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BEYOND ADMINISTRATIVE CONTAINMENT: A DECADE OF NORMATIVE GAPS IN INDONESIA'S REFUGEE GOVERNANCE UNDER PRESIDENTIAL REGULATION NO. 125/2016

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Abstract

This article presents a critical legal analysis of Indonesia's refugee governance a decade after the landmark Presidential Regulation No. 125/2016 (Perpres 125/2016). Utilising doctrinal, comparative, and normative legal research methods, the study dissects the regulation's efficacy in bridging the gap between Indonesia's non-signatory status to the 1951 Refugee Convention and its binding international human rights obligations. The findings reveal that while Perpres 125/2016 has successfully instilled a system of administrative coordination for initial humanitarian response, standardising rescue operations, interministerial roles, and temporary shelter, it has failed to address fundamental normative deficiencies. These issues include an ongoing structural contradiction with the Immigration Act, which views refugees as illegal immigrants; a strong dependence on UNHCR and IOM for essential protection roles; and significant disparities in local implementation caused by decentralisation and lack of funding mandates. The article argues that the regulation represents a policy of containment over protection, prioritising logistical management and humanitarian diplomacy over the establishment of a rights-based framework. Consequently, refugees remain in protracted legal limbo, denied rights to work, education, and durable solutions. The analysis suggests that implementing transformative reform involves a fundamental change from just temporary humanitarian efforts to building a sustainable protection system. This journey includes making statutory immigration reforms, establishing a national Refugee Status Determination process, and clearly incorporating socioeconomic rights into the national legal framework.

Keywords: *Refugee Law; Indonesia; Presidential Regulation No. 125/2016; Human Rights*

A. Introduction

Indonesia holds a distinct and often contradictory position within the international protection regime (Syahrin et al., 2022). Although it has not ratified the 1951 Refugee Convention or its 1967 Protocol, the country has long been situated along key migratory

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routes in Southeast Asia, placing it at the centre of recurring humanitarian movements from Afghanistan, Myanmar, Somalia, Sudan, Iraq, and beyond (Heriyanto et al., 2023, p. 138). Over the past two decades, Indonesia has evolved from being seen merely as a transit country to becoming a long-term host for thousands of refugees and asylum seekers who remain in prolonged displacement situations(Salle et al., 2025). This reality has challenged Indonesia to align its domestic legal framework with broader human rights standards, especially in the absence of a dedicated asylum law (Dewansyah & Nafisah, 2021). In 2016, Indonesia enacted Presidential Regulation No. 125/2016 on the Handling of Foreign Refugees (Perpres 125/2016), a landmark policy that formalised state responsibility for the administrative management of refugees. Before its promulgation, refugee governance in Indonesia relied heavily on informal practice, ad hoc coordination, and extensive dependence on the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM). The regulation marked a significant shift, as for the first time, Indonesian ministries, provincial governments, and local authorities received explicit mandates to handle refugees, including coordinating rescue at sea, providing temporary shelters, and providing basic humanitarian services. However, the regulation was never meant to act as a complete asylum system. Its main focus remains on logistics, coordination, and basic needs, leaving significant gaps in legal protection, rights, and long-term solutions. Indonesia still lacks a state-operated Refugee Status Determination (RSD) system, leaving asylum adjudication exclusively to UNHCR. Refugees are prohibited from working, face restrictions on movement, and rely almost entirely on international funding for sustenance. The regulatory architecture, while progressive in humanitarian terms, does not provide a pathway to durable solutions such as local integration, long-term residency, or citizenship.

Almost a decade after its implementation, assessing the performance and limitations of Perpres 125/2016 is both timely and essential. The number of refugees in Indonesia, although fluctuating, has remained consistently high, with many individuals living in limbo for five to ten years. Resettlement opportunities have significantly declined due to changing global policies, leaving Indonesia increasingly responsible for a population initially expected to stay only temporarily. Local governments, while often willing to cooperate, operate with unequal resources, inconsistent policy interpretations, and varying degrees of commitment. Some municipalities, such as Makassar and Medan, have built relatively strong collaborative networks with civil society and international organisations, while others struggle to meet minimum standards beyond basic shelter. This inconsistency raises wider issues related to equity, governance consistency, and the nation accountability.

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From an international law perspective, Indonesia's refugee responsibilities extend beyond its non-signatory status to the Refugee Convention. The country is also bound by numerous human rights treaties, such as the ICCPR, ICESCR, CRC, and CAT, which, although not explicitly focused on refugees, protect their rights to life, non-refoulement, humane treatment, education, health, and non-discrimination. These overlapping obligations challenge the traditional divide between non-signatory and non-obligated states, emphasising Indonesia's implicit and explicit duties under customary international law and broader humanitarian principles. As a co-chair of the Bali Process, Indonesia has consistently reaffirmed its commitment to regional cooperation, burden sharing, and humane migration management. Nevertheless, domestically, the legal framework remains limited and cannot fully meet the protection needs of its growing refugee population.

Academic and policy discussions increasingly highlight a tension in Indonesia's refugee policy between administrative management and rights protection. Perpres 125/2016 represents a key development by organising coordination, reducing arbitrary detention, and improving emergency responses. However, it perpetuates a system that prioritises containment over integration, reliance over empowerment, and temporary measures over sustainable solutions. By emphasising humanitarian logistics rather than legal protections, the regulation has left refugees in prolonged uncertainty, strained local governments and international agencies, and failed to deliver lasting solutions. With changing global conditions, such as declining resettlement quotas, geopolitical instability, and rising displacement, Indonesia's current policy risks becoming increasingly ineffective. While proponents argue that Perpres 125/2016 has effectively managed humanitarian logistics, coordination, and basic assistance without requiring ratification of the 1951 Refugee Convention (Syahrin et al., 2022), these measures fall short amid protracted stays and reduced global burden-sharing. This review is particularly timely, as it marks nearly a decade since the implementation of Perpres 125/2016. It assesses the regulation's achievements and shortcomings, its alignment with Indonesia's international commitments, and the country's evolving role in global refugee governance, underscoring the need for a clearer, rights-based national approach.

This study aims to comprehensively analyse Indonesia's refugee management system by examining doctrinal principles, reviewing policies, and reflecting on normative standards, considering factors such as ongoing gaps in legal protection, sustainable solutions, and alignment with norms highlighted in recent research (Dewansyah & Nafisah, 2021). By situating Perpres 125/2016 within the broader context of international law, domestic governance, and regional cooperation, as evidenced by Indonesia's binding human

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rights obligations under treaties like the ICCPR, ICESCR, CAT, and CRC, alongside customary norms such as non-refoulement, it seeks to fill key gaps in scholarly knowledge on protracted refugee stays and local inconsistencies (Kneebone & Missbach, 2018; Missbach, 2015), while offering evidence-based policy reform suggestions. The objective of this study is to critically assess Indonesia's decade-long implementation of Presidential Regulation No. 125/2016, evaluate its alignment with international protection standards, identify key achievements such as improved humanitarian coordination (Syahrin et al., 2022) alongside structural deficiencies like the lack of a national Refugee Status Determination system and over-reliance on international actors (Kneebone & Missbach, 2018), and propose pathways to strengthen Indonesia's refugee governance toward a more coherent, rights-based national framework. This comprehensive evaluation will illuminate the nuanced challenges and opportunities for Indonesia to advance its role as a responsible actor in international refugee protection, moving beyond solely logistical management toward a more robust embodiment of its human rights commitments (Arifin et al., 2024; Kurt et al., 2025, p. 2).

B. Methodology of the Study

This study employs a qualitative legal research design, primarily grounded in doctrinal analysis, to systematically examine the substance, structure, and application of Presidential Regulation No. 125/2016. Doctrinal research, or black-letter law analysis, involves the systematic identification, interpretation, and synthesis of legal sources to establish the current state of the law and identify its gaps and inconsistencies (Hutchinson & Duncan, 2012). This involved a meticulous reading of the regulation's text, followed by an analysis of its position within Indonesia's legal hierarchy, particularly its relationship with the superior Law No. 6/2011 on Immigration. This process enabled a critical evaluation of the regulation's internal coherence and its capacity to provide a sound legal basis for refugee protection, revealing a fundamental contradiction between its humanitarian intent and the restrictive framing of the Immigration Act.

To support the doctrinal findings, the study includes a comparison of legal frameworks. This involved examining Indonesia's laws against international standards set by treaties it has ratified, such as the ICCPR, ICESCR, CRC, and CAT, as well as principles of customary international law, such as non-refoulement. The analysis also compared regional practices in other Southeast Asian countries that are not parties to these treaties. This comparison helped identify differences in norms and potential reform models. Finally, the study utilises normative legal analysis to evaluate the extent to which Perpres 125/2016 aligns with or diverges from overarching principles of justice, fairness, and human rights.

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This evaluative dimension moves beyond mere description to ask whether the law, as it stands, is good or just. It assessed the regulation's outcomes against normative benchmarks such as human dignity, the best interests of the child, and the right to a remedy, thereby providing the philosophical underpinning for the policy recommendations offered. It is essential to note the limitations of this methodological approach. The reliance on legal and documentary sources means that the study captures the *de jure* reality of the regulatory framework but does not provide extensive *de facto* empirical data on its day-to-day implementation. Future research employing qualitative methods, such as in-depth interviews with refugees, government officials, and NGO workers, would provide invaluable ground-level insights to complement this legal appraisal.

C. Literature Review

Academic research on Indonesia's refugee management has expanded significantly over the last decade, driven by the country's ongoing role as both a transit hub currently hosting thousands of refugees, many waiting over a decade for resettlement (Kurt et al., 2025) and a long-term host for asylum seekers, despite not being a signatory to the 1951 Refugee Convention or its 1967 Protocol. Early studies characterised pre-2016 policies as fragmented and security-oriented: refugees were frequently treated as immigration violators under Law No. 6/2011 rather than individuals with protection needs, resulting in detention, limited access to services, and policy uncertainty (Missbach, 2015; Taylor & Rafferty-Brown, 2010). Scholarly commentaries converge on a key distinction: Perpres 125/2016 structures operational management such as search and rescue, temporary accommodation, and interministerial coordination without creating a complete state-run asylum system or substantive rights regime (Syahrin et al., 2022). This administrative framing is critiqued for privileging humanitarian logistics over durable protection, conceptualising responses as mere "humanitarian assistance" despite constitutional guarantees like Article 28G for political asylum (Dewansyah & Nafisah, 2021), thereby perpetuating temporary solutions and legal liminality for refugees who remain in Indonesia for protracted periods (Kneebone & Missbach, 2018).

Several scholars highlight normative conflicts within Indonesia's legal system and bridge gaps between doctrine and policy. They point out that a presidential regulation cannot override higher laws, so Perpres 125/2016 coexists uneasily with immigration laws that still label unauthorised entrants as "illegal immigrants," creating legal incoherence and limiting the enforceability of protections. Yet, the regulation is hailed as a pioneering measure, the first of its kind in Indonesia, and a significant development that structures

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operational management, clarifies interministerial coordination, shelter standards, and assistance protocols, enabling practical progress within the existing legal hierarchy (Kneebone et al., 2021; Nurdin et al., 2020, p. 62; Syahrin et al., 2022). Such structural inconsistencies underpin critiques that operational improvements alone remain superficial without stronger legislation aligning administrative actions with human rights standards. Consequently, the absence of a national Refugee Status Determination process, as mandated by international refugee law, forces asylum seekers to undergo a lengthy determination process through UNHCR, prolonging their precarious status and exacerbating psychosocial stressors (Kurt et al., 2025, p. 2).

Moreover, a recurring theme across empirical and doctrinal studies is the prominent role of international organisations, particularly UNHCR, which undertakes Refugee Status Determination for asylum seekers in Indonesia due to the absence of a national system, leaving refugees in legal limbo for years amid protracted waits—often over a decade—for resettlement (Dewansyah & Nafisah, 2021; Kurt et al., 2025, p. 2; Syahrin et al., 2022). This over-reliance perpetuates normative gaps in Perpres 125/2016, as it delegates core protection functions to external actors without granting refugees formal status, access to work, or local integration pathways (Kneebone & Missbach, 2018; Kurt et al., 2025, p. 2).

Geography and decentralisation further complicate these outcomes. Local governments vary significantly in their implementation of Perpres 125/2016: cities such as Makassar, Medan, and Pekanbaru have established effective networks with civil society and international agencies, whereas others lack resources or political will to extend beyond basic shelter. This variation fosters substantial disparities in refugee well-being across Indonesia, underscoring the need for national standards and oversight to ensure consistent, fair treatment. However, a counterargument suggests that this decentralised flexibility enables context-specific innovations and stronger local-community partnerships in progressive regions, allowing successful models—such as those in Makassar—to emerge as scalable best practices for national policy development, thereby enhancing overall adaptability in refugee governance. The absence of a unified legal framework for addressing migration issues in Indonesia contributes to these disparities, leading to the creation of rigid regional regulations that can hinder the economic mobility of vulnerable populations (Alidar et al., 2023, p. 107). This fragmentation, in turn, exacerbates the challenges faced by irregular migrants, who are often subject to ad hoc policies and inconsistent enforcement, thereby increasing their precarity and vulnerability to exploitation (Nielsen & Sendjaya, 2013, p. 923). This fragmented approach to migration governance often results in a limited translation of international commitments into actionable policies, thereby creating

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protection gaps for various mobile populations, including refugees and migrant workers (Masuku, 2024, p. 22; Panizzon et al., 2022, p. 98). For instance, Indonesian migrant workers facing issues abroad are often categorised under policies for "Migrant Workers with Problems," yet the implementation of these policies varies widely upon their return, leading to inconsistent support and reintegration challenges (Juliawan, 2018, p. 11).

International legal scholarship reconceptualises the obligations of non-signatory states like Indonesia by emphasising its binding duties under ratified human rights treaties including the ICCPR, ICESCR, CAT, CRC, and CEDAW (Kneebone, 2017, p. 33; Pijnenburg, 2024, p. 65), imposing refugee-relevant protections such as non-refoulement, liberty from arbitrary detention, access to education, work rights, and humane treatment—providing a compelling fusion of political jurisprudence and administrative practice. This analysis situates Perpres 125/2016 within Indonesia's constitutional-ideological framework, including Pancasila principles and Article 28G of the 1945 Constitution guaranteeing political asylum (Dewansyah & Nafisah, 2021, p. 536), while highlighting political-legal influences on its provisions and limits, notably its subordination to higher immigration laws under Law No. 6/2011 classifying refugees as "illegal immigrants" (Kneebone et al., 2021). It frames the regulation as a politico-legal compromise: promoting humanitarian measures via coordinated search-and-rescue, sheltering, security, funding mechanisms, and interministerial roles (Kneebone et al., 2021, p. 446; Nurdin et al., 2020, p. 62; Yatani, 2023, p. 66), while preserving sovereignty, immigration control, and monitoring—absent a national RSD mechanism or substantive rights like employment or integration (Missbach et al., 2018; Syahrin et al., 2022, 2024). The authors show how Perpres 125/2016 addresses operational gaps through ministerial assignments and shelter standards, yet neglects core issues including RSD accountability, legal work restrictions (Kurt et al., 2025, p. 2), and durable solutions, sustaining UNHCR-led processes with delays often exceeding a decade (Kurt et al., 2025, p. 2). It also highlights implementation variances across locales like Makassar, Medan, and Pekanbaru—due to resource gaps and political will—plus ongoing UNHCR/IOM dependence (Shalihah & Nur, 2021, p. 378; Yatani, 2023, p. 65), affirming scholarly themes of normative inconsistencies, decentralisation issues, and legislative needs (Alidar et al., 2023, p. 107; Masuku, 2024, p. 22; Panizzon et al., 2022, p. 98). This situation forces recognised refugees, despite their de facto status from UNHCR, into a legal grey area, classifying them as undocumented migrants under national law and severely limiting their access to formal employment, education, and affordable healthcare (Legido-Quigley et al., 2020, p. 5). This persistent legal ambiguity not only contravenes the spirit of international human rights treaties but also perpetuates a cycle of dependency, hindering

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self-sufficiency and social integration for a vulnerable population (Grześkowiak, 2023, p. 574).

Political analyses provide context to these legal and empirical findings by exploring the reasons behind Perpres 125/2016 (Nurdin et al., 2020, p. 62; Syahrin et al., 2022). Some scholars view it as part of Indonesia's efforts to promote humanitarian diplomacy and regional leadership through the Bali Process (Kneebone, 2017, p. 33), aiming to balance domestic security with international expectations (Kneebone et al., 2021, p. 446). Others criticise it as a symbolic gesture conveying humanitarian concern without creating binding protection obligations or a national Refugee Status Determination mechanism (Kneebone et al., 2021, p. 444; Missbach et al., 2018; Syahrin et al., 2024). Both perspectives agree, however, that while improving administrative procedures is essential, it cannot address the deeper causes of ongoing displacement or protracted UNHCR-led waits exceeding a decade (Kurt et al., 2025, p. 2; Syahrin et al., 2022). Overall, the literature indicates that Perpres 125/2016 represents administrative progress but does not, on its own, establish a rights-based asylum system amid subordination to immigration laws classifying refugees as "illegal immigrants" (Kneebone et al., 2021). Moreover, Indonesia's international human rights commitments under ratified treaties like the ICCPR, ICESCR, CAT, CRC, and CEDAW set standards that go beyond those provided by the regulation, including non-refoulement and work rights (Kneebone, 2017, p. 33; Pijnenburg, 2024, p. 65). Collectively, the research, including the legal and empirical analyses, highlights a shared policy need: to move from simply managing humanitarian issues to developing comprehensive national laws and practices that balance sovereignty, local capacity, and protection rights (Masuku, 2024, p. 22; Panizzon et al., 2022, p. 98).

D. Case Study: The Divergent Realities of Local Implementation

The decentralised nature of Indonesia's governance means that the on-the-ground reality of Perpres 125/2016 is not uniform. A comparative look at two cities illustrates the vast disparities in implementation.

Makassar: A Model of Collaborative Governance

The city of Makassar in South Sulawesi has emerged as a significant case study in progressive refugee governance. As documented by Missbach et al. (2018), the local government has proactively promoted collaboration among international organisations such as IOM and UNHCR, local non-governmental organisations, and community groups. This collaborative effort has not only facilitated the delivery of basic shelter but also supported various initiatives, including informal education centres, language classes, and

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limited access to healthcare. The political will demonstrated by local leadership, combined with Makassar's historical function as a port and transit hub, has fostered a pragmatic and inclusive approach to refugee management. Moreover, the enactment of Presidential Regulation 125/2016 (Perpres 125/2016) has provided a regulatory framework that empowered local actors to develop and implement governance strategies, illustrating the potential of well-designed policies when complemented by strong local leadership and active civil society engagement. This case underscores the importance of multi-level governance and local initiative in shaping effective refugee policies within the broader national context.

The Struggle in Other Regions: Resource Constraints and Political Apathy

In contrast, many other regions hosting refugees, such as parts of West Java or Sumatra, show significantly less implementation of supportive measures. Local governments in these areas often cite a lack of clearly defined funding mechanisms within existing regulations, commonly known as unfunded mandates, as a significant obstacle. Without dedicated budget allocations from the central government, the financial burden for refugee support falls on local authorities, which are frequently already under-resourced. This creates a strong disincentive for proactive action and thorough intervention. Moreover, in regions with limited exposure to international networks or where refugees are increasingly securitised in public discourse, political will to adopt supportive policies is generally absent. As a result, responses are usually minimal, often limited to basic shelters managed by organisations such as the International Organisation for Migration (IOM), with limited access to education, recreation, or economic opportunities. Such limited efforts sustain refugees' social isolation and economic dependency, forming a cycle that impedes their integration and overall well-being. This disparity exposes a key flaw in Perpres 125/2016: it shifts responsibility without providing adequate capacity or resources, resulting in a protection landscape that is inherently unequal and fails to uphold Indonesia's human rights obligations of non-discrimination.

E. Findings and Discussion

1. Administrative Coordination Masks a Structural Legal Contradiction

The regulation has made significant progress in establishing a more predictable and standardised framework for initial responses to refugee arrivals. By explicitly delineating the roles of ministries such as Foreign Affairs, Law and Human Rights, and Social Affairs, it has mitigated the prevalence of ad hoc approaches in search-and-rescue operations and the management of temporary shelters. Nonetheless, this administrative

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clarity exists within a significant legal vacuum, highlighting a critical contradiction. The core issue is the regulation's inability to supersede higher legal statutes; specifically, Perpres 125/2016 operates concurrently with Law No. 6/2011, which explicitly defines refugees as illegal immigrants. This duality creates a legally untenable situation: refugees are managed administratively as humanitarian concerns, yet legally classified as immigration offenders. As identified by Shahnaz et al. (2019), this structural inconsistency renders the regulation a political-legal compromise that ostensibly preserves state sovereignty while offering only limited humanitarian accommodation. Consequently, despite administrative improvements, the regulation remains inherently constrained and unable to resolve the refugees' fundamental legal precarity. This leaves them vulnerable to detention under the very immigration laws that the regulation was intended to supplement, highlighting a persistent tension between administrative procedures and legal frameworks.

2. The Unsustainability of Outsourced Protection

A significant observation is that Indonesia's reliance on the UNHCR for Refugee Status Determination (RSD) and on the International Organisation for Migration (IOM) for shelter, welfare, and logistical support persists unchanged after 2016; this enduring dependence is formally codified in institutional regulations. This configuration exemplifies a model of outsourced protection (Kneebone & Missbach, 2018), which facilitates operational efficiency while simultaneously cultivating strategic vulnerability. By externalising the fundamental function of legal status determination, Indonesia fosters a cycle of dependency that results in substantial RSD backlogs and effectively separates the state from the development and enhancement of its own institutional capacity for refugee protection. As international resettlement quotas continue to decline, this model's sustainability is increasingly questionable, leaving refugees legally adrift in a liminal space where the state maintains nominal oversight of their presence. Meanwhile, international organisations are entrusted with safeguarding refugees' rights, a division of responsibilities that effectively minimises the government's direct accountability. This scenario impedes the evolution of a sovereign, national refugee governance system, leading to a persistent state of provisionality and undermining the development of autonomous, comprehensive national protection mechanisms.

3. The Political Economy of Resistance to Reform

The discussion of reform must be grounded in the political economy of Indonesia's policy landscape. Resistance to ratifying the 1951 Convention or granting work rights is not

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arbitrary but stems from a powerful confluence of interests. Key actors include: (a) the Sovereignist and Security Apparatus: The military (TNI) and nationalist politicians often frame ratification as a surrender of sovereignty and a potential threat to domestic security, securitising the issue of migration. (b) Economic Nationalists and Labour Unions: (c) The Ministry of Manpower and domestic labour unions vehemently oppose work rights, arguing that refugees would steal jobs from Indonesian citizens and depress wages, a potent political narrative in a country with significant underemployment. (d) The Immigration Bureaucracy: The Directorate General of Immigration has a vested institutional interest in maintaining the status quo. The current system, based on the Immigration Act, grants them broad discretionary power over refugees. Shifting to a protection paradigm would require a fundamental restructuring of their role, from enforcement to facilitation, and could reduce opportunities for rent-seeking. This analysis explains why a seemingly straightforward policy, rights-based reform, faces many obstacles. It highlights that legal arguments must be combined with strategies that address deep political and economic interests, such as rephrasing workers' rights as self-reliance to reduce long-term reliance on the state and international aid.

4. Protracted Displacement and the Myth of Temporariness

The existing regulatory framework is fundamentally based on the assumption that refugees will have a temporary presence in the host country. However, with limited resettlement opportunities available, many refugees remain in Indonesia for periods extending five to ten years or more, often without access to employment rights, formal education, or long-term residency. This policy presumption of temporality increasingly diverges from the reality of prolonged displacement experienced by many individuals globally. The outright prohibition of employment and the restricted access to education for refugee children directly violate Indonesia's obligations under international human rights treaties, notably the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC). Moreover, these policies contribute to fostering a cycle of dependence on humanitarian aid, worsen mental health issues among displaced populations, and neglect the potential economic and social contributions that refugees could make within local communities. This situation underscores the urgent necessity for a fundamental paradigm shift from a purely temporary, humanitarian-based approach to a rights-based framework that recognizes long-term displacement as an increasingly common scenario. Such a framework should include the development of clear pathways toward both temporary

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and permanent residency, ensuring legal recognition and integration opportunities for refugees.

F. Conclusion and Recommendations

A decade after its enactment, Presidential Regulation No. 125/2016 has proven to be a double-edged sword. On one hand, it has brought much-needed order and predictability to the initial humanitarian response to refugee arrivals in Indonesia, strengthening interministerial coordination and affirming the state's role in basic management. On the other hand, it has cemented a system that is administratively capable but normatively hollow. The regulation has failed to resolve the fundamental legal contradiction with the Immigration Act, has institutionalised reliance on international organisations, and has allowed for vast disparities in local implementation, all while leaving refugees in a state of protracted limbo without rights or durable solutions.

The analysis demonstrates that administrative tinkering within the current framework is insufficient. Meaningful progress requires a paradigmatic shift from a model of humanitarian containment to one of rights-based protection. Therefore, this study recommends a multi-pronged reform agenda:

a) Foundational Statutory Reform: The government and legislature must prioritise amending Law No. 6/2011 on Immigration to explicitly differentiate between refugees and asylum seekers and "illegal immigrants," and to incorporate the principle of non-refoulement into national law.
b) Establish a National RSD System: Indonesia should develop a state-run Refugee Status Determination mechanism, initially in close partnership with UNHCR to build capacity, with the long-term goal of assuming full responsibility. This is a fundamental step toward state accountability.
c) Guarantee Socio-Economic Rights: Perpres 125/2016 should be amended or a new regulation issued to explicitly grant refugees the right to work and to access the national education and healthcare systems, in line with Indonesia's obligations under the ICESCR and CRC.
d) Create National Standards and Funding Mechanisms: The central government must issue binding national standards for refugee care and establish a transparent and sustainable funding mechanism to support local governments, eliminating the problem of unfunded mandates and ensuring equitable treatment across the archipelago.

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Develop Pathways for Long-Term Stay: In recognition of the reality of protracted displacement, Indonesia should create legal pathways for temporary or permanent residency for refugees who have been in the country for a prolonged period (e.g., over five years) with no prospect of resettlement.

Limitations and Avenues for Future Research

This study is limited by its primary reliance on legal and documentary analysis. While it provides a robust *de jure* assessment, the policy's *de facto* human impact, the lived experiences of refugees, the daily challenges faced by local officials, and the perspectives of IOM and UNHCR field staff require empirical investigation. Future research should employ qualitative methods, including ethnographic fieldwork and in-depth interviews in key locations like Makassar and detention centres, to provide a ground-up perspective that can enrich and challenge the top-down legal analysis presented here. The need for reform is not merely a legalistic concern but a matter of human dignity, regional leadership, and long-term governance sustainability. Having established a functional administrative system, Indonesia now stands at a crossroads. The next decade must be dedicated to building a legal framework that ensures protection, dignity, and a future for the refugees it hosts.

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