

**Kebijakan Indonesia Terhadap Pengungsi Luar Negeri:
Tanggung Jawab Sebagai Negara Transit
Dalam Menjamin Keamanan Manusia Bagi Pengungsi**

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ABSTRAK

Krisis pengungsi global yang terus meningkat menempatkan Indonesia pada posisi strategis sebagai negara transit di kawasan Asia Pasifik. Meskipun tidak meratifikasi Konvensi Pengungsi 1951 dan Protokol 1967, Indonesia tetap menjadi tujuan lintas bagi pengungsi dari berbagai negara seperti Afghanistan, Myanmar, Irak, Sudan, dan Somalia. Ketidadaan sistem suaka nasional serta keterbatasan instrumen hukum menyebabkan penanganan pengungsi sangat bergantung pada lembaga internasional seperti UNHCR dan IOM, sementara regulasi domestik hanya bertumpu pada Peraturan Presiden Nomor 125 Tahun 2016 yang bersifat administratif. Penelitian ini menganalisis sejauh mana Indonesia menjalankan tanggung jawabnya sebagai negara transit dalam menjamin keamanan manusia (human security) bagi pengungsi.

Dengan menggunakan pendekatan kualitatif berbasis analisis yuridis normatif dan dukungan data empiris, penelitian ini menilai keselarasan kebijakan pengungsi Indonesia dengan prinsip state responsibility dalam hukum internasional serta tiga pilar utama keamanan manusia menurut UNDP (1994): freedom from want, freedom from fear, dan freedom to live in dignity. Hasil penelitian menunjukkan adanya kesenjangan signifikan antara kewajiban normatif Indonesia—baik berdasarkan hukum kebiasaan internasional, instrumen HAM yang telah diratifikasi, maupun prinsip moral kemanusiaan—dengan implementasi di lapangan. Pengungsi di Indonesia masih menghadapi keterbatasan serius dalam pemenuhan kebutuhan dasar, kerentanan terhadap detensi dan deportasi, serta ketidadaan pengakuan hukum yang menyebabkan kondisi legal invisibility.

Kajian ini menyimpulkan bahwa perlindungan pengungsi oleh Indonesia masih parsial dan belum sepenuhnya mencerminkan prinsip keamanan manusia. Meskipun pemerintah telah melakukan langkah progresif melalui Perpres 125/2016, kebijakan tersebut belum mampu memberikan perlindungan substantif karena tidak disertai status hukum, hak dasar, maupun mekanisme perlindungan yang komprehensif. Penelitian ini merekomendasikan penguatan kerangka hukum nasional, harmonisasi regulasi keimigrasian dan HAM, peningkatan koordinasi antarinstansi, serta penyusunan kebijakan yang lebih people-centered untuk memastikan terpenuhinya keamanan manusia bagi pengungsi secara berkelanjutan.

Kata kunci: *Pengungsi, Indonesia, Negara Transit, Keamanan Manusia, Tanggung Jawab Negara, Perpres 125/2016.*

Indonesia's Policy On Foreign Refugees: The Responsibility Of A Transit State In

Safeguarding Human Security For Refugees

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ABSTRACT

The escalating global refugee crisis has positioned Indonesia strategically as a transit country within the Asia-Pacific region. Although Indonesia has not ratified the 1951 Refugee Convention or its 1967 Protocol, it continues to serve as a passageway for refugees from various countries, including Afghanistan, Myanmar, Iraq, Sudan, and Somalia. The absence of a national asylum system and the limited availability of legal instruments have resulted in refugee management that relies heavily on international organizations such as UNHCR and IOM, while domestic regulation is confined to Presidential Regulation No. 125 of 2016, which remains administrative in nature. This study examines the extent to which Indonesia fulfills its responsibilities as a transit state in ensuring human security for refugees.

Employing a qualitative approach grounded in normative juridical analysis and supported by empirical data, this research evaluates the alignment between Indonesia's refugee policies, the principle of state responsibility in international law, and the three core pillars of human security as articulated by UNDP (1994): freedom from want, freedom from fear, and freedom to live in dignity. The findings reveal a significant gap between Indonesia's normative obligations—derived from international customary law, ratified human rights instruments, and humanitarian moral principles—and the realities of implementation. Refugees in Indonesia continue to face severe limitations in accessing basic needs, remain vulnerable to detention and deportation, and experience the absence of legal recognition, resulting in a condition of legal invisibility.

This study concludes that Indonesia's refugee protection remains partial and does not fully reflect the principles of human security. Although the government has taken progressive steps through Presidential Regulation No. 125/2016, the policy has yet to provide substantive protection due to the lack of legal status, basic rights, and comprehensive protection mechanisms. The research recommends strengthening the national legal framework, harmonizing immigration and human rights regulations, enhancing inter-agency coordination, and developing more people-centered policies to ensure sustainable fulfillment of human security for refugees.

Keywords: *Refugees, Indonesia, Transit State, Human Security, State Responsibility, Presidential Regulation 125/2016.*

