



Establish ASEAN-Australia Communication in Resolving Humanitarian Issues for International Asylum Seekers and Refugees

Felix Ferdin Bakker ¹

¹ Taruna Politeknik Imigrasi, BPSDM Hukum dan HAM, E-mail: felixferdinbakker@gmail.com

ARTICLE INFO	ABSTRACT
<p>Keywords: Problems; Refugees; Communication; ASEAN; Australia</p> <p>How to cite: Bakker, Felix Ferdin (2021) Establish ASEAN-AUSTRALIA Communication In Resolving Humanitarian Issues For International Asylum Seekers and Refugees. <i>Veteran Law Review</i>. 4(1). 50-63</p>	<p>The aim of this research is to solve the problem of refugees which currently cannot be handled with policies that address the root of the problem. The increasing number of refugees in Southeast Asia has made it overwhelming for transit countries to face this problem. On the other hand, as a refugee recipient country in the last ten years, Australia has had a strict policy in accepting refugees. Australia's approach to returning refugee ships to a transit country is a controversial policy because Australia itself is a country that signed the 1951 convention on refugee status. The research method used in writing this paper is an empirical legal research method. Research that deals with people who have relationships in life that are related to other people or society to accept society, legal entities, or government bodies. The results of this study show that the presence of refugees and asylum seekers has a significant impact on the social changes of the local community, and the current refugee policy arrangements are still in the hands of the UNHCR (United Nations High Commissioner for Refugees) under the auspices of the United Nations Bangsa. There is no concrete communication that touches the root of the problems of refugees and asylum seekers. Through an enthusiastic approach and communication with community-based management between ASEAN countries and Australia, it is hoped that it can solve human rights problems related to supervision to empower refugees in society to become third country citizens, in this case Australia.</p> <p>Copyright ©2021 VELREV. All rights reserved.</p>

1. Introduction

The refugee problem is a problem that can be done with the usual mechanisms and policies in making every decision between agencies. Solving the refugee problem in the ASEAN-AUSTRALIA region is now an unresolved problem. ASEAN (Association of Southeast Asian Nations) is a regional organization that accommodates the cooperation of 10 (ten) countries in Southeast Asia interested in carrying out the mandate of the convention on human rights. ASEAN is an international organization at the southeast Asian regional level formed on the agreement of five countries at the beginning represented by five figures from five different countries, while the models that became the early drivers of ASEAN's founding are as

follows: for Indonesia represented by Adam Malik (Minister of Foreign Affairs of Indonesia), for Malaysia represented by Tun Abdul Razak (Deputy Prime Minister of Malaysia) For Singapore, it is characterized by Sinnathamby Rajaratnam (Singapore's Foreign Minister) for the Philippines represented by Narciso Ramos (Philippine Foreign Minister), and for Thailand represented by Thanat Koman (Thai Foreign Minister). The subject matter of the ASEAN meeting itself has an extensive scope ranging from economic, social, and cultural to human rights protection. Asean's rapid development is a demand for problem-solving within southeast Asia, with so many directions among ASEAN member states to solve problems together. In the form of the ASEAN Charter on December 15, 2008, the charter contains the concept that until now is known as ASEAN Community 2015. To solve human rights and human protection at the southeast Asian regional level, the ASEAN Intergovernmental Commission on Human Rights (AICHR) was formed as one of ASEAN's ways to answer international challenges in increasing human rights violations, especially in the southeast Asian region.¹

To overcome this, international agreements were made in among them: International Treaties 1928, 1933, 1938, 1939, and 1946. These treaties were continued by the United Nations with a Conference on the status of refugees in 1951, complemented by the 1967 Protocol. Refugees and Asylum seekers are often a topic of issue between Hostessing Countries with the United Nations High Commissioner for Refugees (UNHCR) as a mandate from the United Nations (UN) to protect refugees and help refugees find solutions to their situation.² This is consistent with Bosswick & Heckmann that migration to a country or a city can change the size and composition of the country or society that accepts the presence of immigrants. Furthermore, immigrants must adjust themselves as immigrants with indigenous people and vice versa. Social science in this case explains, that with this phenomenon the existence of an integration process is needed.³

Looking at the breadth and variety of interests of Southeast Asian countries in various sectors in meeting the needs and geopolitical differences in each country, certainly not infrequently, will give rise to multiple conflicts and differences of opinion to the threat of war. Bilateral and multilateral disputes on their way are inevitable. However, with the development of science and the many forums for mutual benefit, conflicts to traditional threats such as wars between countries began to be abandoned, and in the modern world, the concept of conventional threats developed into a security disorder that led to a wide range of violations of humanitarian interests.⁴ Protection of asylum seekers and refugees is still the responsibility of the United Nations of High

¹ Zaimah and Hannah, Ayu. (2015). *Urgensi Pembentukan Pengadilan Hak Asasi Manusia (HAM) Oleh ASEAN Inter-Governmental Commission On Human Rights (AICHR)*. Universitas Brawijaya.

² Riady, Pande Made Handika. (2018) Penanganan Pengungsi Dalam Perspektif Hukum Keimigrasian Di Provinsi Kepulauan Riau. In *Journal Of Law And Policy Transformation*.

³ Alamari, Muhammad Fauzan. (2020). Imigran Dan Masalah Integrasi Sosial. In *Jurnal Dinamika Global*.

⁴ Zulfikar and Achmad. (2013). *Efektivitas Peran ASEAN Dalam Mengatasi Masalah Human Security Di Kawasan Asia Tenggara*. Universitas Muhammadiyah.

Commission for Refugees (UNHCR); UNHCR's obligations include refugee protection to administrative status and placement Refugees to third countries (countries that ratified the 1951 convention on refugees' status who are ready to accommodate refugees as citizens). A 2011 Global Trends report by UNHCR on June 18, 2012, showed 3.5 people were displaced and forced into evacuations resulting in them leaving their home countries to seek refuge in safety. At the end of 2011, the UN reported 47.5 million refugees, which is undoubtedly rising each year given the growing conflict in conflict-prone countries such as Afghanistan, Iraq, Somalia, Sudan, and Congo.⁵

Problem Formulation:

1. How to solve the problem of international asylum seekers and refugees in Southeast Asia and Australia?
2. How is the ASEAN-Australia communication strategy to solve the problem of international asylum seekers and refugees?
3. How do I provide an equitable solution to meet legal and human rights aspects for international asylum seekers and refugees?

2. Method

The research method used in writing this paper is the empirical legal research method. The legal research method is a research method that reviews a law's function or rule in terms of its application in the community. This research method can also be called sociological law research because the technique in this study is also conducted research related to people living a relationship in life-related to other people or society to take in community, legal entity, or government entity. Empirical law is the cause of legal research intended to examine and analyze law's workings in society, which manifests into society's normal behavior. Empirical legal research seeks to look at the law in a real sense and examine how people's legal behavior and how the law works within the community.⁶

3. Main Heading of the Analysis or Results

Southeast Asia's strategic location with a wide range of potential and complexity of problems makes many refugees who stay in Southeast Asia, mostly to Indonesia to make it as a transit country before entering Australia in waiting for their administrative status. Indonesia's proximity to Australia also lures asylum seekers, who will then be processed into refugees approaching Indonesia as their destination. Moreover, Indonesia's vast seas that have connectivity with various countries make it easier for asylum seekers and refugees to reach Indonesia. This very complicated problem of refugees and seekers is exacerbated by the growing number of them and the many social irregularities committed in Indonesia. This problem is challenging to solve

⁵ Aryuni, Yuliantiningsih. (2013). Perlindungan Pengungsi Dalam Perspektif Hukum Internasional Dan Hukum Islam (Studi Terhadap Kasus Manusia Perahu Rohingya). (pp.160). In *Dinamika Hukum*

⁶ Bachtar. (2019). Metode Penelitian Hukum. *UNPAM PRESS*.

when reviewed in the point of view of law and human rights; this is related to Indonesia, which strongly prioritizes the point of view of human rights and the application of non-refoulement principles stipulated in article 33 paragraph (1) of the 1951 Convention on refugees. The focus of non-refoulement requires that any country that ratifies the 1951 Convention is not allowed to expel refugees. In Article 33 paragraph (1) of the 1951 Convention on the Status of Refugees, it is stated that *"No Contracting State shall expel or return "refouler" a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."*⁷ This is upheld by Indonesia, especially in refugee human rights position with the shared human right to the most fundamental right is the right to life. However, the use of the principle of non-refoulement cannot be used massively in Indonesia, given that Indonesia did not ratify the 1951 convention on refugees being required to house refugees continuously. The increasing number of refugees and not being accommodated in immigration detention homes will also create various cultural assimilations in Indonesian society in the future, which is certainly expected to be taken seriously. Quoted from Anadolu Agency media, Director of Human Rights and Humanity of the Ministry of Foreign Affairs Achsanul Habib said that "Indonesia is committed to accepting refugees, not based on ethnicity, race, or religion," Achsanul told at an international seminar on Solving the Problem of Refugees and Asylum Seekers in Indonesia and Southeast Asia.

The complexity of the global refugee problem is very complicated. Making policy must be done between ASEAN countries. It is stated in the ASEAN charter that one of the principles embraced by ASEAN cooperation is the role of ASEAN in the process of resolving disputes and providing progress in the protection of human rights enforcement as well as a variety of fundamental rights in human beings, giving an improvement in terms of the implementation of democratic political rights as well as the enforcement of the constitution, good governance oriented to public services and sustainable development that impacts on reducing poverty and lowering crime rates in a country.⁸

When it comes to the refugee issue, ASEAN's approach is very much related to refugees' subject, namely the protection of human rights. Given this complex problem also makes each country has a variety of policies that certainly have various considerations. Multilateral commitments and international relations are the best paths. However, it is undeniable that the increasing number of refugees who are increasingly uncontrollable due to conflicts in the Middle East makes many countries less impressed to deny refugees' existence. Indonesia remains committed to serving refugees and

⁷ Zulkarnain and Kusumawardhana, Indra. (2020). Bersama Untuk Kemanusiaan: Penanganan Lintas Sektor Terhadap Masalah Pengungsi Rohingya Di Aceh 2015. (pp. 67). In *Jurnal HAM*.

⁸ Krustiyati, Atik. (2017). *Kepentingan Indonesia Dalam Masyarakat Ekonomi Asean Terhadap Isue Pengungsi Yang Merupakan Persoalan Transboundaries*. Fakultas Hukum Universitas Surabaya.

asylum seekers despite Indonesia's 1951 refugee ratification position and the 1967 protocol on asylum seekers and refugees, leaving Indonesia with no legal standing to be responsible for protecting refugees and asylum seekers from coming to Indonesia. However, Indonesia continues to accept refugees and asylum seekers in terms of fulfilling aspects of human rights and non-refoulement principles. But of course, the fulfillment of this principle is still carried out strictly without putting aside Indonesia's interests. Some ways for Indonesia to contribute to handling asylum seekers and refugees are certainly this problem is not only faced by Indonesia as a transit country but also experienced by other ASEAN countries. In this case, Indonesia has made various efforts and policy formulations that are still mostly handled by the Directorate General of Immigration. Indonesian institutions are also assisted by international organizations dealing with refugees, namely the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The process is not easy for Indonesia because it finally accommodates and provides protection for asylum seekers and refugees in the course of time. There needs to be communication between agencies in handling the refugee crisis, which is undoubtedly an international organization. Indonesia's move is also open only in solving refugees' problems in third countries, namely those experienced by Indonesia. In the international forum to support global efforts, the Government of Indonesia has played an active role in discussing the preparation of the Global Compact for Orderly Migration and Refugees since 2015. Until finally, the adoption of the New York Declaration for Refugees and Migrants by the U.N. General Assembly in 2016.⁹

3.1. Handling Refugees with a Community-Based Approach Between Countries.

Management of community-based refugee management between countries or establishing multilateral relationships is something that can be said to be a highly recommended way with current conditions. Although, policy formulation and field practices sometimes differ. As reported by BBC News Indonesia on 26 March 2016, Indonesia and Australia initiated a mechanism to respond to the refugee emergency in Southeast Asia. This was stated by Indonesian Foreign Minister Retno Marsudi and Australian Foreign Minister Julie Bishop at the Bali Process ministerial-level meeting on Wednesday (23/03). "Indonesia and Australia, we initiated a regional consultation mechanism to respond to emergency situations. In the event of an emergency, we immediately conduct consultations and communication that will start from the co-chairs (Indonesia and Australia). If there needs to be a wider meeting then we will ask the steering committee to meet and then the countries affected," Retno told reporters after the meeting. If reviewed with the perspective of international relations, it is an excellent policy and is a form of international cooperation that is multilateral. This cooperation is expected to solve international asylum seekers and refugees (Refugee and Asylum

⁹ Sihombing and Yosepina, Herlina. (2019). Kebijakan Indonesia Dalam Perlindungan Pencari Suaka Dan Pengungsi Pasca Kebijakan Turn Back the Boat Pemerintahan Tony Abbott. (pp. 601). In *Journal of International Relations*.

seekers). Cooperation is common to solve problems. At the international level, cooperation is one way to improve the effectiveness of solving problems and improve social, economic, and even political conditions in a better direction. Judging by the definition, international cooperation can be interpreted as a relationship conducted by a country to another country whose purpose is to meet the people's needs and for the benefit of the people between countries. The types of international cooperation are very diverse which include political, social, security defense, cultural, and economic cooperation based on the foreign politics of each country which is undoubtedly different between countries and regional.¹⁰

Although in a formal meeting between countries Indonesia and Australia understand the refugee problem that is still difficult to overcome. However, understanding in cooperation conducted at formal events such as the Bali Process ministerial-level meeting discusses refugees' issue, the fact that Australia still seems to reject refugees and asylum seekers to their territory. The refugees intend to transit in Indonesia on their way to a third country, Australia, which rejects them by driving their boats into Indonesian waters. This is in contrast to Australia's statement ratifying the 1951 Convention on Refugees. Of course, the reason Australia is motivated by many factors is the increase every year. Refugees and asylum seekers heading to Australia are on the rise, and in 2013 the Australian Government struck an agreement with Papua New Guinea. Papua New Guinea Solution (PNG Solution) policy as a form of Regional Resettlement Arrangement (RRA) approved together with Papua New Guinea. This is a way for Australia to continue to do its duty in terms of refugees. However, of course, refugees' process to be accommodated in Australia is also a selective policy of Australia. On the other hand, in the Conversation report on July 2, 2019, Scott Morrison's victory in the prime minister election was reported. The victory of Australia's elected prime minister Scott Morrison and the coalition of parties that brought him to Australia's general election on May 17, 2019, has had a severe impact and is seen as making it difficult for asylum seekers and refugees to seek international protection in the Asia Pacific region. In terms of history, Scott Morrison has served as Australia's Minister for Immigration and Border Protection. While in office, Morrison had a vital role in crafting policies regarding Australia's strict border protection. The policy that was born is a policy that gives birth to a variety of debates. The policy of returning boats that disturb refugees is one of Morrison's policies. This leaves refugees coming to Australia to have difficulties and stuck in transit countries such as Indonesia and Malaysia. The Australian Government's strict and unpredictable stance on the handling of refugees makes ASEAN unable to remain silent because it sees many refugees who have hopes of gaining their freedom and human rights, in

¹⁰ Bagaskara and Maulana, Annaas. (2018). Kerjasama Pemerintah Indonesia Dan ECPAT Dalam Menangani Permasalahan Child Trafficking Di Indonesia. In *Journal of International Relations*.

essence, needing an optimal strategy in solving the humanitarian problems of asylum seekers and refugees including on Indonesian territory.¹¹

Australia's policy of reducing the number of refugees entering the country will impact Indonesia as a transit country. This consequence is enormous when viewed in terms of social and culture. The law enforcement process in Indonesia is also currently conducted based on human rights. Each year, refugees in Indonesia are increasingly coupled with Australia's current strict policies, making it more complicated in dealing with the refugee problem. Another thing that makes refugees interested in making Indonesia a Transit country is the UNHCR office that currently still exists in Indonesia, namely in Jakarta, which makes many asylum seekers, immigrants, and refugees confident to obtain refugee status channeled to third countries. It will increase the interest of refugees to Indonesia, and indeed their certainty in Indonesia is questioned in the process of distribution to third countries. On the other hand, Indonesia also does not allow refugees and asylum seekers to work to meet their daily needs. This is complicated by the large number of refugees who make trouble with fighting between refugees. Of course, activities that interfere with the general provisions are strictly prohibited, especially those that disturb the People of Indonesia itself.

Many refugees in Indonesia are directly proportional to the number of refugees in Malaysia and Thailand. This is undoubtedly very troubling, and the implementation of centralization policy between countries in ASEAN should be carried out in-depth and focus on handling refugees, especially the communication strategy with Australia as a refugee receiving country. While Australia's policy with its prime minister Scoot Morison puts forward a strict policy on refugee admissions, it is undoubtedly that overseas insistence on uniting between ASEAN countries concerning refugees. If it is seen that a large number of refugees in Indonesia that synergy between countries is mandatory in accommodating this refugee problem.

3.2. Solving the Refugee Problem With A Geopolitical Approach Based On Human Rights

The policy of banning refugees from working appears to be reviewed because it is expected that the process of waiting for refugees to a third country if it relies on the IOM, UNHCR, The Australian Government and the Government of Indonesia will undoubtedly make a new problem that is the dependence of refugees and asylum seekers for their livelihood funds. If continuously left without income, it is feared to create other consequences that arise a variety of legal irregularities whose implications and indications make criminal crimes. Report from suara.com on April 2, 2018, reported the story of a refugee from Somalia who was forced to become a prostitute to live their lives and their children who were victims of human trafficking, during the process of applying to UNHCR to obtain a refugee card indicating the legality of a person

¹¹ Sihombing, Herlina. (2013). Kebijakan Indonesia Dalam Perlindungan Pencari Suaka Dan Pengungsi Pasca Kebijakan Turn Back Boat Pemerintahan Tony Abbott. (pp. 1689). In *Journal of Chemical Information and Modeling*.

becoming a refugee. The problem of refugees in Indonesia who are vulnerable to violence between other refugees is also not allowed. Indonesia's position on world peace, and human rights freedom, is a fundamental right outlined in the 1945 constitution.

If it is reviewed from this issue that there are some obstacles in solving the refugee problem that is certainly expected to manage refugees' settlement based on the community of countries with multilateral policies between ASEAN countries and Australia is the only way the best. Some recommendations that can be reviewed in solving global geopolitical problems to solve the problem of refugees and asylum seekers, specifically in the scope of ASEAN and Australia:

- a. Initiative in creating forums between ASEAN members and synergy with Australia as a refugee receiving country following the Convention on the Status of Refugees, also known as the Refugee Convention 1951.
- b. Making strict policies on the regulation of refugee empowerment by enabling the provision of jobs as determined by the government. However, this violates immigration residence permit rules. Future policies in immigration rules between ASEAN countries and Australia can be established to establish strict job-type relationships and see each person's potential. The empowerment is seen from the existing talent management.
- c. Until now, refugees are not authorized and the right to work, whereas the needs of refugees themselves as human beings are to meet the most fundamental things, namely clothing, food, and boards. Aid funding from UNHCR and Australia is also very limited in meeting refugees' needs in transit countries. The right to work can be an option but with strict policies. If obtaining a job must undoubtedly be determined and reviewed areas that can be a source of income. As human beings, refugees also need to make a living to support their living needs -- moreover, they have lost most or even all of their productive assets after leaving the country. Case studies conducted in Malaysia show that if refugees earn enough. Then refugee parents can send their children to community-based learning centers. Currently, only about 30% of refugees of child age attend formal school in Malaysia. The school charges 30 to 150 ringgit or 100 to 500 thousand rupiahs per month. Referring to data from activists in the field, with access to education. Then children can get protection from the threat of forced labor and other illegal things. This is in line with the UN Convention on the rights of children ratified by Malaysia and other ASEAN countries, including Indonesia.¹²
- d. Establish cooperation between countries to provide temporary shelter facilities for asylum seekers and refugees by supporting Australia as a recipient of asylum seekers or refugees. This is very important in the process of resolving refugees. Although Australia is a developed country economically, ASEAN's support to Australia is expected to provide a fresh

¹² Jalil, Aslam Abd Jalil. *The Conversation*. n.d. Diakses pada Februari 7, 2021 melalui <https://theconversation.com/Hak-Untuk-Bekerja-Dapat-Memberdayakan-Para-Pengungsi-Di-Malaysia-119928>

wind to refugees' fate in the ASEAN region who are going to Australia in search of their dreams of becoming human beings as a whole.

- e. Between ASEAN countries to provide administrative support assistance to UNHCR to provide status assurance for refugees or asylum seekers. This needs to be done more quickly because many, if reviewed from the formulation of the international human rights convention, are entitled to live a decent life. It was reported from medcom.id on August 3, 2019, that asylum seekers generally target countries that accept refugees, such as Australia, New Zealand, Canada, and the United States. Refugees are urging UNHCR as the highest institution for refugee issues should speed up refugees' fulfillment to obtain housing, employment, and education. This is a natural thing because handling refugees can not depend on a transit country that is more concerned with their citizens. However, on the one hand, residential access and education are the most fundamental things in implementing policies. Although in terms of communication, international relations policy between countries is jurisdictional and can not be disturbed. However, concerning establishing foreign policy between countries is recommended to respect each other and think about the state of national stability of other countries, especially in handling refugees.

3.3. Moving UNHCR Offices And Refugees To An Empty Island is One Of The Efforts To Prevent Cultural Mixing In The Community, Avoid Irregularities In Activities, And Focused Surveillance At One Point

Refugees who, in this case, have the right to live and have freedom from the pressures associated with violence and abuse and for children are entitled to access to education. Given the potential for many empty islands in the southeast Asian region, the empowerment of empty islands to become refugee shelters can be recommended to avoid mixing cultures in local communities, avoid activity irregularities, and focus on refugee supervision at one point. This is one way for many countries in Southeast Asia to maintain security and order in their local communities.¹³

As reported from Republika.co.id on July 16, 2019, Professor of International Law, University of Indonesia, Prof Hikmahanto Juwana, argued that the government should be able to find an empty island as an alternative to the UN high commissioner reserved for refugees under the auspices of UNHCR. It is hoped that this empty island will become a new place for the UNHCR office to conduct administrative processes for asylum seekers and refugees. In terms of logging and knowing that finally verified for asylum seekers and prospective refugees can be accepted as refugees in third countries is a long process, sometimes up to many years of asylum seekers, and prospective refugees stranded in transit countries including Indonesia and Malaysia. Another thing that becomes difficult because currently, third countries that accept asylum seekers and refugees, such as Australia, many European

¹³ Alamari.

countries, and the United States that currently severely limit the number of asylum seekers.¹⁴

Although limiting the number of asylum seekers is the country's thing, the restriction policy's impact resulted in a buildup of refugees in the Southeast Asian region, including Indonesia, whose impact will undoubtedly weigh on the government. In this case, many countries in Southeast Asia, especially Indonesia, are not signatories to the 1951 Vienna Convention on refugee status and therefore have no obligation to deal with refugees. However, it is necessary to underline the refugee case as a humanitarian crisis that can not be ruled out to maintain good communication in the international world. The reason for refugees to Indonesia is because they believe that with the UNHCR office, their fate will be fought by UNHCR. Relocation to an empty island in terms of handling refugees can be an option to avoid mixing cultures in the community, avoiding activity irregularities, and focused surveillance at one point.

Every country in ASEAN can do this step, but the steps to do this must be communicated with Australia as a refugee receiving country. It is vital that Australia does not underestimate countries in ASEAN and takes steps to reject any refugees who come to their country and make the empty island in ASEAN a permanent shelter for refugees and asylum seekers.

However, terms of the selection of temporary shelters on empty islands need much deep consideration ranging from the planning of the topographical island, socioeconomic conditions in the surrounding area, and the safety of various factors, namely nature, and avoided the potential for other crimes. Another consideration is determining the criteria for refugees that can be temporarily accommodated and the determination of the maximum time for refugees to stay on the island until they can finally be accepted in a third country. This calculation must be calculated carefully, and determining a safe policy is essential. Given the condition of most Southeast Asian countries in terms of refugee law is not a country that ratified the 1951 convention on refugee status. In terms of empowerment of empty islands, if reviewed from literature studies can see examples of the creation of refugee shelters in several countries such as Germany and Vietnam. In Germany, there is a Containex Asylum Seeker Accommodation in the Koepenick District, Berlin, Germany. This place is a refugee shelter that can accommodate 2,400 refugees; several facilities such as lounges, bedrooms, laundry rooms, social rooms, children's education rooms, administrative offices, and various other facilities. In Vietnam, there is also a refugee camp on Galang Island, a historic place that was used for approximately 250,000 refugees from Vietnam between 1979 and 1995. UNHCR built the construction of the camp. The camp itself has 8-

¹⁴ Republika. (2016). *Pemerintah Diminta Carikan Pulau Kosong Untuk Pengungsi*. Diakses pada Februari 7, 2021 melalui <https://republika.co.id/Pemerintah-Diminta-Carikan-Pulau-Kosong-Untuk-Pengungsi>

hectares which contain supporting facilities such as schools, places of worship, hospitals, cemeteries, canteens, barracks, and prisons.¹⁵

However, these centralized temporary shelter recommendations still require careful and in-depth planning to know each island's various risks and potentials. Another condition is that in terms of making temporary shelters requires a large number of funds. Cross-border cooperation and communication in terms of solving the refugee problem is the most important thing. In the report from ANTARANEWS.COM on July 18, 2019, in Indonesia itself, discourse to transfer refugees who are in Indonesia to the House of Representatives, Vice Chairman of Commission I of the House of Representatives of Indonesia, Satya Widya Yudha, argued that the transfer of refugees who stay in Indonesia to an empty island by also moving the office of the UNITED NATIONS high commissioner for refugees (UNHCR) to an empty island requires a lot of consideration and careful planning. This was conveyed in response to calls from many international relations opinions regarding providing an empty island in consideration of a solution for UNHCR to deal with foreign refugees' problem piling up mostly in the Jakarta area. If the UNHCR office is moved to a barren island, then the government should assess whether Indonesia is the leading destination or just transit. Certainly, comprehensive planning in terms of budget and employment needs to go through some careful assessment. Besides, the restrictions to be able to stay on the island must be considered carefully. However, in this case, the government of Indonesia continues to deal with the refugee problem. Indonesia still provides facilities for refugees, especially if the conflict is a friendly country. In this case, Indonesia still uses human rights as one reason to continue to accept well, although the status of International Law of Indonesia is not the country that participated in the signing of the 1951 Vienna convention on refugee status.¹⁶

3.4 Cross-Regional Strategy For Solving The Problem Of Asylum Seekers And Refugees

In terms of guaranteeing every asylum seeker and refugee, there needs to be cross-agency cooperation that is not only domestic. Immigration cooperation and stakeholders in terms of human rights protection across the country are expected to take the policy and create an organization that can be a forum for solving the complexity of asylum seekers and refugees. A legal principle that does not allow rejecting asylum seekers and refugees and is juxtaposed with humanitarian values. It is expected that the establishment of a cross-regional organization consisting of ASEAN and Australia members in which there are UNHCR and IOM, which is the organization responsible for the presence of refugees and the status of asylum seekers, can provide an optimal policy in the empowerment of refugees because currently in the process of solving the

¹⁵ Amanda, Apriani. (2020). *Perancangan Penampungan Pengungsi Di Pulau Selayar, Sulawesi Selatan*. Universitas Hasanuddin.

¹⁶ Antara News. *Komisi I DPR: Pemandahan Pengungsi Ke Pulau Kosong Butuh Perencanaan*. Diakses melalui <https://www.antaraneWS.com/Komisi-i-Dpr-Pemandahan-Pengungsi-Ke-Pulau-Kosong-Butuh-Perencanaan>.

refugee problem between countries in ASEAN and Australia still have egos and much overlap in solving the problem of empowerment, the status of asylum seekers, and blame each other between countries and organizations.¹⁷ The Refugee Convention requires ratifying countries to accept refugees and asylum seekers even though the convention's powers in its national law have different policies in their implementation in each country. The leader will influence national political laws and policies in power at the time. Australia's strict policy towards refugees is different for each prime minister due to Australia's national conditions. It is interesting to see that while Australia as a country ratified the 1951 convention on refugees, in practice, every prime minister has a different policy. The Australian prime minister's policy of the last ten years with a strict policy on refugees is debatable. It is hoped that establishing an organization that accommodates ASEAN and Australian members can solve every refugee problem in the Southeast Asian region.

4. Conclusion

In dealing with the current problem of asylum seekers and refugees, whose number and distribution are massive in the Southeast Asia region, there needs to be an extraordinary policy to be resolved internally but rather a regional policy by inviting Australia to a special formal forum. To solve the refugee problem and its empowerment, including the existence of an organization that focuses on solving asylum seekers and refugees, every country in ASEAN can have a standard policy and support Australia in accepting refugees and escorting these refugees so that they can be accepted by the general public as whole human beings.

The ASEAN-Australia communication strategy in solving the problem of international asylum seekers and refugees includes; (1) Initiatives in forming a forum between ASEAN members and synergy with Australia as a refugee recipient country in accordance with the Convention Related to the Status of Refugees, also known as the 1951 Refugee Convention, (2) making firm policies regarding refugee arrangements, (3) To date refugees have not been given the authority and right to work, even though the refugee's own needs as humans are to fulfill the most basic things, namely clothing, food and shelter.

Fair solutions to fulfill legal and human rights aspects for asylum seekers and international refugees include cooperation between countries in providing temporary shelter facilities for asylum seekers and refugees, by supporting Australia. ASEAN countries provide administrative support to UNHCR to provide certainty of status for refugees or asylum seekers. In this case, Indonesia still uses human rights as one of the reasons for accepting it well, even though Indonesia's international legal status is not a country that signed the 1951 Vienna Convention on the status of refugees.

¹⁷ Setyawati, Siti Muti'ah and Agussalim, Dafri. (2016). Security Complex Indonesia-Australia Dan Pengaruhnya Terhadap Dinamika Hubungan Kedua Negara. (pp. 111). In *Jurnal Ilmu Sosial Dan Ilmu Politik*

Acknowledgements

In providing such policies, it is expected that every country, especially in Southeast Asia, can have the same policy. It is expected that through the ASEAN forum, every ASEAN member can have a clear policy on refugees. Communication with Australia is important, especially as Australia is the country that signed the 1951 Convention on refugee status. While it is not every state's obligation to take care of refugees, the most fundamental aspect of human rights to live freely is something that cannot be replaced.

References

Book

Bachtiar. (2019). *Metode Penelitian Hukum*. Tangerang Selatan: UNPAM PRESS.

Journal Articles

Alamari, Muhammad Fauzan. (2020). Imigran Dan Masalah Integrasi Sosial. *Jurnal Dinamika Global*. 5(02). 254–277.

Apriani, Amanda. (2020). Perancangan Penampungan Pengungsi Di Pulau Selayar, Sulawesi Selatan. *Universitas Hasanuddin*.

Aryuni, Yuliantiningsih. (2013). Perlindungan Pengungsi Dalam Perspektif Hukum Internasional Dan Hukum Islam (Studi Terhadap Kasus Manusia Perahu Rohingya). *Dinamika Hukum*. 13. 160.

Bagaskara & Maulana, Annaas. (2018). Kerjasama Pemerintah Indonesia Dan ECPAT Dalam Menangani Permasalahan Child Trafficking Di Indonesia. *Journal of International Relations*. 4(3).

Krustiyati, Atik. (2017). Kepentingan Indonesia Dalam Masyarakat Ekonomi Asean Terhadap Isue Pengungsi Yang Merupakan Persoalan Transboundaries. *Fakultas Hukum Universitas Surabaya*.

Riady, Pande Made Handika. (2018). Penanganan Pengungsi Dalam Perspektif Hukum Keimigrasian Di Provinsi Kepulauan Riau. *Journal Of Law And Policy Transformation*. 3(1). 121–60.

Setyawati, Siti Muti'ah, & Agussalim, Dafri. Security Complex Indonesia-Australia Dan Pengaruhnya Terhadap Dinamika Hubungan Kedua Negara. *Jurnal Ilmu Sosial dan Ilmu Politik*. 19(2). 111.

Sihombing, Herlina. (2013). Kebijakan Indonesia Dalam Perlindungan Pencari Suaka Dan Pengungsi Pasca Kebijakan Turn Back Boat Pemerintahan Tony Abbott. *Journal of Chemical Information and Modeling*. 53(9). 1689–99.

Sihombing, & Yosepina, Herlina. (2019). Kebijakan Indonesia Dalam Perlindungan Pencari Suaka Dan Pengungsi Pasca Kebijakan Turn Back the Boat Pemerintahan Tony Abbott. *Journal of International Relations*. 5(4). 601–602.

Zaimah, & Hannah, Ayu. (2015). Urgensi Pembentukan Pengadilan Hak Asasi Manusia (HAM) Oleh ASEAN Inter-Governmental Commission On Human Rights (AICHR). *Universitas Brawijaya*.

Zulfikar, and Achmad. (2013). Efektivitas Peran ASEAN Dalam Mengatasi Masalah Human Security Di Kawasan Asia Tenggara. *Universitas Muhammadiyah*.

Zulkarnain, & Kusumawardhana, Indra. (2020). Bersama Untuk

Kemanusiaan: Penanganan Lintas Sektor Terhadap Masalah Pengungsi Rohingya Di Aceh 2015. *Jurnal HAM*. 11(1). 67-83.

Website Materials

Antara News. (2019). *Komisi I DPR Pemandahan Pengungsi Ke Pulau Kosong Butuh Perencanaan*. From <https://www.antaraneews.com/Komisi-i-Dpr-Pemandahan-Pengungsi-Ke-Pulau-Kosong-Butuh-Perencanaan>

Republika. (2016). *Pemerintah Diminta Carikan Pulau Kosong Untuk Pengungsi*. Retrieved February 7, 2021, from <https://republika.co.id/Pemerintah-Diminta-Carikan-Pulau-Kosong-Untuk-Pengungsi>

The Conversation. (2019). *Hak untuk bekerja dapat memberdayakan para pengungsi di Malaysia*. Retrieved February 7, 2017, from <https://theconversation.com/Hak-Untuk-Bekerja-Dapat-Memberdayakan-Para-Pengungsi-Di-Malaysia-119928>