



English Development Division



ALSA **ENGLISH** **COMPILATION**

VOLUME 2

A Compilation of **English Writings** From ALSA LC UB

OPENING REMARKS

Assalamualaikum Wr. Wb.,
Shalom,
Om Swastiastu,
Namo Buddhaya,

Warm regards to everyone!

Praise and gratitude to the presence of the One God who always bring us blessings, grace, and protection upon us all.

Asian Law Students' Association Local Chapter Brawijaya University is an organization that aims to connect law students from the corners of Asia. As one of the 15 Local Chapters under the auspices of the Asian Law Students' Association National Chapter Indonesia, ALSA Local Chapter Brawijaya University always focuses and adheres to the firm principles to carry out the Vision and Objectives of ALSA as written in the ALSA Constitution. In pursuit of these goals, ALSA Local Chapter at Brawijaya University strives to always prioritize the 4 pillars of ALSA in order to create individuals who can understand the different legal systems of each member of the National Chapter within ALSA, develop its members into individuals with international insights, be responsible for the society, have a high commitment to their academics, and also have competitive legal skills to extend their benefits to the surrounding community.

With this, I, Tio Widayat, as the Director of ALSA Local Chapter Brawijaya University for the period 2023–2024, proudly present ALSA English Compilation Vol. 2. We sincerely hope that the ALSA English Compilation Vol. 2 could be a comprehensive handbook containing a compilation of English writing written by ALSA LC UB Members. May ALSA English Compilation Vol. 2 brings benefits and accelerates two of our pillars in ALSA which are Legally Skilled and Internationally minded.

In conclusion, we hope all of our readers could gain new knowledge and resources for future references. May we all contribute by providing full support to all students in building the nation and country we love.

“Beacon of Distinction”

Wassalamualaikum Wr. Wb.,
Shalom,
Om Shanti Shanti Shanti Om,
Namo Buddhaya,
Warm regards to everyone.

Together Will Be,
Connected as One,
ALSA, Always be One!



Tio Widayat
Director of ALSA LC Universitas Brawijaya

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SOUTHEAST ASIA REGIONAL FRICTION AND THE ROHINGYA REFUGEE CRISIS: THE CRUCIAL ROLE OF ASEAN

Shafwah Diah Nabiilah, Alfena Dorothea Saputra, Sabilla Ghefira Az-Zahra

INTRODUCTION

Indonesia is located on a major shipping lane that is connected with Southeast Asia, Australia, and the Pacific. This makes it a transit route for many refugees seeking asylum to countries with more stable economic and political conditions, and political instability and ethnic tensions in some neighboring countries also encourage people to seek refuge in Indonesia.¹ According to the 1951 Refugee Convention, a refugee is "Someone who is unable or unwilling to return to their country of origin due to a well-founded fear of being prosecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion" so that refugees choose Indonesia as a temporary stopover or even a final destination because it is relatively safe than their country of origin, however, it can increase the potential for cases of global refugee crisis that affect social, economic, and political conditions in Indonesia.²

The global refugee crisis is currently in the spotlight in various international media and global policy forums, especially due to the dramatic increase in the number of refugees in recent years such as the case of Rohingya refugees who fled to Aceh, Indonesia. In 1982, the Burmese government enacted a Citizenship Law that identified only 135 ethnic groups of which the Rohingya were not a part. The United Nations High Commissioner for Refugees (UNHCR) reports that there are more than a million Rohingya refugees who have traveled to various countries to

¹ Pujayanti, A. (2014). Isu Pencari Suaka dalam Hubungan Bilateral Indonesia-Australia. *Jurnal Hubungan Internasional*, 6(4).

² United Nations High Commissioner for Refugees (UNHCR). (2020). *Convention and Protocol Relating to the Status of Refugees: Text of the 1951 Convention Relating to the Status of Refugees*. UNHCR. <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>

seek refuge because of discrimination, such as lack of food, clean water, and access to health services. Many Rohingya refugees migrate through fishing networks or even trade and smuggling just to find a safe place to continue living, these refugees generally do not have clarity on where to live. One of the places they seek refuge is Indonesia, where the number of refugees has reached 1.684 as of today (Marzuki. A: 2023).³ Jokowi stated that he would temporarily accommodate Rohingya refugees for humanitarian reasons and use the principle of non-refoulement. Article 33 paragraph (2) of the 1951 Refugee Convention states that the principle of non-refoulement has become *ius cogens* where countries in ASEAN cannot refuse refugees who want to enter their country.⁴

The Rohingya refugee crisis presents conflict dynamics that can trigger tensions in the Southeast Asia region in various fields, such as security, politics and governance, and economics. Based on a report from the International Crisis Group (ICG), there is a disproportionate involvement of insurgent groups with the Rohingya that could expand basic radicalization among Rohingya refugees, thus posing a security threat to the country. In politics and governance, the crisis raises concerns about political stability due to pressures, both from the international community to provide adequate protection and from within the country to safeguard national interests and the welfare of local citizens. In addition, the crisis is affecting Myanmar's internal political conditions, resulting in the Myanmar military continuing to operate independently and hindering democratization in Myanmar. On the economic front too, it could disrupt trade and foreign investment activities as the Myanmar military crackdown and security uncertainties could make investors hesitant. The economic

³ CNN Indonesia, "Kenapa Banyak Pengungsi Rohingya Lari ke Indonesia?", <https://www.cnnindonesia.com/internasional/20231213072545-106-1036553/kenapa-banyak-pengungsi-rohingya-lari-ke-indonesia/2>, (Accessed May 15th 2024)

⁴ Detik News, "Jokowi Sebut RI Sementara Tampung Pengungsi Rohingya, Singgung Penolakan". <https://news.detik.com/berita/d-7083173/jokowi-sebut-ri-sementara-tampung-pengungsi-rohingya-singgung-penolakan>, (Accessed May 15th 2024)

burden on affected countries will also increase due to the need to support these refugees, which could slow down the country's economic growth.

The Rohingya refugee crisis is not only an internal problem in Myanmar, but it also causes long-term and short-term security, political governance, and economic implications for other countries in the Southeast Asia region. Thus, regional coordination is needed to reduce negative impacts and maintain the stability of all parties involved, especially countries within ASEAN. The Association of Southeast Asian Nations (ASEAN) is a regional organization located in the Southeast Asia region that is responsible for handling these conflicts. This is explained in Article 1 Section (4) of the ASEAN Charter, namely that ASEAN guarantees a peaceful, democratic, and harmonious life is the right of all ASEAN peoples.⁵

This event requires ASEAN to act and do something because this is contrary to the original purpose of ASEAN's establishment where all ASEAN communities have the right to live a harmonious life. In this issue, ASEAN prefers to put itself to create a forum rather than being an actor to take direct action, which is called the ASEAN way as one of ASEAN's non-intervention principles. However, the ASEAN way approach still has shortcomings in that a problem that occurs in the ASEAN region is not resolved quickly and decisively.

BODY

The Concept and Legal Basis of Refugees based on the 1951 Refugee Convention of the UNHCR

The 1951 Refugee Convention is an international instrument for refugees. Article 1 of the Convention defines a refugee as "a person who is outside their country of nationality and is unable or unwilling to return to their country of nationality due to a well-founded fear of persecution

⁵ Article 1 Section (4) of the ASEAN Charter (2008)

because of race, religion, nationality, membership of a particular social group or political opinion." Based on this definition, it can be said that the term "refugee" refers to an individual or group of individuals who, due to their inability to counter a danger in their place of residence, must leave to avoid a danger that may threaten their life at any time.

The UNHCR itself is an organization designated by the United Nations (UN) to provide protection and assistance to refugees based on the request of a government or the UN, and also to accompany refugees in their relocation to a better place than before. The 1951 Convention establishes the legal status of refugees and includes provisions regarding their rights and obligations to obtain what is generally considered the rights and obligations of refugees. The application of the 1951 Convention to these refugees is also followed by the application of the 1967 Protocol, which regulates the detailed status of refugees.

The 1951 Convention contains the principle of non-discrimination, based on Article 3 of the Convention, which states: "The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion, or country of origin." This means that a state is responsible for treating each refugee fairly and equally based on the convention and refugee protocol. Related to the legal status of refugees, Articles 12 to 15 of the Convention are set out, where the content of Article 12 relates to the personal status of refugees, Article 13 relates to the right to possess movable and immovable property, Article 14 relates to the right to artistic works, and Article 15 relates to the right to assemble and associate.

Regarding the work of refugees, Articles 17 to 19 are set out, which include provisions related to work that generates income, self-employment, and also free profession. Furthermore, related to the welfare of refugees, Articles 20 to 24 of the Convention are set out, which include provisions related to registration, housing, general education, public assistance, employment, and social security. The 1951 Convention

and the 1967 Protocol provide protection based on the official status or position of refugees and also provide direction for the UNHCR to carry out its existence in protecting the rights and obligations of refugees.

ASEAN and Its Function

The Association of Southeast Asian Nations (ASEAN) or the Association of Southeast Asian Countries is a regional organization that fosters cooperation among countries in Southeast Asia. ASEAN was established on August 8, 1967, in Bangkok, Thailand, by five founding member states: Indonesia, Malaysia, the Philippines, Singapore, and Thailand through the signing of the Bangkok Declaration. The primary background for the establishment of ASEAN was the strong desire of its founders to create a peaceful, safe, stable, and prosperous Southeast Asian region, as during the 1960s, the region faced a precarious situation of conflicts such as ideological state rivalries and inter-state conflicts that, if left unchecked, could disrupt regional stability. ASEAN was formed with several purposes and objectives, including:

1. To accelerate economic growth, social progress, and cultural development in the Southeast Asian region.
2. To maintain regional peace and stability.
3. To enhance cooperation and mutual assistance in the fields of economics, social affairs, culture, technology, and administration.
4. To maintain close cooperation within existing regional and international organizations.
5. To enhance cooperation for the advancement of education, training, and research in Southeast Asia.

The Role that ASEAN has Played Regarding the Rohingya Refugee Crisis

Institutionally, ASEAN hasn't formally addressed the Rohingya refugee crisis through official meetings. While the issue was briefly raised

during a 2012 summit, no concrete action was followed to prevent future violence. During the peak of the crisis (2012-2015), ASEAN member states only held two significant meetings. One, pressured by international calls to accept refugees, involved Indonesia, Malaysia, and Thailand agreeing to temporarily host the Rohingya refugees. However, these countries then urged the international community to find a permanent solution, suggesting they viewed the crisis as an international responsibility and failed to reprimand the main actor behind the crisis: the Myanmar government itself. The second meeting, the Special Meeting on Irregular Migration in the Indian Ocean, was a more collaborative effort to address the Rohingya refugee crisis. It brought together Southeast Asian nations, their neighbors, and international organizations, including crucially, Myanmar itself. The meeting resulted in several agreements, including continued humanitarian assistance for refugees and commitments to address the root causes of the crisis. Importantly, they agreed to bring the issue to other regional forums for further discussion and action.

In 2009, ASEAN established the ASEAN Intergovernmental Commission on Human Rights (AICHR) as the realization of ASEAN leaders' commitment to promote and protect human rights, as indicated in its Terms of Reference (ToR) document. The TOR also emphasizes the non-interference principle in member states' domestic affairs and avoiding confrontation. Some AICHR members interpret this as a complete ban on discussing other members' internal issues, hindering responses to human rights violations like the Rohingya crisis. This strict adherence to non-interference weakens the AICHR's ability to protect human rights. From the authors' point of view, this principle creates a divide within ASEAN, with some members wanting to address the crisis and others prioritizing non-interference.

Regarding this concern, The International Commission of Jurists (ICJ) criticized the limitations of AICHR, particularly for its narrow interpretation of the non-interference principle and weak mandate and

functions, which rendered it unable to effectively address the Rohingya refugee crisis. However, it wasn't until a meeting in June 2015 that the AICHR's Indonesian representative, Rafendi Djamin, proposed discussing the humanitarian and human rights aspects of the crisis despite its sensitivity. He believed a regional approach was necessary.⁶ Nevertheless, his attempt to raise the issue within AICHR failed due to opposition from other members who saw it as a national matter.

ASEAN's Failure to Prevent Regional Frictions Caused by Rohingya Refugees

Despite ASEAN's various actions, it is clear that ASEAN's response to the Rohingya crisis is inadequate. This is reflected in several frictions that have occurred in the Southeast Asia region. Safety-wise, the worsening violence against the Rohingya is creating new dangers to the region. A report by the International Crisis Group (December 2016) warns of a new Rohingya insurgent group, Harakah al-Yaqin, fighting for an end to persecution and recognition as citizens⁷. The report warns that ongoing brutality and a lack of outreach to Muslim communities could radicalize some Rohingya, making them vulnerable to extremist recruitment.

From the perspective of politics, a prolonged conflict with the Rohingya would severely hinder Myanmar's path to democracy. Myanmar's military remains a powerful force, with control over key ministries and the ability to veto constitutional changes. Ethnic conflicts persist, and repressive laws haven't been repealed. Unresolved conflicts across Myanmar (not just with the Rohingya) are pushing for military action

⁶ Bloed, et al., Chapter Thirteen: ASEAN: Background and Human Rights Mechanisms; Bloed, A., & Girard, N. (2015). Chapter Thirteen: ASEAN: Background and Human Rights Mechanisms. In U. Caruso, & R. Hofmann (Eds.), *The United Nations Declaration on Minorities An Academic Account on the Occasion of its 20th Anniversary (1992-2012)* p. 318. Brill | Nijhoff.; ASEAN Trade Union Council. (2013, January 31). ASEAN Must Address HR Violations. Retrieved April 2017 from ASEAN Trade Union Council: <http://aseantuc.org/2013/01/asean-mustaddress-hr-violations/>.

⁷ Myanmar: A New Muslim Insurgency in Rakhine State | Crisis Group. (2016, December 15). Crisisgroup.org. <https://www.crisisgroup.org/asia/south-east-asia/myanmar/283-myanmar-new-muslim-insurgency-rakhine-state>

instead of peaceful, inclusive solutions. Without peace and security, the military's grip won't loosen, and true democracy remains a distant dream.

Thirdly, economy-wise, the Rohingya crisis poses a double threat to the Southeast Asia region. First, violence against the Rohingya could lead to regional instability, hurting trade and investment. Investors are already concerned about sanctions on Myanmar. Second, ignoring the crisis undermines ASEAN's image. These ethical considerations also pose questions on the kind of organization ASEAN wants to be — whether it seeks to be a tolerant and inclusive one, or one that is seen as tolerating oppression.

Actions ASEAN Should Take to Address Southeast Asia Regional Frictions and the Rohingya Refugee Crisis

1. ASEAN should reevaluate its understanding of the consensus and noninterference principle

While these principles are important for maintaining a state's independence and regional stability, they shouldn't prevent a unified response to human rights abuses. ASEAN could explore alternative approaches, such as fact-finding missions with the consent of Myanmar, or establishing a regional body with expertise in mediating such conflicts.

2. ASEAN needs to grant a greater mandate to AICHR

As ASEAN's leading human rights body, AICHR needs a stronger response to crises like the Rohingya situation. To achieve this, the AICHR's founding document (TOR) should be revised to:

- Guarantee the independence and impartiality of its commissioners. This would ensure their decisions are based on objective human rights principles, not political considerations.

- Establish a mechanism for monitoring human rights conditions within ASEAN member states. This would allow the AICHR to proactively identify and address abuses.
- Create a system for receiving and investigating complaints of human rights violations. This would give individuals and groups a way to seek redress for abuses.

Conclusion

Due to its strategic location and political stability, Indonesia attracts many refugees seeking asylum. This is especially true for the Rohingya, who fled Myanmar in exponential numbers in recent years. The Rohingya crisis creates instability in the Southeast Asia region, affecting security, politics, and economic aspects in its countries. It raises concerns about radicalization, hinders democratization in Myanmar, and disrupts trade and investment. ASEAN as a regional organization located in the Southeast Asia region is responsible for handling these conflicts. However, ASEAN is limited to diplomatic statements and prefers a non-interventionist approach that limits its ability to take decisive action. In addition, the AICHR is established as the implementation of human rights promotion and protection in Southeast Asia. Despite this purpose, AICHR is restricted by its narrow interpretation of the non-interference principle in member states' domestic affairs and avoiding confrontation, hindering its role in the Rohingya crisis.

When it comes to the Rohingya crisis, the authors believe that ASEAN's response and role are inadequate, and propose solutions that are: 1) ASEAN should revise its understanding of the non-interference principle and explore other options, like fact-finding missions with Myanmar's consent; and 2) ASEAN should grant a greater mandate to AICHR by guaranteeing commissioner independence, establishing monitoring mechanisms, and creating a system for investigating human rights complaints. Lastly, it is important for ASEAN member states to

collaborate harmoniously to solve the long-standing crisis of Rohingya and build a peaceful, stable region that protects its people.

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Syrian Refugee Crisis: Challenges, Efforts, and Fulfillment of their Rights.

By Muhamad Mikail Arrumy¹, Dio Pratama Putra Matruty², Benedictus Wenggar Adibhaskara³.

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“The world will not be destroyed by those who do evil, but by those who watch them without doing anything.” - Albert Einstein

A. Introduction

Humans, as social beings, naturally interact and cooperate, forming the foundation of society with diverse individuals governed by legal and moral norms. The goals of society vary from basic needs to a fair and sustainable environment. The development of society affects social structures, governance, and economics, making it complex. The growth of society can lead to the formation of a state responsible for protecting its people. Cooperation and social interaction are crucial in human evolution.⁴ The increasing human needs drive extensive interactions beyond local communities, forming networks of interdependence among nations and the international community.

This necessitates the establishment of frameworks to regulate cross-border interactions effectively. Upholding the principles of human rights remains crucial in the context of international relations, even as nations pursue national interests and maintain diplomatic relations. As countries collaborate and negotiate, ensuring the protection of human rights remains a non-negotiable aspect of global interaction. Human Rights

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⁴ Hartana, & Nyoman Hapsari Pradnya Dewi. (2020). MEMAHAMI PERAN ORGANISASI INTERNASIONAL DALAM HAL INTERVENSI KEMANUSIAAN . Jurnal Pacta Sunt Servanda, 1(2), 134-143. Retrieved from <https://ejournal2.undiksha.ac.id/index.php/JPSS/article/view/2128>

have been prevalent in the modern world, where every nation and every state must provide, acknowledge, and enact such human rights.

Global humanitarian crises are caused by conflicts, violence, and discrimination, which affect many facets of human life and call for prompt, coordinated action from governments, non-governmental organizations, international organizations, and civil society. To improve socioeconomic conditions, save lives, and deliver help, effective cooperation is essential. In order to lessen the effects of a crisis, preventive actions such as risk reduction, communication, and public awareness are essential. To solve and avoid humanitarian disasters globally, international organizations must work together in a comprehensive manner. Addressing the complexity of new concerns requires collaboration between donor organizations, non-governmental organizations, and member states.⁵ In international law, asylum seekers or refugees are nationals who seek refuge in another country due to its unsafe situation in their home country. To prevent infringements and ensure their safety, it is very essential to provide them with protection.⁶

The number of global refugees has increased significantly in the last fifty years. From 2 million in 1992 to a dozen million in 2009, around 42 million migrants are scattered around the world, of which around 15 million are refugees and 872,000 are asylum seekers. As many of them live in miserable conditions and flee their home countries to escape harsh treatment that violates human values, the number of international refugees is increasing rapidly. As they have no protection from their own countries and are often victims of violence from their governments, this group of refugees is particularly vulnerable.⁷ On May 10, 2015, the incident of Myanmar and Bangladeshi refugees stranded on Langkawi Island, Malaysia,

⁵ Siahaan, I. S. P. G. ANALISIS PERAN ORGANISASI INTERNASIONAL DALAM PENANGANAN KRISIS KEMANUSIAAN GLOBAL.

⁶ Sastry, T. S. N., & Gade, W. N. (2012). Human rights of vulnerable & disadvantaged groups: Course book. University of Pune press.

⁷ Zulkarnain. (2017). Pengungsi dalam Perspektif Hubungan Internasional. *Populis : Jurnal Sosial Dan Humaniora*, 2(2), 422. <https://doi.org/https://doi.org/10.47313/pjsh.v2i2.342>

and the east coast of Aceh, Indonesia, attracted the attention of countries in Southeast Asia. They were found by Acehnese fishermen who helped them land their boats after floating at sea for 2 months. The condition of the refugees was appalling, with around 1,600 people mostly looking emaciated and weak. The community responded with spontaneous help.

As the number of refugees continues to rise annually, impacting nearly all nations, the Authors advocate for proactive involvement of international humanitarian organizations to address one of the still ongoing crises from the previous century, namely the Syrian refugee crisis.

B. Legal Analysis

I. Syrian Refugee Crisis

The Syrian refugee crisis as we know of today was initially caused by a time of conflict in the Syrian region. In 2011, due to severe corruption, stagnation of the economy, nepotism, and repression of the Bashad Al-Rashad Regime, the people of Syria held a protest against their government for reform. However, rather than addressing the issues, the government instead initiated a crackdown upon the protest by arresting the protesters. This heavy-handed response by the government led to the birth of revolutionist groups which escalated the conflict quickly into a long-lasting civil war that still persists as of today, with long-lasting effects on the populace of Syria, causing its citizens to seek asylum in other countries.

The people of Syria are still in need of a safe place to live due to the ongoing conflict. The October 2015 rescue of Syrian refugees in Greece, resembling the situations of Bangladeshi and Burmese refugees in Aceh and Malaysia, reveals a humanitarian crisis. The tragic photo of Aylan Kurdi in Greece sparked global awareness of the refugee crisis, mirrored by the tragic discovery of 15 Syrian children near Farmakonisi Island. UNHCR reported that in the same year, over 630,000 Syrian refugees illegally entered the EU, with 310,000 of them arriving in Greece; of those, 3,000

died or were lost at sea.⁸ The EU responded with emergency meetings, border controls in Greece, Italy, and Hungary, and a single repatriation policy. To reduce the flow of migrants to Europe, the EU and Turkey also agreed to tighten border lines and conduct joint patrols in the Aegean Sea.

In 2023, the Syrian refugee crisis was further affected by the earthquake that occurred in February of 2023, in which over 60.000 Syrian lives were claimed and more than 40.000 Syrians in north-west Syria alone lost their homes and thus were displaced from their homes. At present (2024), it is reported over 6.5 million Syrians are recognized as asylum seekers or refugees, and another 6.8 million Syrians are displaced from their homes within Syria.⁹ With around 7 million Syrian children experiencing diseases, malnutrition, abuses by labor and sexual harassment, displacement, and physiological damages from undergoing a war, This narrative underscores the shared humanitarian tragedy faced by refugees across different regions.

II. Regulation, Enforcement, and Action.

Before we discuss in regards to Asylum as one of the fundamental principles of international refugee law, it is important to understand what can be deemed as a "refugee". The definition of a refugee can be found in Article 1A paragraph (2) Geneva Refugee Convention 1951, which states a refugee as a person that has a well-founded fear of persecution based on certain criteria, outside of their country, and unable or unwilling to seek protection from that country. This definition also applies to individuals with no nationality who cannot or are unwilling to return to their previous habitual residence due to the same reasons.¹⁰ Other principles regarding refugees can also be found in article 14 paragraph (1) of the Universal

⁸Ibid.

⁹ Syria refugee crisis explained. USA for UNHCR. The Un Refugee Agency. (2024, March 13). <https://www.unrefugees.org/news/syria-refugee-crisis-explained/#:~:text=The%20earthquake%20claimed%2060%2C000%20lives,living%20in%20temporary%20reception%20centers.>

¹⁰ Article 1A Paragraph (2) Geneva Refugee Convention July 28, 1951

Declaration of Human Rights, which states: "Everyone has the right to seek and to enjoy in other countries asylum from persecution."

Based on that concept, an individual's status as a refugee is determined by meeting five requirements: a). Real anxiety is a reasonable fear. b) Suffering. c) Due to his political beliefs, social group membership, nationality, race, or religion. d) Outside his citizenship or nation of nationality. e) He is unable or unwilling to return to his country or seek the protection of his country due to his fear.¹¹

Well-founded fear is the result of a person having a valid fear of being persecuted in their home country and not wanting to return. The 1951 Convention does not explicitly define persecution. However, it is possible to infer that persecution is defined as a string of grave human rights abuses or severe harassment that is frequently, but not always, imposed upon an individual. or severe types of harassment that are frequently in a methodical or recurring manner.¹²

To deal with refugee problems internationally, there are rules of law regarding international refugees and these conventions are one form of effort to protect refugees. protection for refugees, namely: 1. The 1951 Convention Relating to the Status of Refugees. 2. The 1967 Protocol Relating to the Status of Refugees. 3. The Convention Relating to the Status of Stateless Person (1954). 4. The Convention Governing the Specific Aspects of Refugees Problems in Africa (1969).¹³ Refugee protection is also ensured by three main principles in international law which are non-refoulement, non-penalization, and non-discrimination. These principles include a prohibition on forced returns to risk areas, a prohibition on sanctions against illegal asylum seekers, and an emphasis on fair treatment without discrimination on the basis of race, religion,

¹¹ Notoprayitno, M. I. (2013). Suaka Dan Hukum pengungsi internasional. *JURNAL CITA HUKUM*, 1(1). <https://doi.org/10.15408/jch.v1i1.2983>

¹² UNHCR. (2005). *Pengenalan Tentang Perlindungan Internasional, Melindungi Orang-Orang yang Menjadi Perhatian UNHCR*. Jakarta Press.

¹³ Syahrin, M. A., & Utomo, Y. S. (2019). Implementasi Penegakan Hukum Pencari Suaka dan Pengungsi di Indonesia Setelah Diberlakukannya Peraturan Presiden Nomor 125 Tahun 2016 tentang Penanganan Pengungsi dari Luar Negeri. *Jurnal Ilmiah Kajian Keimigrasian*, 2(2), 84.

nationality, social group or political opinion.¹⁴ In fulfilling the basic rights of refugees in international law, it is also necessary to refer to articles 13 and 14 of the Universal Declaration of Human Rights (UDHR), which guarantee the right for everyone to seek asylum due to persecution and the right to leave and return to their country of origin.

Moving on, we will tackle the enforcement and action taken by one of the countries in handling the influx of refugees. Turkey has played a significant role in accommodating Syrian refugees fleeing the conflict in Syria, with approximately 2.6 million refugees residing in the country. Data from UNHCR in 2016 indicates that over 4.6 million Syrian refugees are distributed across various countries including Egypt, Iraq, Jordan, Lebanon, Turkey, and North Africa. Among these nations, Turkey hosts a substantial number of Syrian refugees. Additionally, Greece has welcomed 74,502 Syrian refugees, with more expected to arrive. Overall, Turkey stands out as one of the primary destinations for Syrian refugees, with 2.6 million individuals seeking refuge in the country.¹⁵

Turkey plays a dual role as both a host and transit country for millions of refugees from various Asian nations, notably experiencing a significant influx of Syrian refugees in 2015. Serving as a crucial transit point, Turkey enables Syrian refugees to move onward to European countries. Since March 2011, Turkey has embraced an open-door policy towards Syrian refugees, offering them "temporary protection" under the asylum system. The temporary protection approach implies a likelihood of relocating Syrian refugees to a third country promptly.

In addition, Turkey's effort to accommodate asylum seekers is to build refugee camps. Nevertheless, the camps built were not sufficient to meet the needs due to the massive increase in the number of refugees.

¹⁴Kenali 3 Prinsip Perlindungan Pengungsi Dalam Hukum Internasional. hukumonline.com. (2022, February 2). <https://www.hukumonline.com/berita/a/kenali-3-prinsip-perlindungan-pengungsi-dalam-hukum-internasional-lt61f96b880e083/?page=1>

¹⁵Noermanita, E. (2017). Analisis Kebijakan Luar Negeri Turki Terhadap Kerjasama Turki Dan Eropa Mengenai Pengungsi Suriah. *Global and Policy Journal of International Relations*, 5(01).

While a majority of refugee tent centers meet the required standards, in reality, they only accommodate 15% of the total number of refugees. In other words, there are a total of 260,000 Syrian refugees who have access to shelter while others do not.¹⁶ With the lack of shelter, hope, access to healthcare, access to education, and so on, many refugees opt to leave Turkey and head to Europe in search of a better life.¹⁷

In February 2023, Syrian refugee Basel and her family, survivors of a devastating earthquake in their home country, faced discrimination and hostility from local Turkish residents in Turkey. They sought refuge on an empty plot of land, where they built a temporary shelter, only to be forcefully evicted by Turkish neighbors who dismantled their shelter and verbally abused them. This incident underscores the challenges of refugee integration and the existence of xenophobic attitudes within host communities, calling for scholarly attention to address and mitigate such issues and foster inclusive social environments for refugees in Turkey.

Basel and her family, Syrian refugees in Turkey, faced additional accusations of looting neighborhood homes destroyed by the earthquake and stealing humanitarian aid. The earthquake incident led to increased anti-Syrian sentiments, with a right-wing politician advocating for their expulsion as a national security threat. This situation sparked aggressive messages on social media and demonstrations calling for the expulsion of Syrian refugees from their sanctuary in Turkey, resulting in increased harassment of refugees across the country.

That same year in Mersin, Syrian refugees in a women's hostel shelter were forcibly relocated to make room for Turkish nationals, then transported to Adana and abandoned on the streets. Mugla province authorities warned refugees of no aid and suggested seeking help elsewhere. Syrian refugees, including those aiding in earthquake rescue efforts, faced violence. In Antakya, Usamah and friends encountered

¹⁶ Csicsmann, L. (2016). The Syrian refugee crisis reconsidered: The role of the EU-Turkey Agreement. *Corvinus Journal of International Affairs*, 1(1), 83-98.

¹⁷ Noermanita, E. *Op Cit.* pp 50-51

hostility at a soup kitchen, where police were called upon learning they were Syrian, leading to a confrontation with part of the crowd attacking them while others defended them.¹⁸ Although Turkey has a good policy of accepting a large number of Syrian refugees, there are still cases of abuse of refugees' rights such as physical and verbal harassment, violence, abuse, and even threats. This is certainly a violation of the refugee principle contained in Article 14 paragraph (1) which states: "Everyone has the right to seek and to enjoy in other countries asylum from persecution."

If a country's resources are inadequate to provide sufficient protection and support for refugees, how can a country resolve the moral obligation to accept refugees? Hence a need for the involvement of other parties to fight for the rights of refugees, in this case, the role of international organizations concerning refugee rights.

III. International Organizations and Their Roles

The 1951 Convention on Refugees and the Protocol relating to the Status of Refugees have become the legal foundation governing the treatment of refugees and the mandate for United Nations High Commissioner for Refugees (UNHCR). This mandate includes international protection, humanitarian assistance, and permanent solutions for refugees. Therefore, this international organization has a huge role towards refugees to ensure the human rights of its citizens.¹⁹ In carrying out its role, UNHCR can collaborate with other international organizations to address the conditions that occur for Syrian refugees. The following are steps that can be taken and carried out by UNHCR:

¹⁸Fauzan, T. (2023, February 16). Video Pengungsi Suriah Di Turkiye menghadapi pelecehan dan rasis setelah GEMPA, Diusir Dan Dipukul. Serambinews.com. [https://aceh.tribunnews.com/2023/02/17/video-pengungsi-suriah-di-turkiye-menghadapi-pelecehan- dan-rasis-setelah-gempa-diusir-dan-dipukul?page=all](https://aceh.tribunnews.com/2023/02/17/video-pengungsi-suriah-di-turkiye-menghadapi-pelecehan-dan-rasis-setelah-gempa-diusir-dan-dipukul?page=all)

¹⁹ Mahira, G. (2023). The role of the United Nations high commissioner for refugees (UNHCR) in handling foreign refugees. *Jurnal Penelitian Humaniora*, 1(1). <https://doi.org/10.21831/hum.v1i1.53302>

1. Focus on the fulfillment of the fundamental rights of refugees, especially pregnant women and children who are at high risk of suffering from poor health.

Women and children represent the majority of Syrian refugees, which directly impacts their need for maternal and child health services.²⁰ Data from the United Nations Population Fund (UNFPA) in 2016, estimated that 360,000 Syrian refugees were pregnant, yet many of them did not receive pre- or post-natal health services.²¹ In addition, UNICEF reports that before the crisis, 90% of Syrian children received routine vaccinations, and this coverage has now drastically decreased to around 60%.²² Thus, it is important for UNHCR to also ensure and prioritize health services for pregnant women and children through increased distribution of health personnel and equipment such as doctors, midwives, nurses, medicines, vaccinations. In this case, UNHCR can build cooperation with the World Health Organization (WHO), United Nations Children's Fund (UNICEF), and Non-Governmental Organizations (NGO) such as Save The Children International²³ to create a movement that is more inclusive for all parties and has a massive impact on the existing problems.

2. Provide protection and education on sexual and gender-based violence.

In addition to women and girls, men also experienced violence through physical and verbal abuse, and fear of abduction leading to early marriage.²⁴ However, it is a fact that they have limited access to important

²⁰ Women and children now make up the majority of refugees – women ... (n.d.). <https://nytlive.nytimes.com/womenintheworld/2016/05/16/women-and-children-now-make-up-the-majority-of-refugees>

²¹ UNFPA Regional Syria Response Hub. (2015). Women and Girls in The Syria Crisis: UNFPA Response.

²² Robertson, T., Weiss, W., & Doocy, S. (2017). Challenges in estimating vaccine coverage in refugee and displaced populations: Results from household surveys in Jordan and Lebanon. *Vaccines*, 5(3), 22. <https://doi.org/10.3390/vaccines5030022>

²³ Save The Children. (n.d.). What we do. Save the Children International. <https://www.savethechildren.net/what-we-do#:~:text=THROUGH%20OUR%20PROGRAMMING%20%20EMERGENCY%20RESPONSES,when%20children%20need%20it%20most>

²⁴ Claire, H., El Masri, R., & Garwood, R. (2013, September). Shifting Sands: Changing gender roles among refugees in Lebanon. <https://policy-practice.oxfam.org/resources/shifting-sands-changing-gender-roles-among-refugees-in-lebanon-300408/>

programs related to sexual and gender-based violence due to lack of access to transportation, cost, and gendered expectations around mobility and household responsibilities. Recognizing that these groups are hard-to-reach populations, UNHCR must be able to take strategic steps to improve access to humanitarian services, for example by providing piloted mobile service provision and an initial evaluation of one model showed promising potential to increase refugee's social networks, knowledge, and self-confidence.²⁵ In addition, UNHCR can also provide psychological counseling services for refugees who experience violence by collaborating with NGOs such as National Alliance of Mental Illness (NAMI).²⁶

3. Enhancing food security, nutrition, and sanitation of refugees through program collaboration with the World Food Programme (WFP) and United Nations Water (UN-Water).

UNHCR can establish a strategic partnership with WFP to take a holistic approach to nutrition programming, which includes public health, water, sanitation and hygiene (WASH).²⁷ This can be realized with the following actions:

- The prevention of all malnutrition types by encouraging access to healthy, safe, accessible and sustainable food and basic services.
- Improvement of Infant and Young Children Feeding (IYCF)
- Management of anemia and other micronutrient deficiencies
- Prevention of obesity and link to chronic diseases
- Building water supply infrastructure such as wells and proper sanitation systems
- Improving hygiene promotion for refugees.

²⁵ Lilleston, P., Winograd, L., Ahmed, S., Salamé, D., Al Alam, D., Stoebenau, K., Michelis, I., & Palekar Joergensen, S. (2018). Evaluation of a mobile approach to gender-based violence service delivery among Syrian refugees in Lebanon. *Health Policy and Planning*, 33(7), 767–776. <https://doi.org/10.1093/heapol/czy050>

²⁶ National Alliance on Mental Illness. (2024, March 18). Mental health conditions. NAMI. <https://www.nami.org/about-mental-illness/mental-health-conditions/>

²⁷ Nutrition and Food Security. UNHCR. (n.d.). <https://www.unhcr.org/what-we-do/protect-human-rights/public-health/nutrition-and-food-security>

4. **Providing accessibility to education for children in refugee camps.**

As a form of human rights, ensuring and guaranteeing sustainable education for Syrian refugees is important for UNHCR.²⁸ Therefore, UNHCR can actualize several strategic steps to provide educational support, community empowerment, and Syrian refugee children through the education aspect with the following concepts:

- **Education protects** against forced recruitment of refugee children and youth into armed groups, child labor, sexual exploitation, and child marriage. This was carried out as a preventive education effort for the children there.
- **Education empowers** by providing refugees with the knowledge and skills to lead more productive and independent lives.
- **Education enlightens** refugees, allowing them to learn about themselves and the world around them while working to rebuild their lives and communities.
- **Provide human and financial support** in the area of education, including the employment of Regional Education Advisors, Education Officers in state offices, and Community Service and Protection Officers with education expertise; selection of Implementing Partners (IPs).

5. **Raising international funds to ensure access to assistance remains well-distributed.** Whether it's in health, education, and food security.

C. Conclusion

Albeit improving, the ongoing Syrian refugee crisis still faces multiple challenges and troubles that seem never-ending. With the ongoing Syrian conflict intensified by the recent earthquake disaster, causing multiple hindering facets in fulfilling the needs of refugees, the roles of international

²⁸ Build Better Futures with Education. UNHCR. (n.d.). <https://www.unhcr.org/what-we-do/build-better-futures/education>

organizations, non-governmental organizations, and nations themselves have become more important than ever. Bureaucratic systems between nations, international organizations, and non-governmental organizations should not be a wall that hinders the needs of refugees, it should be a system that supports, strengthens, and enhances such fulfillment of needs. We advocate for practical measures to tackle current refugee issues and prevent future occurrences, emphasizing addressing root causes like conflict and disasters. By offering immediate aid and addressing underlying causes, international organizations and non-governmental organizations (NGOs) can mitigate the humanitarian impact and work towards sustainable solutions for affected populations. Thus, collaborative actions between multiple parties are key to a better standard of living for Syrian refugees, and ideally the end to the Syrian Refugee Crisis.

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ASIAN LAW STUDENT ASSOCIATION ALEW LEGAL ENGLISH ESSAY

**"Hope for The Future: Strengthened International Humanitarian Upon
Overcoming the Syrian Refugee Crisis"**

By: Erlinda Ratnadewati, Ashyra Vidya Krisanthi

"No one chooses to be a refugee. We all deserve to have a home and to be safe." - Hangama Amiri

A. Background

Over the years, the issue of refugees has always arisen. Their existence, which closely arises due to disaster or fear, makes refugees a subject whose interests and rights must be protected. Every state is responsible for providing protection to refugees. With the agreement on international instruments related to the protection of refugees, the issue of protection for refugees and asylum seekers based on humanitarian reasons has been affirmed in international law. The International Convention on Refugees, mentioned earlier, contains universal legal principles. These principles are essentially derived from and are an affirmation of international customary law¹.

The notion of refugees is also linked to human rights violations. Refugees are in a situation where the government of their home country cannot help them, refuses to accept them, and their security is threatened. In addition, their human rights are not properly guaranteed. Ensuring refugees have protection and access to human rights and considering the possibility of returning to their country of origin or integrating with other

¹ Riyanto, S. (2004). The Urgency of Refugee Legislation in Indonesia and the Present Obstacles. Indonesian Journal of International Law, 2(1). doi: 10.17304/ijil.vol2.1.4

countries is a very important issue in the context of human rights². Initially, refugee issues were limited to the domestic level of a country. However, with the development of the concept of human rights, the refugee issue has now become a problem that involves more than one country internationally.

According to Kusumo, five refugee rights must be fulfilled, namely the Right to Protection from Forced Return to the Country of Origin (Non-Refoulement), the Right to Seek Asylum, the Right to Equality and non-discrimination, the Right to Life and Security, and the Right to Return to the Country of Origin³. On the other reference, the main principles in refugee law under the 1951 Convention include Non-Refoulement (Article 33): Refugees and asylum seekers shall not be compelled to return to a territory where their lives or freedom are threatened. Non-Penalization (Article 31): Refugees and asylum seekers should not be penalized for entering the territory of a country of asylum without proper documentation. Non-Discrimination (Article 3): The treatment of refugees and asylum seekers should not be based on race, religion, or political views. In addition, some other international instruments governing refugees include the UDHR (Universal Declaration of Human Rights), ICCPR (International Covenant on Civil and Political Rights), CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), CRC (Convention on the Rights of the Child), CAT (Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), and the 1969 Geneva Conventions⁴. With so much information about refugees becoming an international concern, of course, the discussion on this topic will always be relevant to the development of the world, especially to find solutions related to

² Zulkarnain. (2017). Pengungsi Dalam Perspektif Hubungan Internasional . Jurnal Populis, 2(4).

³ Kusumo, A. (2012). PERLINDUNGAN HAK ASASI MANUSIA PENGUNGI INTERNASIONAL. Yustisia, 1(2).

⁴ Memahami Perlindungan Hukum Bagi Pengungsi. (2018). Lembaga Bantuan Hukum Makassar. Retrieved from <https://lbhmakassar.org/liputan-kegiatan/memahami-perlindungan-hukum-bagi-pengungsi/>

obstacles that have occurred during the distribution or even when providing assistance in the location where refugees are located.

B. Case analysis on the refugee crisis in Syria

One of the many cases of the refugee crisis that attracts attention is the refugee crisis in Syria. There was a major refugee crisis in Syria that involved many aspects and humanitarian organizations. The Syrian refugee crisis began in March 2011 due to a violent government crackdown on public demonstrations supporting teenagers arrested for anti-government graffiti in Daraa. These arrests led to widespread demonstrations across Syria, which were violently suppressed by government forces. The conflict escalated, resulting in a civil war that forced millions of Syrian families to flee their homes. Today, after thirteen years, the conflict persists, with over 16.7 million Syrians requiring humanitarian assistance—accounting for 70 percent of the population⁵.

After a series of conflicts that occurred, the suffering of the Syrian people has not ended. The subsequent disaster unfolded as a natural calamity—an earthquake struck Syria on February 6, 2023. This seismic event was a double blow, affecting both southeastern Türkiye and northern Syria. The impact was devastating, resulting in the loss of thousands of lives and widespread destruction of homes and infrastructure throughout the region. This catastrophe compounds the existing crises faced by internally displaced Syrians and Syrian refugees. In Türkiye, the areas most severely affected coincide with regions where Syrian refugees have settled in significant numbers. These refugees were already vulnerable, grappling with protection risks and economic instability. For those still within Syria's borders, the earthquake has intensified their suffering, plunging some of the most desperate communities into further misery and pain. As of March 2024, the earthquake's toll extends to 8.8 million people across Syria,

⁵ Syria Refugee Crisis Explained. (2024). UNHCR. Retrieved from <https://www.unrefugees.org/news/syria-refugee-crisis-explained/>

displacing tens of thousands—many of whom were already uprooted. The loss of life stands at 60,000, with tens of thousands injured and entire neighborhoods reduced to rubble. In northwestern Syria alone, over 40,000 individuals remain displaced, seeking refuge in temporary reception centers⁶.

The international world certainly does not remain silent, a lot of help from humanitarian organizations that move, ranging from health assistance, food, clean water, and clothing, to other needs that are needed by refugees. International humanitarian organizations play an indispensable role in tackling the refugee crisis due to their specialized abilities in providing immediate aid, sustained support, and advocacy for refugee rights. Entities such as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and NGOs like Oxfam are vital in addressing the multifaceted needs of refugees and internally displaced persons (IDPs) globally⁷. The UN Refugee Agency (UNHCR) is a global organization committed to saving lives, safeguarding rights, and fostering a brighter future for individuals compelled to leave their homes due to conflict and persecution. UNHCR takes the lead in international efforts to protect refugees, displaced communities, and stateless individuals⁸. Therefore, UNICEF, a specialized program of the United Nations (UN), is dedicated to supporting national initiatives aimed at enhancing children's health, nutrition, education, and overall well-being. UNICEF strategically focuses on areas where modest investments can profoundly affect the lives of the most vulnerable children, including disease prevention and treatment⁹.

⁶ Syria Refugee Crisis Explained. (2024). UNHCR. Retrieved from <https://www.unrefugees.org/news/syria-refugee-crisis-explained/>

⁷ Kasanusi, K., Solikhah, M., Triristina, N., Pujiyanti, Y. R., & Khoiruddin, K. (2022). The Role of United Nation in Addressing Human Rights Violations on Syria's Internal

⁸ About UNHCR. (n.d.). UNHCR. Retrieved from <https://www.unhcr.org/about-unhcr>

⁹ Mingst, K. (2024). UNICEF. Encyclopedia Britannica. Retrieved from <https://www.britannica.com/topic/UNICEF>

Firstly, these organizations deliver immediate assistance to refugees and IDPs by supplying essential items like food, water, shelter, and medical care. They also work to safeguard refugees from violence, abuse, and exploitation, ensuring their safety and well-being during emergencies. Secondly, humanitarian organizations provide long-term support focused on sustainable solutions that empower refugees to rebuild their lives. This includes offering education, healthcare, and livelihood opportunities while also supporting local communities in hosting and integrating refugees. For example, the UNHCR and IOM enable refugees to participate in local economies, linking their labor to regional, national, and global value chains, as demonstrated in countries such as Burkina Faso, Chad, Ethiopia, and Kenya. Thirdly, these organizations advocate for refugee rights by pushing for policy reforms and fostering international cooperation to address the root causes of displacement. They also work to raise awareness about the refugee crisis, emphasizing the human stories behind the statistics and the urgent need for collective action. Lastly, these organizations collaborate with governments, local authorities, and other stakeholders to ensure the protection and integration of refugees into host communities. This includes enhancing the capacity of national partners and institutions and promoting transparency and efficiency in humanitarian responses. The role of international humanitarian organizations is essential in addressing the refugee crisis as they provide immediate relief, long-term support, and advocate for refugee rights. Their efforts help to alleviate the suffering of those displaced by conflict, persecution, or natural disasters, while also working towards sustainable solutions that empower refugees to rebuild their lives¹⁰.

Despite all of the efforts given to the refugees, there still may be some obstacles in the way to help. Thus, these are some of the challenges faced

¹⁰ Kasanusi, K., Solikhah, M., Triristina, N., Pujiyanti, Y. R., & Khoiruddin, K. (2022). The Role of United Nations in Addressing Human Rights Violations on Syria's Internal

by these organizations in carrying out their tasks that still hinder the distribution of humanitarian aid for Syria:

1. **Funding Shortages:** Many humanitarian organizations operate with significant financial deficits, which severely restrict their ability to offer comprehensive services to refugees. For example, the United Nations High Commissioner for Refugees (UNHCR) has reported a funding shortfall of \$3.47 billion, significantly impacting their support for Syrian refugees. This shortage of funds limits the organization's capacity to provide essential services such as shelter, food, healthcare, and education, exacerbating the difficulties faced by refugees¹¹.
2. **Security Risks in Conflict Zones:** Accessing affected populations in conflict zones, like Syria, presents significant security risks to humanitarian workers. The ongoing violence, kidnappings, and other security threats make it extremely hazardous for these workers to reach and assist refugees. These risks not only endanger the lives of the humanitarian personnel but also disrupt their operations, hindering the delivery of crucial aid to those in need¹².
3. **Logistical Challenges:** Delivering aid to remote or besieged areas poses significant logistical challenges for humanitarian organizations. Poor infrastructure, blockades, and restrictive regulations complicate the transportation and distribution of essential supplies such as food, water, and medical assistance. These logistical hurdles often result

¹¹ Dobbs, L. (2015). Funding Shortage Leaves Syrian Refugees in Danger of Missing Vital Support. UNHCR. Retrieved from <https://www.unhcr.org/news/stories/funding-shortage-leaves-syrian-refugees-danger-missing-vital-support>

¹² Ferraro, R. (2022). Challenges to implementation of humanitarian access norms in the Sahel. International Review of Red Cross. Retrieved from <https://international-review.icrc.org/articles/challenges-to-implementation-humanitarian-access-norms-in-the-sahel-918>

in delays or even prevent the timely delivery of aid, leaving refugees vulnerable to further suffering and deprivation¹³.

4. **Political and Bureaucratic Hurdles:** Humanitarian organizations face political and bureaucratic obstacles imposed by host countries, further complicating their operations. Restrictions on humanitarian activities, delays in obtaining necessary permits, and difficulties coordinating with local authorities impede the organizations' ability to effectively deliver aid to refugees. These hurdles hinder the timely and efficient provision of assistance, prolonging the suffering of displaced populations¹⁴.
5. **Strain from Overwhelming Number of Refugees:** The sheer number of refugees fleeing conflict and persecution strains humanitarian organizations' resources and capacity to respond adequately. Shortages of supplies, inadequate shelter, and insufficient medical care become pervasive in overcrowded refugee camps and reception centers. For instance, places like the Greek islands, such as Lesbos, experience unsanitary and overcrowded conditions due to the continuous influx of new arrivals, exacerbating the challenges faced by both refugees and aid organizations¹⁵.
6. **Protection of Refugees' Rights:** Humanitarian organizations encounter significant challenges in protecting the rights of refugees, including illegal pushbacks, denial of asylum, and inhumane treatment in refugee camps. These violations necessitate continuous advocacy and legal action by humanitarian organizations to ensure the protection and well-being of refugees. Despite these challenges,

¹³ Frennesson, L., Kembro, J., de Vries, H., Jahre, M., & Van Wassenhove, L. (2022). International Humanitarian Organizations' Perspectives on Localization Efforts. *International Journal of Disaster Risk Reduction*, 83, 103410. doi: 10.1016/j.ijdrr.2022.103410

¹⁴ Herman, J., & Dijkzeul, D. (2011). *A Matter of Principles: Humanitarian Challenges*. The Broker. Retrieved from <https://www.thebrokeronline.eu/article/a-matter-of-principles/>

¹⁵ Kerwin, D. (2016). How Robust Refugee Protection Policies Can Strengthen Human and National Security. *Journal on Migration and Human Security*, 4(3), 83–140. doi: 10.1177/233150241600400304

humanitarian organizations remain committed to their mission of providing assistance and protection to refugees, advocating for their rights, and alleviating their suffering to the best of their ability¹⁶.

After analyzing some of the key issues that have plagued refugee crisis aid delivery, we offer here some suggestions that can serve as additional evaluation for those who are or will be involved:

1. Accepting More Refugees and Providing Assistance: Developed nations should accept more refugees and offer financial and technical assistance to countries hosting refugees. This support enables these countries to enhance their institutional capacities and provide essential services to all residents, ensuring that the burden of hosting refugees is shared more equitably and that the quality of life for refugees and local populations is improved¹⁷¹⁸.
2. Conducting Joint Risk and Impact Assessments: International organizations and governments need to conduct joint, unbiased, and rapid risk or impact assessments. These assessments should aim to identify and prioritize assistance needs, ensuring that responses are targeted and effective. Such collaborative efforts ensure that resources are allocated efficiently and that the most pressing needs are addressed promptly¹⁹.

¹⁶ Kerwin, D. (2016). How Robust Refugee Protection Policies Can Strengthen Human and National Security. *Journal on Migration and Human Security*, 4(3), 83–140. doi: 10.1177/233150241600400304

¹⁷¹⁷ Donmez, B. B. (2023). *Need for Int'l Cooperation Underlined at Global Refugee Forum*. AA. Retrieved from <https://www.aa.com.tr/en/europe/need-for-intl-cooperation-underlined-at-global-refugee-forum/3081615>

Dobbs, L. (2015). *Funding Shortage Leaves Syrian Refugees in Danger of Missing Vital Support*. UNHCR. Retrieved from <https://www.unhcr.org/news/stories/funding-shortage-leaves-syrian-refugees-danger-missing-vital-support>

¹⁸ Donmez, B. B. (2023). *Need for Int'l Cooperation Underlined at Global Refugee Forum*. AA. Retrieved from <https://www.aa.com.tr/en/europe/need-for-intl-cooperation-underlined-at-global-refugee-forum/3081615>

¹⁹ Dowd, R., & McAdam, J. (2017). INTERNATIONAL COOPERATION AND RESPONSIBILITY-SHARING TO PROTECT REFUGEES: WHAT, WHY AND HOW? *International and Comparative Law Quarterly*, 66(4), 863–892. doi: 10.1017/S0020589317000343

3. Supporting Host Countries and Communities: Cooperation should support the development of host countries and communities by providing financial and technical assistance. This assistance is crucial for building their capacities to deliver basic services, such as healthcare, education, and infrastructure, to both refugees and local residents. Strengthening local systems helps foster a more inclusive and supportive environment for refugees²⁰.
4. Empowering Refugees: Refugees should be empowered to create supportive systems and networks through access to education, healthcare, and livelihood opportunities. By supporting local economies and integrating refugees into the workforce, we can enhance their self-sufficiency and contribute to the development of host communities. Empowerment initiatives help refugees rebuild their lives and contribute positively to society²¹.
5. Finding Durable Solutions: Efforts should focus on finding durable solutions for refugees, such as repatriation, local integration, or resettlement. These solutions must be sustainable and dignified, ensuring that refugees can live stable and fulfilling lives. International cooperation is essential in negotiating and implementing these solutions, providing refugees with long-term security and prospects²².
6. Improving Efficiency and Transparency: Organizations like the UNHCR must strive for greater transparency and efficiency in their operations. Reducing bureaucracy and implementing common platforms and cost structures can streamline the humanitarian response, making it more effective and accountable. Transparent

²⁰ Dowd, R., & McAdam, J. (2017). INTERNATIONAL COOPERATION AND RESPONSIBILITY-SHARING TO PROTECT REFUGEES: WHAT, WHY AND HOW? *International and Comparative Law Quarterly*, 66(4), 863–892. doi: 10.1017/S0020589317000343

²¹ Ibid.

²² Ibid.

operations build trust among stakeholders and ensure that aid reaches those who need it most²³.

7. **Strengthening Partnerships:** Effective international cooperation requires strengthened partnerships among governments, international organizations, financial institutions, civil society, refugees, and the private sector. Ensuring all stakeholders are committed to addressing the refugee crisis fosters a coordinated and comprehensive approach. Collaborative efforts can leverage resources, expertise, and influence to achieve better outcomes for refugees²⁴.
8. **Addressing Root Causes:** International cooperation must address the root causes of displacement, including conflict, persecution, and environmental degradation. By tackling these underlying issues, we can prevent further displacement and promote sustainable solutions. Addressing root causes requires long-term commitment and strategic interventions to create conditions for peace, stability, and development²⁵.

By adopting these strategies, international cooperation can become more effective in addressing the refugee crisis, ensuring the needs of refugees and internally displaced persons (IDPs) are met, and fostering sustainable solutions for their integration into host communities. These comprehensive and coordinated efforts are essential to mitigate the impact of the refugee crisis and build a more inclusive and resilient global community.

C. Conclusion

The Syrian refugee crisis underscores the urgent need for coordinated international action. Organizations like UNHCR and UNICEF play a vital role

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

in providing immediate relief and long-term support to millions of displaced Syrians, despite facing obstacles like funding shortages and security risks. Strengthened international cooperation is essential, with developed nations accepting more refugees and supporting host countries. Conducting joint risk assessments ensures effective responses, while empowering refugees through education and livelihood opportunities facilitates their integration. Finding durable solutions like repatriation and local integration is crucial. Greater transparency and efficiency, along with strengthened partnerships, are needed to address root causes and ensure sustainable solutions. By adopting these measures, international cooperation can effectively address the refugee crisis and promote the rights and dignity of all individuals.

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Upholding the Principles of International Refugee Law in Protecting the Human Rights in the Ukrainian Refugee Crisis

ALSA Legal English Writing

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I. Introduction

Every armed conflict leads to people displaced from their homes. It is often that the amount of people displaced are in thousands or even millions.¹ It is no exception to Ukraine's people who are displaced from Russia's attack back in 2022. Where it is known that there are two different types of person moving from their home, namely Internally Displaced Person (IDP), and the Refugees. It is the refugees who travel to another country to seek safety that are having the biggest impact of the armed conflict that happened between Russia and Ukraine. As the number of Ukrainian refugees has grown exponentially. The United Nations High Commissioner for Refugees (UNHCR) estimates that over 7.7 million Ukrainians have been forced to flee abroad as of October 2022, with the majority seeking refuge in European countries.²

Although refugees are protected under the Convention relating to the Status of Refugees, it has its limits in protecting the refugees under this Convention. Since a person who leaves solely because of armed conflict in his or her country is not considered as a refugee. As the definition of the refugee requires a person to have a fear of persecution due to their race, religion, nationality, political opinion,

¹ Honusková, V. (2023). European Response to the Mass Influx of People Caused by the Russian Invasion of Ukraine: Testing the Limits of International Refugee Law. *International and Comparative Law Review*, 23(1) 53-71.
<https://doi.org/10.2478/iclr-2023-0003>

² UNHCR (United Nations High Commissioner for Refugees). (2022). Ukraine situation. Retrieved from <https://reporting.unhcr.org/ukraine-supplementary-appeal-2022-ad-dendumfrom>.

and/or membership in a social group. While many of the Ukrainian refugees are fleeing due to violence and conflict, they may not meet these requirements resulting in the Ukrainian asylum seeker not able to be protected by the legal instrument of the Convention relating to the Status of Refugees.

To minimize the impact of the influx, the Council of the European Union implemented temporary protection for refugees from Ukraine. Which provides accommodation, education, healthcare, and other basic human rights. However, it is noted that the protection given was temporary and will end in some time whenever the conflict is deemed finished.

Recent influx happening in Ukraine is causing a crisis in the international world. With more than 5 million people in Ukraine being displaced from their home, without protection regarding their human rights due to the uncertainty of their status of refugee. However, the lack of protection of human rights in the Ukrainian refugee crisis can be filled with upholding the principles of International Refugee Law that are recognized by all countries from all over the world regardless of countries. By upholding the principles of International Refugee Law, other than adhering to the legal instruments such as the Convention Relating to the Status of Refugees and its protocol in 1967, will help minimizing the impact of the crisis over the influx of the refugees from Ukraine.

II. Analysis

International legal instruments that regulate the status of refugees, such as the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol provide the framework and foundation for the protection of refugees around the world. These conventions outline the obligations of the states towards the refugee and ensuring the rights and protection that should be given to the refugees. However, there are many obstacles for countries to carry out their obligations in providing these human rights included in the 1951 Convention. Such as political and economical hurdles. Neighboring countries receiving the waves of refugees from Ukraine are not prepared to accept many refugees coming at the same time, while also having to provide their human rights from right to healthcare, right to work, and many more human rights that have to be fulfilled by the receiving states.

The United Nations General Assembly and the United Nations Human Rights Council have recognized the aggression of Russia against Ukraine and have ordered Russia to withdraw their troops from Ukrainian territory. This aggression has led to displacement of Ukrainian citizens that may be considered as refugees under the 1951 Convention. The EU recognizes Ukrainians as war refugees who should be granted asylum, but instead the EU applies the temporary protection for the Ukrainians that intends to end the conflict so that the refugees can return to Ukraine safely.

In contrast to what the EU has applied and intended to the Ukrainian, it is known to people that there is one basic principle of International Refugee Law which is the Non-Refoulement principle. This principle obliges all countries to not return the asylum seeker to his/her home country. In the condition of the person's human rights is being threatened should he return to his/her home country. This principle is known to all countries as the *ius cogen* or the

international customary law. In the condition of the conflict of laws. The EU must refer to the principle that the receiving state is not allowed to return the asylum seeker, in this case, the Ukrainians have the right to not be sent back to their home country, considering the situation of their home country.

During the situation of dilemma to uphold the basic principle of International Refugee Law and their national interest. Neighboring countries, who received the most of the refugee influx from Ukraine, are obliged to adhere to the basic principle of International Refugee Law, which is to not return the asylum seeker from Ukraine back to their home country. As part of the international community, it is the obligation of the countries to follow the customary international law other than the law in convention or in books.

III. Conclusion

To conclude, International legal instruments, notably the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, establish the fundamental framework for refugee protection worldwide, delineating state obligations to uphold refugees' rights. Despite this, numerous political and economic obstacles impede countries' ability to fulfill these obligations, particularly evident in the response to the Ukrainian refugee crisis. Neighboring countries, overwhelmed by the sudden influx, struggle to provide adequate healthcare, employment, and other essential rights. The UN has condemned Russian aggression, prompting mass displacement of Ukrainians who qualify as refugees under the 1951 Convention. While the EU offers temporary protection to Ukrainians, this approach contrasts with the principle of Non-Refoulement, a cornerstone of International Refugee Law mandating that refugees not be returned to danger. Neighboring countries, despite their challenges, must adhere to this principle, upholding their international obligations and ensuring refugees' safety and rights amidst the conflict.

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LEGAL ESSAY

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**"Maintaining Asian Stability In The Midst of The Rohingya Influx
In Aceh, Indonesia"**

**Rohingya Refugee Crisis: The Consistency of Society's Response
to Upholding Human Rights Under International Law**

"No one puts their children in a boat unless the water is safer than the
land."

-Warshan Shire-

Introduction

As one of the most persecuted ethnic groups in the world, the Rohingya have suffered persecution and discrimination since March 28, 1945 known as the Rohingya Massacre. It was the first genocide committed by the Burma government that caused the deaths of around 100,000 people in Arakan. Unfortunately, in the same year as Rohingya Massacre tragedy, Kalagong Massacre is happened in July 1945 as the second genocide that caused the deaths of 600.000 people. These incidents was a military operation known as King Dragon Operations organized by the Burma government that tortured, raped, and killed Rohingya peoples with no matter of age. Then, in 1948 the Rohingya resisted the military junta government to claim an autonomous region, which made the indigenous tribes of Burma become more hateful with the Rohingya. Their reputation became worse when some of the Rohingya were thought to be involved in the Al-Qaeda network, which caused the socio-economic situation of the Rohingya to become worse.

That is why the Rohingya escape from Myanmar to obtain freedom in fulfillment of their human rights. Currently, there are an estimated 800,000 Rohingya in Myanmar and 250,000 in countries that have become escape destinations such as Indonesia, Saudi Arabia, Malaysia, and Pakistan. The escape to Indonesia began in 1988 when the military took power in Myanmar. In fact, the Rohingya belong to a stateless community, this is based on the Immigration Act of 1974, in which the Myanmar government does not provide identification cards to the Rohingya, but only Foreign Registration Cards and is clarified in the 1982 Citizenship Act, in which the Rohingya are not included in the division of citizens classified into three groups. Recently, Indonesians are faced with a situation where they do not have consistency as citizens and international citizens. Indonesia, a country with strong humanitarian principles, is often involved in many humanitarian issues, as if the people of Indonesia represent their country and have spoken out on many humanitarian issues.

In 2015, the state had rejected the existence of Rohingya, this was illustrated when the Indonesian National Army blocked the arrival of Rohingya. However, as if rejecting the state, the society decided to accommodate Rohingya refugees in Indonesia, when the state rejected the arrival of Rohingya refugees. Through various considerations, the state finally wanted to accept and provide state funds for the arrival of Rohingya refugees. On the other hand, until now, Indonesia's national stakeholders do not desire to ratify the 1951 UN Convention. This raises doubts about the state's interest in this issue.

This policy ultimately does not require Indonesia to accommodate Rohingya refugees, for this reason the state presented a stiff paradigm for Rohingya. In response to the stiff attitude of the state, in 2022, the Indonesian people accepted the arrival of Rohingya refugees with all their heart, illustrated when the people felt the desperation suffered by Rohingya refugees. Society feels the humanitarian urgency to accept and accommodate Rohingya refugees, this illustrates the principle of humanity

that is born and maintained by society. Indonesia accommodates the needs of the Rohingya people, until now, but in 2023 the turmoil over Rohingya refugees is again present in Indonesian society, this issue disrupts the social stability of society in Indonesia. How Indonesia's stance now seems inconsistent.

Legal Analysis

The Rohingya massacre, as we explained in the introduction, is clear evidence of the massive killings and rapes inflicted on the Rohingya over several decades in violation of Article 2 of the 1948 Genocide Convention which defines genocide as acts committed with intent to destroy, in whole or in part, a national, racial, religious or ethnic group, and also Article 6 of the 1998 Rome Statute which defines genocide as one of the most serious crimes over which the International Criminal Court (ICC) has jurisdiction. This article reiterates the definition of genocide from the 1948 Genocide Convention. In addition, in the Myanmar regulation, allowing ethnic Rohingyas to become stateless persons is a violation of the The provisions of the 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD) which contains CERD obligates state members to actively pursue policies that eliminate racial discrimination as a whole. This applies to all spheres of life, including the political, economic, social and cultural spheres. In this case, the provisions of the 1951 UN International Convention on the treatment of foreign refugees. Indonesia has not ratified the convention as of the date of writing this essay.

There is no exact reason from the Indonesian government as to why it has not ratified the convention. Perhaps my analysis is that Indonesia is not interested in ratifying the convention because Indonesia does not want to recognize and treat refugees as equal in rights & obligations as Indonesian citizens. Even so, so far the Indonesian government has implemented the contents of the 1951 UN International

Convention quite well, although it has not fulfilled 100% of the orders contained in the convention. Indonesia already has such rules in its constitution and laws and regulations, namely Article 28A of the UUD NRI 1945 which says "setiap orang berhak hidup serta berhak mempertahankan hidup dan kehidupannya".

Thus, based on the provisions of international law and laws and regulations and even the constitution contained in Indonesia, the responses of the people of Aceh, Indonesia which occurred in 2023 yesterday was inappropriate for the people of Aceh, even the facts on the spot said that it was the students who participated in demonstrations and expulsion in an outrageous manner to the Rohingya refugees.

Conclusion

Indonesian society with its humanitarian values seems to be absent in the 2023 issue. The inconsistency in this essay presents a discourse on the usability of public empathy in dealing with Rohingya refugees, when faced with the fact that Rohingya brothers and sisters are experiencing the toughest time in their lives, Indonesian society is now in a state of rigidity and confusion. Society was once in a state of acceptance and believed that humanity is above the state, illustrated when the situation of the country before the birth of Presidential Regulation No. 125/2016. The community united to protect and provide continued life for the Rohingya community, through the representation of great humanity, the community worked together to provide needs and livelihoods in accordance with human standards. However, it needs to be remembered that Indonesia was once in a state of rigidity, a bad picture was presented when a mass of people rejected the existence of Rohingya life.

The accusation of violation was given to the Rohingya by the community. This happened due to the misuse of information media by those who tried to change the order of society, on the other hand, the public with a positive tendency accepted the information and judged the

existence of Rohingya in Indonesia. Of course, this is not a productive representation of Indonesia's humanitarian values. Indonesian people are consumed by dirty narratives with the tendency to change basic human values, being influenced by values that are counter to human values is a violation of behaviour. In response, the information media should provide appropriate societal values, but this is not reflected on a societal scale. Now, as a tool of societal engineering, the law should and must be present in this inconsistency. The orderliness of society and the stability of society need to be seen as an urgency.

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The Important Role of the United Nations High Commissioner for Refugees (UNHCR) in Dealing with Refugees from The Syrian Civil War

Muhammad Al Fasya

Syria is a country in the form of a republic in western Asia, bordered by Turkey to the north, Iraq to the east and southeast, Jordan to the south, and Israel, Palestine, and Lebanon to the southwest. Syria declared its independence on April 17, 1946, and after that, Syria had a rapid development and became one of the biggest growing countries in Western Asia. However, since its independence until now, Syria has gone through many upheavals, starting from a constitutional revolution, and military coups, to civil wars.

The civil war in Syria began with the arrest of several students who protested the resignation of President Bashar Al Assad and his regime in March 2011, which provoked even greater protests over the arrests. The greater protests led the authorities to make the mistake of overreacting by shooting and killing several protesters. Over time, the deaths of the protesters led to even greater protests in various regions of Syria, which then gradually became a civil war between government supporters, anti-government parties, and external parties who had their interest in this war.

This civil war has brought a lot of terrible impact on the people and the country of Syria. After a decade of war, it is estimated that this civil war has resulted in 300,000-500,000 deaths, millions of people lost their houses, which then forced them to evacuate to safer places such as other countries¹. In 2021, estimated more than 5.6 million people lost their homes and became refugees. According to UNHCR, Syrian refugees mostly spread to the nearest countries to Syria, the countries with the most Syrian refugees are Turkey with 2.5 million refugees, and Lebanon with 1 million refugees.

Refugees, according to the Jesuit Refugees Service (JRS), are all persons who are persecuted based on race, religion, membership of a social or political group and

¹ Chris Huber, Kathryn Reid. (2014). War in Syria, children, and the refugee crisis. World Vision U.S.

who are the victims of armed conflict, economic mismanagement, or natural disasters, as well as for "humanitarian reasons". The most vulnerable parties affected by this conflict are civilians, especially women and children

In this conflict the role of International Humanitarian Organizations such as UNHCR is needed as humanitarian assistance for emergency relief and development assistance for the sustainability of handling this conflict. UNHCR as a United Nations representative, organizes all the migration processes of the refugees and regulates the regulations assisted by various countries that had ratified the 1951 convention about refugees. In the absence of an organization like UNHCR, there will be a lot of problems in the process of handling refugees. Unfortunately, several countries have not ratified this convention, as a result, UNHCR cannot carry out its functions optimally because it is obstructed by bureaucracy and regulations.

The real example of the Syrian conflict is the refuge of the Syrian people in Lebanon, Lebanon is the second country with the most Syrian refugees with more than 1 million people. The problem is that Lebanon did not ratify the 1951 convention, which makes UNHCR not free to carry out its function of helping the Syrian refugees. The Lebanese government also still does not have effective laws and regulations regarding refugees. This means the Lebanese government does not have full obligations and responsibilities, especially in handling refugees in the country and Lebanon also cannot get international assistance through UNHCR in handling refugees².

As a result of this problem, there are social problems between refugees and Lebanese society related to shelter and health issues, this is due to the lack of funds allocated to refugees. The peak of this problem is a controversial statement made by the Lebanese government, which is the return of refugees to Syria. This statement is certainly very controversial, it is considered to endanger the refugees because conditions in Syria are not yet conducive and safe for people to live.

² Wicaksono, Sarah Aurellia. (2022) . Peran United Nations High Commissioner For Refugees (UNHCR) Terhadap Penanganan Krisis Pengungsi Suriah di Lebanon Tahun 2018-2020. Diploma thesis, Universitas Nasional.

This incident should be a lesson for countries around the world and international humanitarian organizations to pay more attention to bureaucracy in handling conflicts because it is not impossible that in the future something like this will happen again. The handling of international refugee issues is motivated by a sense of humanity to provide security and comfort to refugees who have fled their countries due to lack of protection. The 1951 Convention and 1967 Protocol have determined who can be recognized as refugees. The determination of status as a refugee status is very important, to be able to receive the rights set out in the 1951 Convention and 1967 Protocol or subject to the authority of UNHCR³.

We cannot blame the countries that did not ratify the 1951 convention and must respect their decisions. because on the other hand, these countries must have a different point of view in handling a conflict or refugees, and they must have specific considerations and look at the interests of their people in advance. Countries and organizations such as UNHCR can also ease the bureaucracy for the refugees who are transiting in countries that have not ratified the 1951 convention.

From the text above, it can be concluded that countries and UNHCR also need to provide counseling to the community regarding the problem of refugees coming to their countries. This is also needed to minimize the occurrence of conflict and rejection between the government, people, and refugees. With the implementation of all the information above, it is hoped that it can help improve the resolution of refugee-related problems, without putting aside the welfare and security of the country and its people.

³ Suprpto, E. (2001). Kentuan-ketentuan Utama Konvensi 1951/Protokol 1967 Mengenai Status Pengungsi. In *Perlunya Indonesia Mengaksesi Konvensi Tentang Pengungsi*. Pusat Studi Hukum Humaniter FH Universitas Trisakti.

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Humanity's Dilemma: Systematic Human Rights Violations for Territorial Control

Ricardo Mangaraja

I. Background

The protracted conflict in the Gaza Strip has reached a critical juncture, with recent escalations resulting in devastating consequences for both Palestinian and Israeli civilians.¹ Since the outbreak of hostilities on 7 October, a relentless barrage of aerial bombardments by Israeli forces has led to a staggering loss of life and widespread destruction.² The Palestinian Ministry of Health in Gaza reports an alarming death toll of 3,793 individuals, predominantly civilians, including over 1,500 children, with an estimated 12,500 persons sustaining severe injuries.³ Additionally, the grim reality of over 1,000 bodies buried beneath the rubble underscores the gravity of the crisis.

Within Israel's borders, the impact of the conflict has been equally profound. The Israeli Ministry of Health records over 1,400 civilian fatalities and approximately 3,300 individuals critically wounded.⁴ The escalation of violence occurred when armed factions from the Gaza Strip initiated an unprecedented assault on Israel, indiscriminately launching rockets and deploying combatants into southern Israel. These actions constitute egregious violations of international humanitarian law, including the targeted victimization of non-combatants and the practice of hostage-taking. The Israeli military has reported the capture of over 200 civilian captives and military personnel by Gaza-based combatants during the hostilities.

¹ Gaza: Forced and protracted displacement of Palestinians would constitute a serious breach of international law and an atrocity crime - occupied Palestinian territory, RELIEF WEB (2023), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-forced-and-protracted-displacement-palestinians-would-constitute-serious-breach-international-law-and-atrocity-crime> (last visited Mar 8, 2024).

² Palestine, EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID OPERATIONS, https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/palestine_en (last visited Mar 8, 2024).

³ Gaza: Forced and protracted displacement of Palestinians would constitute a serious breach of international law and an atrocity crime, NRC, <https://www.nrc.no/news/2023/december/gaza-displacement/> (last visited Mar 8, 2024).

⁴ ISRAEL-HAMAS WAR: INSIGHTS FROM RAND | RAND, <https://www.rand.org/latest/israel-hamas-war.html> (last visited Mar 8, 2024).

The complex and dire circumstances demand an urgent and peaceful resolution to the ongoing conflict. The escalating toll on civilian lives and vital infrastructure necessitates immediate international intervention to mitigate further suffering and address the underlying grievances that fuel the conflict. As such, concerted efforts from the international community are imperative to facilitate dialogue, de-escalate tensions, and pave the way for a sustainable peace agreement. Moreover, comprehensive humanitarian assistance must be provided to address the urgent needs of affected populations, including medical care, shelter, and access to basic necessities.

In light of the deteriorating humanitarian situation and the escalating violence, the imperative for swift and decisive action by the international community cannot be overstated.⁵ The protection of civilian lives, respect for international humanitarian law, and the pursuit of a just and lasting peace in the region must remain paramount priorities for all stakeholders involved.⁶

II. Analysis

The issue of systematic human rights violations within the framework of territorial control presents a critical concern that warrants the focused attention of the international community. The deliberate targeting of civilian populations as a means to establish territorial dominance is a recurring strategy employed by both states and non-state actors.⁷ A multitude of case studies from various global regions, encompassing conflicts in Syria, Myanmar, and the Israeli-Palestinian territories, underscores the correlation between territorial control and severe human rights abuses, including forced displacement, extrajudicial killings, and instances of sexual violence. In Syria, for example, the Assad regime's pursuit of territorial control has been marked by widespread human rights violations against civilian populations. Reports from organizations such as Amnesty International and the United Nations have documented

⁵ Antoun Issa, Vladimir Pran & Abdullah F. Alrebh, FIVE SCENARIOS FOR GAZA AND HOW THE INTERNATIONAL COMMUNITY CAN SHAPE ITS FUTURE MIDDLE EAST INSTITUTE (2024), <https://www.mei.edu/publications/five-scenarios-gaza-and-how-international-community-can-shape-its-future> (last visited Mar 8, 2024).

⁶ ISRAELI ATTACKS WIPE OUT ENTIRE FAMILIES IN GAZA AMNESTY INTERNATIONAL, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/> (last visited Feb 28, 2024)

⁷ Simon Ekpa, *Human rights violation*, SSRN ELECTRONIC JOURNAL (2016)

the use of barrel bombs, chemical weapons, and sieges targeting civilian areas in a bid to assert control over rebel-held territories. Similarly, in Myanmar, the military's campaign of violence against the Rohingya Muslim minority in Rakhine State has been characterized by mass killings, rape, and the burning of villages, all aimed at consolidating control over contested territories.

The Israeli-Palestinian conflict epitomizes the intersection of territorial control and human rights violations, particularly evident in Israel's occupation of Palestinian territories like the West Bank and Gaza Strip. This occupation is marked by a litany of human rights abuses, including illegal settlement construction, home demolitions, and severe restrictions on Palestinians' freedom of movement. Despite being justified as essential for security and territorial integrity, these actions exact a heavy toll on the human rights and dignity of Palestinian civilians. Israel stands accused of multiple violations of international conventions and treaties in its treatment of Palestinians, ranging from breaches of the Fourth Geneva Convention⁸ through illegal settlements to infringement of Palestinians' rights outlined in the International Covenant on Civil and Political Rights.⁹ Moreover, Israel's actions in Gaza, resulting in the deaths and injuries of Palestinian children, are viewed as violations of the Convention on the Rights of the Child.¹⁰ Allegations of war crimes and crimes against humanity in the occupied territories, such as unlawful killings and excessive use of force, have been raised under the Rome Statute of the International Criminal Court.¹¹ Criticisms extend further to violations of the Universal Declaration of Human Rights, including the denial of the right to self-determination, extrajudicial killings, and the establishment of illegal settlements¹², as well as accusations of violating the Convention against Torture through alleged mistreatment of Palestinians in detention and interrogation.

The Israeli-Palestinian conflict, a protracted issue with no definitive resolution, underscores how those in power frequently justify human rights violations in the pursuit of national security or economic prosperity. Israel's establishment of illegal settlements and imposition of movement restrictions, purportedly to enhance security and combat

⁸ Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 75 U.N.T.S. 287.

⁹ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

¹⁰ United Nations, Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

¹¹ Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90.

¹² Universal Declaration of Human Rights, Dec. 10, 1948, U.N. Doc. A/RES/217(III).

terrorism, serve as prime examples of this phenomenon. Nevertheless, these justifications do not negate the serious and ongoing human rights abuses, such as violations of freedom of movement and displacement, that persist. Despite Israel's assertions, the international community cannot turn a blind eye to these transgressions. Amidst this complex scenario, two main solutions have been proposed: the two-state solution and the one-state solution.

The two-state solution proposed for the Israeli-Palestinian conflict entails the creation of a separate Palestinian state alongside Israel, aiming to accommodate Palestinian aspirations for national self-determination while respecting Israel's sovereignty.¹³ This approach has been widely supported by governments globally, including the United States, United Kingdom, European nations, Australia, Canada, and Egypt. Originally suggested in the 1930s, the idea gained prominence after the 1967 Six-Day War when Israel gained control over the West Bank, Gaza, East Jerusalem, and the Golan Heights. Efforts to implement this solution, notably through the Oslo Accords in the 1990s, divided the West Bank and Gaza under Israeli, Palestinian Authority, or joint administration. However, challenges such as conservative Israeli governments, waning US political pressure, Palestinian Authority's diminished influence, Hamas's rise in Gaza, Israeli settlement expansion, and declining support from both sides have impeded progress. Although alternatives like a one-state solution or confederation exist, they lack widespread support and face opposition. Despite criticisms and perceptions of its impracticality or demise, the two-state solution remains favoured by many, including the US, as the most viable path towards a peaceful resolution of the conflict.

The concept of a one-state solution to the Israeli-Palestinian conflict entails the amalgamation of Israel, the West Bank, and the Gaza Strip into a single nation.¹⁴ This proposal presents two distinct versions: one espoused by certain leftist factions and Palestinians, advocating for the establishment of a unified democratic state where all citizens enjoy equal rights, and another backed by many on the Israeli right, which

¹³ WHAT ARE THE “TWO-STATE SOLUTION” AND THE “ONE-STATE SOLUTION”? VOX, <https://www.vox.com/2018/11/20/18080094/israel-palestine-two-state-solution-vs-one-state-solution> (last visited Mar 10, 2024)

¹⁴ A ONE-STATE SOLUTION COULD WORK IN ISRAEL THE AMERICAN PROSPECT, <https://prospect.org/world/11-03-2023-gaza-israel-war-one-state-solution/> (last visited Mar 10, 2024)

entails Israel annexing the West Bank while potentially coercing the departure of Palestinians or denying them voting rights.¹⁵ Criticism of the one-state solution stems from its perceived incongruence with Zionist principles, as it would necessitate relinquishing Israel's status as a Jewish state in favour of a binational entity. Furthermore, opposition to this idea is prevalent among both Israeli and Palestinian communities, as it diverges from their respective aspirations. Practical challenges, including the substantial shifts required in the current political landscape and the imperative for widespread societal consensus, further complicate the feasibility of this approach compared to the two-state solution.¹⁶ Despite growing attention to the one-state concept amid perceived shortcomings of the two-state model, coupled with a rising belief in the inevitability of a de facto one-state outcome in the absence of successful negotiations, its implementation without significant violence and mutual consent remains improbable in the near future.

Determining the most beneficial solution, whether the one-state or two-state approach, in the Israeli-Palestinian conflict is a complex matter influenced by various factors and perspectives. The two-state solution, historically favoured internationally, aims to establish separate Israeli and Palestinian states, potentially leading to greater stability and self-determination while delineating clear borders. Conversely, the one-state solution offers the possibility of fostering inclusivity and addressing issues of inequality through a unified, democratic state. However, both options face significant challenges, including ongoing settlement expansion and political divisions for the two-state solution, and concerns about demographic shifts and integration for the one-state solution. Ultimately, the perceived benefits of each solution depend on individual priorities and must be carefully evaluated within the context of evolving political, social, and economic realities in the region.

III. Conclusion

¹⁵ WHAT IS THE “ONE-STATE SOLUTION,” AND WHY IS IT UNLIKELY TO WORK? AMERICAN UNIVERSITY, <https://www.american.edu/sis/news/20231121-what-is-the-one-state-solution-and-why-is-it-unlikely-to-work.cfm> (last visited Mar 10, 2024)

¹⁶ EDITORIAL: ISRAEL/PALESTINE: THE ONE-STATE REALITY IMPLICATIONS AND DYNAMICS FRONTIERS, <https://www.frontiersin.org/articles/10.3389/fpos.2023.1247990/full> (last visited Mar 10, 2024)

The ongoing Israeli-Palestinian conflict has entered a critical phase, marked by severe consequences for civilians on both sides. The recent escalation of violence in the Gaza Strip has led to a significant loss of life and extensive destruction, underscoring the urgent need for a peaceful resolution. The escalating humanitarian toll necessitates immediate international intervention to alleviate further suffering and address the root causes of the conflict. Therefore, concerted efforts from the international community are imperative to facilitate constructive dialogue, de-escalate tensions, and lay the groundwork for a sustainable peace agreement. Upholding the principles of international humanitarian law, prioritizing the protection of civilian lives, and working towards a just and lasting peace in the region must remain primary objectives for all stakeholders involved. Furthermore, addressing systematic human rights violations within the context of territorial control is crucial not only for resolving the Israeli-Palestinian conflict but also for tackling similar issues in other global conflicts. Both the two-state and one-state solutions have been proposed as potential avenues for peace, each presenting its own complexities and challenges. Consequently, the feasibility and desirability of these solutions must be thoroughly assessed in light of evolving political, social, and economic dynamics in the region.

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The Unprecedented Need for More Protection : Children and Social Media

Muhammad Abbiyu

Decades of technological advancement has made it possible for almost everyone to access the internet through gadgets like tablets and smartphones. These devices make it easier to utilize the all-encompassing facilities provided by the internet, one of which is what we commonly know as social media. Rising platforms like twitter, facebook, instagram, and the more recently growing tiktok have shown immense popularity among various generations, from the elderly to younger people, and because of the easy access, even children are spending more time online than ever before, making them a large percentage of Internet users. Nowadays a kid owning only a single gadget with internet access can effortlessly use social media platform like posting a hype dancing video on tiktok. But these opportunities come with serious risks.

The phenomenon of rising children's presence on the Internet has prompted many recent statutory attempts to advance safety online environment in many western countries¹. However the efforts to regulate the internet especially social media is still somewhat a challenge for many governments due to the implementation of different standards of moral and ethical constructions in evaluating inappropriate online contents. In addition to that, the assessment and processing of inappropriate online contents are still fully subjective under the discretion of each social media platform. The dispersed standards and ununified efforts give bigger portion of responsibility to parents in actively participating to protect their children from consuming harmful contents.

According to UNICEF's website, more than a third of children in 30 countries report being cyberbullied, with 1 in 5 skipping school because of it.² Cyberbullying and other forms of peer-to-peer violence can affect young people each time they log in to social media or instant messaging platforms which includes insults,

¹ Chang, C. (2010). Internet Safety Survey: Who Will Protect the Children? Berkeley Technology Law Journal, 25(1), 501-527. Retrieved May 2, 2021, from <http://www.jstor.org/stable/24118648>

² Protecting Children Online. (2020). Retrieved May 2, 2021, from Unicef.org website: <https://www.unicef.org/protection/violence-against-children-online>

harassment, and embarrassment. Moreover, they are prone to being exposed to inappropriate content like mean, aggressive, violent, or sexual comments and images. Meanwhile extensive researches have shown that these may directly affect their self-esteem and also a very real impact on their mental wellbeing with many reporting high rates of anxiety and depression.³

However, there are still other numerous dangers directly posed to children on social media. Online sexual exploitation, most commonly includes grooming, live streaming, consuming child sexual abuse material, and coercing and blackmailing children for sexual purposes, is an emerging crime that target children as sexual objects. These perpetrators go online on social media catfishing children to do sexual poses.⁴

All of these concerns have been addressed on many national legislations. Indonesia has several laws governing online pornography. To name a few, there are the penal code, the information and electronic transaction law, and the pornography law. However even with the existence of these legislations, the effects to which is impose is only minimum in preventing the same occurrence to take place.⁵ In 2019, 11 years after the pornography law is passed, the number of reported child porn in social media doubled than the previous year. The phenomenon received many public demands saying that the needs to be a better mechanism, in prosecuting the perpetrators and bringing them to justice. Even amendments are proposed, but all of these are no easy task.

³ Impact of online hate on young people | Internet Matters. (2019). Retrieved May 3, 2021, from Internet Matters website: <https://www.internetmatters.org/hub/question/what-is-the-real-world-impact-of-online-hate-speech-on-young-people/>

⁴ Zadrozny, B. (2019, January 2). He lures alleged child predators and shames them on Facebook. Now one of his targets is dead. Retrieved May 3, 2021, from NBC News website: <https://www.nbcnews.com/news/us-news/he-lures-alleged-child-predators-shames-them-facebook-now-one-n953856>

⁵ Nashih Nashrullah. (2019, July 24). KPAI Catat Peningkatan Kasus Pornografi Anak Lewat Medsos. Retrieved May 3, 2021, from Republika Online website: <https://www.republika.co.id/berita/pv5ezi320/kpai-catat-peningkatan-kasus-pornografi-anak-lewat-medsos>

With all these addressed issues in our mind, the thing that we can do to further ensure child safety on social media is to give more responsibility to parents. Setting strict rules for your young children's Internet adventures protects them from inappropriate content, cyberbullies, identity thieves and child predators. Installing popup blockers and reminding your little one to never, ever give out her real name, age, or address online is a solid start. But in the age of social media oversharing and sexting, even these precautions are not nearly enough. Parents must understand and take extra-measures to ensure that their children will not be the victim of online crimes. Educating them to keep private information private like their real names (first, last, or imaginary) or where they live, go to school, hang out or play is essential. Teach them about inappropriate contents and interactions with strangers, and the possible outcomes. Be as transparent as possible and gain their trust.

Educating children on how to properly utilize and behave on social media is now more important than ever. Because unprecedented problem needs unprecedented solutions.

The Partnership of AI and Human

Muhammad Arvin Setiawan

Can Artificial Intelligence (AI) make human obsolete? the brief answer to that is: there is no such thing as a brief answer to it. The definition of AI refers to a branch of computer science which attempts to create a human-like intelligence demonstrated by a machine. As time goes by, the world goes rapidly and dynamically digitalized. Digitalization needs machine as its key component. The more rapid the digitalization, the more machines we need. The more existing machines, the more threatening it is for human to be replaced. Like it or not, we need it. It is in our daily basis of life. We need it to cut our backyard grass, communicate with our beloved ones, cure polio, solve complex engineering problems, astronomy challenges, and so on and on. We solve problems by using it.

Admittedly, machine is versatile. A satellite is in outer space, but a guy living in a remote island can have the impact. Machine is broadly impactful. Nevertheless the impact, bear in mind that machines need human's will. Therefore, machine is an attachment. It is our tool to enhance. They are not able to solve problems on their own. Meanwhile, humans are able to devise ways beyond their own limitations. But recently, machines are able to make decisions on their own. They know when to turn them on, turn them off, upgrade them, *et cetera*. The relationship between human and machine is no longer of a user-instrument, but more likely of a user-helper.

It is one thing to be entertained with that outstanding fact, it takes us back to our childhood. The moment we realize, we dream of those fictional television series AI's. But it is another thing to find ourselves suddenly being dependent to them. We need to adjust. Whatever the profession is, it is only a matter of time before the right AI be able to do what they do with the better and faster way. Aside from it, their role is to assist and enhance. Replacing is not one of it. It implies that not all automation threatens human employment, only some that is actually capable to do so. For example, the taxi driver versus self-driving car. The self-driving car will park, avoid accidents, and drive around all on their own. Adding self-driving to personal vehicle will not detract the vast majority, at least for now.

Differentiate between task automation and job automation. Tasks are not jobs. Most tasks can be automated, but not with jobs. Driving is a task, but being a driver is a job. The less technical stuffs involved within the jobs, the more difficult it is to be automated. For instance, lawyers. For them, machine is not essential. Of course machines might help, but they would still be lawyers without machines. No mandatory relevance between their actual jobs and machines.

Automation takes years to happen. It will not happen in a single night, it happens over time. The legislation and regulation are things to be considered. Also, the improvement of infrastructure needs to be done. We still have time to adjust and improvised to make better employment for our species. We, humans, solve problems.

Establishment of Personal Data Protection Bill in regarding of social media age restriction used and parental interference

Kevin Akbar Sanabil

Digitalization got increasing rapidly along with the high intensity of globalization. Many people feel the impact through the development of technology and information. Besides that with the emergence of Covid-19 pandemic, people do activities at home. This process of digitalization bring changes in community activities in any sectors such as an economic sector which is dominated by UMKM till education sector which has manifold into many various platforms like E-learning that used to support children's education. But actually, the things that concern the development of globalization is the communication sector that consists of any social media platform cause most of all in society used it for necessary and at the same time, it has high crime rate and brings negative impact especially kids and also teen as a user. Sometimes frequently founded negative content in any social media and a lot of kids watching that without knowing the meaning of what is being watched. Of course, it will bring a lot of negative effects on the child and there needs a role from inside and outside to overcome this.

As a report from the Indonesian Internet Service Providers Association (APJII), most of the internet users are from 15 until 19 years old with a percentage reach 91 percent. Meanwhile children aged 5 till 9 years also use the internet and reaching 25,2 percent of the 171,17 million users based on data obtained from. Of course, if seeing the proportion of internet users from among children, it is necessary to have supervision from a various observer, especially from the government itself to immediately regulates that are related to limits of use in social media to minimalize the negative impacts. Therefore, the Government with the House of Representative (DPR) made a decision by reviewing the Personal Data Protection Bill (RUU PDP) with one of the articles define an age restriction on social media users with a minimum age of 17 years. This articles will be involved parents when children under 17 will create social media accounts. The policy had adopted from General Data Protection Regulation (GDPR Law) which used in European union. However, the appointment of rules age restriction in social media gains polemic because it considered that social media are neutral so there aren't enough factors to support the restrictions. consequently, the government needs to educate these rules that involve the community, especially parents, cause parental is an internal factor so that children or kids aren't able to access the negative content. Besides that, in this era of digitalization, parents

are required to be companions and observers for children so that children could able to sort the negative and positive impacts due to the technology. It can be done by changing the parenting for children and educating how children can respond to the impact of the technology appearance. Then, needed of attendance from various social media service providers that able to create a system that can support a children's activities and of course, can educate the child. Because the presence of the content or applications, it also had a role as a facilitator and bridges the gap between a government and parents. Thus, it needs a strong relationship between government, parents, also digital service providers to provide a digital ecosystem that is friendly to children, so that children can more careful and wise in utilizing technology, especially social media.