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## Advantages And Disadvantages Of The Existence Of Rohingya Refugees In Indonesia (Perspective Of Islam, Pancasila And Law)

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### Abstrak

Meningkatnya jumlah pengungsi spiritual di Indonesia nampaknya menjadi permasalahan bagi Pemerintah untuk menerima atau menolak pengungsi tersebut. Di satu sisi, Indonesia terhambat oleh potensi konflik dengan warga lokal jika diterima karena masalah etika, persaingan tanah, persaingan pekerjaan, dan potensi dominasi karena jumlah pengungsi yang terus meningkat. Namun di sisi lain, pemerintah terjebak pada rasa iba menolong sesama manusia, prinsip dasar HAM, dan persoalan agama, apalagi mayoritas pengungsi Rohingya beragama Islam. Oleh karena itu, penelitian ini bertujuan untuk menganalisis untung dan ruginya keberadaan pengungsi spiritual di Indonesia. Penelitian ini merupakan penelitian kualitatif dengan pendekatan deskriptif mengenai kelebihan dan kekurangan kehadiran pengungsi Rohingny di Indonesia dalam perspektif Pancasila, Hak Asasi Manusia dan Islam. Data yang digunakan dalam penelitian ini merupakan data sekunder yang peneliti peroleh dari artikel ilmiah, buku, berita yang kredibel dan lain sebagainya. Data-data tersebut dianalisis secara deskriptif dan kelebihan serta kekurangan keberadaan pengungsi spiritual diukur melalui analisis SWOT. Jika keberadaannya lebih banyak mengandung kekuatan dan peluang maka disimpulkan sebagai keuntungan dan sebaliknya jika lebih banyak mengandung ancaman dan tantangan maka disimpulkan sebagai kerugian.

Kata Kunci: *Pengungsi Rohingya, Eksistensi, Kelebihan dan Kekurangan*

## Abstract

The increasing number of spiritual refugees in Indonesia seems to be a problem for the Government to accept or reject these refugees. On the one hand, Indonesia is hampered by the potential for conflict with local residents if it is accepted due to ethical issues, competition for land, competition for jobs, and the potential for domination because the number of refugees continues to increase. However, on the other hand, the government is trapped in a sense of compassion for helping fellow humans, basic principles of human rights, and religious issues, especially since the majority of Rohingya refugees are Muslims. Therefore, this research aims to analyze the profit and loss of the existence of spiritual refugees in Indonesia. This research is qualitative research with a descriptive approach regarding the advantages and disadvantages of the presence of Rohingya refugees in Indonesia from the perspective of Pancasila, Human Rights and Islam. The data used in this research is secondary data that researchers obtained from scientific articles, books, credible news and so on. These data were analyzed descriptively and the advantages and disadvantages of the existence of spiritual refugees were measured through a SWOT analysis. If its existence contains more strengths and opportunities then it is concluded as an advantage and conversely if it contains more threats and challenges then it is concluded as a loss

Keyword: *Rohingya Refugees, Existence, Advantages And Disadvantages*

## INTRODUCTION

Refugees are actually a phenomenon that has existed for a long time. The problem of refugees crossing the borders of a country's sovereign territory is a classic problem, because its existence has become a phenomenon since the emergence of the history of human civilization. The origins of the refugee regime in the modern era can actually be traced to the Peace of Westphalia (15 May-24 October 1648). People in a country have the right to live and live together with people in other countries. European society in the 18th and 19th centuries was the product of refugees, especially after the French revolution between 1789 and 1815. It was the refugees who migrated who actually formed the state system in Europe. As happened to Italy and Poland in 1848. The term and definition of refugee first appeared during the First World War, which was considered the culmination point of the nation-building process. The refugees who were victims of the world war were very poor people and could not earn a living and improve their standard of living without protection assistance from the country where they were. Their departure was also due to necessity, as a result they did not fail to take care of the travel documents (letters) that were really needed when they crossed their country's borders to flee to another country. This very difficult and worrying situation inspired the definition of refugees

(Romsan, 2003).

In international relations studies, refugees are a study that is an integral part of migration studies. Thus, the issue of refugees has a strong connection with the study of international relations. This issue touches on international cooperation, globalization, international human rights, international organizations, regime complexity, the role of non-state actors, regionalism, North-South relations, and security studies. Migration studies, including refugees, are an important part of the mainstream of the discipline of international relations and have strong potential in shaping the character of the discipline of international relations. His theoretical contribution is considered to be able to strengthen the discipline of international relations. This is in line with what was stated by Betts and Loescher who stated that the refugee issue is part of the scope of international relations studies. The study of forced migration has enormous relevance for IR. It touches upon issues relating to international cooperation, globalization, human rights, international organizations, regime complexity, the role of non-state actors, regionalism, North-South relations, and security. Therefore, making the study of forced migration part of the mainstream study of IR has a potentially wide-ranging theoretical contribution to make to the discipline (Betts, 2011).

The Rohingya crisis has emerged as one of the most pressing humanitarian challenges of our time, marked by the mass exodus of Rohingya people fleeing persecution in Myanmar. This ongoing crisis has displaced more than one million people since the 1990s, with nearly 750,000 refugees fleeing to countries in South and Southeast Asia (Irom, 2023). The Rohingya, as a stateless and persecuted minority, face political exclusion and persecution along ethnic and religious lines (Rajan, 2023). They are forced to live under the constant threat of detention, deportation, and forced relocation, leaving them in socio-legal uncertainty (Tania, 2023). Bangladesh currently hosts a large number of stateless Rohingya refugees, with the country spending approximately \$1.21 billion annually to support them (Hossain, 2023). The persecution of Rohingya in Myanmar has been systematic and involves various actors at various levels, including military leaders, security forces, and vigilantes (Takemura, 2023). The international response to the crisis has been inadequate and inconsistent, resulting in the prolonged displacement of the Rohingya population.

Rohingya refugees, a stateless Muslim minority group from Myanmar, have sought refuge in various countries including Indonesia. Their arrival has raised complex legal and human rights issues, necessitating a comprehensive examination of the challenges they face in the Indonesian context. The response of religious communities in Aceh, Medan and Makassar to the presence of Rohingya Muslims varies based on cultural and religious factors (Georgiou, 2023). The people of Aceh, due to their shared religion, have shown a desire to

rescue Rohingya refugees, while in Medan and Makassar, humanitarian response and state identity play an important role in their treatment. The cultural conflict between Rohingya refugees and the people of Aceh arose due to cultural differences, but cultural adaptation has occurred, allowing the refugees to survive and feel comfortable in the refugee camps (Hartanto, 2021). Managing Rohingya refugees at the local level in Aceh involves challenges such as limited resettlement opportunities, work restrictions, and limited skills development, thus highlighting the importance of partnerships with stakeholders and the need for private sector involvement in providing skills, training, and employment opportunities (Ibrahim, 2023).

The Rohingya community has faced a long history of discrimination, violence, and displacement in Myanmar, which has led them to seek asylum in other countries such as Bangladesh and Malaysia (Griffiths, 2023). These refugees face numerous legal obstacles and human rights struggles in their host countries, including limited access to public resources such as health services. Rohingya refugees in Bangladesh have lived there for almost 6 years without the opportunity to return to their homeland. The identity crisis faced by Rohingya refugees has made them look for alternative ways to get Bangladeshi passports and flights around the world, creating an image crisis for Bangladesh through their illegal activities. The security and privacy of Rohingya refugees is also a major concern, with the need for a people-centered approach to design and implement solutions that can address these challenges.

This research aims to analyze the advantages and disadvantages of the existence of spiritual people in Indonesia using the SWOT analysis technique from the perspective of Pancasila, Islam and Human Rights. This research has a standard, if the existence of Rohingya refugees has more power and opportunities then it is considered to be profitable. On the other hand, if it has threats and weaknesses, it is considered detrimental.

In connection with accepting the presence of Rohingya refugees in Indonesia, it is in line with the principles of ta'awun taught in Islam with the aim of increasing brotherhood (ittihad), helping the weak, such as the muhajirin who are helped by the anshor, and increasing the nature of caring for others. However, this is said to be consistent if it does not cause harm. In practice, the presence of Rohingya refugees is increasingly causing more and more harm, such as social conflicts with local communities, land disputes, competition for work land, and bad ethical issues aimed at Rohingya refugees. Based on this, the government should provide the best solution to overcome this by limiting the number of Rohingya refugees, making comprehensive regulations for refugees, and acting firmly in making the regulations that have been made.

## METOH D

The increasing number of spiritual refugees in Indonesia seems to be a problem for the Government to accept or reject these refugees (Lexy J. Moleong, 2018). On the one hand, Indonesia is hampered by the potential for conflict with local residents if it is accepted due to ethical issues, competition for land, competition for jobs, and the potential for domination because the number of refugees continues to increase (Manzilati, 2017). However, on the other hand, the government is trapped in a sense of compassion for helping fellow humans, basic principles of human rights, and religious issues, especially since the majority of Rohingya refugees are Muslims. Therefore, this research aims to analyze the profit and loss of the existence of spiritual refugees in Indonesia (Lexy J. Moleong, 2014). This research is qualitative research with a descriptive approach regarding the advantages and disadvantages of the presence of Rohingya refugees in Indonesia from the perspective of Pancasila, Human Rights and Islam (Sugiyono, 2019). The data used in this research is secondary data that researchers obtained from scientific articles, books, credible news and so on. These data were analyzed descriptively and the advantages and disadvantages of the existence of spiritual refugees were measured through a SWOT analysis (Abdurahman, 2016). If its existence contains more strengths and opportunities then it is concluded as an advantage and conversely if it contains more threats and challenges then it is concluded as a loss (Manzilati, 2017).

## RESULT AND DISCUSSION

Refugees are actually a phenomenon that has existed for a long time. The problem of refugees crossing the borders of a country's sovereign territory is a classic problem, because its existence has become a phenomenon since the emergence of the history of human civilization. The origins of the refugee regime in the modern era can actually be traced to the Peace of Westphalia (15 May-24 October 1648). People in a country have the right to live and live together with people in other countries. European society in the 18th and 19th centuries was the product of refugees, especially after the French revolution between 1789 and 1815. It was the refugees who migrated who actually formed the state system in Europe. As happened to Italy and Poland in 1848. The term and definition of refugee first appeared during the First World War, which was considered the culmination point of the nation-building process. The refugees who were victims of the world war were very poor people and could not earn a living and improve their standard of living without protection assistance from the country where they were. Their departure was also due to necessity, as

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#### Islamic Perspective

Islam teaches believers to help each other as a way of life. In this way, it is hoped that there will be a balance between people who are capable and those who are lacking. The principle of living in a society in a balanced state is to anticipate that life will not be crippled due to the gap between people from well-off groups and people from disadvantaged groups. So the system built in infaq, alms and zakat mal is a mechanism of noble value, which has high value rewards in the sight of Allah (M.K, 2004).

There are several forms of ta'awun or mutual help with fellow human beings, namely as follows: a. Help when in trouble. The act of helping when someone experiences difficulties and disasters is a form of help that has a huge impact. It's like someone who is thirsty and someone gives him a glass of water, of course it will have a big meaning in his life and the service of the person who gave it will never be forgotten. Rasulullah saw taught. b. Give something. It could be that someone needs something that they need, so they need to be

assisted and assisted. Rasulullah saw said. c. Providing loans or debt. Including loans and debts, someone needs to be given help. d. Giving food and gifts. Another form of helping is giving and delivering food and gifts to each other. e. Reconcile. If there is someone who has a dispute and is hostile, then they must be helped by reconciling the two (Sarif, 2015).

#### Pancasila Perspective

Pancasila is the foundation of everything the nation does and is the ideology for the Indonesian nation. Pancasila unifies a nation of diverse ethnicities, races and religions from Sabang to Merauke. The development of Pancasila started from the kingdom era until now Indonesia has become independent. The term Pancasila has been known since the days of the Srivijaya and Majapahit kingdoms, where aspects of its precepts have been applied in public and royal life, although it has not been formulated concretely. (Darmawan, 2018).

One of the five principles of Pancasila is "just and civilized humanity". "Just and civilized humanity" is the content of the second principle of Pancasila, which contains all forms of elements of just and civilized humanity which are used as principles of life. This human awareness must be carried out so that it becomes a spirit to build the life of society and the universe to achieve happiness through persistent effort, and can be applied in everyday life, and we must have an attitude of tolerance so that life can be peaceful (Anggraini et al., 2020).

Some of the meanings contained in just and civilized human values, especially for Indonesian society, are as follows: 1. Awareness of the attitudes and behavior of every Indonesian citizen will always be adjusted to the moral values and conscience of every human being. It is with this awareness that the community participates in each community institution in Indonesia to carry out development according to its capacity. 2. Human Rights is a matter that discusses a series of recognition and respect for the Human Rights (HAM) of other individuals, which are actually always brought when a person is born from their mother's womb. 3. Humanity, is developing an attitude of mutual love on the basis of humanity. With this role, human actions will of course be given limits that can minimize criminal acts. 4. Justice is a process to be able to implement a just and civilized life. This has an important meaning, considering that existing development must be evenly distributed and carried out by continuing to take into account population size, area, and so on. 5. Tolerance: Experience in realizing the attitudes contained in the second principle of Pancasila will be able to provide encouragement in bringing about an attitude of tolerance in every social relationship that a person has in community groups. Tolerance itself is a form of respect that individuals exercise towards other individuals as a form of harmonization. This action is carried out through a series of knowledge and a person's behavior in carrying

out the rights and obligations of citizens (Ramadani et al., 2023).

Welcoming the presence of Rohingya refugees is something that is in line with the second principle of Pancasila values, namely realizing financial justice and tolerance for fellow human beings. However, another thing that also needs to be considered is justice and welfare for local residents, which must be a priority and obligation for the government. Therefore, the researcher again has an opinion that is in line with the Islamic perspective so that the government can take a middle path in this matter so that it can ensure justice among humans and the welfare of local residents is not disturbed.

#### Law Perspective

The 1951 Convention and the 1967 Protocol on Refugees include a list of fundamental rights and freedoms that are essential for refugees. Countries participating in the Convention are obliged to implement these rights and obligations. This is the legal consequence that must be implemented for participants in the 1951 and 1967 conventions. To fulfill the rights and obligations for refugees, a regulation regarding the handling of refugees is needed, these regulations must be made especially by states parties that are parties to the 1951 Convention and the 1967 Protocol on Refugees. If Indonesia becomes a party to the 1951 Refugee Convention and the 1967 Protocol, then Indonesia must implement the provisions stipulated in the 1951 Refugee Convention and the 1967 Protocol as in the articles mentioned above in order to achieve the rights of refugees, but in reality Indonesia has still not ratified the 1951 Convention. and the 1967 Protocol, Indonesia does not have the same authority as the ratifying countries, especially in fulfilling the rights and obligations contained in the convention. This results in Indonesia having limited authority in handling refugees, where the authority in handling asylum seekers and refugees rests entirely with UNHCR (Primadasa Primadasa et al., 2021) .

### Advantages And Disadvantages Of The Existence Of Rohingya Refugees In Indonesia

Table 1

#### SWOT Analysis

Strength	Weakness	Oportunity	Threat
In line with the principles of ta'awun in Islam	Indonesia has not ratified the convention on refugees	Can be seen as a country that upholds human rights	The potential for job competition increases

In line with the second principle of Pancasila	Has a bad ethical track record		Competition for land and land conflicts are increasing
	The number of people coming is getting bigger and bigger		Conflict with local residents
			Has the potential to become an invader for local residents

### CONCLUSION

Based on the explanation above, conclusions can be drawn regarding the Profits and Losses of the Existence of Rohingya Refugees in Indonesia as follows:

1. From an Islamic perspective, accepting Rohingya refugees is something that is in line with *najara ta'awun* (mutual help) to increase the unity (*ittihad*) of fellow human beings, in line with the second principle of Pancasila "Just and civilized humanity" to create justice and welfare of fellow human beings as long as does not cause harm to local residents. The solution is that the government must limit refugees if there are too many and provide strict regulations on refugees who act arbitrarily
2. Indonesia does not have an obligation to accommodate Rohingya refugees because Indonesia has not ratified the 1950 UNHCR refugee regulations and its 1967 protocol.
3. The existence of spirits in Indonesia which increasingly poses threats and challenges including the potential to become invaders, social conflicts, land struggles, the welfare of local communities being disrupted, and so on.

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