

CHAPTER I

INTRODUCTION

1.1. Background

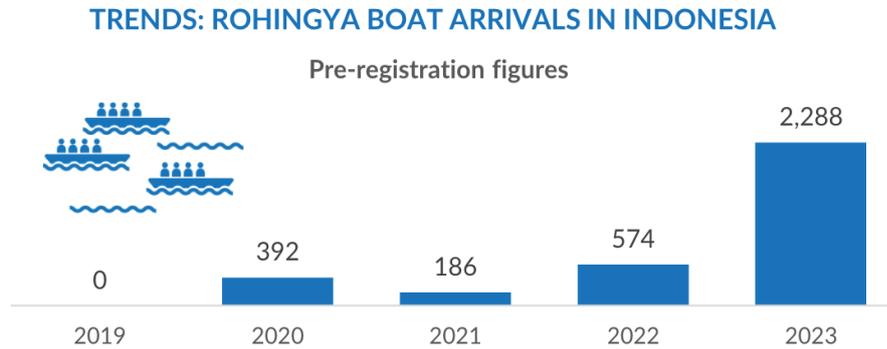
The conflict that appears in Myanmar has resulted in many forms of human rights violation. Deeply rooted in their military authorities which were against the previous peaceful democratic leader, the current government is aiming to eliminate all oppositions, including their own civilians (Amnesty International, 2023). It has resulted into an endless civil war, clashing the military and the ethnic groups of Myanmar, one of them is Rohingya. As a group of Muslim minorities in a Buddhist majority country like Myanmar, the Rohingya ethnic group is under a vulnerable situation. Adding salt to the wound, the Myanmar government does not even recognize the Rohingya as one of the official ethnic groups of Myanmar (Al Jazeera, 2018). Rohingya, then, strive to get their legal recognition as an ethnicity in Myanmar through Arakan Rohingya Salvation Army (ARSA) rebellions. Established in 2016, ARSA claimed themselves as Rohingya representatives who fought for their rights. As a response to their insurgency, Myanmar authorities tried to expel them from Rakhine, causing mass exodus of Rohingya to Bangladesh (Bashar, 2019, 14).

The discrimination that happens towards Rohingya has delivered them into a “stateless” condition. They are denied from having legal acquisition, birth certificates, and monitored strictly by Myanmar authorities in Rakhine State (UNFPA Myanmar, 2016). This situation pushed Rohingya to cross their international border and seek asylum, moving collectively as refugees. As a

neighboring country whose border is quite reachable from Rakhine, Bangladesh has become one of the easiest destinations of the Rohingya refugees migration. Even though Bangladesh is not a part of 1951 Refugee Convention and its 1967 Protocol, they still grant Rohingya's permit to seek safety and shelter within its border (Hussain, 2024). However, their status as refugees still have not been legalized yet by Bangladesh authorities, giving the Rohingya "illegal immigrant" label (Bhatia et al., 2018, 107).

The condition of their "illegal immigrant" status pushed the Rohingya to seek for more asylum from the neighboring countries, followed by the desire to develop a better life. One of the nearest countries of destination is Indonesia. Currently, there are 1.964 Rohingya refugees who are seeking asylum in Indonesia by using 13 boats since November 2023. The preferred point of disembarkation of their sea journey is Aceh and North Sumatera, the two of Indonesia's westernmost cities. Utilizing unseaworthy vessels, Rohingya risk their life to reach Indonesia's shoreline, escaping themselves from Myanmar instability and insecurity, especially towards the Rohingya—the minority ethnic group (UNHCR Indonesia, 2024).

Figure 1.1. Rohingya Boat Arrivals in Indonesia



Source: UNHCR Indonesia (2024)

<https://www.unhcr.org/id/wp-content/uploads/sites/42/2024/01/External-Update-Rohingya-Boat-Arrivals-22Jan22.pdf>

The rising number of Rohingya boat arrivals is driven by several factors regarding security, such as the incapability of the Myanmar government in managing the conflict, the limited humanitarian access in Bangladesh camp, growing smuggling network, and easier financial access towards sea journey (UNHCR Indonesia, 2024). Indonesia, as the country of arrival destination, has allowed them to disembark and provided basic assistance following the Article 9 of the 2016 Presidential Regulation Number 125 on Handling Foreign Refugees (Pemerintah Pusat Indonesia, 2016). Despite the emergency situation which pushes Indonesia to take action upon the arrival of Rohingya through sea boat, the question of their way of entry has arisen. Based on an interview conducted by The International Organization of Migrant (2024) with Fatima–Rohingya civilians, Rohingya refugees were initially planning to immigrate to Malaysia in the mission

of looking for a better life. However, they were running out of food stocks and suffered serious ship damage during their journey. Fortunately, they were rescued by Indonesian fishermen who also seek help from the navy military (International Organization for Migration, 2024).

The influx of Rohingya into Indonesia through sea journey is a significant circumstance. Beside the supportive actions taken by the government, the easy access in entering Indonesia sea territory is an alarming situation of Indonesia maritime security in their westernmost area, especially in Aceh and North Sumatera. Based on a BBC Indonesia investigation, there is a possibility of smuggling agencies being involved in Rohingya massive migration to Indonesia (Widadio & Samosir, 2023). This condition is encouraged by the strict regulation made by the Malaysian government in sending back the Rohingya boats before arriving at their shoreline. Pushed back to the sea, Rohingya have no choice other than disembarking in Indonesia through the help of the smuggling agencies (Widadio & Samosir, 2023). The role of the navy is crucial in this issue, especially in tackling the existence of the suspected smuggling agency. Their token of action is needed to ensure Indonesian maritime security and surveillance is safe from illegal activities, especially regarding migrants and refugees.

Located in the westernmost part of Indonesia, Aceh has become the most approachable embarkation site for the Rohingya who have gone through Andaman Sea in seeking asylum to Indonesia (Varagur, 2018). As a strategic location which also upholds the border of Indonesia needs an appropriate maritime security strategy to secure the area. According to Kompas, the Indonesian navy in Aceh is

currently strengthening their defense in the mission of preventing more Rohingya refugees' boat embarks in Aceh, particularly in Pulau Weh (Zulkarnaini, 2023). As a preventive action, Aceh has also gone for a regular sea patrol in Lhokseumawe, Aceh Timur, Pidie, Aceh Besar, and Sabang (Iradah, 2023). Despite those efforts, the way Rohingya are still capable of entering the border remains questionable. Furthermore, the fact that Rohingya refugees went missing and suspectedly escaped from the temporary shelter in Aceh to Malaysia left a big question of Indonesian maritime border security (Hasan, 2024). This condition pushes the government to find the right solution which considers its impact towards Indonesian maritime security, especially towards the directly impacted local community in Aceh.

1.2. Research Question

Based on the research background, the main research question can be formulated into **How does the implication of Rohingya migration to Indonesia maritime security?**

1.3. Research Objectives

1.3.1. General Objective

The general objective of this research is to comprehensively describe the complex migration of Rohingya refugees to Indonesia shoreline and its implication to Indonesian maritime security.

1.3.2. Specific Objective

This research will take a closer look at revealing the entryway of Rohingya to the westernmost part of Indonesia within their status as refugees, specifically in clarifying the possibility of smuggling agency involvement in this phenomenon. Furthermore, this research performs an analysis on the implication of Rohingya entryway to Indonesian capability in keeping their state border from external arrival, especially in their westernmost area–Aceh.

1.4. Research Benefits

1.4.1. Theoretical Benefit

This research is expected to give a contribution in International Relations studies on the topic of Rohingya migration as refugees, specifically in Indonesia. This research will open the door of Myanmar's 'boat people' migration mechanism and to give information for further research on Rohingya refugees.

1.4.2. Practical Benefit

This research will help in finding out the migration path of Rohingya refugees to Aceh and the related actors. Furthermore, it will give certain information on Indonesian maritime security in Aceh and its surrounding to help the related stakeholders in improving its condition.

1.5. Theoretical Framework

1.5.1. Literature Review

This research uses several academic literature as references in the writing and analyzing process. The first one is *Arrested Refugee Mobilities: Optics as Bordering Techniques in Malaysia* written by Gerhard Hoffstaedter. This research examines the concept of mobility of the refugees in Malaysia who use optics bordering techniques, defining “borders” as a broader term in refugees’ mobility control. Borders has become a phrase that is not implying only towards physical borderline, but also representing the different experiences the refugees got after and within migration. Hoffstaedter has done a field observation in Malaysia for a year to dig deeper on how refugees have limitations in movement—both from their home country and Malaysia to the extent of incapability to reach the United Nations High Commissioner for Refugees (UNHCR).

Based on the observation, Hoffstaedter found that Malaysia and its legal authorities usually put refugees in visible or invisible state based on the authorities’ political and social imperatives. Their movement as ‘illegal citizens’ are being bordered through various bureaucratic violence, such as the inexistence of legal stay permits and ethnic discrimination. As for the Rohingya, Malaysia also took a classic bordering technique by tightening their border patrols and pushing back the refugees’ boats. Besides administrative matters, this condition also put the refugees in a vulnerable position, especially towards the smuggling and trafficking ring (Hoffstaedter, 2019). Although this research illustrates how refugees’ mobilization

is highly limited and vulnerable to smuggling, the maritime security aspect is not elaborated enough and it is merely focused on the human security issues.

The second literature is *'Looking for A Life': Rohingya Refugee Migration in The Post-Imperial Age* by Diana Wong and Tan Pok Suan. This research focuses on the patterns of Rohingya refugees' migration and the practice of refugee or migrant status distinction in the post imperial age. Wong and Suan (2012) argue that the existence of 'transnational Islamic space' holds a significant role in Rohingya mobilization and there is a specific form of mobility of the refugees in Malaysia, involving the thin distinction between migrants and refugees in getting asylum privileges. They point out the previous refugees regulation in Malaysia which leads them in becoming the primary migration destination: refugee's work permits. The regulation was then abolished due to the opportunity of smuggling and trafficking agencies being involved, offering a cheaper sea journey to reach the neighboring countries. This research also highlights the diverse perspectives of each country in managing Rohingya refugees through regulation and legal aspects in the modern days (Wong & Suan, 2012). Although this research focuses on the correlation between refugees' vulnerability, state borders, and legality, it pays little to no attention to the maritime security aspects. Moreover, this research merely focuses on Malaysia's point of view as the primary destination of the refugees.

The third literature is a book chapter titled *Smuggled or Trafficked: The Story of The Rohingya* by Downman Scott and Kasun Ubayasiri. This research gives a distinctive perspective of Rohingya refugees from the journalists' point of

view. This research argues that the media has the role in defining whether Rohingya refugees are smuggled or trafficked. Most of the media tend to frame the Rohingya as 'others', affecting the narratives of Rohingya in a broader view and possibly changing their position from refugees to migrants through the power of language. Identifying Rohingya as refugees can give them a less ambiguous position compared to 'migrants'.

Quoting a report from Szeg and Grudging (2013), the distinction between smuggling and trafficking is critical in the Rohingya case, considering the amount of smugglers who run the smuggling business. Another report from Fortify Rights (2016) included in this research also reveals the way Indonesia helps Rohingya refugees—by opening its borders to approximately 1.000 Rohingya refugees who were abandoned by the immigrant smugglers around Andaman Sea (Scott, 2017). This research has confirmed the suspicion of smugglers' involvement in the Rohingya case, but needs to be elaborated more in the security aspect, especially towards the primary affected country like Indonesia.

The fourth literature is a study titled *Injustice Ignored: A Case Study of The Irregular Sea Migration of The Rohingya Boat People* written by Jacqueline Joyce F. Espenilla. This research focuses on examining irregular sea migration and the role of coastal states in controlling their maritime border while also prioritizing the humanitarian principle. Espenilla recognizes the complicity of people smuggling networks and emphasizes the refugees' status as victims, not as perpetrators in this circumstance. This research also analyzes the legality of Rohingya status and how the coastal states should take action upon it based on the existing international law

instruments (Esenilla, 2010). Despite its critical analysis upon Rohingya refugees and its impact on the surrounding countries' national security, this research was conducted in 2010, meaning there is more updated data that can be discovered in the present day.

The fifth literature is a study titled *Refugee Realities: Refugee Rights versus State Security in Kenya and Tanzania* by Edward Mogire. This research argues that the protection of the national security and refugees' humanitarian security should not be conflicting with each other. Mogire's study explains that the way refugees being perceived as security threats can cause a more restrictive humanitarian policy from the host countries—in this context, Kenya and Tanzania. It is caused by the mass amount of refugees' flows, militarized refugees, a stigma of linking refugees to the rising amount of crime and terrorism. Concluding the importance of prioritizing humanitarian above security, this paper recommends the host countries to provide a condition where crime can be minimized by refugees in their countries (Mogire, 2009). This research has brought up a discourse regarding refugees' humanitarian rights and the host country's security threat. However, it was conducted in 2009 and merely focused on Kenya and Tanzania, meaning it can be added with more improved data and applied to the Rohingya case.

1.5.2. State of The Art

The previous studies highlighted the importance of balancing between humanitarian principle and national security in refugees discourse. Moreover, they also stressed upon the suspicion of people smuggling and trafficking networks in

refugees' mobility, particularly the Rohingya. However, the existing research has not taken Indonesian perspective into consideration as one of the disembarkment destinations of the Rohingya, prolonged to their maritime security status whose state borders have been passed by their boat. Hence, this study offers a new perspective regarding Rohingya refugees' mobility in terms of Indonesian maritime security. Furthermore, the way Indonesia perceives this issue within the maritime security context and its impact have not been discussed distinctly which aimed to be elaborated through this study.

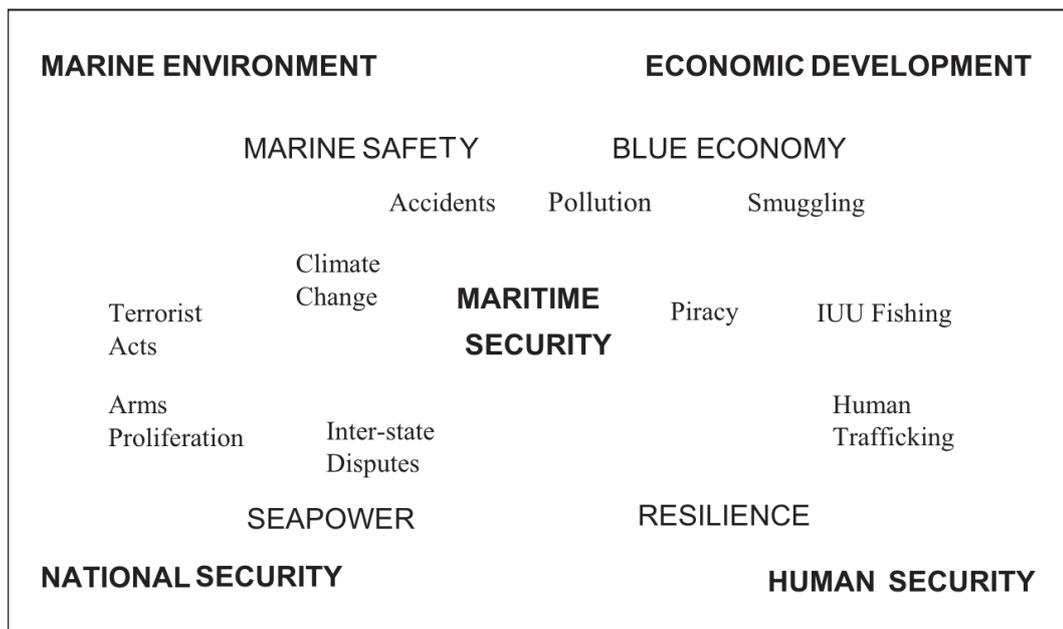
The explanation of the Rohingya refugees migration implication to Indonesian maritime security requires the migration process analysis. This studies highlight the migration that happened from 2016 to 2023 as the conflict escalated and the influx of migration grew bigger in the timeframe, yet remains counting the data before and after the timeframe as complementary data for the analysis.

1.5.3. Non-Traditional Maritime Security

This research is guided by the concept of maritime security, particularly on the non-traditional maritime security to reveal the truth of the Rohingya way of crossing Indonesian border and its consequences to Indonesian maritime security. According to Bueger (2015) in his study, *What is Maritime Security*, as a recent concept of security, maritime security has no exact definition agreed upon through the international consensus. Bueger examines the concept of maritime security through 3 approaches. The first one is the maritime security matrix which observes the connectivity between the terms of maritime security with the other related terms.

For instance, the concept of *seapower* is highly related with the traditional security concept while the concept of *marine safety* is complementary with a broader concept, such as marine environment, marine installation, and even maritime crimes. Furthermore, maritime security also can be linked to economic development and human security, depending on the related concept and context it has with each other.

Figure 1.2. Maritime Security Matrix



Source: Christian Bueger (2015)

<https://www.sciencedirect.com/science/article/pii/S0308597X14003327>

The second approach is strained from constructivist securitization framework, where a threat of maritime security can be considered as a threat if an actor with a credible authority builds a framework regarding that particular maritime security threat. In the end, maritime security is defined by associating

several threats that are involved in the concept. Within this approach, the maritime security threat will be dependent on the actor's decision—whether they recognize it as a maritime security threat or not. For instance, the way an authority actor views migration can decide whether the migrants are considered a threat or a responsibility of the coastal state if based on this approach (Bueger, 2015).

The third approach tries to examine the actor's action and practices upon achieving maritime security. There are two different perspectives in considering practices of maritime security: the routine practices and the 'specialized' practices that are brought up in the mission of protecting their maritime security. Observing the actions that are taken by the actors can give a new perspective of the limits of maritime security based on the actor's point of view. Within this approach, it is also known that maritime security is a transnational task that needs agency and cooperation among the actors to be secured. Moreover, the cooperation in building maritime security leads to a maritime security community—a transnational cooperation link in the maritime security context (Bueger, 2015).

In general, maritime security can be elaborated as two branches: traditional maritime security which discussion surround the hegemony between countries in the maritime scope and the non-traditional maritime security in which maritime smuggling, maritime strategy, and maritime economy are being the scope of the issues, followed by the discourses of maritime environment and fisheries (Germond, 2015). According to Chatterjee (2014), non-traditional maritime security ranges from numerous types of transnational crime, namely piracy, terrorism, illicit drugs and weapons trafficking, human trafficking, people and

migrant smuggling. As a part of transnational organized crime, people and migrant smuggling can be categorized as a non-traditional maritime security threat (Kyunghan, 2015). At present, such a threat that is caused by non-state actors can bring a more complex and vulnerable threat to one's regional and national security.

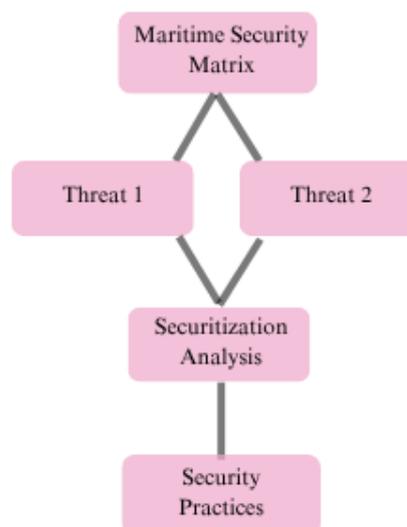
Non-traditional maritime security is mostly involved in the non-military nature and highly correlated with transnational organized crime which cannot be solved with state centric solutions, let alone cannot distinguished from their national security discourses. Within the development of maritime security, the need to prevent and mitigate the non-traditional maritime security threat is rising. This condition requires transnational and regional maritime cooperation approaches to collectively reduce the cause and effect of non-traditional maritime security threats (Chatterjee, 2014).

By referring to the statements above, this concept then becomes important in seeing Rohingya refugees' mobility across the Indonesian maritime state border's consequences to Indonesian maritime security. As an analysis tool, this concept can categorize whether Rohingya refugees' mobility is counted as a non-traditional maritime security threat based on the approaches explained above. Subsequently, Indonesian actions can be taken into consideration to conclude whether this phenomenon has specific effects towards their security or not, followed by an elaboration of its consequences to Indonesian maritime border's security. Ultimately, this concept can help this study to look upon the potential of maritime security cooperation which can be done by Indonesia in securing their state border from the current circumstance.

1.6. Conceptual Operationalization

This research utilizes the maritime security concept in analyzing the data found through interview and desk studies to answer the research question. After discovering the Rohingya refugees migration methods and threats indication through interview and desk studies, the data will be processed through a maritime security matrix to decide which branch of maritime security concept can be linked to it. Later, the branches will define which actors are involved within the maritime security threat and will be continued to the securitization framework analysis. This framework analysis will discover how the authorized actors perceive this condition in the maritime security context through verbal statements. Thus, the statement will define whether the Rohingya refugees cross-border migration impact Indonesia maritime security, followed by security practices analysis to support the argument.

Figure 1.3. Conceptual Operationalization



Source: Author

1.6.1. Conceptual Definition

1.6.1.1. Refugees

According to the UN Refugee Agency (UNHCR, n.d.), refugees can be defined as a person who is forced to seek safety and help in other countries due to the insecure circumstances in their own country. The 1951 Refugee Convention added to this definition where refugee is a person who is in a fearful state of being persecuted by their own country because of their identity, race, membership of particular social and/or political group, who is not in the territory of their country of nationality (United Nations, 1951). Within this definition, Rohingya ethnic can be categorized into refugees and asylum seekers.

According to Amnesty International (2018), asylum seekers are people who left their country and seek protection from a serious human rights violation yet have not been recognized legally as refugees. On the other hand, refugees are people who fled away from their home country to seek safety from life-threatening violations which their home country cannot provide. Refugees have the rights of asylum claim as they have been legally recognized by the host country, while asylum seekers are still waiting for the decisions of their asylum claim from their host country (Amnesty International, 2018).

Andrew E. Shacknove (1985) in his study, simplifying the term as a person fleeing a life-threatening condition. Shacknove highlighted the importance of understanding the term 'refugees' in shaping the international

assistance that could be provided for them and the way non-refugee consider and treat them as asylum seekers (Shacknove, 1985). The concept of refugees should not be overly narrow or overly inclusive to ensure that the privileges of refugees come to the right group of people, as well as the international burden-sharing scheme in refugees management. Shacknove (1985) argues that there is no need for persecution and alienation in handling refugees, since they are, fundamentally, persons whose basic needs cannot be fulfilled by their own country and have no other way than to seek international help to do so.

1.6.1.2. People Smuggling

People smuggling, in its essence, is an activity highly correlated with transnational organized crime. Based on the INTERPOL *Fact Sheet*, people smuggling can be understood as a business that provides an illegal entry to a country for an individual who is nor a citizen or permanent resident of the related country. People smuggling is a low-risk business that can bring high financial return for the smugglers, while becoming high-risk and such a big loss for the victim (INTERPOL, 2017). United Nations in Article 3 (a) *The Protocol Against The Smuggling of Migrants by Land, Sea and Air, Supplementing The United Nations Convention Against Transnational Organized Crime 2000* specifying people smuggling as “smuggling of migrant”. Any procurement of providing an illegal entry for a person of a State Party of which the person is not a national or permanent residence to

gain, directly or indirectly, financial or material benefit, should be recognized as a crime (United Nations, 2000).

Nevertheless, The UN Refugee Agency stresses the point of contention where refugees, on some occasions, have to get involved in people smuggling as the only way of fleeing from their country. Thus, specific measures must be taken in people smuggling criminalization, particularly in the case of refugee mobilization through smuggling. The Agency further ensures that the law on people smuggling is focused on the smuggling agencies and perpetrators rather than the victims (UNHCR, n.d.).

1.6.2. Definition Operationalization

1.6.2.1. Refugees

In this study, refugees refers to the Rohingya ethnic group who faced persecution and discrimination in Myanmar, which then sought asylum and safety in their neighboring countries, such as Bangladesh, Malaysia, and Indonesia. Their status as refugees will be further elaborated in humanitarian context, considering their stateless position whose safety should become the international community's shared burden and responsibility. The role of hosting countries, particularly Indonesia in this case, will be examined in managing the refugees and providing them with the needed humanitarian assistance after their boat arrivals.

1.6.2.2. People Smuggling

This research will highlight and stress over the suspicion of people smuggling intervention in Rohingya refugees mobility to Indonesia. Observing their mobility and capability in crossing the Indonesian state border, the possibility of people smuggling activities is rising and needs to be taken into consideration. The measurement that differs people smuggling, migrant smuggling, and refugees who seek for asylum will be examined in observing Rohingya migration to Indonesia. Furthermore, the impact of the suspected people smuggling agency will then analyzed into Indonesian maritime security and their capability in managing such transnational organized crime.

1.7. Research Argument

This research argues that the mobility of Rohingya refugees in crossing the Indonesian state border to reach Aceh has a significant implications on its maritime security. It is indicated by the possibility of people smuggling agency involvement in this case, affirming the incapability of Indonesian maritime security authorities in preventing such transnational organized crime within its territory. Thus, it is important to examine the ineffectiveness of Indonesian maritime surveillance in combating such non-traditional maritime security threats.

1.8. Research Methodology

1.8.1. Research Type

This research is a qualitative research type which utilizes qualitative research methods as well. This type of research will provide insights into the long processes that entangled in resulting meaning, live experiences, and oppressive practices (Atkinson, 2017). Qualitative research will help the researcher in building scientific narratives to support the argument in a systematic and accurate way. Furthermore, the researcher will utilize experiences that come from an interview to reveal the answer of the research question.

1.8.2. Research Sites

This research will be conducted in 2 sites: The Province of Nanggroe Aceh Darussalam, Indonesia and in desk studies. The first site will provide the primary data to receive credible information regarding Rohingya refugees' disembarkment in Indonesian westernmost territory. The second site refers to desk research sites to seek for secondary data in supporting the primary data within this research.

1.8.3. Research Subject

The subject of this research mainly will revolve around Rohingya refugees, the Indonesian Immigration Office in Aceh, and the Aceh local community who interact with the refugees, specifically the one that experienced the evacuation process of Rohingya refugees in Indonesian westernmost territory. The research

subjects align with the researcher's aims in revealing experience-based data in analyzing the mobility of Rohingya refugees in Indonesian maritime territory.

1.8.4. Data Type

This research will utilize the qualitative data precisely to support the argument and to reveal the answer to its research question. Qualitative data in this research refers to textual data gained through interviews and library studies through academic sources. This type of data is expected to give proper information needed based on the factual condition and life experiences, concise with the subject of this research.

1.8.5. Data Source

The sources of data to support this research will be separated into primary data and secondary data. The researcher will conduct an unstructured interview with the research subjects to gain an experience-based data source. The secondary data source will be based on accessible and credible scientific papers, academic journal, book and book chapter, as well as news articles that can be found online.

1.8.6. Data Collection

This research will be carried out by primary data and secondary data with different collecting methods. The primary data will be collected through unstructured interviews with related subjects to reveal the experience-based truth and data. In-depth interview can be understood as an open-ended interview which

aims to discover detailed information about a topic from a stakeholder (Wallace Foundation, n.d.). The secondary data will be collected through library research to complete the primary data with credible information from trustworthy academic sources.

1.8.7. Data Analysis and Interpretation

This research will be applying narrative analysis to understand the unstructured interview better in answering the research questions. Furthermore, this type of analysis will help in interpreting experience-based data to entail a narrative that contains meanings (Atkinson, 1998). This approach will help the researcher in analyzing the stories coming from the research subjects and the meaning they want to spread to its surroundings.

1.8.8. Data Quality

This research guarantees the credibility of its primary and secondary data. Besides interviews, the researcher will collect reliable information from trustworthy scientific papers, academic journals, news reports and articles, from international and local sources. The researcher will utilize the internet platform and Universitas Diponegoro's free access material to gain such credible information to write this research.