

ABSTRAK

Indonesia dan Malaysia merupakan negara nonpihak Konvensi Pengungsi 1951 dan Protokol 1967. Meskipun tidak terikat pada instrumen hukum internasional tersebut, kedua negara tetap memiliki tanggung jawab untuk menangani pengungsi berdasarkan prinsip-prinsip hukum internasional seperti *non-refoulement*, *non-penalization*, dan *non-discrimination*. Penelitian ini menggunakan pendekatan doktrinal dan pendekatan komparatif dengan spesifikasi deskriptif analitis. Data dikumpulkan dari data sekunder dan dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa Indonesia menerapkan pendekatan yang lebih humanis melalui kerja sama dengan UNHCR dan IOM, meskipun belum memenuhi hak pengungsi sepenuhnya. Sementara itu, Malaysia cenderung represif dengan menjadikan pengungsi sebagai Pendatang Asing Tanpa Izin dan memprioritaskan kepentingan keamanan nasional. Penanganan pengungsi di Indonesia cenderung lebih selaras dengan prinsip-prinsip hukum internasional seperti *non-refoulement*, *non-penalization*, dan *non-discrimination*, sedangkan di Malaysia masih memberlakukan kebijakan ketat yang kerap bertentangan dengan standar perlindungan pengungsi internasional, seperti kriminalisasi dan deportasi tanpa proses hukum yang transparan.

Kata Kunci: Penanganan Pengungsi, Rohingya, Indonesia, Malaysia

ABSTRACT

Indonesia and Malaysia are non-signatory states to the 1951 Refugee Convention and its 1967 Protocol. Although these international legal instruments do not bind both countries, they remain obliged to uphold fundamental principles of international refugee law, such as non-refoulement, non-penalization, and non-discrimination. This study compares the regulations and handling of Rohingya refugees in Indonesia and Malaysia, as well as the compliance of such handling with International Law, given that both countries are non-parties to the 1951 Refugee Convention and the 1967 Protocol. This study employs a doctrinal and comparative approach with a descriptive-analytical specification. Data were collected from secondary sources and analyzed qualitatively. The findings suggest that Indonesia adopts a more humanitarian approach by collaborating with international organizations, such as the UNHCR and IOM, despite the absence of full legal recognition for refugees. Conversely, Malaysia implements a more security-oriented and restrictive stance, treating refugees as undocumented migrants subject to detention and deportation. Indonesia demonstrates a more progressive stance and aligns more closely with international legal principles such as non-refoulement, non-penalization, and non-discrimination. In contrast, Malaysia maintains stricter immigration policies that often conflict with international refugee protection standards, including the criminalization and deportation of international refugees without transparent legal procedures.

Keywords: *Refugee Protection, Rohingya, Indonesia, Malaysia*