

Justice for the Stateless and Almost-Stateless: Legal Protection of Refugee and Migrant Minorities in Indonesia

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Abstract

Refugees, asylum seekers, and certain migrant communities occupy a precarious legal position in Indonesia because their protection is not fully secured through either citizenship or conventional minority-rights frameworks. This article examines the extent to which Indonesian law provides meaningful protection for individuals and communities living outside the full framework of national citizenship. The study focuses on access to employment, education, healthcare, legal assistance, protection from exploitation, and effective remedies. Employing a normative and socio-legal methodology, the research analyzes Indonesian regulations, international human rights principles, institutional policies, and selected cases involving refugees and migrant populations. The article argues that citizenship-centered approaches to minority justice leave significant protection gaps for populations whose vulnerability derives precisely from their limited legal status. Although certain forms of humanitarian protection exist, fragmented institutional authority and restrictive administrative frameworks may prevent refugees and migrants from exercising basic rights on equal terms. The study proposes a vulnerability-based approach that separates fundamental human rights from formal citizenship status. It further emphasizes the importance of minimum procedural guarantees, access to remedies, and institutional accountability. The article concludes that minority justice should not be limited to citizens or constitutionally recognized minority groups. A more inclusive framework must also address legally precarious populations whose exclusion results from the intersection of migration status, nationality, and limited access to state protection.

[Pengungsi, pencari suaka, dan komunitas migran tertentu menempati posisi hukum yang rentan di Indonesia karena perlindungan mereka tidak sepenuhnya terjamin melalui kewarganegaraan atau kerangka hak minoritas konvensional. Artikel ini mengkaji sejauh mana hukum Indonesia memberikan perlindungan yang berarti bagi individu dan komunitas yang hidup di luar kerangka kewarganegaraan nasional sepenuhnya. Studi ini berfokus pada akses ke pekerjaan, pendidikan, perawatan kesehatan, bantuan

hukum, perlindungan dari eksploitasi, dan upaya hukum yang efektif. Dengan menggunakan metodologi normatif dan sosio-hukum, penelitian ini menganalisis peraturan Indonesia, prinsip-prinsip hak asasi manusia internasional, kebijakan kelembagaan, dan kasus-kasus terpilih yang melibatkan pengungsi dan populasi migran. Artikel ini berpendapat bahwa pendekatan keadilan minoritas yang berpusat pada kewarganegaraan meninggalkan kesenjangan perlindungan yang signifikan bagi populasi yang kerentanannya justru berasal dari status hukum mereka yang terbatas. Meskipun terdapat beberapa bentuk perlindungan kemanusiaan, otoritas kelembagaan yang terfragmentasi dan kerangka kerja administratif yang membatasi dapat mencegah pengungsi dan migran untuk menjalankan hak-hak dasar mereka secara setara. Studi ini mengusulkan pendekatan berbasis kerentanan yang memisahkan hak asasi manusia fundamental dari status kewarganegaraan formal. Lebih lanjut, studi ini menekankan pentingnya jaminan prosedural minimum, akses ke upaya hukum, dan akuntabilitas kelembagaan. Artikel ini menyimpulkan bahwa keadilan bagi minoritas tidak boleh terbatas pada warga negara atau kelompok minoritas yang diakui secara konstitusional. Kerangka kerja yang lebih inklusif juga harus membahas populasi yang secara hukum rentan yang pengucilannya diakibatkan oleh perpaduan antara status migrasi, kewarganegaraan, dan akses terbatas terhadap perlindungan negara.]

Keywords: refugees, migrants, statelessness, legal protection, minority rights

Introduction

Indonesia occupies a distinctive position in the regional architecture of migration and refugee protection. As a large archipelagic state situated between major migration routes, Indonesia receives refugees, asylum seekers, stateless persons, migrant workers, and other foreign nationals whose legal relationships with the state differ substantially from those of citizens. Yet legal vulnerability is not always captured by conventional classifications of minority rights. Refugees and stateless persons may belong numerically to small populations, but their marginalization is more fundamentally produced by their insecure legal status, restricted access to public institutions, and limited capacity to invoke state protection. This creates a central problem for minority justice: if citizenship remains the principal gateway to substantive legal protection, individuals who lack citizenship or possess only temporary and precarious status may remain outside the institutional structure designed to protect vulnerable communities.

The Indonesian context is particularly complex because Indonesia has not acceded to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, even though it has developed domestic mechanisms for handling refugees from abroad. Presidential Regulation No. 125 of 2016 established an administrative framework for the discovery, shelter, security, immigration supervision, and

handling of refugees in cooperation with relevant international organizations. Nevertheless, the regulation does not create a comprehensive domestic refugee-rights regime comparable to the protection contemplated by the 1951 Convention. Recent scholarship therefore describes Indonesian refugee governance as containing a significant tension between humanitarian protection, immigration control, and constitutional commitments to asylum and human rights (Kneebone 2021; Sjamsoe'oad Sadjad 2021; Zainuddin and Koto 2025).

The scale and persistence of the issue demonstrate that refugee protection cannot be treated as an occasional humanitarian exception. UNHCR reported that Indonesia hosted more than 12,000 registered refugees and asylum seekers during 2025, including significant populations from Afghanistan, Myanmar, Somalia, Yemen, and Sudan (UNHCR 2025a). The arrival of Rohingya refugees by sea has also continued to generate legal, humanitarian, and political challenges, particularly in Aceh and North Sumatra. These populations include children, persons with disabilities, elderly persons, individuals with serious medical conditions, and other groups facing additional vulnerabilities (UNHCR 2025b). Their protection therefore involves not only questions of admission and immigration status but also access to healthcare, education, housing, family life, and legal remedies.

Previous studies have primarily examined Indonesia's refugee policy through international refugee law, humanitarianism, immigration law, and the legal consequences of Indonesia's non-accession to the 1951 Refugee Convention. Kneebone (2021) and Taylor and Rafferty (2021) examine Presidential Regulation No. 125 of 2016 and identify tensions between its humanitarian objectives and restrictive administrative structure. Sjamsoe'oad Sadjad (2021) argues that the regulatory framework often represents refugees as temporary and passive objects rather than autonomous rights-holders. More recent Indonesian scholarship continues to identify gaps in legal protection, particularly concerning long-term residence, basic rights, and coordination between governmental institutions (Mukhlis et al. 2023; Rahman and Iswara 2024; Shahnaz and Muhja 2025).

However, much of the existing literature treats refugees as a distinct category of international protection without fully integrating their situation into a broader theory of minority justice. This leaves an important conceptual gap. Refugees, stateless persons, asylum seekers, and precarious migrants may experience exclusion for reasons similar to those affecting conventional minorities, including limited political representation, unequal access to institutions, social prejudice, linguistic barriers, and administrative invisibility. Their exclusion is nevertheless intensified by a legal paradox: they may need protection precisely because they lack the formal legal membership through which rights are ordinarily accessed.

This article contributes to the literature by developing the concept of status-independent minority justice. Under this framework, fundamental legal protection should not depend exclusively on nationality, immigration category, or citizenship. Citizenship may legitimately determine participation in certain political institutions,

but it cannot serve as the sole basis for access to basic human dignity, personal security, due process, freedom from exploitation, and effective remedies. The central argument is that vulnerability generated by the absence or fragility of legal status should itself trigger heightened institutional attention.

The novelty of this article lies in connecting refugee protection, migrant vulnerability, statelessness, and minority justice through the concept of legal precarity. Rather than treating citizenship as a binary category separating full rights-holders from temporary humanitarian beneficiaries, the article analyzes how different forms of insecure legal status create graduated vulnerabilities. A person may be formally documented but unable to work legally, reside temporarily but lack access to healthcare, possess nationality but remain effectively unable to obtain diplomatic protection, or be recognized as a refugee while remaining unable to access durable solutions. These conditions produce what this article describes as almost-statelessness: a condition in which a person may possess formal nationality but lacks effective legal membership and practical access to protective institutions.

The research employs a normative and socio-legal methodology. Normative analysis examines the 1945 Constitution, Law No. 6 of 2011 on Immigration, Law No. 37 of 1999 on Foreign Relations, Presidential Regulation No. 125 of 2016, Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers, relevant human rights legislation, and international instruments. The socio-legal dimension examines how legal categories affect access to institutions and everyday protection. The study also draws upon selected scholarship concerning refugee governance, statelessness, migration, vulnerability, and access to justice.

The discussion is organized into five substantive sections. The first examines the relationship between citizenship and legal exclusion. The second analyzes Indonesia's fragmented refugee and migration protection framework. The third discusses the protection of stateless and almost-stateless populations through international human rights principles. The fourth develops the proposed status-independent model of minority justice. The fifth identifies institutional reforms necessary to transform formal humanitarian protection into effective legal protection.

Results and Discussion

1. Citizenship as Membership and the Production of Legal Exclusion

The first finding is that citizenship functions simultaneously as a mechanism of political membership and a potential source of exclusion. Citizenship traditionally determines membership in the political community, access to political participation, and certain reciprocal relationships between the individual and the state. Yet the modern human rights system recognizes that fundamental rights cannot be entirely reduced to citizenship. The Universal Declaration of Human Rights begins with the inherent dignity and equal rights of all members of the human family, while the International Covenant on Civil and Political Rights protects

numerous rights without making citizenship a general precondition (United Nations 1948; United Nations 1966).

This distinction is essential because the absence of citizenship often produces vulnerability beyond the loss of political rights. Stateless persons may face obstacles in obtaining identity documents, education, healthcare, employment, housing, and legal recognition. Refugees may retain nationality but be unable to obtain effective protection from their country of origin. Asylum seekers may have pending claims that leave them temporarily unable to access ordinary legal entitlements. Certain migrants may possess valid nationality and travel documents but become vulnerable because their residence depends upon employers, temporary permits, or administrative discretion.

The concept of statelessness is therefore narrower than the broader reality of legal precarity. Under the 1954 Convention relating to the Status of Stateless Persons, a stateless person is someone who is not considered a national by any state under the operation of its law. However, formal nationality does not necessarily guarantee effective legal protection. Arendt's classic observation concerning the relationship between human rights and political membership remains relevant: individuals are most vulnerable when they lose the institutional community capable of transforming abstract rights into enforceable protections (Arendt 1951).

This article uses the term almost-statelessness to describe situations in which individuals possess some formal legal identity but remain unable to access the substantive protections ordinarily associated with membership. The term does not replace the formal legal definition of statelessness. Rather, it provides an analytical category for understanding how refugee status, irregular migration, lack of documentation, dependency on intermediaries, or prolonged administrative uncertainty can produce vulnerabilities comparable to some consequences of statelessness.

Indonesia's legal environment illustrates this distinction. Refugees recognized by UNHCR may have documentary protection from immediate immigration enforcement but still encounter significant restrictions on work, long-term integration, and access to ordinary public services. Asylum seekers may experience even greater uncertainty while their international protection claims are being processed. Migrants with temporary status may remain dependent on administrative categories that can change without providing a pathway toward stable membership. Consequently, formal documentation does not always eliminate legal insecurity.

The problem becomes more pronounced when institutions interpret non-citizenship as an absence of entitlement rather than a distinct legal status requiring differentiated safeguards. Such an approach creates a hierarchy in which citizens receive rights as legal members while non-citizens receive assistance only through discretionary humanitarian programs. Humanitarian assistance is important, but discretion is not equivalent to enforceable rights. A person who depends entirely on institutional discretion may lack meaningful capacity to challenge administrative decisions, demand equal treatment, or obtain remedies.

Minority justice therefore requires a distinction between membership rights and personhood rights. Membership rights may legitimately depend upon citizenship, particularly electoral participation and access to certain sovereign political functions. Personhood rights, however, derive from human dignity and include protection against arbitrary detention, violence, torture, exploitation, discrimination, and denial of basic procedural fairness. The constitutional challenge is to determine which rights may legitimately be conditioned upon citizenship and which must remain available to all persons within state jurisdiction.

2. Fragmented Protection in Indonesia's Refugee and Migration Governance

The second finding is that Indonesia's legal framework provides partial protection but remains institutionally fragmented. Presidential Regulation No. 125 of 2016 was a significant development because it established an official framework for handling refugees from abroad. It regulates procedures involving discovery, emergency response, shelter, immigration supervision, and coordination with international organizations. The regulation therefore moved refugee governance beyond purely ad hoc practice and provided a basis for intergovernmental cooperation.

Nevertheless, the regulation does not create a comprehensive rights-based legal status for refugees. Scholarship published in the *Asian Journal of Law and Society* identifies a central tension between the humanitarian framework of Presidential Regulation No. 125 of 2016 and the broader immigration regime under Law No. 6 of 2011 (Taylor and Rafferty 2021). The regulation provides an administrative mechanism for temporary handling but does not fully resolve questions concerning employment, durable residence, social protection, and long-term integration. As a result, protection may depend heavily on cooperation with UNHCR, IOM, local governments, and civil society.

This fragmentation creates a governance problem. Refugee protection involves multiple institutions with different mandates. Immigration authorities are concerned primarily with entry, presence, and supervision of foreign nationals. Local governments manage certain aspects of accommodation and public order. International organizations may provide humanitarian assistance and support for resettlement. Law-enforcement agencies address security concerns, while education and health institutions determine access to public services. When responsibilities overlap without clear enforceable duties, vulnerable populations may fall between institutional categories.

The problem is particularly visible in local responses to Rohingya arrivals. Research concerning Aceh demonstrates that local humanitarian practices have historically played an important role in rescue and assistance, but the absence of detailed local operational arrangements can complicate funding, accommodation, coordination, and long-term management (Mukhlis et al. 2023). This illustrates the limitations of relying exclusively on national regulatory frameworks. A presidential

regulation may establish general authority without ensuring that local institutions possess adequate resources and procedures to fulfill protection obligations.

Recent scholarship has continued to identify the normative limitations of Indonesia's refugee regime. Shahnaz and Muhja (2025) argue that a decade of implementation under Presidential Regulation No. 125 of 2016 has revealed persistent gaps between administrative coordination and substantive rights protection. Zainuddin and Koto (2025) similarly observe that the regulation provides an important operational basis for humanitarian handling but does not establish a complete legal status equivalent to the protection available under the international refugee regime.

These limitations are intensified by the transit-oriented conception of refugees. Sjamsoe'oed Sadjad (2021) argues that Indonesian refugee policy frequently represents refugees as temporary populations moving toward eventual resettlement rather than as persons whose rights must be protected during potentially lengthy periods of residence. This framing becomes problematic when durable solutions are delayed. Temporary humanitarian measures may be inadequate when temporary residence lasts for years.

The same issue arises in relation to education and employment. Refugee children may obtain access to educational opportunities through particular programs or institutional cooperation, but access can depend upon local administrative capacity rather than a comprehensive statutory entitlement. Employment remains particularly problematic because restrictions on formal work can increase economic dependency and create risks of exploitation. The inability to work lawfully may also undermine dignity and self-sufficiency while increasing reliance on humanitarian organizations. The result is a system of administrative containment without complete legal inclusion. Individuals are recognized sufficiently to be managed but not necessarily sufficiently to exercise rights independently. They may be protected from immediate removal while remaining unable to construct stable social lives. This institutional model is not identical to statelessness, but it demonstrates how legal status can create a prolonged condition of dependency and limited agency.

3. Statelessness, Non-Refoulement, and the Minimum Floor of Human Protection

The third finding is that Indonesia's international human rights obligations provide a broader foundation for protection than a citizenship-centered approach suggests. Even without accession to the 1951 Refugee Convention, Indonesia remains bound by international human rights principles that protect individuals within its jurisdiction. The ICCPR, ratified through Law No. 12 of 2005, guarantees rights including life, personal liberty, humane treatment, due process, equality before the law, and freedom from arbitrary interference. These guarantees are expressed principally in terms of persons rather than citizens.

The principle of non-refoulement is central to refugee protection. Under Article 33 of the 1951 Refugee Convention, states must not return a refugee to a

territory where life or freedom would be threatened on specified grounds. The principle has also developed significance through broader international human rights law, particularly where return would expose an individual to torture, persecution, or other serious human rights violations. The Convention against Torture expressly prohibits returning a person to another state where there are substantial grounds for believing that the person would be subjected to torture.

For Indonesia, the significance of non-refoulement is reinforced by constitutional and human rights considerations. Article 28G(2) of the 1945 Constitution recognizes the right to seek political asylum, while Law No. 39 of 1999 provides a domestic human rights framework relevant to the treatment of persons within Indonesian jurisdiction. Taylor and Rafferty (2021) argue that Indonesia's legal system contains a constitutional dimension to asylum that is not fully reflected in the predominantly humanitarian and securitized orientation of refugee governance.

This creates a significant legal tension. If refugee protection is treated merely as a discretionary humanitarian policy, the state may claim broad authority to limit assistance according to political or administrative considerations. If, however, protection is connected to constitutional rights and international human rights obligations, the state's discretion becomes subject to stronger legal constraints. The distinction affects not only removal decisions but also detention, access to remedies, family unity, and basic living conditions.

Stateless persons face an additional problem because their vulnerability may arise from the absence of a state capable of providing diplomatic or consular protection. UNHCR has emphasized that preventing and reducing statelessness requires states to establish reliable procedures for identifying stateless persons and protecting them from the consequences of legal invisibility (UNHCR 2014). Without identification mechanisms, stateless individuals may remain hidden within general immigration categories and become subject to repeated detention or removal procedures without a realistic prospect of lawful return.

The legal significance of identification is therefore profound. Refugee determination identifies a person who may require international protection because of persecution or other qualifying risks. Statelessness determination identifies a person who lacks nationality under the law of any state. Migration administration identifies a person's relationship to immigration rules. These categories should not be conflated because each creates different protection needs. Yet individuals may simultaneously experience more than one form of vulnerability.

The proposed minimum floor of human protection should therefore include at least six guarantees: protection against return to a real risk of persecution or torture; protection against arbitrary and indefinite detention; access to identity and status procedures; access to basic healthcare and education; protection from exploitation and trafficking; and meaningful access to legal remedies. These guarantees should apply according to the individual's circumstances and

vulnerability rather than being automatically denied because the person lacks citizenship.

4. Status-Independent Minority Justice and the Problem of “Almost-Statelessness”

The fourth finding is that minority justice should be reconstructed around vulnerability rather than formal citizenship alone. Conventional minority-rights theory often focuses on groups that are citizens of a particular state but differ from the majority through ethnicity, religion, language, culture, or nationality. This model is important but incomplete. It does not adequately explain the position of refugees, stateless persons, and migrants whose vulnerability arises partly because they are excluded from the political community itself.

The proposed concept of status-independent minority justice expands the analysis without erasing distinctions between different populations. The framework does not argue that every non-citizen should possess identical rights to every citizen. Instead, it asks whether fundamental rights protections should depend on citizenship when the individual is under the jurisdiction or effective control of the state. The answer should generally be negative for rights connected to dignity, security, bodily integrity, due process, and protection from discrimination.

This framework is based on four principles. First, personhood precedes membership for fundamental rights. A person's right not to be tortured, trafficked, arbitrarily detained, or exposed to serious harm cannot logically depend upon possession of a national passport. Second, vulnerability requires contextual assessment. A refugee child, undocumented worker, or stateless person may require different forms of protection. Third, legal status must not become a barrier to remedies. Individuals should be able to challenge unlawful state action even when their immigration status is uncertain. Fourth, administrative classification should reduce rather than reproduce vulnerability.

The concept of almost-statelessness is useful because legal exclusion often exists on a continuum. At one end is a citizen with full documentation and unrestricted access to national institutions. At the other is a formally stateless person. Between these positions are refugees unable to obtain protection from their country of nationality, asylum seekers awaiting status determination, migrants dependent on employers, persons with expired documents, and individuals whose nationality exists formally but cannot be effectively exercised. Their legal vulnerabilities differ, but they share a common problem: the weakness of effective institutional membership.

This approach also explains why long-term refugee dependency can become a form of structural marginalization. A refugee may possess recognition from UNHCR and therefore avoid immediate removal, but lack of employment rights and limited social integration can create prolonged dependency. Such individuals are neither fully excluded nor meaningfully included. They exist within the territory

but outside ordinary pathways of legal participation. A rights framework focused solely on physical survival fails to address this intermediate form of exclusion.

Arendt's analysis of the relationship between rights and political belonging remains relevant, but modern human rights law requires a stronger institutional response. The state must not treat the absence of citizenship as a reason for denying fundamental protections. Instead, the absence of effective political membership should trigger procedural safeguards because the individual may lack alternative institutions capable of providing protection. For Indonesia, this approach would mean separating humanitarian protection from legal invisibility. Refugees and migrants may continue to possess distinct administrative categories, but those categories should not prevent access to minimum rights. The state's responsibility should be determined by jurisdiction, vulnerability, and the nature of the rights at stake rather than solely by formal nationality.

5. From Humanitarian Discretion to Enforceable Protection

The fifth finding is that Indonesia requires a transition from discretionary humanitarian management toward a more enforceable system of protection. Humanitarian assistance is often responsive to immediate crises but can be unstable because its continuation depends upon institutional resources, political support, and organizational mandates. Rights, by contrast, create legal standards that can be invoked, interpreted, and reviewed.

The first institutional reform should be the establishment of clearer procedural guarantees for refugees, asylum seekers, stateless persons, and vulnerable migrants. Individuals should receive understandable information concerning their legal position, available procedures, and avenues for complaint. Procedures should be accessible through interpretation and legal assistance where necessary. The ability to understand one's legal status is a fundamental component of access to justice.

Second, Indonesia should strengthen legal-aid access for non-citizens facing detention, exploitation, family disputes, trafficking, or administrative removal. Immigration status often increases the difficulty of obtaining legal representation because individuals may fear approaching authorities or lack the resources to secure private counsel. A vulnerability-based legal-aid model should therefore permit assistance according to the seriousness of the rights risk rather than citizenship status alone.

Third, administrative decisions should be subject to effective review. Decisions affecting detention, deportation, access to shelter, and other fundamental interests should contain reasons and provide an opportunity for challenge. Judicial and administrative review are particularly important because vulnerable migrants may be subject to significant exercises of state power without the political representation available to citizens.

Fourth, Indonesia should develop clearer coordination mechanisms between national and local institutions. The experience of refugee arrivals in Aceh demonstrates that humanitarian reception frequently occurs at the local level while

legal authority and international coordination remain concentrated elsewhere. Effective protection requires funding arrangements, operational standards, and clearly assigned responsibilities. Local governments should not be left to manage complex refugee situations without adequate legal and institutional support.

Fifth, the state should develop a formal framework for identifying and addressing statelessness. Without such procedures, stateless persons may remain classified as ordinary undocumented migrants even when no state is legally capable of receiving or protecting them. A determination mechanism would improve legal certainty, reduce unnecessary detention, and enable tailored solutions consistent with international standards.

Sixth, labor and social protection policies should address the relationship between legal precarity and exploitation. Restrictions on lawful employment can create incentives for informal and unregulated work. This is particularly significant for refugees and migrants who may require income but lack access to formal labor markets. A rights-based framework should therefore consider whether limited and regulated access to employment would reduce dependency, exploitation, and social marginalization. Finally, public policy should recognize that the protection of vulnerable non-citizens is not equivalent to abandoning state sovereignty. Sovereignty includes authority over admission and migration policy, but constitutional government also requires that public power be exercised consistently with human dignity and legal accountability. The relevant question is not whether Indonesia may regulate migration, but how migration regulation can remain consistent with minimum human rights obligations.

Conclusion

This article has argued that refugees, asylum seekers, stateless persons, and legally precarious migrants should be understood as populations that occupy an important but insufficiently recognized position within minority justice. Their vulnerability cannot be explained solely through demographic minority status because it arises fundamentally from insecure legal membership. A citizenship-centered approach therefore leaves serious protection gaps for persons who require legal protection precisely because they lack full access to the institutional advantages associated with citizenship.

Indonesia has developed an important administrative framework through Presidential Regulation No. 125 of 2016, but the current system remains fragmented and strongly dependent on humanitarian and immigration mechanisms. The framework provides procedures for handling refugees but does not establish a comprehensive regime of enforceable rights. As a result, individuals may be protected from immediate removal while remaining excluded from stable employment, long-term integration, and ordinary pathways to public services. Stateless persons and migrants facing similar legal insecurity may encounter even greater difficulties because they fall between refugee law, immigration law, and general human rights protection.

The article therefore proposes status-independent minority justice, a framework grounded in personhood, vulnerability, procedural fairness, and institutional accountability. The proposed approach distinguishes legitimate citizenship-based differences from impermissible denial of fundamental rights. Political participation may remain connected to citizenship, but protection from arbitrary detention, serious harm, exploitation, discrimination, and denial of due process should not depend exclusively upon nationality. The concept of almost-statelessness further demonstrates that legal vulnerability exists on a continuum and may affect individuals who formally possess nationality but lack effective institutional protection.

Future research should examine the implementation of this framework through empirical studies of refugee communities, stateless populations, migrant workers, and local authorities in Indonesia. Comparative research involving Southeast Asian states would also be valuable because the region demonstrates diverse approaches to non-signatory refugee governance, labor migration, maritime arrivals, and statelessness. Further studies should investigate access to healthcare, education, legal aid, employment, family rights, and judicial remedies as distinct dimensions of status-independent protection. Ultimately, justice for legally precarious populations requires Indonesia to recognize that human rights protection begins not with citizenship but with the presence of a human person subject to the authority of the state.

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