and dispute resolution (Sekretariat Majelis Adat Aceh, 2022). This law embraces Acehnese principles of justice, sustainability, and solidarity and obliges all Acehnese fishermen to assist people in distress at sea (Missbach, 2017; Walden & Jones, 2020).

Acehnese hospitality toward refugees was evident in late June 2020 and June 2021, when refugees arrived in Aceh in extremely dire conditions after enduring a dangerous journey on poorly built wooden boats with limited supplies. Most refugees experienced serious security and protection threats at sea, such as physical and gender-based violence, lack of food and air, malnutrition, exploitation, and extortion. Tragically, some refugees, including children, lost their lives either due to illness or because their boats capsized. This urgent situation compelled the local Acehnese community to step in and provide emergency assistance (KontraS Aceh, n.d.). However, this initial hospitality was short-lived as the refugee influx grew and directly burdened the local community. After a surge in Rohingya refugees arriving in 2023, some local leaders forbade refugee vessels from landing. Several university students also held a violent anti-refugee protest in December 2023 while ransacking Rohingya

refugees' temporary dwellings (DetikSumut, 2023). Following growing hostility from local communities, local government officials in Aceh echoed the sentiment, stating that they had neither the responsibility nor the capacity to manage Rohingya refugees, citing Indonesia's non-signatory status to the 1951 Refugee Convention (Dinas Syariat Islam Aceh, 2024).

In light of Aceh's fragmented and insufficient refugee governance, KontraS Aceh adopts a confrontational approach: it actively stages protests and publishes critical open letters addressed to both the central government and the Aceh provincial government, condemning their lack of a comprehensive refugee policy and failure to uphold international human rights standards. KontraS Aceh highlights how gaps in coordination, resource allocation, and the absence of a robust legal framework worsen refugees' hardships. Examples include criticism when local governments detained Rohingya refugees in a truck for 48 hours without basic assistance on November 8, 2024 (KontraS Aceh, 2024). Moreover, KontraS Aceh put pressure on the Aceh local government as a province with special status to take steps forward by issuing a qanun (special regional regulations governing the public life in Aceh province) related to the treatment of refugees. The draft was submitted to the Legislative Body of the Aceh People's Representative Council and, at the time of writing, is under review to ensure it aligns with PR 125 (Safrina, 2022).

At the national level, KontraS advocates a comprehensive refugee protection law in Indonesia. A KontraS official argued that such a law must be bottom-up, respect local laws, and provide direct funding that local governments can access to support refugee welfare (interview, 2023). KontraS Aceh was also a part of a coalition which published a joint statement questioning the ineffective

implementation of PR 125 (KontraS Aceh et al., 2023). To further this cause, KontraS collaborates with civil society organizations such as JRS and SUAKA. Within this advocacy strategy, KontraS Aceh put pressure on the Indonesian government to respect refugee rights and to promptly ratify the 1951 Refugee Convention.

Unlike JRS in Cisarua, where refugees' rights are somewhat acknowledged, KontraS Aceh continues to struggle to push for their recognition in the Aceh province. KontraS actively condemns human rights violations against Rohingya refugees in the province (Voice of America, 2023). To enhance refugee protection, KontraS Aceh recommends the establishment of local refugee task forces in every province. Additionally, it publishes investigative journalism on issues such as violence and sexual assault against refugees (interview with KontraS Aceh official, 2023).

KontraS Aceh's confrontational approach to advocating refugee rights can be attributed to two main factors. Firstly, support for refugees from both local officials and the community in Aceh is weakening, while hostility toward them is increasing. The lack of protection for refugees' rights makes advocacy even more crucial. Secondly, frustration with the Indonesian government's inaction to assist refugees is growing. Although IOM and UNHCR provide certain facilities for refugees' livelihood in the province, they do not provide monthly stipends to refugees in Aceh. This limitation arises from the fact that the Indonesian government does not officially recognize Aceh as a refugee settlement area, despite the province's long history of receiving refugees (interview with KontraS Aceh official, 2023).

In addition to the lack of NGO presence, there is also a lack of commitment from the Indonesian central government to support the local Aceh government in fulfilling refu-

gees' rights. Consistent with the fragmented governance idea, there is a lack of coordination and collaboration among multiple governmental authorities in Indonesian refugee protection. On the one hand, the central government mandates that refugees' fundamental rights are acknowledged. On the other hand, the Aceh provincial government is left to its own devices to find funding to support refugees. Absent incentives from the central government to handle refugees appropriately, Aceh local officials experience a sense of reluctance to act, particularly as protecting refugees' rights means adding a new burden to their workload without any additional salary compensation (interview with KontraS Aceh official, 2023).

Local governments' response to KontraS Aceh's confrontational approach is equally critical, especially when the organization highlights government failures or human rights abuses. Local government officials sometimes reject KontraS Aceh's claims, stating that the accusations are not fully contextualized or that they do not consider the struggles local governments experience in handling a refugee crisis with little funding. For instance, in the case of the Rohingya refugees, KontraS Aceh criticized the local government for failing to act quickly to provide adequate shelter, health care, and protection for refugees (KontraS Aceh, 2023). Local government officials argued that the criticism was unfair, given the Aceh provincial government's limited budget and resources to handle such a crisis (Febriandi, 2023). Moreover, local communities felt that KontraS Aceh's efforts could marginalize them, given concerns that the refugees' long-term presence could lead to competition for aid and jobs. However, several notable effects have been observed following KontraS Aceh's critiques, including a greater understanding of the importance of giving humanitarian con-

cerns top priority and adherence to human rights norms in refugee management. These were demonstrated in the establishment of refugee task forces in various Acehese regions as well as the discussion between KontraS Aceh and the Aceh House of Representatives on the draft of a qanun governing the treatment of refugees in Aceh.

CONCLUSION

In understanding the refugee regime in a highly fragmented governance such as in Indonesia, a narrow focus on the state's role fails to fully capture the complexities of managing a growing refugee population facing prolonged displacement. This article highlights the significant influence that non-state actors wield in shaping policy and managing the refugee regime, demonstrating their ability to navigate the intricate nature of fragmented governance and influence stakeholders toward taking alternative approaches to address refugee challenges.

In examining refugee management in two different contexts—Cisarua in the greater Jakarta area and Aceh province—the approaches taken by two distinct non-state actors, JRS and KontraS Aceh, differ significantly. JRS focuses on immediate humanitarian needs and works within fragmented governance by building partnerships and fostering trust. It operates under a comparatively "flexible" refugee governance framework, which stems from the local government's conflicted attitude toward refugees. This ambivalence results from the semi-permanent nature of refugees in Cisarua, their gradual normalization, and the existence of a more established network of NGOs (such as JRS and the Refugee Learning Centre) that collaborate with refugees and local authorities in a structured manner.

Meanwhile, in Aceh, the limited institutional framework and resource shortages,


combined with frequent arrivals of emergency cases, often fuel conflict and opposition from local communities and authorities. Refugee management operates on an ad hoc basis during emergencies because refugees in the Aceh province tend to stay only temporarily before being transferred to other refugee camps. KontraS Aceh adopts a confrontational advocacy approach, especially in its interactions with the government, given Aceh province's weak refugee governance. KontraS Aceh advocates for legal reforms and increased accountability while challenging systemic governance failure, frequently encountering resistance from both communities and authorities.

Although the involvement of non-state actors—especially in countries that have not ratified the 1951 Refugee Convention and 1967 Protocol—can compensate for the absence of state responsibility, their presence also introduces new complexities that affect governments, local communities, and refugees themselves. The roles and responsibilities of state and non-state actors often overlap, leading to unclear co-operation mechanisms. Local communities may perceive NGOs as prioritizing refugees over locals, potentially escalating social conflicts and fostering long-term hostility toward refugees. Since different NGOs have varied goals and work with different local governments, refugees may receive fragmented treatment, support, and responses. Consequently, the assistance refugees receive may vary significantly depending on the presence and location of NGOs, leading to unequal and fragmented aid distribution.

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ORCID

Finahliyah Hasan 

<https://orcid.org/0000-0003-4184-7243>

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