

***INDISCIPLINARY APPROACH IN HANDLING
HUMANITARIAN CRISIS: CASE STUDY OF ROHINGYA
ETHNIC GROUP***

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ABSTRACT

The humanitarian crisis in Myanmar was caused by the enactment of the Citizenship Law by the Myanmar Government which requires every Myanmar citizen to have a national registration card obtained through the naturalization process. (data on Myanmar residents who are victims) has caused the Rohingya ethnic group to scatter seeking asylum in neighboring countries. This creates a major challenge for the international community, especially Indonesia. Handling this crisis requires a holistic and multidisciplinary approach involving various fields of science and practice to effectively address the complexity of the problems that arise. This paper will examine how the ideal concept using the framework of Islamic law, international law and the concept of state administration in formulating a mechanism for handling the humanitarian crisis and the challenges faced in synergizing various disciplines. By using the doctrinal method, the aim is to be able to provide comprehensive analysis results using literature studies. The findings of this paper reveal that in the concept of Islamic law every Muslim is a brother without recognizing territorial boundaries. This is in line with the concept of international law that every human being is guaranteed the right to live a decent and peaceful life. In the context of Indonesia, although it has not ratified the Refugee Convention, it does not eliminate its humanitarian responsibilities based on the principle of non-refoulment. In the view of constitutional law, the state has sovereignty. The meaning of sovereignty means that the state must protect its territory and population from things that have the potential to reduce the existence of the state. One step is to repatriate or foster cooperation with international organizations.

Keywords: Rohingya Ethnicity, Islamic Law, Non-Refoulment Principle, Sovereignty

INTRODUCTION

The humanitarian crisis experienced by the Rohingya ethnic group is one of the greatest tragedies of this century, involving systematic human rights violations, mass displacement, and even genocide. The Rohingya ethnic group, who are predominantly Muslim, have long faced discrimination and persecution in Myanmar. This conflict has not only affected the Rohingya population within the country, but has also caused a large wave of refugees to neighboring countries, such as Bangladesh, Malaysia, and Indonesia. Handling this crisis not only requires a response from Myanmar as the country of origin, but also involves the role of the international community and humanitarian organizations on a global scale. Therefore, a multidisciplinary approach is needed to understand the complexity of this crisis and offer a more comprehensive solution.

According to the UN Refugee Agency, UNHCR, in 2017 there were more than 700,000 Rohingya people fleeing to Bangladesh to escape the violence carried out by the Myanmar military in Rakhine. Until now, Rohingya refugees are still trying to obtain their basic human rights, namely obtaining housing and citizenship. Specifically, the 10th Rohingya arrival in the past month in Aceh has so far reached 1,608 people, including 140 people who have survived in the past year.

The multidisciplinary approach in handling the Rohingya humanitarian crisis involves various fields of expertise, ranging from Islamic law, Constitutional Law and International Law. In Islamic Law which emphasizes the values of tolerance (tasamuh) which is one of the core teachings of Islam that is on par with other teachings such as love (rahmat), wisdom (hikmat), and justice („adl). The Qur'an emphasizes that Islam is a blessing for the universe (rahmatan li al-alamiin) openly recognizing the diversity of beliefs and religions.¹

Constitutional Law has an important role in protecting human rights. Constitutional law is a legal system that regulates the relationship between the state and its citizens, as well as between citizens and each other². In this context, constitutional law plays a role in ensuring that human rights are respected and protected. Constitutional law includes mechanisms and institutions needed to protect human rights, such as courts, law enforcement agencies, and institutions tasked with protecting human rights (HAM).³

¹ Hasani Ahmad Said, “Radikalisme Agama Dalam Perspektif Hukum Islam’,” *Jurnal Al-„Adalah*, Vol. 12 No (2015): h.599.

² Majda. El-Muhtaj, *Hak Asasi Manusia Dalam Konstitusi Indonesia*. (Kencana., 2015).

³ Fadli Andi. Natsif, “Perlindungan Hak Asasi Dalam Perspektif Negara Hukum Indonesia,” *Al-Risalah*. Vol. 19 No (2019).

In addition, international law plays an important role in developing a framework that regulates refugee protection and demands accountability from parties responsible for crimes against humanity, which underlie the conflict, as well as strategies to restore harmony among divided communities.

In addition, this crisis highlights the obstacles to collaboration between several disciplines in dealing with humanitarian impacts, such as meeting the basic needs of refugees, dealing with trauma, and rebuilding a more inclusive society. With a multidisciplinary approach, every aspect of the Rohingya humanitarian crisis—whether related to human rights, humanitarian assistance, or community development—can be handled more holistically and sustainably.

From this background of thought, the author is interested in conducting research related to how the law in general responds to this humanitarian crisis? Then it will also describe how the ideal concept using the framework of Islamic law, international law and the concept of state administration in formulating a mechanism for handling humanitarian crises

Southeast Asia is one of the associations of developing countries with very diverse ethnicities, the potential for conflict in the country is very large, often the majority group is intolerant of minority groups and not infrequently large groups commit violence and even eviction of minority groups.⁴

International issues are an inseparable part of it, one of which is the humanitarian crisis and making the Rohingya ethnic group refugees so that they spread to various countries, especially Indonesia, Indonesia is a country that adheres to a democratic system and is one of the countries that adopts a plural legal system so that a multidisciplinary approach in handling humanitarian crises can be used as a proposal in handling the Rohingya ethnic humanitarian crisis in Myanmar Refugee Views in Islamic Law, HTN and HI

Islam is a perfect religion that regulates all aspects of human life, both those related to Allah (habluminallah) and those related to humans, the relationship between humans (hablumminanas) has been regulated in the Qur'an and Hadith. In Islamic law, the humanitarian crisis that results in aging as experienced by the Rohingya ethnic group is something that must be a concern.

In essence, humans who were created on the surface of the earth are caliphs and as residents who carry out ongoing activities so that human activities must continue. It can be imagined that the humanitarian crisis experienced by the Rohingya ethnic

⁴ Nisrina Salsabila and Wachid Ridwan, "Peran International Organization for Mitigation (IOM) Dalam Menangani Krisis Kemanusiaan Etnis Rohingya Di Indonesia," *Independen: Jurnal Politik Indonesia Dan Global* 4, no. 1 (2023): 40–49, <https://doi.org/10.24853/independen.4.1.40->.

group by taking lives and ending with displacement is a crime that should be resolved by Islamic Law. Specifically for Rohingya ethnic refugees in Aceh, there are 5 (five) principles in the Al-Quran that regulate refugees, including:

1. Surah Al-Baqarah

"Virtue is not turning your face towards the east and west, but virtue is (the virtue) of those who believe in Allah, the Last Day, angels, holy books and prophets; giving the treasures he loves to relatives, orphans, poor people, travelers, beggars, and (freeing) slave slaves; perform prayers; pay zakat; keep promises when promised; patient in poverty, suffering, and in times of war. They are the ones who are righteous and they are the ones who are pious."

2. The Muslim Ummah is Brothers

Brotherhood is one of the core teachings of religion. All religions invite their followers to strengthen brotherhood. Because it is impossible for humans to be able to solve their life problems without the help of other people⁵. In the Quran it is explained that the Islamic community is truly a brotherhood bound by the sentence of monotheism so that this brotherhood is not hindered by territorial boundaries. In short, all Muslims are brothers to each other

3. Allah commands humans to do good to each other

An-Nisa 'Verse 36:

"Worship Allah and do not associate anything with Him. Do good to both parents, close relatives, children, the poor, close neighbors and distant neighbors, colleagues, ibnusabil, and your slaves. Indeed, Allah does not like anyone who is arrogant and boastful"

The interpretation of the verses above explains that the rules and guidance of household life and inheritance require a level of awareness to comply with them. This verse emphasizes this awareness by showing the details of where the focus of this awareness is practiced. And worship Allah, the Lord who created you and your spouses, and do not associate anything with Him. And do good sincerely to both parents, and to relatives, orphans, the poor, near neighbors and distant neighbors even if they are non-Muslims, companions, ibn sabil, namely people on a journey not sinful who run out of provisions, and your slaves. Indeed, Allah does not like and

⁵ Muh Dian Nur Alim Mu'min et al., "Telaah Hubungan Sosial Dalam Al-Quran : Studi Tafsir QS. Al-Hujurat Ayat 10," *Journal of Management and Innovation Entrepreneurship (JMIE)* 1, no. 2 (2024): 338-50, <http://ejournal.stitta.ac.id/index.php/ambarisa/article/view/174/140>.

does not bestow His mercy and compassion on those who are arrogant and boastful in front of others.

4. Prohibition of killing in the Koran

"Therefore, We decree for the Children of Israel, that whoever kills a human being, not because that person killed another person or because he caused mischief on the earth, it is as if he had killed all of humanity. And whoever gives life to a human being, it is as if he has given life to all of humanity."

5. Islam prohibits expelling people who come seeking protection, unless the person violates the law or causes damage.

Surah Al-Anfal (8:72):

"Indeed, those who believe and emigrate and strive with their wealth and souls in the way of Allah and those who provide shelter and provide assistance (to the muhajirin), they protect each other..."

This verse shows that providing shelter and protection to those who emigrate or flee from difficult situations is a form of obligation. In Mrs. Kathir's interpretation, it is explained by Allah SWT. mentions various groups of believers. He categorized them into the Muhajirin, namely those who left their hometowns and possessions, they came to help the religion of Allah and His Messenger and to uphold His religion by sacrificing their property and lives for that purpose. The others are the Ansar, they were the Muslim residents of Medina at that time, they gave shelter in their respective homes to the Muhajirin and helped them by giving some of their wealth to the Muhajirin, they also helped Allah and His Messenger and worked hand in hand with the Muhajirin in fighting to defend Allah and His Messenger.

Analyzing Rohingya Ethnic Refugees from the Perspective of Indonesian Constitutional Law In the mandate of the opening of the 1945 Constitution of the Republic of Indonesia, in paragraph 4 it is stated that Indonesia has a responsibility to implement world order, eternal freedom and social justice. The mandate of the opening needs to be translated in its totality in the context of world relations.

In recent years, there has been a massive arrival of Rohingya ethnic refugees to Aceh Province. The massive arrival then reaped pros and cons regarding how the Central and Regional Governments should behave. The question that then arose was should Indonesia continue to accept them or reject them? The discourse then continued to intertwine in responding to the problem.

To answer this question, the author wants to position the problem from the perspective of constitutional law. First, Indonesia has a responsibility as one of the nations living in the midst of global relations. Indonesia's responsibility has been

mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia. In this case, Indonesia must accept it by making an ideal policy. The policy of accepting refugees must not harm the nation internally and externally. However, this policy needs to be made very carefully in terms of politics, social, culture and the wisdom of the Acehese people. So far, Indonesia has played a central role in handling Rohingya refugees in Aceh by accepting and creating refugee camps and providing various food needs to Rohingya refugees. Indonesia's response to the Rohingya refugee crisis has evolved over time, reflecting the country's commitment to providing temporary shelter, humanitarian assistance, and diplomatic engagement.⁶The diverse nature of Indonesia's policies is clearly visible, with the establishment of refugee shelters and diplomatic initiatives playing a role in handle the crisis⁷. Indonesia's ongoing and maintained commitment to handle Rohingya refugees is a serious step to translate the mandate of the opening of the 1945 Constitution of the Republic of Indonesia.

Second, related to strategic policies in handling Rohingya refugees at the local government level. In this context, local governments should ideally create shelter policies by providing land for Rohingya refugees to be able to develop the economic potential of the refugees while the central and regional governments carry out diplomatic activities with International Institutions that handle Refugees to discuss the future of Rohingya refugees.

Third, related to the role of the central and regional governments in the context of policies to make short-term, medium-term and long-term plans regarding the future of Aceh refugees. In addition, the central and regional governments must convince the local Acehese community to be able to live in harmony with Rohingya refugees.

Fourth, related to sovereignty. In this aspect of sovereignty, the Indonesian government must think about the future impact of the presence of Rohingya refugees. On the one hand, Indonesia has an obligation to accept refugees, but on the other hand, Indonesia must also strengthen sovereignty both internally and externally. Towards anyone who settles in Indonesia. In this case, the Indonesian government must create an ideal policy so that the presence of Rohingya refugees does not create problems both internally and externally in the future.

Meanwhile, in International Law there are International legal instruments that specifically protect stateless people, including;

⁶ R. Wisesa, A. R., & Salam, "Analysis of New Autonomous Regional Policies in Indonesia. INFLUENCE: INTERNATIONAL JOURNAL OF SCIENCE REVIEW," 5(2), 297- (2023).

⁷ C. Seftyono, *Kelindan Noise Dan Voice Menjadi Choice: Komunikasi Sains Dalam Implementasi Kebijakan Berbasis Bukti Penanganan Pandemi COVID-19 Di Indonesia*. Universitas Gadjah Mada, 2022.

1. Convention Relating to the Status of Stateless Person 1954 This convention concerns stateless people.

2. International Convention on Reduction of Statelessness 1961 This convention deals with cases of statelessness and efforts to reduce the creation of such conditions.⁸

This is when associated with the theory of "non-refoulement" which states that a country's prohibition on refugees to be returned to their country of origin unless it threatens the sovereignty of that country⁹. The case that occurred in the Rohingya community so far has not been seen as a threat to state sovereignty, but according to the author this does not make this nation negligent in its attitude towards refugees.

Furthermore, the author agrees with the existence of an independent fact-finding team, geopolitically Indonesia is a member of the Islamic Organization and ASEAN so that it is easier to determine policies that are pro-humanitarian issues and if this cannot be implemented then it can be taken over by the UNSC (United Nations Security Council). UNSC has a role for the International World and can specifically provide input to the United Nations that the violence committed against the Rohingya Community is a violation of Human Rights¹⁰.

CONCLUSION

According to Islamic Law, there are no territorial boundaries in dealing with the human crisis experienced by the Rohingya ethnic group so that the government is obliged to protect the Rohingya ethnic group, but if examined according to Constitutional Law, Indonesia has a responsibility as one of the nations living in the midst of global relations. Indonesia's responsibility has been mandated in the Opening of the 1945 Constitution of the Republic of Indonesia. In this case, Indonesia must accept it by making an ideal policy. The policy of accepting refugees must not harm the nation internally and externally. However, the policy needs to be made very carefully in terms of political, social, cultural and Acehese community wisdom.

⁸ Rahmawati Novia Sigit and Novianti Novianti, "Perlindungan Terhadap Orang Tanpa Kewarganegaraan (Stateless People) Dalam Hukum Internasional (Studi Kasus Etnis Rohingya Di Myanmar)," *Uti Possidetis: Journal of International Law* 1, no. 1 (2021): 118–47, <https://doi.org/10.22437/up.v1i1.8303>.

⁹ Ahmad Adi Fitriyadi and Fikry Latukau, "Diferensiasi Pengungsi Dan Pencari Suaka Dalam Hukum Pengungsi Internasional Dan Hubungannya Dengan Prinsip Non-Refoulement," *Jambura Law Review* 2, no. 2 (2020): 120–38, <https://doi.org/10.33756/jlr.v2i2.5400>.

¹⁰ Vella Septia Renanda et al., "Perlindungan Hukum Terhadap Kaum Rohingya Dalam Perspektif Ham Dan Hukum Internasional," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 2, no. 1 (2022): 143–52, <https://doi.org/10.54443/sibatik.v2i1.510>.

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