

Protection of Refugees Right to Education from a Legal Political Perspective in Indonesia

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Abstract: Indonesia's strategic position not only provides advantages in trade and economic aspects but also makes the country an important point in global migration flows. Many asylum seekers travel to Indonesia, some as a transit country or settling here, even though Indonesia has not ratified the 1951 Refugee Convention. This research will attempt to analyze, from a legal-political perspective, the protection of refugees' rights to education in Indonesia. Although Indonesia has yet to ratify the 1951 Refugee Convention and the 1967 Protocol, Indonesia as a State Party is bound by various international human rights instruments, including the 1989 Convention on the Rights of the Child, that guarantee the right to education for each child, including refugee children. But in the field of implementation, refugees' educational rights are limited by national policies which are more concerned about security aspects rather than human rights. The Presidential Regulation No. 125/2016 on Management of Refugees from Abroad mentions no discussion related to refugee rights, including the right to education. Purpose of this research is to analyze existing regulations related to the protection of refugees' educational rights and obtain access to challenges in its implementation at the national level. Material and Methods Normative approach, where materials are reviewed from literature with regard to national and international laws and regulations. Discussion The research findings show that access to formal education by refugees in Indonesia is very limited. Most refugees do not have student identification numbers, which makes them non-existent in the national education system. Other obstacles include community anxiety over social and economic impacts caused by their presence. The study, therefore, recommends that policy improvements for inclusivity, coupled with increased collaboration at the level of government, international organizations, and local communities, will ensure that the rights of refugees to education are met in keeping with international standards.

Keywords: Child Refugees; Right to Education; Human Rights Protection.

Abstrak: Posisi Indonesia yang strategis tidak hanya memberikan keuntungan dari segi perdagangan dan ekonomi, tetapi juga menjadikan negara ini sebagai titik penting dalam arus migrasi global. Banyak pencari suaka yang datang ke Indonesia, baik sebagai negara transit maupun menetap di Indonesia, meskipun Indonesia belum meratifikasi Konvensi Pengungsi tahun 1951. Penelitian ini akan mencoba untuk menganalisis, dari perspektif

hukum-politik, perlindungan hak-hak pengungsi atas pendidikan di Indonesia. Meskipun Indonesia belum meratifikasi Konvensi Pengungsi 1951 dan Protokol 1967, Indonesia sebagai Negara Pihak terikat pada berbagai instrumen hak asasi manusia internasional, termasuk Konvensi Hak Anak 1989, yang menjamin hak atas pendidikan bagi setiap anak, termasuk anak-anak pengungsi. Namun dalam implementasinya, hak pendidikan pengungsi dibatasi oleh kebijakan nasional yang lebih mementingkan aspek keamanan daripada hak asasi manusia. Peraturan Presiden No. 125 Tahun 2016 tentang Penanganan Pengungsi dari Luar Negeri tidak menyebutkan adanya pembahasan terkait hak-hak pengungsi, termasuk hak atas pendidikan. Tujuan dari penelitian ini adalah untuk menganalisis peraturan yang ada terkait perlindungan hak pendidikan pengungsi dan mendapatkan akses untuk mengetahui tantangan dalam implementasinya di tingkat nasional. Bahan dan Metode Pendekatan normatif, di mana bahan ditinjau dari literatur yang berkaitan dengan hukum dan peraturan nasional dan internasional. Pembahasan Temuan penelitian menunjukkan bahwa akses terhadap pendidikan formal bagi para pengungsi di Indonesia sangat terbatas. Sebagian besar pengungsi tidak memiliki nomor induk siswa, yang membuat mereka tidak terdaftar dalam sistem pendidikan nasional. Hambatan lain termasuk kecemasan masyarakat atas dampak sosial dan ekonomi yang disebabkan oleh kehadiran mereka. Oleh karena itu, studi ini merekomendasikan bahwa perbaikan kebijakan untuk inklusivitas, ditambah dengan peningkatan kolaborasi di tingkat pemerintah, organisasi internasional, dan masyarakat lokal, akan memastikan bahwa hak-hak pengungsi untuk mendapatkan pendidikan terpenuhi sesuai dengan standar internasional.

Kata kunci: *Pengungsi Anak; Hak atas Pendidikan; Perlindungan Hak Asasi Manusia*

1. INTRODUCTION

Indonesia's strategic geographical position as an archipelagic country positioned between two continents-Asia and Australia-and between two oceans-the Pacific and Indian Oceans-provides advantages in trade and economic aspects but at the same time gives importance to Indonesia as a transitory point in the area of global migration flows. Many asylum seekers choose Indonesia as a transit country en-route to other destinations such as Malaysia, Thailand, and Australia.¹ This privileged strategic position makes Indonesia a brief transit in the journey of thousands of refugees who take flight from conflict or persecution in their home country to another country. Besides, Indonesia is a country with vast maritime territory and comprises thousands of islands that provide several entry points, many difficult to monitor. This presents a chance taken by many refugees to seek protection through such routes. Although Indonesia is not yet ready to recognize a formal system for refugee protection, the country has served nonetheless as a relatively accessible transit point. The presence of international organizations like UNHCR also supports refugees, although challenges remain on their legal status.²

¹ Afifah Dwi Hasya, "Child Refugees: Among the Fulfillment of the Right to Education and State Responsibilities," *Uti Possidetis: Journal of International Law* 4, no. 2 (2023): 285–307.

² Antje Missbach, *Troubled Transit: Asylum Seekers Stuck in Indonesia* (ISEAS-Yusof Ishak Institute, 2015).

Indonesian society is generally friendly and tolerant of foreigners, hence providing better social conditions for refugees compared with other countries.³ A large and diverse diaspora community may thus help facilitate various forms of social and economic support that are useful in integrating refugees within the local community. Nonetheless, there remain a number of challenges ahead with regard to capability by the government in terms of the provision of basic services and in the making of its policies more inclusive. With the proper measures in place, Indonesia has the strategic potential to be a sheltering home for refugees and to protect the human rights of persons in need. Refugees are typically defined as persons who are forced to flee their country in fear of being persecuted, oppressed, or subjected to violence because of their race, religion, nationality, membership in a particular social group, or political opinion. Formally, the definition of a refugee is embraced in the 1951 Refugee Convention and the 1967 Protocol adopted by the UN. According to this convention, a refugee is a person who is outside their nationality and unable or unwilling to return home due to fear of persecution.⁴

Refugees are not to be confused with asylum seekers or economic migrants. Asylum seekers are defined as people who have fled persecution and applied for refugee status, but have not been granted official refugee status yet. Economic migrants, on the other hand, are those individuals leaving their home country simply to seek better economic opportunities, not due to threats of persecution or violence. Special protection for refugees is usually needed because of the precarious situation they may face; they are often granted limited rights in respect of basic matters, such as education, healthcare, and the right to work in the host country.⁵

Protection of the right to education of refugees in Indonesia has become one of the most important issues of human rights fulfillment.⁶ Indonesia is a transit country where refugees of conflicts and persecutions that happened in their home countries have flocked, thus raising challenges in ensuring access to adequate education. Although Indonesia itself has never ratified the 1951 Refugee Convention, various national and international legal instruments have asserted the importance of the right to education for all human beings, including refugees.⁷ This is, however, far from ideal, with no special regulations in place and legal politics often not in favor of their interests.

This study is conducted to review the impact of legal politics in Indonesia on the

³ Danang Sugihardana et al., "TINJAUAN YURIDIS PENGARUH KEBIJAKAN BANK TANAH TERHADAP PEMBERDAYAAN MASYARAKAT LOKAL DALAM PEMANFAATAN LAHAN PERTANIAN," in *Prosiding University Research Colloquium*, 2024.

⁴ Hélène Lambert, "Refugee Status, Arbitrary Deprivation of Nationality, and Statelessness within the Context of Article 1A (2) of the 1951 Convention and Its 1967 Protocol Relating to the Status of Refugees," *UNHCR Paper, Legal and Protection Policy Research Series, Division of International Protection, Geneva*, 2014.

⁵ Savitri Taylor and Brynna Rafferty-Brown, "Difficult Journeys: Accessing Refugee Protection in Indonesia," *Monash UL Rev.* 36 (2010): 138.

⁶ Lukman Hakim, "Pemerataan Akses Pendidikan Bagi Rakyat Sesuai Dengan Amanat Undang-Undang Nomor 20 Tahun 2003 Tentang Sistem Pendidikan Nasional," *EduTech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial* 2, no. 1 (2016).

⁷ Ni Luh Gede Astariyani et al., "Policy on the Right to Education of Refugees in Indonesia and Australia," *Lex Scientia Law Review* 7, no. 1 (2023): 249–76.

fulfillment of the right to education for refugees. The studies also aim to provide an overview of existing policies and to identify any legal gaps that may impede the implementation of refugee rights to education. By doing so, it is expected that the study can make a significant contribution to bringing forth new insights related to refugee rights protection in Indonesia, especially regarding education.

2. METHOD

This research employs a normative legal approach focusing on the analysis of legal norms related to the protection of the right to education for refugees in Indonesia, particularly within the context of applicable legislation.⁸ Through this approach, the study aims to identify and understand regulations concerning refugees' rights to access education, including the 1989 Convention on the Rights of the Child, the Universal Declaration of Human Rights, and national regulations such as Law No. 20 of 2003 on the National Education System. A literature review methodology is applied to analyze relevant legal sources, such as Presidential Regulation No. 125 of 2016 on the Handling of Refugees from Abroad, which focuses more on security aspects than on refugees' rights, especially regarding access to education.⁹ This study is descriptive-analytical in nature and aims to provide a deep understanding of the gap between Indonesia's international commitments and national implementation regarding refugees' right to education.¹⁰ By exploring existing regulations and highlighting challenges in implementation, this research contributes not only to the understanding of the legal and policy aspects governing refugees' educational rights but also provides an essential foundation for developing more inclusive and human rights-based policies. The findings of this study are expected to serve as a reference for the government and policymakers to improve the protection of the right to education for refugees in Indonesia.

3. DISCUSSION

As of now, Indonesia has not ratified the Convention on the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. However, the country remains bound by various human rights (HR) instruments and international standards that regulate protection for refugees. One such instrument is the Universal Declaration of Human Rights, which explicitly states in Article 14 that everyone has the right to seek asylum and enjoy protection from persecution in other countries.¹¹ This indicates that Indonesia, as a member of the international community, has a responsibility to provide protection for those fleeing dangerous situations, regardless of the lack of ratification of specific

⁸ S H I Jonaedi Efendi, S H Johnny Ibrahim, and M M Se, *Metode Penelitian Hukum: Normatif Dan Empiris* (Prenada Media, 2018).

⁹ Danang Sugihardana and Wardah Yuspin, "Tinjauan Yuridis Tanggung Jawab Rumah Sakit Terhadap Kejadian Healthcare Associated Infections," *Media of Law and Sharia* 5, no. 4 (2024).

¹⁰ Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

¹¹ Alice Edwards, "Human Rights, Refugees, and the Right 'to Enjoy' Asylum," *International Journal of Refugee Law* 17, no. 2 (2005): 293–330.

conventions on refugees.¹²

This responsibility becomes increasingly important given Indonesia's geographical conditions that make it a transit country for many refugees. However, Article 14 also stipulates that the right to seek asylum cannot be invoked in cases of prosecution that arise lawfully from non-political crimes or acts contrary to the purposes and principles of the United Nations.¹³ This provision poses challenges for refugees in Indonesia, as the government may use this rationale to deny asylum applications and deport individuals involved in activities deemed illegal, even if they have fled extremely dangerous situations.

This situation creates legal uncertainty for refugees, who often live in fear of arrest and deportation, highlighting the need to strengthen the legal and policy framework in Indonesia to provide better protection and recognize their basic rights as human beings. Below is a separate explanation of each regulation related to the protection of refugee rights, particularly the right to education:

The 1951 Refugee Convention is the primary international legal instrument providing protection for refugees worldwide. This convention establishes a clear legal framework regarding the fundamental rights of refugees, including the right to education.¹⁴ Article 22 of the Refugee Convention specifically emphasizes that refugees must receive treatment equal to that of host country nationals in accessing primary education. This includes the right to free or low-cost education, aimed at ensuring that refugee children can receive education comparable to that of local children. With this provision, countries that ratify the convention are obligated to guarantee that refugees are not left behind in terms of access to education, which is a basic right for every individual, especially for vulnerable children.¹⁵

However, because Indonesia has not ratified the 1951 Refugee Convention, refugees residing in Indonesia are not fully protected by these provisions.¹⁶ The lack of a formal legal framework within the national legal system to protect refugees' rights often leads to various obstacles in accessing education. Although some refugees are allowed to attend local educational institutions, they are often not officially recognized and do not receive a National Student Identification Number (NISN), which is essential for validation and recognition of formal education. The absence of ratification makes Indonesia not legally obligated to provide educational rights as stipulated in the 1951 Convention, resulting in refugees being marginalized within the education system and facing significant challenges

¹² Fadli Afriandi and Yusnarida Eka Nizmi, "Kepentingan Indonesia Belum Meratifikasi Konvensi 1951 Dan Protokol 1967 Mengenai Pengungsi Internasional Dan Pencari Suaka," *Transnasional: Jurnal Ilmu Hubungan Internasional Universitas Riau* 5, no. 2 (2014).

¹³ James C Simeon, "Violations of Fundamental Human Rights, Serious International Crimes, and the Prosecution of Those Who Have Been Excluded from Refugee Protection," in *Serious International Crimes, Human Rights, and Forced Migration* (Routledge, 2022), 95–119.

¹⁴ Jeff Crisp, Christopher Talbot, and Daiana B Cipollone, *Learning for a Future: Refugee Education in Developing Countries*. (ERIC, 2001).

¹⁵ Sarah Dryden-Peterson et al., "Inclusion of Refugees in National Education Systems," *UNESDOC Digital Library*, 2018.

¹⁶ Wahyu Satrio Wiguna, "Kebijakan Penanganan Pengungsi Asing Di Indonesia" (UIN SUNAN KALIJAGA, 2018).

in obtaining a decent education.¹⁷

The 1989 Convention on the Rights of the Child is an international instrument that emphasizes the protection of children's rights worldwide, including their right to quality education.¹⁸ Article 28 of this convention explicitly guarantees that every child, regardless of their status, including refugee children, has the right to access free and quality primary education. The convention stresses that ratifying countries must take necessary measures to ensure that all children, including those in vulnerable situations like refugees, can enjoy this right. Refugee children often face uncertain living conditions, making the protection of their rights, especially education, crucial in efforts to provide stability and a better future. Countries that ratify the convention, such as Indonesia, are expected to fulfill this obligation as part of their commitment to universally recognized children's rights.¹⁹

However, despite Indonesia's ratification of the 1989 Convention on the Rights of the Child, implementation regarding access to education for refugee children remains very limited. Administrative barriers, a lack of clear regulations, and socio-economic concerns often make it difficult for refugee children to access quality formal education. Many refugee children do not have access to formal schools or recognition within the national education system, forcing them to participate only in non-formal education programs organized by humanitarian organizations. Furthermore, although the state has an obligation to guarantee free and quality basic education, budget constraints and fears of social burdens on local communities often leave refugee children marginalized from the rights they should receive. Without more inclusive policies and effective implementation, the educational rights of refugee children in Indonesia remain far from fulfilled.

The Universal Declaration of Human Rights (UDHR), adopted in 1948, states in Article 26 that everyone has the right to education, without any discrimination, including for refugees. This declaration affirms the principle of universality in the right to education, meaning that this right applies to all individuals, regardless of their status as citizens or refugees. In the context of refugees, this right to education should be fully recognized by host countries as part of their international responsibilities. In Indonesia, this principle has not been fully implemented, as refugees often do not have their rights recognized in national education policies.²⁰

Law No. 20 of 2003 states that education is a right of every Indonesian citizen.²¹ Article 5 asserts that every citizen, without exception, has the right to equal opportunities for obtaining quality education. Although this law does not explicitly mention refugees, the universality principle contained within it can be applied to refugees in Indonesia. In a more inclusive interpretation, this law should ensure that refugees residing in Indonesia,

¹⁷ Sritami Santi Hatmini S IP, *Dinamika Rezim Global: Suatu Pengantar* (UnisriPress, 2024).

¹⁸ AAVV UNICEF, "The State of the World's Children 1998" (Unicef New York, 1992).

¹⁹ A Glenn C Mower, *The Convention on the Rights of the Child: International Law Support for Children* (Bloomsbury Publishing USA, 1997).

²⁰ A Widiada Gunakaya SA and M H SH, *Hukum Hak Asasi Manusia* (Penerbit Andi, 2019).

²¹ Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 20 Tahun 2003 Tentang Sistem Pendidikan Nasional," *Jakarta: Kementrian Riset, Teknologi, Dan Pendidikan Tinggi*, 2003.

despite not being citizens, also have equal access to education. However, in practice, refugees still face obstacles in obtaining formal education due to the absence of specific regulations governing their rights.²²

Presidential Regulation No. 125 of 2016 regulates the procedures and mechanisms for handling refugees arriving in Indonesia from abroad.²³ However, this regulation focuses more on national security aspects and immigration control rather than on fulfilling the basic rights of refugees, such as the right to education. This regulation outlines how refugees are placed in temporary shelters and under government supervision, but it does not explicitly mention refugees' rights, including the right to education. As a result, refugees are often marginalized in accessing adequate educational services in Indonesia, as this regulation does not provide a strong legal basis for them to claim these rights.²⁴

Each of the above regulations offers different perspectives regarding the educational rights of refugees. While international instruments such as the 1951 Refugee Convention, the 1989 Convention on the Rights of the Child, and the Universal Declaration of Human Rights clearly guarantee these rights, national regulations in Indonesia, such as Law No. 20/2003 and Presidential Regulation No. 125/2016, have yet to provide adequate protection for refugees' rights, particularly concerning access to education.

Education for refugees is often distinguished from education for local citizens, primarily due to concerns that providing full access to refugees may encourage them to settle permanently in Indonesia. This is viewed as a potential burden on the country's limited resources, particularly in the sectors of education, health, and employment. The government and local communities feel that if refugees are allowed to access formal education equivalent to that of citizens, it will be more challenging to repatriate them or transfer them to a third country. This fear is exacerbated by the perception that permanently settled refugees may compete with local communities for economic opportunities and access to social services.²⁵ Additionally, concerns that refugees will reduce access for local communities to educational facilities, especially in economically weaker areas, are also a concern. Local communities may feel marginalized if refugees are allowed to attend the same schools, perceiving that refugees are taking resources that should be allocated to them. This can lead to social conflict between refugees and local residents, especially when communities see that the government seems to prioritize refugees over the needs of local citizens who also require assistance. In this context, educational policies for refugees in Indonesia are often influenced by social and political dynamics rather than solely by human rights.

The issue of education costs is also a significant factor reinforcing the disparity in

²² Natasya Rizki Asti and Sri Lestari Rahayu, "Pemenuhan Hak Pendidikan Anak Bagi Pencari Suaka Yang Transit Di Indonesia Sembari Menunggu Status Pengungsi (Ditinjau Dari The United Nations Convention on The Right of Childs 1989)," *BELLI AC PACIS (Jurnal Hukum Internasional)* 5, no. 1 (2019): 1–8.

²³ Hasya, "Child Refugees: Among the Fulfillment of the Right to Education and State Responsibilities."

²⁴ Valerie Liany Gabriela Kondoy, "Peranan Indonesia Dalam Menangani Pengungsi Terkait Konvensi 1951 (Convention Relating To The Status Of Refugees 1951)," *Lex Et Societatis* 8, no. 2 (2020).

²⁵ Muzafar Ali, Linda Briskman, and Lucy Fiske, "Asylum Seekers and Refugees in Indonesia: Problems and Potentials," *Cosmopolitan Civil Societies: An Interdisciplinary Journal* 8, no. 2 (2016): 22–43.

access between refugees and Indonesian citizens. Although formal education in Indonesia is essentially universal and compulsory for citizens, the operational costs of schools remain high, including for facilities, teacher salaries, and other educational resources. When refugees are allowed to access formal education, many schools face difficulties due to budget constraints, as the costs of education for refugees are not always covered by the government. At the same time, the funding received by schools is often based on the number of citizen students, creating funding challenges if they must accommodate refugees without specific allocations.²⁶

The issue is further compounded by the fact that refugees do not pay taxes.²⁷ Since their status is not recognized as permanent, they do not pay taxes, which are one of the major contributors to public finances in areas like education. Thus, many believe that providing access to refugees for education without tax contributions will put a dent in the budget of the government, reducing the allocations for the local communities that pay taxes. This, in turn, often creates resentment among host communities and influences schools and education departments' stance on accepting refugees. Unless there is an inclusive funding policy and collaboration between the government, international organizations, and the host communities, access to education will remain a thorny issue for refugees, while the potential for social tension mounts continuously.²⁸ In addressing the issue of access to education in Indonesia, some gap-filling proposals might be suggested between the obligation to protect human rights and the concerns about financial burdens and social conflict.²⁹ These solutions need to be holistic, involving various parties at both the national and international levels in creating policies that are fair and sustainable:

One of the main solutions is to strengthen international cooperation to support education funding for refugees in Indonesia. International organizations such as UNHCR (United Nations High Commissioner for Refugees), UNICEF, and other international donor organizations can play a crucial role in providing financial assistance specifically aimed at refugee education. These funds could be used to cover school costs, additional teacher salaries, and more inclusive educational facilities, ensuring that refugees do not burden the national education system funded by local taxpayers. Through special funding schemes, the Indonesian government can alleviate concerns regarding the financial burdens arising from the admission of refugees to formal schools.³⁰

Another solution is the development of special education programs for refugees that

²⁶ Dian Wahyu Utami, Rahmat Saleh, and Irin Oktafiani, "Indonesia's Constitutional Immigration Policy: A Case of Rohingya Ethnic Group Refugees," *Journal of Indonesian Social Sciences and Humanities* 8, no. 2 (2018): 119–32.

²⁷ Ali, Briskman, and Fiske, "Asylum Seekers and Refugees in Indonesia: Problems and Potentials."

²⁸ Rachel Silvey, "Unequal Borders: Indonesian Transnational Migrants at Immigration Control," *Geopolitics* 12, no. 2 (2007): 265–79.

²⁹ Antje Missbach and Wayne Palmer, "People Smuggling by a Different Name: Australia's 'Turnbacks' of Asylum Seekers to Indonesia," *Australian Journal of International Affairs* 74, no. 2 (2020): 185–206.

³⁰ Rachminawati Rachminawati and Stevanus Aditya Kebingjin, "Fulfillment of The Right to Education for Child Refugees in ASEAN by Reinforcing the ASEAN Ways," *Dialogia Iuridica* 14, no. 2 (2023): 87–118.

are integrated with the national curriculum but tailored to their needs. The government can collaborate with non-formal educational institutions and international organizations to create special schools or classes for refugees that provide education to the same standards as formal schools, but with methods and approaches adjusted to facilitate their integration. This would help address administrative issues, such as obtaining a Student Identification Number (NIS), and ease the burden on general schools.³¹

Socialization and training for local authorities and school officials on refugee education policies are crucial to reducing implementation barriers on the ground. Many schools and local government officials do not fully understand the rights of refugees, leading to rejection or discriminatory treatment. With adequate training, schools can be more welcoming to refugees, realizing that central government and international organizations will provide support in terms of budget and resources.³²

The Indonesian government needs to develop a more inclusive and human rights-based policy framework to address refugees, particularly in the education sector. Presidential Regulation No. 125 of 2016 can be expanded to explicitly recognize the educational rights of refugees, including funding mechanisms, registration procedures in formal schools, and collaboration with international agencies. Clear and firm policies will help address confusion at the local level and facilitate refugees' access to education.

Involving local communities in the education of refugees can help reduce social tensions. For example, programs that involve refugees and local citizens together in educational projects or social activities can enhance understanding and reduce local community anxieties about refugees. School partnership programs that include both refugees and local children can also foster positive interactions and prevent social conflicts.

To address concerns about refugees not contributing as taxpayers, economic empowerment policies should be developed to enable refugees to contribute to the local economy. If refugees can work legally in certain sectors or through economic cooperation programs with the government, they can contribute through taxes or other mechanisms that alleviate the burden on local communities. Economically independent refugees will also be better able to support their children's education, reducing the burden on the public education system.

To achieve sustainable solutions, multi-stakeholder collaboration is required, involving the central government, local governments, civil society, schools, international agencies, and refugee communities. This collaboration is crucial to formulate sustainable policies, with each party contributing according to its role. The government can provide regulatory frameworks, while international organizations and NGOs can offer funding and technical support, and schools and communities can engage in direct implementation on the ground.

³¹ Kajsa Wiktorin, *Inclusion of Refugees through Non-Formal Education 2017:–Nordic Best Practice*, vol. 2017552 (Nordic Council of Ministers, 2017).

³² Sarah Dryden-Peterson et al., "The Purposes of Refugee Education: Policy and Practice of Including Refugees in National Education Systems," *Sociology of Education* 92, no. 4 (2019): 346–66.

By implementing these solutions, Indonesia can fulfill its international obligations to provide protection for the educational rights of refugees while minimizing potential social conflicts and economic burdens. This will also offer hope to refugees for building a better future through education, while maintaining a balance with the interests of local communities.

CONCLUSION

This The protection of educational rights for refugees in Indonesia emphasizes the importance of a comprehensive approach involving various stakeholders to ensure that refugees have adequate access to education. Although there are international policies such as the 1951 Refugee Convention, the 1989 Convention on the Rights of the Child, and the Universal Declaration of Human Rights that guarantee educational rights for refugees, implementation at the national level still faces various challenges. National regulations, such as Presidential Regulation No. 125 of 2016, tend to focus more on national security and do not explicitly recognize educational rights, leading to confusion regarding the legal status of refugees, budget limitations, and local community concerns about economic burdens and potential social conflicts. This results in refugees being marginalized and reliant on inadequate non-formal education. To address these issues, solutions are needed that include strengthening international cooperation for education funding, developing special education programs for refugees, and providing socialization and training for school officials regarding the rights of refugees. More inclusive and human rights-based policies must be implemented to provide official recognition of the educational rights of refugees, while Law No. 20 of 2003 on the National Education System can be reinforced to explicitly include refugees. Collaboration among the government, international organizations, and local communities is also crucial to creating sustainable programs that can reduce social tensions between refugees and local communities. Realizing the educational rights of refugees is not only important for their lives but also enhances social cohesion and overall well-being in Indonesia. Protecting the educational rights of refugees will have a positive impact on social integration and create a more harmonious environment for all parties, while ensuring that educational policies align with existing norms and regulations.

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