# CHAPTER II

# OVERVIEW OF INDONESIA MARITIME SECURITY AND ROHINGYA REFUGEES

This chapter gives a general overview of Indonesia maritime security and Rohingya refugees to understand the context of this research. Primarily, the sub-chapters will be segmented into 2 chapters which explain both variables in a descriptive method. The first subchapter will explain the importance of maritime security to Indonesia, including the regulations applied to the current maritime governance. The explanation will be narrowed later to the non-traditional maritime security, unraveling the types of non-traditional maritime security threats often encountered in Indonesia. The second subchapter will briefly unfold the Rohingya refugees–who they are and what kind of crisis happened which drove them to refugee status, followed by an explanation of their journey to seek asylum. Later, the overview will be specified into Rohingya refugees in Indonesia, started with the regulations applied in Indonesia regarding Rohingya refugees and a brief data upon Rohingya embankment around Indonesia waters.

## 2.1. Indonesian Maritime Security

The maritime sector is one of the most important aspects in Indonesia governance. Historically, the maritime routes in Indonesia were significantly taking control over logistical supplies and trade in numerous locations and kingdoms around Indonesia. The remarkable importance of the maritime sector was also shown the moment the 1957 Djuanda Declaration was announced as a form of

maritime sovereignty for Indonesia, giving them the status of archipelagic state who have the rights to control the waters between their islands. (Sajidin et al., 2023). As a strategy to strengthen its maritime legal status in the international level, Indonesia became one of the signatories of The United Nations Convention on The Law of The Sea 1982 (UNCLOS), followed by the ratification process through Law Number 17 of 1985 concerning The Ratification of The United Nations Convention on The Law of The Sea (Lamandasa et al., 2023). Through ratifying UNCLOS 1987, Indonesia has joined the international maritime regime and aligned with the international law of the sea, which regulates provisions on different maritime zones within the area, utilization of the sea and its resources, dispute settlement, and others.

The term 'maritime security'– or '*keamanan maritim*' in Bahasa Indonesia, has been mentioned multiple times in Indonesia regulations regarding maritime sector yet never been defined specifically. Based on the Presidential Decree No.16 of 2017 concerning Indonesia Maritime Policy, the focus of Indonesia maritime policy is to mitigate threats emerging from internal and external parties, as well as Indonesia's capability in maintaining regional peace and stability (*Presidential Decree No.16 of 2017 Concerning Indonesia Maritime Policy*, 2017). The absence of a fixed definition of maritime security created an interpretation gap among the parties involved in carrying it on. However, the regulations did mention the importance of synergizing maritime defense, maritime security, and maritime safety in order to achieve effective maritime law enforcement and secure maritime circumstances.

Through the Maritime Diplomacy White Book, Indonesia also established 7 pillars of Indonesia Maritime Policies which are (1) marine resources management and human resources development, (2) marine defense, security, law enforcement, and safety, (3) marine governance and institutions, (4) marine economy and infrastructure and increased welfare, (5) marine space management and marine environmental protection, (6) maritime culture, and (7) maritime diplomacy. These pillars later became the basis of law enforcement and diplomatic strategy Indonesia uphold to develop and protect their maritime area. Indonesia has separated the maritime security threats into 2 types, traditional and non-traditional maritime security threats. The traditional threats revolve around the potential aggression that can occur due to the wide maritime borders Indonesia have with the 10 surrounding countries. On the other hand, the non-traditional maritime security threats vary from human trafficking, drug smuggling, illegal fishing, to environmental concerns such as waste management and climate change (*Coordinating Ministries Decree No. 128 of 2019 Concerning Maritime Diplomacy White Book*, 2019). Although Indonesia has not defined the term 'maritime security' yet, the regulations established have shown how the responsible governments recognize the maritime security threats and the importance of managing them.

### 2.1.1. Non-Traditional Maritime Security Threats in Indonesia

Non-traditional maritime security threats is a maritime security threat coming from non-state actors, varying around the concern of transnational crime, such as piracy, terrorism, illicit drugs and weapons trafficking, human trafficking,

people and migrant smuggling (Chatterjee, 2014). In Indonesia, the categories of non-traditional maritime security falls into several transnational crimes, such as but not limited to (1) piracy and armed robbery against ships, (2) acts of terrorism against ships, sea installations, and other maritime interests, (3) smuggling of weapons and weapons of mass destruction, (4) smuggling of narcotics and psychotropic substances, (5) people smuggling by the sea, (6) illegal fishing, and (7) pollution of the marine environment (Sajidin et al., 2023). As an archipelagic country surrounded by 10 maritime borders, it is quite prone to face non-traditional maritime security threats. For instance, Indonesia is recorded as a country who faced the most piracy and robbery against ship attempts in 2021 within the Southeast Asia Region (ICC International Maritime Bureau, 2022).

*Table 2.1. Actual and Attempted Piracy and Robbery Attacks in SouthEast Asia*

*(2017 - 2021)*

| Location | | 2017 | | 2018 | | 2019 | | 2020 | | 2021 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Indonesia | | 43 | | 36 | | 25 | | 26 | | 9 | |
| Malacca Straits | | | | | | | | | | 1 | |
| Malaysia | | 7 | | 11 | | 11 | | 4 | | 2 | |
| Philippines | | 22 | | 10 | | 5 | | 8 | | 9 | |
| Singapore Straits | | 4 | | 3 | | 12 | | 23 | | 35 | |
| Thailand | | | | | | | | 1 | | | |

*Source: ICC International Maritime Bureau (2022)*

*https://www.icc-ccs.org/reports/2021_Annual_IMB_Piracy_Report.pdf*

The number of the attempts even did not decrease until the end of 2021, showing how vulnerable the area is to getting attacked. On the other hand, the records of terrorism attacks against ships have shown that the attacks in 2014 to 2018 mostly happened in Indonesia maritime area as well, mainly in Sumatra and Sulawesi (ICC International Maritime Bureau, 2018).

*Table 2.2. Actual and Attempted Terrorism Attacks on Shipping in South Asia and SouthEast Asia (2014 - 2018)*

| Location | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Indonesia | 47 | 54 | 24 | 19 | 25 |
| Malacca Strait | 1 | 3 | - | - | - |
| Malaysia | 9 | 11 | 4 | 3 | 3 |
| Philippines | 2 | 4 | 3 | 13 | 3 |
| Thailand | - | 1 | - | - | - |
| Singapore Strait | 6 | 6 | - | 1 | - |
| China | - | - | 5 | 1 | 2 |
| Bangladesh | 10 | 11 | 2 | 5 | 7 |
| India | 4 | 4 | 13 | 1 | 2 |

*Source: ICC International Maritime Bureau (2018)*

*https://www.icc-ccs.org/reports/2018-Q2-IMB-Piracy-Report.pdf*

The number of non-traditional maritime security threats indicated an urgency for Indonesia maritime security, pushing the responsible entities to ensure their resilience more than ever. Indonesia has more than 1 entity who are responsible for maritime security, requiring a great deal in cooperative and collaborative initiatives. A few of the main entities are Indonesia Sea and Coast

Guard (*Kesatuan Penjaga Laut dan Pantai),* Indonesia Maritime Agency (*Badan Keamanan Laut),* Indonesian Navy (*TNI Angkatan Laut)*, Directorate General of Immigration (*Direktorat Jenderal Imigrasi)* and the related bodies. Guarding and ensuring Indonesia maritime area, these entities have similar responsibilities yet different roles which complement each other. As the oldest entity that already existed before Indonesia independence, Indonesia Sea and Coast Guard is responsible to protect Indonesia seas from any disruptions or threats and prevent and handle damage to the marine environment. Supported with 378 patrol boat units, the Indonesia Sea and Coast Guard is mandated to ensure law enforcement within the maritime region (Direktorat Jenderal Perhubungan Laut, 2021).

On the other hand, the Indonesia Maritime Agency is established to carry out security, safety, and law enforcement patrols in Indonesian waters and under Indonesia jurisdiction (*Government Regulation No. 13 of 2022 of Implementation of Security, Safety, and Law Enforcement in Indonesian Waters and Indonesian Jurisdiction*, 2022). Along with that, the Indonesian Navy is mandated to carry out the duties of naval force in the field of defense, enforce the law and maintain security in the national jurisdictional sea area in accordance with the provisions of national law and ratified international law, carry out naval diplomacy duties in order to support foreign policies set by the government, carry out duties in naval development and development in maritime force, and carry out empowerment of maritime defense areas (*Law No. 34 of 2004 of Indonesian National Army*, 2004). In keeping Indonesia's maritime security, these institutions and agencies synergize

and collaborate to maximize Indonesia maritime resilience from non-traditional security threats.

## 2.2. Rohingya Refugees

The Rohingya refugees crisis has occurred in Myanmar since the first few days of Myanmar's independence (Bashar, 2019). As a minority ethnic group in a Buddhist majority country, Rohingya have been fighting for their legal citizenship recognition which has been denied by their government for decades. It puts them into a situation where they only have limited access to human rights such as basic healthcare, education, public services, and any other governmental support for a better living (Lee, 2019). Speaking of Rohingya forebears' history, they were once in fact accepted and recognized as the legitimate citizens of Myanmar back then under Prime Minister U Nu's regime. U Nu acknowledged the Rohingya as one of Burma's ethnic groups who lived in Maungdaw and Muthidau regions (Haque, 2017). Nevertheless, they were no longer holding a guarantee of citizenship status since General Ne Win, a leader from the military armed forces of Myanmar took place with full state authorities (Taylor, 2009).

Being an authoritarian made everything Ne Win wished for became a national command at that time, including his own rules in giving citizenship status. After suspending the 1948 Constitution regarding ethnic group recognition, Ne Win's regime had the ultimate control of deciding one's citizenship as Burmese without any clear and structured requirements. Rohingya, whose citizenship was already recognized by the previous government, have to prove their claim once

again within the Burma Citizenship Law. Even after multiple attempts, Rohingya claims as one of the national races of Myanmar has been declined due to some criteria of the citizenship law that cannot be fulfilled (Lee, 2019). Cornered in the western part of Myanmar, Rohingya only have limited access to travel in Rakhine– the state where they currently domiciled. Within their stateless status, Rohingya can only move under the supervision of the authorities, confining them from regular activities and basic human rights access.

The military authorities have committed several influxes of operations to displace the Rohingya which involved atrocities in the process. The biggest one was the fifth influx of exodus in 2017 where 750.000 Rohingya were pushed to cross the state border to Bangladesh (Uddin, 2020). The cruelty they faced during the Clearance Operation including mass-killing of 10.000 Rohingya citizens, 1.900 girls and women were raped, and demolition of 398 Rohingya villages in Rakhine state, making them the textbook example of ethnic cleansing (The United Nations Human Rights Council, 2019). Ever since the displacement, Rohingya have never received any certainty upon their status and future. Myanmar never had any intention to bring them back as their citizens and Bangladesh did not treat them as refugees either, yet categorizing them as 'forcibly displaced and stateless citizens of Myanmar' (Uddin, 2024). As one reasonably expects, they try to seek asylum in the mission of creating a better future and to escape from the life-threatening situation in both Myanmar and Bangladesh (UNHCR, n.d.).

The Rohingya left their country to seek for protections and safety from the host country they visited, making them bear the status of asylum seekers who seek

for the right of asylum. According to the 1951 UN Convention Relating to the Status of Refugees, the right of asylum is counted as human rights and everyone has the right to seek asylum as their life is being threatened in their home country. Allowing the asylum seekers to enter the country is counted as a form of human rights protection. As for that, the host country is obligated to not send the refugees back to their country, applying the non-refoulement principle of the Refugee Convention. Furthermore, the Convention also highly recommends the host country's government to continue receiving refugees and act upon international cooperation as for giving the right of asylum and cooperate in refugee resettlement (*The 1951 Convention Relating to the Status of Refugees*, 1951). With that being said, Rohingya ethnic group has the right to seek asylum from another country and to receive the status of refugees, granting them protection from the life-threatening condition that happened in Myanmar.
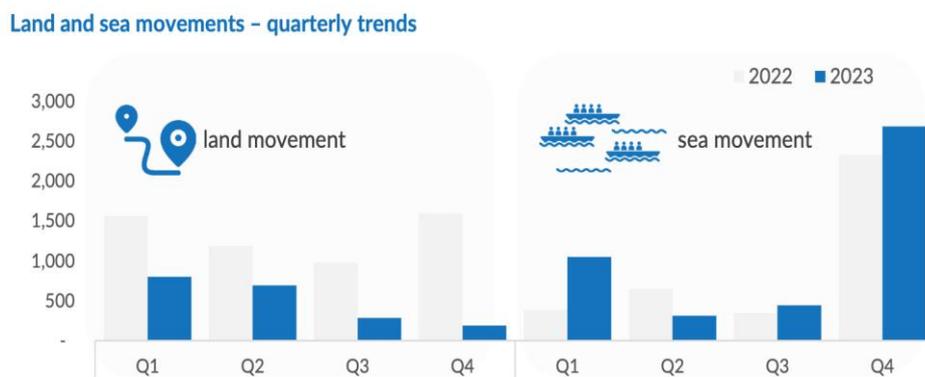
### 2.2.1. The Journey of Rohingya in Seeking Asylum

Attempts to seek safety and a guaranteed future naturally come from the Rohingya as a minority ethnic who were displaced from their country of origin and live in congested humanitarian camps in Bangladesh. Living in a country that is highly exposed to natural hazards including cyclones and floods has pushed them to move out to seek fortune. According to the UN Refugees Agency, there are more than 15.500 attempts made by the Rohingya to embark a journey from Bangladesh, which is separated into 8.200 attempts through sea journeys and 7.300 land journeys. The amount of sea journey attempts grew specifically in 2023, marking

the year as the deadliest year of maritime movements in the Southeast Asia region in the last 10 years (UNHCR, 2023).

Within the journey, nearly 569 people were reported as missing from the sea journey movement, showing how dangerous it is to seek asylum through sea journey for the Rohingya people. Shown in the graphic below is the statistics of the land and sea journeys taken by the  Rohingya based on the quarters in 2022 to 2023. Based on the statistic in Figure 2.0., the land journeys taken were gradually decreased by 2023, showing the eagerness they had to choose sea journeys compared to the land one. Furthermore, it can be observed that most of the Rohingya who failed in taking land journeys switched their way to sea journeys as an alternative choice (UNHCR, 2023).

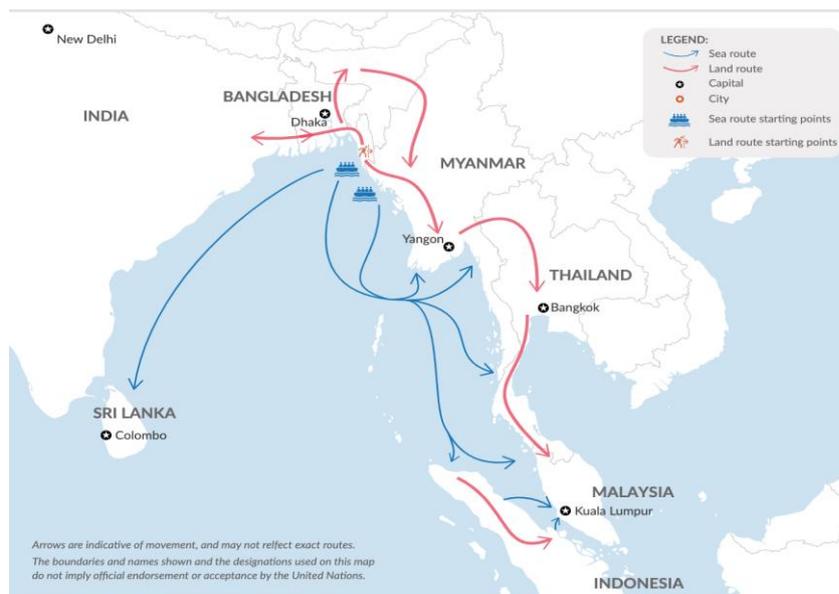*Figure 2.1. Quarterly Trends of The Journeys Taken by Rohingya to Seek Asylum*



*Source: UNHCR (2023)*

*https://reporting.unhcr.org/bangladesh-rohingya-refugees-fleeing-over-land-and-sea*

As the purpose of their journey was to seek asylum, the destination they tried to reach was the neighboring countries that they 'expected' could provide the safety and protection needed. This concern was raised largely in the late 2023 to 2024 as the conflict got worse. Most approachable help they could get was Bangladesh, where the largest settlement refugee camp was built for the Rohingya in Cox's Bazar. Most of the journeys taken were land routes and Bangladesh has been receiving the largest number of Rohingya refugees and asylum seekers–76.8% of the total Rohingya refugees spread around the world (UNHCR, 2025). The land routes usually varied to India, Thailand, or Malaysia as they moved forward and further to get better protection and life guarantee.

*Figure 2.2. The Land and Sea Journeys Taken by The Rohingya in 2022 - 2023*



*Source: UNHCR (2023)*

*https://reporting.unhcr.org/bangladesh-rohingya-refugees-fleeing-over-land-and-sea*

On the other hand, the sea journeys usually led to Malaysia, India, Thailand, and Indonesia with a high trend of entering Indonesia in 2023. Most of the disembarkation happened in Indonesia with 3.100 Rohingya refugees arriving by the end of 2023, followed by 2.400 disembarkation in Myanmar, 600 in Malaysia, 500 in Bangladesh, 200 in Thailand, and 100 in Sri Lanka (UNHCR, 2023). The reason behind their embarkation is usually to seek safety which they believe cannot be provided by the country who hosts the refugee camps–in this case Bangladesh. Although they are quite well-informed of the risks in embarking sea journeys, they still hope to find better life opportunities in the destination country as they are now in a vulnerable state.

### 2.2.2. Rohingya Refugees in Indonesia

Each year, the number of refugees and asylum seekers who enter Indonesia territory–both lands and waters are increasing significantly (International Labour Organization, 2021). Initially, Indonesia did not ratify the 1951 Refugee Conventions and 1967 Protocol Relating to The Status of Refugees, freeing them from the responsibility of receiving and providing protections for the refugees. However, as a country whose main principle is humanity, Indonesia decided to temporarily welcome the refugees in their country, aligning with the non-refoulement principle written in 1952 Convention. According to UNHCR data, Indonesia has received 13.273 refugees and asylum seekers per 2020 which will be increased over time (Akbar & Dwijayanti, 2022).

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Fundamentally, Indonesia does not have specific categorization of asylum seekers and refugees, putting them under the same legal terms and status. In order to create a legal product regulating the refugees' management and protection, Indonesia established the Presidential Decree No. 125 of 2016, stating that refugees management is conducted through cooperative actions between the central government, local government, related institutions, and international organizations–United Nations mainly. According to the decree, refugees will be allocated to an immigration detention center and will be placed into shelter houses to receive help and treatment from the International Organization for Migration (IOM) and UNHCR (*Presidential Decree No. 125 of 2016 on Handling The Refugees From Abroad*, 2016) .

The sea journeys taken by the Rohingya refugees have led them to disembark in Aceh, the westernmost part of Indonesia. As a country who did not ratify the 1951 Refugee Convention, Indonesia managed to 'accept' the arrival of the refugees' boats as a part of upholding humanity. According to the  interview with Irvansyah (2025), the  Head of Intelligence and Immigration Enforcement Section of Lhokseumawe Immigration Office, Indonesia is heading up to Presidential Regulation Number 125 of 2016 in handling the Rohingya refugees. The government worked collaboratively with the related stakeholders including international organizations to manage the refugees, particularly the Rohingya refugees. When the refugees' boats were monitored by the fishermen in Aceh, they would be brought and guided by the navy or Panglima Laot to the coastal area due to the conditions they faced as a refugee group who went on a sea journey.

Thus, the refugees will be identified by the Indonesia Immigration Office as a census record of the refugees. Later on, they will be placed in a designated refugee camp around the area and guarded by the responsible agencies, such as policemen and military. This step was taken to avoid the conflict between refugees and local residents in Aceh and to keep their safety as a vulnerable community. The refugees' well-being will be ensured by the international organizations who are responsible for the human rights advocacies among refugees, such as UN High Commissioner for Refugees (UNHCR) Indonesia and International Organization for Migration (IOM) Indonesia. Such multi stakeholder collaboration is crucial to handle the refugees' management and well-being while keeping the safety among the local residents and Indonesia territory.

The issue of refugees–or in this context Rohingya refugees, can be seen as both human rights and maritime security concern. According to the interview with Irvansyah, most of the refugees' boats disembarked in Aceh region were found by the local fishermen community called *Panglima Laot Aceh* or by the Indonesian Navy and brought to the shore under the principle of humanity. Later, the Immigration Office would get informed and conduct a data census of the refugees for administration matters, including health status checking (Irvansyah, 2025). Although the responsibilities in accepting refugees is crucial, it does not deny that the mobilization of Rohingya refugees to Indonesia waters can indicate a non-traditional maritime security threat.

Based on the statistics provided by UNHCR (2023), the amount of refugees arriving in Indonesia by boats increased by 1.261% in 2021 to 2023, with the total

number of individuals arriving was 2.533, the second biggest amount after Bangladesh. The wave of refugees coming through sea journeys is continuously increasing, where within 2023 to 2024, 1.752 individuals already arrived again to Indonesia shoreline (UNHCR Indonesia, 2024). The overwhelming number of refugees arriving at the end of 2023 raised some speculations regarding their journey. It can be caused by several factors, such as the continuing instability in Myanmar, the lack of substantive progress and solutions in addressing the displacement, growing insecurity and decreasing humanitarian assistance in Bangladesh refugee camps, lesser cost in sea journeys, and more active smuggling networks (UNHCR Indonesia, 2024). Further information from the UNHCR also indicates a switch in arrangement of the smuggling networks and different prices for different destinations of the boats (UNHCR, 2023).

The disadvantages faced by the Rohingya refugees who enter Indonesia waters continue when they arrive and disembark as Indonesia National Policies have not synergized in defining the rights of protection towards the refugees who were involved in smuggling schemes. According to Law No. 1 of 2007 on The Eradication of The Criminal Act of Trafficking in Persons which aligned with Palermo Protocol and The 2011 Immigration Law, Rohingya refugees are subjected to a 5 years period of being prisoned and fined with the amount of IDR 500 million by entering Indonesia waters without any notice. However, the law has made an exception towards the victims of human trafficking and smuggling, giving them an opportunity to be allocated temporarily in the Immigration Detention Centres (IDCs) or other types of shelters they have. Unfortunately, as Rohingya refugees do

not have supportive documents to prove their citizenship of Myanmar, the return of the refugees to the home country from the shelters seems unfeasible (Mixed Migration Center, 2023).