

Procedural Gaps in Indonesia's Immigration Policy: An Analysis of the Arrival of Rohingya Refugees in Aceh, 2023–2024

Ari Gusti Handayani^{1*}, Muhammad Syahroni Rofii²

Sekolah Kajian Strategis Keimigrasian, Indonesia¹

Universitas Indonesia, Indonesia²

Email: ari.gusti.trihandayani@gmail.com^{1*}, muhammadsyahroni@ui.ac.id²

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ABSTRACT

The arrival of Rohingya refugees on the coast of Aceh from November 2023 to October 2024 reveals a procedural vacuum in Indonesia's immigration policy. Although Law No. 6 of 2011 on Immigration and Presidential Regulation No. 125 of 2016 on the Handling of Refugees from Abroad provide a fundamental legal framework, both instruments predominantly regulate the post-landing stage and provide minimal operational direction for the pre-landing phase. This research evaluated the procedural readiness of Indonesia's immigration policy in dealing with refugee arrivals through illegal channels, using Aceh as a case study. Employing a qualitative policy analysis approach, this study utilizes document review and systematic literature review, framed by securitization theory and the concept of procedural readiness. The analysis identified three procedural gaps with significant implications for immigration practices: the ambiguity of immigration involvement at the pre-landing stage, the absence of standard protocols for verifying foreigners entering through illegal channels, and the limitations of joint case management mechanisms with international organizations. The Aceh case demonstrates that unresolved procedural gaps are filled by either ad-hoc initiatives of field apparatus or public pressure outside the official policy framework. Strengthening strategies should focus on internal immigration instruments, including pre-landing operational protocols, verification SOPs for illegal routes, and structured cooperation mechanisms with UNHCR and IOM. This paper contributes to Indonesian immigration literature by emphasizing procedural readiness as an evaluative variable in refugee policies for transit countries.

INTRODUCTION

From November 2023 to October 2024, more than 2,400 ethnic Rohingya refugees landed on the coasts of Aceh and North Sumatra, with 73 percent of them women and children (UNHCR, 2024). The tragedy of the ship that sank in the waters of Meulaboh in March 2024 which claimed 67 lives, including 27 children, is a marker of the most fatal crisis in the last two decades in Indonesian waters. The quantitative scale of arrivals does not actually meet the criteria of "large flow" in comparative migration studies (Adamson, 2006), but the series of incidents reveals a more fundamental problem than just a quantitative problem, namely the procedural readiness of Indonesia's immigration policy in dealing with the type of arrivals that do not go through the Immigration Checkpoint (TPI).

Indonesia has two main legal instruments that are directly related to the handling of refugees, namely Law Number 6 of 2011 concerning Immigration and Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad. Both instruments

provide a relatively adequate basic legal framework in regulating the status, placement, and supervision of refugees in Indonesian territory. However, observations of the contents of the two instruments show that both predominantly regulate the post-landing stage, while the moments that precede the landing (pre-landing) have not been adequately regulated (Missbach, 2021). In fact, it was at that moment that the most critical decisions in the handling of refugees were taken, including decisions concerning the principle of non-refoulement, which is a key norm in international refugee law.

The case of the arrival of Rohingya refugees in Aceh in 2023–2024 shows the real implications of this procedural vacuum. Variations in the response of the authorities between landing locations, differences in treatment between waves of arrivals, and incidents of rejection carried out by some coastal communities are symptoms that are rooted in the same point, namely the absence of operational guidelines that provide certainty of action to immigration officials in the field (Amnesty International, 2024; UNHCR, 2024). Without such guideline's, decision-making space is filled by two factors: ad-hoc initiatives of field apparatus or public pressure originating outside the official policy framework.

The procedural vacuum in immigration policy is not a problem that can be solved by adding new laws. Comparative studies show that effective management of refugee arrivals depends more on procedural readiness, rather than the number of regulations available. Since presidential laws and regulations already exist in Indonesia, the most likely improvement is at the level of guidelines for the internal implementation of immigration institutions. Ministerial regulations, directors general regulations, and technical standard operating procedures (SOPs) can be made within the limits of the authority of the Directorate General of Immigration.

Several studies have examined various aspects of refugee handling in Indonesia and the broader Asia-Pacific region, providing important context for understanding procedural challenges in immigration policy. Missbach (2015) conducted a comprehensive study on asylum seekers stranded in Indonesia, identifying that the country's position as a transit state creates unique challenges in refugee management, with procedural gaps leading to inconsistent treatment across locations and over time. Missbach (2021) further examined the shift from immigration detention to alternatives to detention, demonstrating that the absence of clear operational protocols creates vulnerabilities in refugee protection and inconsistency in state responses. Hathaway (2005) and Goodwin-Gill and McAdam (2007) established foundational frameworks emphasizing that procedural mechanisms for refugee protection are as essential as substantive legal frameworks, particularly regarding the principle of non-refoulement. Gammeltoft-Hansen (2011) analyzed the globalization of migration control, arguing that procedural gaps in migration control create accountability deficits and increase human rights risks. Studies on securitization theory by Buzan, Wæver, and de Wilde (1998), Balzacq (2011), and Bigo (2002) have contributed to understanding how security discourses shape immigration policy. Research on border control by Andreas (2003), Cornelius and Tsuda (2004), and Hollifield, Martin, and Orrenius (2014) has demonstrated that procedural readiness is essential for maintaining effective immigration control. Studies on maritime interception by Papastavridis (2013) and Klein (2014) have addressed the specific challenges of sea arrivals, showing that procedural clarity is essential for ensuring compliance with international obligations.

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Despite extensive literature on refugee handling in Indonesia, several important gaps remain, including the absence of comprehensive analysis specifically examining the pre-landing phase of refugee arrivals, inadequate exploration of how procedural gaps manifest in practice, limited systematic comparison between regulatory frameworks and actual implementation in documented cases, under-explored interaction between procedural gaps and bottom-up securitization dynamics, insufficient assessment of cooperation mechanisms between immigration authorities and international organizations, and the lack of a systematic framework for evaluating procedural readiness.

This research addresses these gaps by providing the first comprehensive analysis of procedural gaps focused on the pre-landing stage of refugee arrivals in Indonesia, developing and applying procedural readiness as an analytical framework that distinguishes between legal frameworks, operational guidelines, and implementation capacity. Employing a single case study methodology on the Aceh 2023–2024 arrivals, this research examines the interaction between procedural gaps and bottom-up securitization dynamics, demonstrating how public pressure and disinformation campaigns fill procedural vacuums and influence policy implementation. The research further contributes through specific recommendations for internal immigration instruments, including pre-landing operational protocols, verification SOPs for irregular routes, and structured cooperation mechanisms with UNHCR and IOM, while also advancing theoretical development by applying securitization theory and procedural readiness concepts to the Indonesian immigration context and providing practical contributions through concrete policy proposals within the existing authority of the Directorate General of Immigration.

This paper rests on the idea that assessing immigration policy towards refugees is not possible to do it freely. Productive evaluation requires real-world cases that allow analysis to monitor how policies relate to real-world situations. The Aceh 2023–2024 case study was chosen as a single case study because of its representative characteristics, namely that current cases are well-documented, involve a significant number of refugees, and feature all stages of refugee handling, from pre-landing to post-status management. A single case study, or a single case study, allows for a more in-depth analysis than a cross-case study on the same scale (Yin, 2018). Departing from this situation, the single variable used to assess is procedural readiness. Three metrics can be used to assess the immigration instrument: complete operational guidelines, clear transition points of internal authority, and readiness of cooperation mechanisms with international organizations. The discussion chapter will focus on these three indicators.

This research aims to evaluate the procedural readiness of Indonesia's immigration policy in dealing with refugee arrivals through illegal channels, identify procedural gaps through the Aceh case study, and propose strengthening strategies for internal immigration instruments. The findings are expected to contribute to the development of immigration literature in Indonesia through an emphasis on the importance of procedural readiness as an evaluative variable in policies related to refugees in transit countries.

METHOD

Approaches and Types of Research

This research used a qualitative approach, a type of policy analysis, because the purpose of this paper is evaluative of policy instruments and implementation dynamics, all of which are quantitative variables that cannot be eliminated (Creswell & Poth, 2018).

This study is designed as a single case study, with Aceh from 2023 to 2024 as the unit of analysis. According to Yin (2018), a single case study is a valid methodological choice when the case is critical, unique, or revealing of the phenomenon being studied. The 2023–2024 Aceh case meets the marker criteria because it is the most *documented* case in the last five years and shows all stages of refugee handling in a series of events

Data Source

Publicly accessible secondary data is used entirely in this paper. This choice was made because the case of Aceh from 2023 to 2024 has been adequately documented through major sources of international organizations, credible media reports, and the latest academic literature. Therefore, there is no need to get key data through interviews or observations to answer basic questions.

The secondary data sources used consist of laws and regulations, including Law Number 6 of 2011 concerning Immigration, Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad, along with relevant implementing regulations. Then there are also reports from international organizations, including reports from UNHCR Indonesia, IOM, and Amnesty International which specifically document the series of Rohingya arrivals in Aceh 2023–2024.

Data Collection Techniques

The data collection technique consists of two complementary methods. First, a document review for all data sources mentioned, using content analysis techniques that focus on the discovery of procedural arrangements in the regulatory text. Second, a systematic literature review is conducted to establish a theoretical framework and incorporate the results into relevant academic contexts.

Data Analysis Techniques

The data were analyzed in three successive stages. The first stage is the mapping of regulatory instruments to the stages of handling refugees to identify areas that have been regulated and areas that have not been accommodated. The second stage is the analysis of Aceh's cases from 2023 to 2024 to see how the unoccupied areas look on the ground. In the third step, the findings should be combined with the procedural readiness structure to find problems and make suggestions to fix them.

Laws and regulations, international organization reports, academic literature, and media reports are used to ensure that the results are valid. If at least three of the four source categories show consistency, then the findings are considered valid.

RESULT AND DISCUSSION

The Aceh Case 2023–2024: A Series of Events and Their Characteristics

Rohingya refugees came to the coast of Aceh in several different waves from November 2023 to October 2024. UNHCR (2024) reported at least 18 main landing sites in Pidie, North

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Aceh, East Aceh, and Bireuen districts. More than 2,400 people arrived, with the majority women and children (73 percent), in keeping with the demographics of Rohingya refugees fleeing the state of Cox's Bazar camp in Bangladesh.

Before a procedural readiness analysis is performed, the characteristics of these cases must be thoroughly mapped. First, people come through illegal routes, namely by landing directly on a beach that has not been designated as an immigration checkpoint. As a result, conventional immigration surveillance tools based on TPI cannot function as surveillance centers. Second, each wave is a relatively separate event, not a single event, because it is streaked with different time lags. Questions about the consistency of the response between waves arise as a result of this feature. Third, this case comes at a time when some coastal communities in Aceh, which have historically accepted refugees on the basis of Muslim solidarity and the law of the sea, are beginning to show resistance (Amnesty International, 2024; UNHCR, 2024).

These three characteristics deserve special attention because they show the dynamics of bottom-up securitization that have been discussed in a theoretical framework. Community attitudes change in a short period of time and are associated with disinformation campaigns through social media (Missbach, 2021). It is not the dynamics of securitization that is the subject of analysis in this paper; More important is how immigration authorities act in situations where official policy demands one thing while public pressure demands another.

Mapping of Procedural Arrangements in National Regulations

Before finding a gap, consider what the two main instruments have set up. Law Number 6 of 2011 concerning Immigration is the main law that regulates all aspects of immigration in Indonesia. Article 9 of the Law stipulates that every person entering or leaving Indonesian territory must pass through the Immigration Checkpoint. The following articles discuss the immigration enforcement mechanism, the deportation process, and the immigration detention system, as well as the obligation to supervise foreigners in Indonesian territory. However, Presidential Regulation 125/2016 is the main law to deal with asylum seekers and refugees because Law 6/2011 does not contain specific rules about them.

Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad was made in response to the more specific needs in terms of handling refugees. The four main stages of handling refugees are regulated in the Presidential Regulation, namely the discovery, shelter, security, and supervision of immigration. Article 5 of the Presidential Regulation stipulates that if refugees who are in danger at sea are found, search and rescue operations must be carried out by the National SAR Agency together with related agencies. The following articles provide for the placement of refugees in immigration detention centers, provide access to UNHCR to carry out its duties, and regulate the coordination of supervision by the Directorate General of Immigration.

Mapping of the two instruments shows that the most complete arrangement is in the post-landing stage, especially in the aspects of shelter, security, and surveillance. In contrast, the setup at the pre-landing stage is relatively thin. Article 5 of Presidential Decree 125/2016 only states the obligation of search and rescue operations without detailing the coordination protocol between agencies at that stage, the specific role of immigration officials, or decision-making procedures when there is tension between humanitarian considerations and border control

considerations. This mapping is the starting point for the identification of gaps in the next sub-chapter.

Identification of Procedural Gaps

Based on the mapping of the regulation and analysis of the Aceh case, three procedural gaps can be identified that have significant implications for immigration practices. The three gaps do not stand alone, but are interrelated in mutually reinforcing relationships.

Ambiguity of Immigration Engagement Points at the Pre-Landing Stage

The first and most fundamental gap lies in the lack of clarity as to when and how immigration authorities are involved in the process of handling refugees at the pre-landing stage. As mentioned in Chapter II, immigration laws generally regulate the surveillance of foreigners who have been in the country's territory (Hathaway, 2005). Law 6/2011 follows this logic, so that the immigration apparatus juridically only has authority when foreigners are already in Indonesian territory.

However, in the practice of dealing with the arrival of refugees through illegal channels, immigration participation is essential in the pre-landing stage. The technical considerations that arise include initial identity verification, coordination of landing site preparation, and preparation of documentation processing. Without this participation, immigration authorities will accept refugees at the landing stage without adequate initial information, so the verification and data collection process must start from scratch at the stage that should have been in processing.

In the case of Aceh from 2023 to 2024, there is a visible ambiguity. This is due to differences in the completeness of documentation between waves, inconsistencies between initial data recorded by international organizations and data recorded by immigration authorities (UNHCR, 2024; Missbach, 2021). According to the pattern, immigration authorities do not have fixed guidelines on when to begin actively engaging in landing events, so actions on the ground depend on the personal policies of local officials.

Absence of Handling Procedures on Illegal Routes

Gap In contrast to the first gap, the second gap has a special technical aspect. TPI is usually used as the center of the immigration verification system in Indonesia. Immigration information systems such as border control management and biometric databases work well with TPIs that have sufficient hardware and staff (Setiawan, 2024). On illegal routes, the system cannot be used directly, so limited manual methods are required to verify incoming foreigners.

This problem becomes more difficult if the refugee does not have official travel documents. To ascertain whether the person has been pre-registered, verification requires alternative approaches such as interviews, on-site biometric collection, and collaboration with UNHCR. While all three methods are technically possible, there is no protocol that sets a minimum order, authority, or standard for doing so.

The absence of this standard protocol poses significant practical problems in Aceh. UNHCR (2024) said that there is a data discrepancy between the registration of immigration officials and the registration of international organizations. Some refugees are registered in one system but not in the other. Data stuttering is not just an administrative problem; It also has an impact on the state's ability to know who lives in its territory and in what status.

Limitations of Joint Case Management with International Organizations

Gaps The external cooperation factor is discussed in the third gap. Presidential Decree 125/2016 regulates how UNHCR and related international organizations can carry out their duties. Nonetheless, access is not a substitute for a structured cooperation mechanism. Handling refugee arrivals requires joint case management, which allows for information, role-sharing, and synchronization of actions between immigration authorities and UNHCR and IOM.

International practice has adopted the concept of joint case management in the handling of refugees, especially in countries that are the main points of arrival (UNHCR, 2018; IOM, 2020). This mechanism usually regulates data-sharing protocols, routine case status update schedules, and escalation procedures when differences of opinion arise. In the Indonesian situation, the mechanism used is more spontaneous and bilateral, with case-by-case coordination without clear written rules.

The case of Aceh 2023–2024 shows that the limitations of the mechanism reduce the efficiency of handling. UNHCR defines refugee status—also known as refugee status—to be time-consuming and lacks a clear timeline, so refugees are often in waiting status for long periods of time (Missbach, 2015). Post-status solutions such as resettlement to a third country are not adjusted to domestic shelter capacity, making immigration detention houses more burdensome.

Procedural Vacuum and Its Implications

The three procedural gaps found cannot be considered as three separate problems. In the following pattern, the relationship between the three strengthens each other. Due to the complexity of the immigration point of engagement at the pre-landing stage, or the first gap, immigration officials enter the processing stage without having adequate initial information. The absence of a standard protocol for illegal route verification (the second loophole) makes things worse; The processing process becomes slower and less accurate. Since there is no joint case management mechanism with international organizations (the third loophole), the opportunity to exchange data with UNHCR or IOM becomes impossible.

In a situation known as a "procedural vacuum," the three gaps become one. In such a situation, immigration officials on the ground do not have adequate guidelines to make decisions. The vacuum will be filled by two things, as stated in the theoretical framework: spontaneous initiative of the apparatus or public pressure from outside that is not included in the official policy framework (Cornelius & Tsuda, 2004; Balzacq, 2011). The case of Aceh from 2023 to 2024 shows both manifestations simultaneously.

The variation in response between the arrival wave and the landing location is the clearest indicator at the level of the apparatus's initiative. At the level of public pressure, the shift in the attitude of the Aceh coastal community from gratitude to rejection, triggered by a disinformation campaign on social media, shows the securitization from the bottom up that enters the policy space through procedural loopholes. Without clear standards, immigration officials then had to balance the demands of Presidential Decree 125/2016 with pressure from communities that rejected refugees.

These results are very important for the evaluation of Indonesia's immigration policy. Poor procedural capabilities make immigration policy vulnerable to external changes that are not anticipated while policymaking is in progress. The development of procedural instruments

is not just a technical improvement; It is a strategic measure to ensure the implementation of immigration policies is consistent and accountable in situations that deviate from normal conditions.

CONCLUSION

This paper evaluated the procedural readiness of Indonesia's immigration policy in dealing with refugee arrivals through illegal routes, using the Aceh 2023–2024 case as the main subject. The analysis identified three procedural gaps with significant implications for immigration practices: the ambiguity of immigration involvement at the pre-landing stage, which places authorities in a position without adequate initial information when entering the processing stage; the absence of standard protocols for verifying foreigners entering through illegal channels, resulting in data discrepancies and inaccurate recording; and the limitations of joint case management mechanisms with international organizations, hindering effective data exchange with UNHCR and IOM. These three gaps collectively create a procedural vacuum that makes immigration policy particularly vulnerable to unpredictable external dynamics, such as bottom-up securitization driven by community discourse and disinformation campaigns. The Aceh case demonstrates that this vacuum is filled by either spontaneous initiatives of field authorities or public pressure outside the official policy framework. The proposed strengthening strategy focuses on three implementation instruments within the existing authority of the Directorate General of Immigration: pre-landing operational protocols regulating involvement before refugee landings, standard operating procedures for verification of foreigners on illegal routes covering procedures and referral mechanisms, and structured joint case management mechanisms with UNHCR and IOM to replace sporadic coordination with planned cooperation. This paper makes two primary contributions: theoretically, it introduces procedural readiness as an evaluative concept for assessing immigration policies related to refugees, a framework not widely used in Indonesian-language immigration studies; practically, it provides specific references that the Directorate General of Immigration can utilize at the level of ministerial regulations, directors general regulations, or technical SOPs. This approach is focused on implementation instruments because the presidential legal framework is already in place, and the most viable improvements are at the level of internal implementation guidelines, consistent with global research showing that procedural readiness depends more on the quality of implementation guidelines than the number of available regulations. Despite its contributions, this study has limitations, as the single case study approach, while allowing for in-depth analysis, restricts the generalizability of findings. Future research should expand the analysis to other cases in Indonesia, including refugee arrivals in various locations and other forms of irregular migration, and further explore specific elements of the three proposed instruments through empirical approaches utilizing primary data from immigration officials themselves.

REFERENCE

- Adamson, F. B. (2006). Crossing borders: International migration and national security. *International Security*, 31(1), 165–199.
- Amnesty International. (2024). Indonesia: Authorities must protect Rohingya refugees from xenophobic attacks. London: Amnesty International.

- Andreas, P. (2003). Redrawing the line: Borders and security in the twenty-first century. *International Security*, 28(2), 78–111.
- Balzacq, T. (2011). *Securitization theory: How security problems emerge and dissolve*. London: Routledge.
- Bigo, D. (2002). Security and immigration: Toward a critique of the governmentality of unease. *Alternatives: Global, Local, Political*, 27(1), 63–92.
- Buzan, B., Wæver, O., & de Wilde, J. (1998). *Security: A new framework for analysis*. Boulder: Lynne Rienner.
- Cornelius, W. A., & Tsuda, T. (2004). Controlling immigration: The limits of government intervention. *Comparative Migration Studies*, 8(3), 23–47.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Thousand Oaks: SAGE Publications.
- Crisp, J. (2003). *Refugees and the global politics of asylum*. London: The Political Quarterly Publishing.
- Gammeltoft-Hansen, T. (2011). *Access to asylum: International refugee law and the globalisation of migration control*. Cambridge: Cambridge University Press.
- Goodwin-Gill, G. S., & McAdam, J. (2007). *The refugee in international law* (3rd ed.). Oxford: Oxford University Press.
- Hathaway, J. C. (2005). *The rights of refugees under international law*. Cambridge: Cambridge University Press.
- Hollifield, J. F. (2000). The politics of international migration: How can we "bring the state back in"? In C. B. Brettell & J. F. Hollifield (Eds.), *Migration theory: Talking across disciplines* (pp. 137–185). New York: Routledge.
- Hollifield, J. F., Martin, P. L., & Orrenius, P. M. (2014). *Controlling immigration: A global perspective* (3rd ed.). Stanford: Stanford University Press.
- Klein, N. (2014). Assessing Australia's push back the boats policy under international law: Legality and accountability for maritime interceptions of irregular migrants. *Melbourne Journal of International Law*, 15(2), 414–443.
- McAdam, J. (2013). Australia and asylum seekers. *International Journal of Refugee Law*, 25(3), 435–448.
- Missbach, A. (2015). *Troubled transit: Asylum seekers stuck in Indonesia*. Singapore: ISEAS Publishing.
- Missbach, A. (2021). Accommodating asylum seekers and refugees in Indonesia: From immigration detention to containment in "alternatives to detention". *Refuge: Canada's Journal on Refugees*, 37(1), 69–78.
- Papastavridis, E. (2013). *The interception of vessels on the high seas: Contemporary challenges to the legal order of the oceans*. Oxford: Hart Publishing.
- Presidential Regulation of the Republic of Indonesia Number 125 of 2016 concerning the Handling of Refugees from Abroad.
- Setiawan, A. C. (2024). Immigration supervision and information system transformation at the Immigration Checkpoint. *Scientific Journal of Legal Policy*, 18(2), 245–262.
- Yin, R. K. (2018). *Case study research and applications: Design and methods* (6th ed.). Thousand Oaks: SAGE Publications.