



## **The Legal Vacuum on Access to Higher Education for Refugees in Indonesia: Islamic Claim for Aceh Responsibility**

M. Ya'kub Aiyub Kadir

Syiah Kuala University, Banda Aceh, Indonesia

Aditya Rivaldi

Syiah Kuala University, Banda Aceh, Indonesia

Lena Farsia

Syiah Kuala University, Banda Aceh, Indonesia

Saifuddin Bantasyam

Syiah Kuala University, Banda Aceh, Indonesia

Email: m.yakub.akadir@unsyiah.ac.id

**Abstract:** This article investigates the prospect of granting refugee students the opportunity to enroll in higher education in Indonesia, particularly Aceh. Due to the vacuum of law on the rights for higher education for refugees. This article explores the possibility of religious claim on the rights for higher education for refugees. This study aims to prove that amidst the vacuum of law on the higher education rights for the refugee, Indonesia is still legally, socially, and religiously responsible in providing higher education access for refugees. Using doctrinal and quantitative legal research. This research demonstrated that Indonesia should be able to provide higher education for refugees by minimally but significantly changing the meaning of several of its higher education regulations. The responsibility bear by Indonesia is stipulated clearly in its constitutional preamble, as well as article 28(C)1 of Indonesia constitution. This report also confirmed that Aceh, with its past and present position, meets the requirement of an “Islamic Land,” and hence has a fundamental religious commitment to give refugees with the same rights as its inhabitants. This report also suggests technical collaboration or assimilation with the Global Education Convention system, as well as combining the Paket C and the UNESCO Qualifications Passport for Refugee systems to address any refugee's paperwork and qualification issues. This study contributes to the advocacy and support for significant humanitarian aid that Indonesia, particularly Aceh, may provide to refugees in order to help them prepare for a better future.

**Keywords:** higher education rights, refugees, islamic perspective, vacuum of law

|| Submitted: October 31, 2022 || Accepted: March 30, 2023 || Published: March 31, 2023

**Abstrak:** Artikel ini mengkaji prospek pemberian kesempatan kepada mahasiswa pengungsi untuk mengikuti pendidikan tinggi di Indonesia, khususnya Aceh, karena kekosongan hukum tentang hak pendidikan tinggi bagi pengungsi. Artikel ini mengeksplorasi kemungkinan adanya klaim agama atas hak pendidikan tinggi bagi pengungsi. Penelitian ini bertujuan untuk membuktikan bahwa di tengah kekosongan hukum tentang hak pendidikan tinggi bagi para pengungsi, Indonesia tetap bertanggung jawab secara hukum, sosial dan agama dalam memberikan akses pendidikan tinggi bagi para pengungsi. Penelitian ini menggunakan penelitian hukum doktrinal dan kuantitatif. Hasil penelitian ini menunjukkan bahwa Indonesia harus mampu menyediakan pendidikan tinggi bagi para pengungsi dengan mengubah arti beberapa peraturan pendidikan tinggi secara minimal namun signifikan. Tanggung jawab yang dipikul oleh Indonesia diatur dengan jelas dalam pembukaan konstitusinya, serta pasal 28(C)1 konstitusi Indonesia. Laporan ini juga menegaskan bahwa Aceh dengan posisinya dulu dan sekarang, memenuhi persyaratan "Tanah Islam", dan karena itu memiliki komitmen agama yang mendasar untuk memberikan hak yang sama kepada para pengungsi sebagai penduduknya. Laporan ini juga menyarankan kolaborasi teknis atau asimilasi dengan sistem Konvensi Pendidikan Global, serta menggabungkan sistem Paket C dan Paspur Kualifikasi UNESCO untuk Pengungsi untuk mengatasi masalah dokumen dan kualifikasi pengungsi. Studi ini berkontribusi pada advokasi dan dukungan untuk bantuan kemanusiaan yang signifikan yang dapat diberikan oleh Indonesia, khususnya Aceh, kepada para pengungsi untuk membantu mereka mempersiapkan masa depan yang lebih baik.

**Kata Kunci:** hak pendidikan tinggi, pengungsi, perspektif islam, kekosongan hukum

## Introduction

Refugees may be defined as persons running away from persecution or violent oppression to a host or transit country, leaving all their assets, and hoping for protection and safety from other countries.<sup>1</sup> Their national's country situation is intolerable for them and their family, especially in relation to the protection of their basic human rights and safety. Therefore, returning home is never an option, and fateful consequences for their lives and welfare are beyond zero. Thus, internationally recognized status such as Refugees is essential for them to gain support and protection from other countries or any international institution.<sup>2</sup>

---

<sup>1</sup>"UNHCR| Emergency Handbook," accessed July 1, 2022, <https://emergency.unhcr.org/>.

<sup>2</sup> Julia González Fernández, "International Legal Protection of The Right To Education For Refugees And Asylum-Seekers" (Belgia, Ku Leuven- Katholieke Universiteit Leuven), accessed May25,2022, <https://repository.gchumanrights.org/server/api/core/bitstreams/a5a10f9c-52ca-43be-b367-3ce83fc1b68e/content>.

The Asia-Pacific area is currently home to around 4.4 million refugees and asylum seekers, many of whom are housed by non-signatory states to the 1951 convention and by nations that lack effective national asylum systems.<sup>3</sup> As a result, refugees remain in a hazardous situation, with restricted access to means of subsistence, education, healthcare, and other social protection services and institutions. In addition, their irregular status in the host country necessitates legal and physical protection, restricts their freedom of movement, and increases their danger of arrest, incarceration, and expulsion for immigration-related offenses.<sup>4</sup>

As a member of the international community, Indonesia has been committed to assisting refugees since the arrival of Vietnamese refugees between 1975 and 1980.<sup>5</sup> This commitment continues today by enacting Presidential Regulation (Perpres) No 125 the Year 2016 on the Handling of Refugees. Even though this Perpres, in its current framing has yet to live up to its expected application,<sup>6</sup> the regulation allows access and temporary protection for refugees in Indonesia, clarified the status of refugees and asylum seekers under Indonesian law,<sup>7</sup> and authorizes the UNHCR to help protect and find a solution for the refugees.<sup>8</sup>

As a non-party to the United Nation Convention on the Status of Refugees 1951 (UNCSR) 1951 and its Protocol 1969, however, Indonesia has no obligation to provide extensive rights to the refugees, and that include rights to Higher Education. Nevertheless, to upheld the commitment to "... participate in carrying out the world order" as declared in its Constitution *Preamble*, and as a humanitarian means stipulated in article 28C(1) of the Constitution, Indonesia has allowed refugees to access first and secondary education via the issuance of the latest Ministry of Education, Cultural, Research and Technology Secretary General Circular Letter number 30546/A.A5/HK.01.00/2022 on the Education for

---

<sup>3</sup> United Nations High Commissioner for Refugees, "Projected Global Resettlement Needs2022(PDF),"UNHCR,accessedOctober31,2022,<https://www.unhcr.org/protection/resettlement/60d320a64/projected-global-resettlement-needs-2022-pdf.html>.

<sup>4</sup> Refugees.

<sup>5</sup> Adwani Adwani, Rosmawati Rosmawati, and M. Ya'kub Aiyub Kadir, "The Responsibility In Protecting The Rohingya Refugees In Aceh Province, Indonesia: An International Refugees Law Perspective," *IJUM Law Journal* 29, no. (S2) (November 3, 2021): 1–21, [https://doi.org/10.31436/iiumlj.v29i\(S2\).677](https://doi.org/10.31436/iiumlj.v29i(S2).677).

<sup>6</sup> Susan Kneebone, "Is the 2016 Indonesian Presidential Regulation a Potential 'game-Changer' on Rescue of Rohingya Boat Refugees? |Kaldor Centre," Kaldor Centre for InternationalRefugeeLaw,accessedJuly1,2022,<https://www.kaldorcentre.unsw.edu.au/publication/2016-indonesian-presidential-regulation-potential-game-changer-rescue-rohingya-boat>.

<sup>7</sup> "A Transit Country No More: Refugees and Asylum Seekers in Indonesia," Research Report (Mix Migration Centre, May 2021), <https://mixedmigration.org/resource/a-transit-country-no-more-refugees-and-asylum-seekers-in-indonesia/>.

<sup>8</sup> president of The Republic of Indonesia, "Article 1(1), 2(1), 13(3), 20(2), 29(1), 37(a), 39(a), 42(3) and 43(3) of The Presidential Decree No 125 Year 2016 on The Handling of Refugee" (2016), <https://www.refworld.org/pdfid/58aeee374.pdf>.

Refugees Children<sup>9</sup> (hereafter: Circular Letter 2022). In addition, Indonesia provides refugees with all essential necessities, as it is still bound by various international agreements such as the International Covenant on Civil and Political Rights, 1966, the Convention on the Rights of the Child 1989, and the Convention Against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment, 1987<sup>10</sup> that obliged any state party to respect and protect basic human rights. It also regulated in the Constitution, article 28G (Graphic 2), that “everyone has the right to be free from torture or treatment which degrades human dignity and is entitled to political asylum from other countries.”<sup>11</sup>

Sadly, Indonesia's present treatment of refugees is still insufficient. Approximately 13,700 refugees are currently stuck in Indonesia, without access to a permanent solution. More than half, or approximately 7,600, are refugees from Afghanistan, the majority of whom are ethnic Hazara. The remainder are refugees from Somalia, Iraq, Myanmar, Sudan, Sri Lanka, Yemen, Palestine, Iran, Pakistan, Eritrea, Ethiopia, and Pakistan.<sup>12</sup> Historically, Indonesia served as a transit point for refugees and asylum seekers bound for third nations. Most of those who arrived intended to sail illegally to Australia. Since 2013, when Australian laws to restrict irregular migration went into force, a significant number of refugees and asylum-seekers have been stranded in Indonesia. Resettlement in foreign countries is uncommon. Many refugees and asylum-seekers in Indonesia feel imprisoned and struggle to progress.<sup>13</sup>

As of now, Indonesia has not proven to be a transit country, as the majority of these migrants have stayed over eight years, and in some cases up to thirteen years, there.<sup>14</sup> Regrettably, as of now, the Indonesian government has no legislation regarding the enrolment of refugees in universities.<sup>15</sup> This means that

---

<sup>9</sup> Ministry of Education, Cultural, Research and Technology Secretary General, “Circular Letter Number 30546/A.A5/HK.01.00/2022 on the Education for Refugees Children” (2022), <https://drive.google.com/file/d/1mbbjFRvKh6ZkaZHQ16HYCq-1YsIDditV/view>.

<sup>10</sup> Arie Afriansyah and Eva Zulfa, “Refugees Resettlement: A Review of Indonesian Laws and Practices,” *Indonesia Law Review* 8, no. 2 (August 31, 2018), <https://doi.org/10.15742/ilrev.v8n2.489>.

<sup>11</sup> Adwani, Rosmawati, and Kadir, “The Responsibility In Protecting The Rohingya Refugees In Aceh Province, Indonesia.”

<sup>12</sup> Sitarah Mohammadi and Sajjad Askary, “Refugees Live in Destitution in Indonesia: Years of Limbo and Suffering Leads Refugees to Protests for Many Weeks Now for Resettlement,” January 10, 2022, <https://www.refugeecouncil.org.au/refugees-live-in-destitution-in-indonesia/>.

<sup>13</sup> “A Transit Country No More.”

<sup>14</sup> Sitarah Mohammadi and Sajjad Askary, “Refugees Live in Destitution in Indonesia.”

<sup>15</sup> United Nations High Commissioner for Refugees, “Education Assistance,” UNHCR Indonesia, accessed June 27, 2022, <https://help.unhcr.org/indonesia/services/education/>.

almost 4,000 refugee children in Indonesia<sup>16</sup> will spend the majority of their productive lives without access to higher education as a result of the vacuum of proper national legislation and a lengthy waiting period. Such situation will hinder their future social and economic well-being since higher education has been found to facilitate social and economic mobility by providing access to better-paying, higher-skilled jobs, well-connected social networks, and middle-class admission.<sup>17</sup>

The article sketches out a new approach dealing with the lack of the national legislation on the right to access higher education for refugee by proofing that Aceh province, as an autonomous province that can execute authority in regard to the management of its government interest and the implementation of Shari'ah Law, could fill in the gap leaves by such vacuum. As such, it does not purport to propose hasty legislation that may conflict with national law and be rendered ineffective. Rather, it will explain holistically why the Aceh government should develop such a law and how it should be readily accepted by society.

This research employs a mix methodology of Doctrinal and Quantitative Legal Research using analysis of law, legal doctrines, religious rulings, secondary sources (academic literature and report), interviews and surveys. This research will mainly focus on the exploration of the higher education regulation in Indonesia and how its current state is unable to provide legal rights for refugees to access higher education in Indonesia. This research will also study and analyze Islamic ruling and understanding of higher education rights in Islam and how a country can be bound by such regulation. To obtain quantitative data, four rectors of highly respected universities in Aceh, namely Teuku Umar University (UTU), Samudera University (Unsam), Langsa State Islamic Institute (IAIN Langsa), and Malikussaleh University (Unimal), were interviewed to determine how their institutions would react to the idea of granting refugees access to higher education and how prepared they were to accommodate refugees. The selected universities are situated in three distinct regions: West Aceh, Lhoksumawe City, and Langsa City. These universities' facilities and resources, such as a language center and lecturers who can teach in both Bahasa Indonesia and English, are the deciding considerations for admission. Since Syiah Kuala University, one of the leading universities in Aceh, has already signed a Memorandum of Understanding with UNHCR on enhancing education partnership and protection for refugees and

---

<sup>16</sup> United Nations High Commissioner for Refugees, "Indonesia Fact Sheet - February 2022," Fact Sheet (UNHCR, February 2022), <https://www.unhcr.org/id/wp-content/uploads/sites/42/2022/04/Indonesia-Fact-Sheet-February-2022-FINAL.pdf>.

<sup>17</sup> Martha K Ferede, "Higher Education For Refugees," Ed/Gemr/Mrt/2018/P1/24 Rev. 2, Background Paper Prepared for the 2019 Global Education Monitoring Report: Migration, Displacement and Education: Building Bridges, Not Walls (France: Global Education Monitoring Report Team, 2018), <https://unesdoc.unesco.org/ark:/48223/pf0000266075>.

asylum-seekers in Indonesia, it is not selected for this project. Regarding the surveys, respondents were given a questionnaire to assess their understanding, feelings, and support for the proposed research topic of providing refugees access to higher education. This questionnaire is completed by 123 individuals, including 64 university students, 11 law faculty teachers, and 48 legal practitioners and NGO members.

Several studies have explored different aspects of this refugee education, including access to education, the unique challenges faced by refugee students, and the role of policies and programs in facilitating refugee education.

Jennifer Tan Poh Sim's study<sup>18</sup> for instance, found that while good intentions to serve the community drive initiatives, there is a dire need to shift focus towards the training and development of human resources, particularly towards teachers and volunteers. Maura Sellars' study<sup>19</sup> provides evidence of the need for strategic planning for inclusion and the importance of acknowledging the vulnerabilities and difficulties of these communities while also developing relationship of human dignity and respect.

Anne E Irfan's article<sup>20</sup>, focus on the Palestinian refugees, argues that the parties providing education and the refugees receiving it often had conflicting objectives that were highly politicized on both sides, but the Palestinian refugees were able to shape the education system as they preferred. Additionally, Elizabeth Buckner, Dominique Spencer, and Jihae Cha's study<sup>21</sup> that focus on the Syrian Refugees in Lebanon found that education rights encouraged the creation of a national refugee education framework that expanded refugees' access to schooling, but policies are not fully implemented in local communities, and many unofficial educational programs operate in contradiction to government policy.

---

<sup>18</sup> Jennifer Tan, "What's Noteworthy and What Needs to Be Taken Note of: An Exploratory Examination of a Learning Center for Refugee Children," 2021, 11–18, <https://doi.org/10.22492/issn.2186-5892.2021.2>.

<sup>19</sup> Maura Sellars, "Planning for Belonging: Including Refugee and Asylum Seeker Students," *Journal of Refugee Studies* 35, no. 1 (March 1, 2022): 576–94, <https://doi.org/10.1093/jrs/feab073>.

<sup>20</sup> Anne E Irfan, "Educating Palestinian Refugees: The Origins of UNRWA's Unique Schooling System," *Journal of Refugee Studies* 34, no. 1 (March 1, 2021): 1037–59, <https://doi.org/10.1093/jrs/fez051>.

<sup>21</sup> Elizabeth Buckner, Dominique Spencer, and Jihae Cha, "Between Policy and Practice: The Education of Syrian Refugees in Lebanon," *Journal of Refugee Studies* 31, no. 4 (December 1, 2018): 444–65, <https://doi.org/10.1093/jrs/fex027>.

There are many other studies related to education and refugee such as Tajendra Pherali and Mai Abu Moghli<sup>22</sup>, Ryan Naylor *et al*<sup>23</sup>, Begüm Dereli<sup>24</sup>, and Nando Sigona<sup>25</sup>. However, upon analyzing the literature, there is no research mentioned that specifically talks about Islamic ruling in higher education rights and Indonesia policy. This gap indicates a need for this research that explore the intersection between religion, policy, and higher education for refugees and asylum seekers in Indonesia.

After this introduction and a brief explanation on the article research methodology and continue with an overview of the current status quo of Indonesian refugee policy, the article continues with the next two main sections. Part 2 examines Indonesia's capacity to provide refugee access to higher education in light of the current national education system and its evolution. The third and last section focuses on Aceh, the concept of an Islamic state, and the refugee ruling in Islam, and how these three principles will form the basis of the proposed legislation. In addition, information regarding the positive societal responses to the proposed argument will be presented in the article's conclusion.

### Indonesia Status Quo on the Management of Refugees

Since many years ago, Indonesia has become one of the designated transit states for many refugees coming from Middle East, Afghanistan, Pakistan, and East Africa in order for them to reach Australia.<sup>26</sup> Australia resettled 3,627 migrants from Indonesia under its Refugee and Humanitarian Program between 2000 and 2017; about 60,701 made their own journey by boat over the same time frame. Due to Australia's externalized deterrent measures implemented under Operation Sovereign Borders, the number of asylum seekers arriving by sea has reduced dramatically since 2013.<sup>27</sup>

---

<sup>22</sup> Tejendra Pherali and Mai Abu Moghli, "Higher Education in the Context of Mass Displacement: Towards Sustainable Solutions for Refugees," *Journal of Refugee Studies* 34, no. 2 (June 1, 2021): 2159–79, <https://doi.org/10.1093/jrs/fez093>.

<sup>23</sup> Ryan Naylor et al., "Structural Inequality in Refugee Participation in Higher Education," *Journal of Refugee Studies* 34, no. 2 (June 1, 2021): 2142–58, <https://doi.org/10.1093/jrs/fez077>.

<sup>24</sup> Begüm Dereli, "Belonging through Higher Education: The Case of Syrian Youth in Turkey," *Journal of Refugee Studies* 35, no. 1 (March 1, 2022): 195–219, <https://doi.org/10.1093/jrs/feab055>.

<sup>25</sup> Nando Sigona, "Education, Asylum and the 'Non-Citizen' Child: The Politics of Compassion and Belonging. By Halleli Pinson, Madeleine Arnot and Mano Candappa.," *Journal of Refugee Studies* 25, no. 2 (June 1, 2012): 307–8, <https://doi.org/10.1093/jrs/fes014>.

<sup>26</sup> Antje Missbach, "Asylum Seekers' and Refugees' Decision-Making in Transit in Indonesia: The Need for In-Depth and Longitudinal Research," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 175, no. 4 (November 8, 2019): 419–45, <https://doi.org/10.1163/22134379-17504006>.

<sup>27</sup> Missbach.

Despite the fact that Indonesia is not a signatory to the 1951 Refugee Convention and its Protocol, the terms "giving asylum to foreigners" and "foreign refugees" are listed in Law No. 37 of 2009 on Foreign Relations. In addition, Article 28G, Graphic 2, of the Second Amendment to the Constitution of 1945 protects "the right of all persons to seek asylum in foreign nations."<sup>28</sup> In practice, however, asylum seekers and refugees are handled by the Immigration Act (UU No. 9 from 1992, which was replaced by Law No. 6 on Immigration in 2011). Until early 2016, those who enter Indonesia without a proper immigration paperwork are frequently classified as illegal immigrants since the law does not offer asylum seekers or refugees a special status.

The most recent development in Indonesia designates Presidential Regulation No. 125 of 2016 on Refugees as the Law on Foreign Relations' implementing rules. This Presidential Regulation gives guidance in various areas, including the definition of "refugees from abroad," which refers to the 1951 Refugee Convention and its Protocol's definition of refugees. However, the Presidential Regulation does not regulate the granting of asylum by the Indonesian government; rather, it regulates the systems for processing asylum seekers and refugees entering Indonesia, especially in emergency situations. UNHCR continues to determine the issue of determining the status of refugees, including long-term solutions for refugees.<sup>29</sup>

Until today, Indonesia has yet to have a proper national legislation that can substantially allow Indonesian government to actively involves in the handling of refugees. This supposedly goes against Indonesia commitment to Convention against Discrimination in Education 1960. This convention, which accepted by Indonesia in 10 Januari 1967<sup>30</sup> explicitly affirm that the principle of non-discrimination on the education is the core value to secure the rights to education for everyone, including refugees.<sup>31</sup> Article 1(1) of the Convention against Discrimination in Education stipulated that discrimination includes any distinction, exclusion, and limitation that can impair the equality of treatment in

---

<sup>28</sup> Bilal Dewansyah and Irawati Handayani, "Reconciling Refugee Protection and Sovereignty in ASEAN Member States: Law and Policy Related to Refugee in Indonesia, Malaysia and Thailand," *Central European Journal of International and Security Studies* 12, no. 4 (October 30, 2022), <https://cejiss.org/reconciling-refugee-protection-and-sovereignty-in-asean-member-states-law-and-policy-related-to-refugee-in-indonesia-malaysia-and-thailand>.

<sup>29</sup> Dewansyah and Handayani.

<sup>30</sup> the United Nations Educational, Scientific and Cultural Organization, "Indonesia-RatifiedConvention|UNESCO," accessed March 30, 2023, <https://www.unesco.org/en/countries/id/conventions>.

<sup>31</sup> United Nations Educational, Scientific, and Cultural Organization, *Protecting the Right to Education for Refugees*, Second Edition, revised and updated, Working Papers on Education Policy 04 (France: UNESCO), accessed March 30, 2023, <https://www.refworld.org/pdfid/5a5f41fc4.pdf>.



education.<sup>32</sup> Furthermore, article 1(2) explains that the term of education refers to all types and levels of education, which means that higher education is also included.<sup>33</sup> Unfortunately, current Indonesia educational regulation unable to holistically applied the mandate of the Convention against Discrimination in Education 1960 since it still discriminate against refugees.

Even with the facts that the resettlement to a third country will be extremely low,<sup>34</sup> Indonesia government still do not see local integration as a durable solution for refugees. In fact, in 2017, Dicky Komar, director of human rights at the Ministry of Foreign Affairs stated that the Indonesian government is not obligated to fulfill the rights of refugees, and that what Indonesia has done thus far is merely a temporary measure. He continued by stating that the refugee will not remain in Indonesia for long because "... integration is not part of the country's policy."<sup>35</sup>

Indonesia, however, approaches the educational rights of refugees differently. Through the Ministry of Education Circular Letter No. 30546/A.A5/HK.01.00/2022 on the Education for Refugees Children, which replaces the previous Circular Letter No. 75253/A.A4/HK/2019 released on 10 July 2019, Indonesia reaffirms its commitment to providing access to refugee children in Indonesia. According to the UNHCR, around 778 refugee children are enrolled in nationally certified schools.<sup>36</sup> Unfortunately, this policy has yet to accommodate refugees older than school age. As a result, the majority of refugee adolescents can only enroll in online courses like Coursera and EdX or participate in community empowerment and self-sufficiency programs to get education.

This effort, although it gives significant impact, still comparatively small compare to Turkey. In his article, Nurrettin Beltetkin discusses that Turkey has

---

<sup>32</sup> General Conference of the United Nations Educational, Scientific and Cultural Organization, "Article 1(1) of the Convention against Discrimination in Education" (1960), 1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-discrimination-education>.

<sup>33</sup> General Conference of the United Nations Educational, Scientific and Cultural Organization, "Article 1(2) of the Convention against Discrimination in Education" (1960), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-discrimination-education>.

<sup>34</sup> United Nations High Commissioner for Refugees, "UNHCR Warns 2020 Risks Lowest Resettlement Levels in Recent History," UNHCR, accessed July 12, 2022, <https://www.unhcr.org/news/press/2020/11/5fb4e6f24/unhcr-warns-2020-risks-lowest-resettlement-levels-recent-history.html>.

<sup>35</sup> Sheany, "Indonesia Will Help Refugees, but 'Won't Host Them Forever,' Says Immigration Office," Jakarta Globe, July 26, 2017, <https://jakartaglobe.id/news/indonesia-will-help-refugees-wont-host-forever-says-immigration-office>.

<sup>36</sup> United Nations High Commissioner for Refugees, "Indonesia Fact Sheet - June 2022," Fact Sheet (UNHCR, June 2022), <https://www.unhcr.org/id/wp-content/uploads/sites/42/2022/08/Indonesia-Fact-Sheet-June-2022-final.pdf>.

developed a legal framework to address the education needs of refugees, including laws and regulations that enable Syrian children to enroll in Turkish school. Beltekkin notes that Turkey has made significant progress in providing access to education for Syrian refugees, with the enrollment rate for Syrian children reaching 60% in the 2019-2020 academic year. Beletkin highlights that Turkey developed a comprehensive framework including short-term measures such as establishment of temporary education centers, and long-term measures such as integrating Syrian refugees into Turkish education system.<sup>37</sup>

There is, however, a hint of a breakthrough in the refugees' management with the enactment of Presidential Regulation Number 125/ 2016 on The Handling of Refugees. Nevertheless, that regulation only stipulates the technical means in handling refugees. It mostly acts as a temporary solution to the vacuum of the *lex specialis* in the immigration arrangement so that the refugees can no longer be considered illegal migrants.<sup>38</sup> The vacuum of positive law that urges Indonesia to provide more than just basic necessities is the plausible reason of why until today, no refugees have any access to higher education.

## Refugee, Higher Education, and Indonesia Educational System

### 1. Higher Education and Refugees Future

According to UNHCR, there are around 26.6 million refugees globally, and only 5% have access to higher education.<sup>39</sup> This situation is saddening because millions of refugees have no access to higher education. Furthermore, UNHCR reported that the higher education percentage of refugees today is “far below the global average higher education enrollment among non-refugees, which stands at 39%”.<sup>40</sup> Surprisingly, as a country with a long-standing culture of helping refugees, Indonesia, until today, has yet to accept any refugees into higher education.

Higher education is essential for refugees to help a swift integration to host societies. Having access to higher education will help them develop skill sets that can be leveraged for entry into labor in the host countries. Studies of 5000

---

<sup>37</sup> Nurettin Beltekkin, “Turkey’s Progress Toward Meeting Refugee Education Needs The Example of Syrian Refugees,” *Eurasian Journal of Educational Research* 16, no. 66 (December 19, 2016): 1–30, <https://doi.org/10.14689/ejer.2016.66.10>.

<sup>38</sup> Sophia Listriani, Rosmawati, and M. Ya'kub Aiyub Kadir, “Toward a New Legal Framework for Settling Rohingya’s Refugee Crisis in Indonesia: A Lesson Learned from Aceh Province,” in *Proceedings of the International Conference on Law, Governance and Islamic Society (ICOLGIS 2019)* (International Conference on Law, Governance and Islamic Society (ICOLGIS 2019), Banda Aceh, Indonesia: Atlantis Press, 2020), <https://doi.org/10.2991/assehr.k.200306.227>.

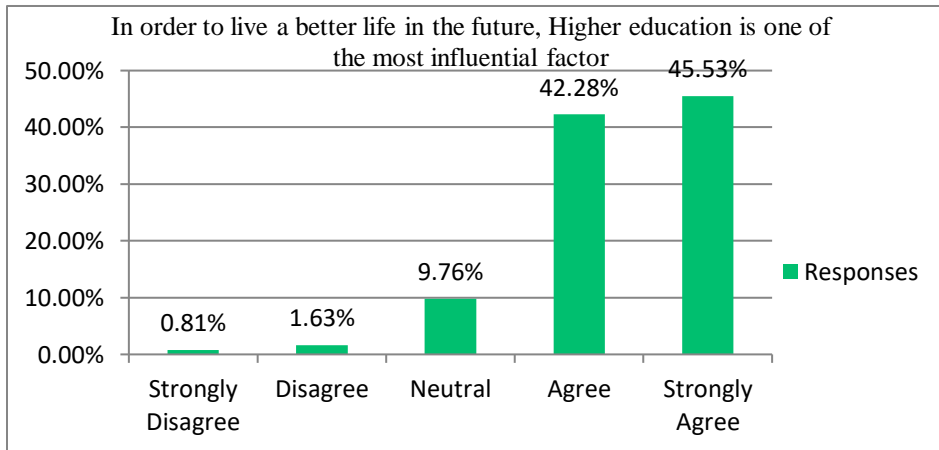
<sup>39</sup> United Nations High Commissioner for Refugees, “Tertiary Education,” UNHCR, accessed November 19, 2021, <https://www.unhcr.org/tertiary-education.html>.

<sup>40</sup> United Nations High Commissioner for Refugees.

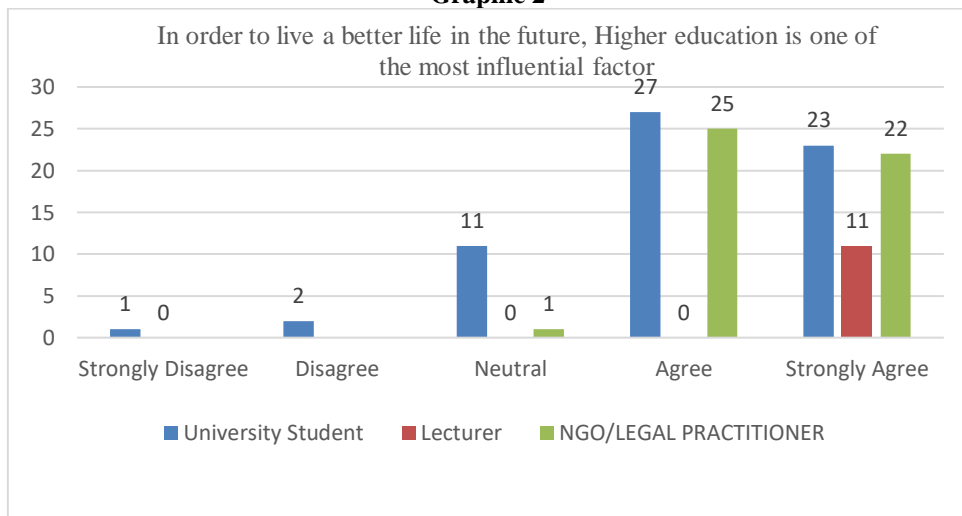
refugees who graduated from higher education in various countries reveal that 78% of those integrated to their host country, and 93% of those repatriated were employed.<sup>41</sup> Therefore, for the sake of the refugees' future, Indonesia should give them access to higher education.

As can be seen in the graph below, a sizeable proportion of respondents concur with this notion:

Graphic 1



Graphic 2



Overall, the results of Graphic 1 reveal that 89.80% of respondents, 42.28% of whom agree and 45.53% of whom strongly agree, support the idea that a college education is essential for the future's improvement. The number of responders who disagree or strongly disagree with the association between postsecondary education and future employment is insignificant, only a total of

<sup>41</sup> Martha K Ferede, "Higher Education For Refugees."

2.44%. Examining Graphic 2 in greater depth, we realize that only university students believe that higher education will not have a big impact on their future careers. This is comprehensible because, from the standpoint of university students, not all graduates are immediately accepted into the workforce. This study claims, however, that even if the student's perspective is accurate, they still have the qualifications to compete for the job, whereas individuals without an undergraduate credential do not. In addition, the Graphic demonstrates that all of the lecturers who participated in the survey (11 lecturers) strongly agree that the future improvement of everyone and higher education are intrinsically linked. Notably, the graphic also demonstrates that the majority of university students, as well as all legal practitioners and non-governmental organizations, think that there is a connection between higher education and future improvement.

## 2. Indonesia Higher Education Institution

According to article 20(1) of Law No. 20/2003 on National Education System (Sisdiknas Act), the Indonesian higher education system consists of: (1). Academies; (2). Polytechnics; (3). Advanced schools; (4). Institutes; and (5). Universities. Indonesia has two common system in conducting its higher education which are the national system and what's known as the religious system. The Ministry of Education, Culture, Research and Technology (Kemendikbud, or MoEC) regulates the first, which includes the majority of institutions of higher learning, both public and private. The second is governed by the Ministry of Religious Affairs (MoRA) and includes institutions of higher education that are owned and controlled by religious groups, including government-sponsored institutions, and that have curricula that emphasize theology and other specifically religious study areas.<sup>42</sup>

In 2018, there are reportedly 2235 private higher education institutions and 81 state higher education institutions in Indonesia. Approximately 391 are universities<sup>43</sup> with 5 of them standing in the top 500 universities in the world according to QS World University website.<sup>44</sup> Nevertheless, Indonesia is not a major study destination for international students. The country has the lowest

---

<sup>42</sup> Professor Caroline Chan, "Briefing Note: Indonesia's Higher Education Systems," *SkillsFutures*(blog), November 19, 2019, <https://skills.australiaindonesiacentre.org/reports/indonesias-higher-education-systems/>.

<sup>43</sup> Kumba Digidowiseiso, "The Development of Higher Education in Indonesia," *International Journal of Scientific & Technology Research* 9, no. 2 (February 25, 2020): 1381–85.

<sup>44</sup> Directorate General of Higher Education and Ministry of Education and Culture, Republic of Indonesia, "Study In Indonesia | Achievements of Indonesian Universities in the Top 500 QS World University Rankings 2023," July 30, 2022, <https://studyinindonesia.kemdikbud.go.id/web/post/read/achievements-of-indonesian-universities-in-the-top-500-qs-world-university-rankings-2023>.

inbound mobility ratio (0.07%) if compare to Singapore (27.2%), Malaysia (8%), Brunei Darussalam (3.8%), Thailand (1.3%), Laos (0.4%), and Vietnam (0.24%). Despite its size, Indonesia only hosted 5,878 international students in 2017. More than half came from Malaysia (1,500 students) and Timor-Leste (500 students) (1,302). According to the UIS, Thailand, India, and China sent 804, 674, and 431 students, respectively.<sup>45</sup>

### 3. Barrier to Higher Education for Refugees and Effective Solution Offer for Indonesian Government

For refugees, the most viable barrier to accessing higher education is the institution providing the education. The language of instruction barrier is usually high because it mostly depends on the host countries' openness to multilingualism and intercultural education.<sup>46</sup> In some cases, the barrier comes from administrative interest when refugee students do not have the minimum necessary documents to enroll in the educational institution. These include birth certificates and previous-level education certificates. Tuition fees are generally identified as the prime barrier to accessing higher education by refugee youths.<sup>47</sup> These types of barriers are also faced by 35 Syrian women who have fled their home country and living in Jordan, Lebanon, and Turkey. Rasem Ibesh *et al* in their study found that these women face significant challenges in accessing education due to a variety of factors, including economic barriers, discrimination, and limited educational opportunities.<sup>48</sup>

Regarding documentation, all four Rectors mentioned in the interview that they are willing to exempt refugees from documentation so long as the refugees can demonstrate their eligibility to enroll in an Indonesian institution. However, as leaders of a public or state institution, it is nearly impossible for them to circumvent government regulations; consequently, as long as the Indonesian government is ready to waive documentation requirements for refugees, they see no reason to reject them. Ishak Hasan, Rector of Teuku Umar University (UTU) of Meulaboh, West of Aceh, stated in an interview that he is glad to admit refugees to UTU. He also suggested that we post a sign that reads "We are friendly to all nations" so that when people in need of our assistance come to us, "they will not feel threatened and will feel welcome." Due to the fact that UTU is not a private

---

<sup>45</sup> Dragana Borenovic Dilas et al., "Education in Indonesia," WENR, March 21, 2019, <https://wenr.wes.org/2019/03/education-in-indonesia-2>.

<sup>46</sup> Section of Education Policy of the Education Sector of UNESCO, "Enforcing the Right to Education of Refugees: A Policy Perspective" (UNESCO, 2019), ED-2019/SANS COTE ED/0436/8, <https://unesdoc.unesco.org/ark:/48223/pf0000366839>.

<sup>47</sup> Section of Education Policy of the Education Sector of UNESCO.

<sup>48</sup> Rasem Ibesh et al., "The Educational Experiences of Syrian Women in Countries of Safety/Asylum," *International Journal of Educational Research Open* 2 (2021): 100027, <https://doi.org/10.1016/j.ijedro.2020.100027>.

institution, any paperwork requirements are governed by national regulations.<sup>49</sup> Muhammad Suhaily Sufyan, Vice Rector on Academic and Institutional Development Affairs of State Islamic Institute (IAIN) of Langsa City, echoes this sentiment on behalf of the institution's rector, stating that receiving the refugee poses no problem. However, they cannot disregard any documentation requirements because they must adhere to Indonesian government regulations.<sup>50</sup>

Mukhlis, Malikussaleh University of Lhokseumawe (UNIMAL) Vice Rector for General Affairs and Finance, speaking on behalf of the rector, expressed a slightly divergent viewpoint. Mukhlis stated that Unimal is always willing to accept refugees. In reality, as Unimal is located in Lhoksumawe, one of the refugee arrival centres in Aceh, it has been providing vocational classes to refugees through student activity for quite some time. However, accepting refugees as formal students requires additional calculation. According to him, numerous Indonesian universities are currently attempting to satisfy the Key Performance Indicator (IKU) for higher education set by Kemendikbud in 2021. IKU's success will have an effect on university accreditation, as well as resource help and funding from the Higher Education Directorate General, necessitating arduous administrative work, a significant number of new performance standards, and a plethora of new challenges. Unfortunately, according to him, none of these initiatives see granting refugee access to higher education as an achievement worthy of IKU. However, he continued by stating that there is a remedy, which is for Kemendikbud to permit the host university to claim the refugee as an international student. This strategy will surely encourage universities to admit refugees as students, even if they must give them with a scholarship, because the presence of overseas students will greatly improve their university's accreditation rating.<sup>51</sup>

Hamdani, Rector of Samudera University (UNSAM) of Langsa City, provides a similar response to Mukhlis when asked about the IKU, despite the fact that there are noteworthy differences. In a separate interview, Dr. Hamdani stated that universities are certainly compelled to embrace and implement the new IKU system, and that it can be time-consuming to determine whether or not an activity meets the IKU standards. However, he did not view the IKU as a significant barrier to assisting refugees or allowing them to enroll as students at Unsam. According to him, the IKU, which serves as a success indicator for the current Kemendikbud Ministry grant policy, Merdeka Belajar – Kampus

---

<sup>49</sup> Ishak Hasan, University readiness and local responses in accepting refugee in university, Meeting, July 9, 2022.

<sup>50</sup> Muhammad Suhaily Sufyan, University readiness and local responses in accepting refugee in university, Meeting, September 7, 2022.

<sup>51</sup> Mukhlis, University readiness and local responses in accepting refugee in university, Meeting, July 8, 2022.

Merdeka, or "Freedom to Learn – Independent Campus," or MBKM, encourages universities to structure their programs in a more creative and original manner. In the MBKM program, students are encouraged to participate in an off-campus activity for six months to broaden their experiences and knowledge. This policy has enabled Unsam to send their students to engage in volunteer activities outside of the university, such as teaching at a refugee camp located nearby. He said that if Unsam were to welcome refugees in the future, this program would enable Unsam to urge its students to effectively contribute to teaching those refugees, particularly in the area of language skills. Obviously, Unsam should adhere to official regulations on the papers required to enroll in higher education; however, as long as the government permits the acceptance of refugees as students, Unsam sees no problem with doing so. To conclude, he argues that granting universities the right to evaluate refugee students as foreign students will increase universities' interest in accepting refugees as students.<sup>52</sup>

Based on Indonesia's positive law, refugees could be considered international students if they are granted admission to higher education and are excluded from a few administrative restrictions. According to article 2 Ministry of National Education Rule (now is Kemendikbud) No 25 Year 2007 on Requirements and Procedures for Foreign Citizens to Become a Student at a Higher Education in Indonesia (Ministry of Education Rule) stipulated that there are two type of foreign citizen that can become an international student in Indonesia. The first one is any foreign citizen residing abroad; which mean that there is no discrimination against anyone from any country. The second one is foreign citizen staying in Indonesia.<sup>53</sup> Article 7 of Law No 6 Year 2016 on Nationality making it clear that that anyone who is not holding Indonesia citizenship will be treated as foreign citizen.<sup>54</sup> In light of the fact that refugees are not Indonesian citizens, and it is nearly impossible for them to return to their home countries, and their chances of resettlement are close to zero, it should not be difficult to view them as foreign nationals who are *de facto* residing in Indonesia.

Obviously, there is a problem with documentation and permits if a refugee is enrolled to a university as an international student. Article 3 of the Ministry of Education Rule specifies six prerequisites for an international student to be permitted to study in Indonesia, including three major documents which are a student permit from the Indonesia Secretary General, a Visa from immigration,

---

<sup>52</sup> Hamdani, University readiness and local responses in accepting refugee in university, Meeting, July 9, 2022.

<sup>53</sup> Ministry of National Education, "Article 2 of Ministry of National Education Rule No 25 Year 2007 on Requirements and Procedures for Foreign Citizens to Become a Student at a Higher Education in Indonesia" (2007), <https://jdih.mkri.id/pdf>.

<sup>54</sup> Government of Republic of Indonesia, "Article 7 of Republic of Indonesia Law No 12 Year 2006 on Nationality" (2006), <https://jdih.bumn.go.id/pdf>.

and proof of prior study.<sup>55</sup> This study claims, however, that the first two documents are not irreplaceable. If those documents serve as evidence that a person is legally permitted to enter Indonesia and will be protected by the Indonesian government, then the UNHCR card given to refugees after a long and arduous Refugee Status Determination (RSD) interview should be able to replace those documents, as it indicates that the refugees have met all the UNHCR requirements that identify them as eligible for international protection.<sup>56</sup> In the RSD process, respondents must provide an honest account of their past, stories, goals, and even personal information, which Indonesia, as the host nation, can subsequently access and use for any legal and responsible purposes.<sup>57</sup> This approach not only allows Indonesia to obtain any information it normally obtains via visa and student permit interviews, but it is also nearly identical to the process Indonesian government uses to issue visas and student permits.<sup>58</sup> Even if, as stated previously, there must be missing documents owing to the refugees' emergency circumstances, this study argues that the procedures to acquire and the purposes of these documents (student permission and visa) are fundamentally identical and interchangeable with UNHCR card.

The Indonesian government has two options for providing evidence of past study records. First, the Indonesian government may, through the Ministry of Education, Culture, Research, and Technology (Menristekdikti), issue a circular letter exempting refugees wishing to enroll in higher education from the requirement of a prior study document. Obviously, the exception does not imply that anyone can enroll in a college or university. In order to qualify for the exemption, Menristekdikti may require the refugee to pass a national test comparable to Senior High School or Package C. Article 18 (3) of the Sisdiknas Act specifies that in addition to the general senior high school formats such as state senior high school (SMA), vocational senior high school (SMK), and Islamic senior high school (MA), a senior high school diploma can be obtained through "...another format equivalent to them." This article's explanatory note clarifies that "SMA/MA-equivalent education is a program like Paket C."<sup>59</sup> As the Paket

---

<sup>55</sup> Ministry of National Education, "Article 3 of Ministry of National Education Rule No 25 Year 2007 on Requirements and Procedures for Foreign Citizens to Become a Student at a Higher Education in Indonesia" (2007), 3, [https://jdih.mkri.id/Mendiknas\\_25\\_2007.pdf](https://jdih.mkri.id/Mendiknas_25_2007.pdf).

<sup>56</sup> United Nations High Commissioner for Refugees, "Procedural Standards for Refugee Status Determination under UNHCR's Mandate" (United Nations High Commissioner for Refugee, August 2020), <https://www.unhcr.org/publications/legal/4317223c9/procedural-standards-refugee-status-determination-under-unhcrs-html>.

<sup>57</sup> United Nations High Commissioner for Refugees.

<sup>58</sup> Direktorat Kelembagaan and Direktorat Jenderal Pendidikan Tinggi, Riset dan Teknologi, "Layanan Izin Belajar Mahasiswa Asing," 2021, <https://izinbelajar.kemdikbud.go.id/>.

<sup>59</sup> A system of equivalency education was developed as a result of all attempts to address educational demands. It was distributed as educational packages. The Equality Package is a tiered



C certificate is comparable to a high school diploma, the refugee who passes the exam should be considered to have an appropriate past study document for enrolling in higher education.<sup>60</sup>

This system has actually been done by Turkish government. Beltetkin reported that Turkey has introduced a system of equivalency certificates that allows Syrian refugees to continue their education in Turkish universities. This system allows Syrian students to have their previously completed education evaluated by Turkish authorities and receive certificates that are recognized by Turkish universities.<sup>61</sup>

The second strategy visible to the Indonesian government is ratifying the Global Convention on the Recognition of Higher Education Qualifications (Global Education Convention). This convention was adopted in November 2019 during the 40th session of the UNESCO General Conference to enhance academic mobility between countries and regions. It is the first legally binding United Nations convention with worldwide reach on higher education.<sup>62</sup> Article VII of this convention explain that the state parties should allow refugees to be systematically fairly assess to join in higher education even when they cannot provide a proper documentation due to their emergency situation.<sup>63</sup> Along with this ratification, Menristekdikti should join the UNESCO initiative on the establishment of The UNESCO Qualifications Passport for Refugee. This passport is a standardized statement with three sections: an evaluation section, an explanation section, and a section on the road forward. The evaluation or

---

education that is comparable to formal schooling. Paket A, Paket B, and Paket C comprise the equivalence education package program, the graduates of which will be on par with their formal education counterparts. Paket A corresponds to elementary school; Paket B corresponds to junior high school; and Paket C corresponds to senior high school. This program is a highly strategic education system that provides possibilities to people who do not have access to the traditional education system, such as those who reside in remote places, migrant workers, and those who drop out of school due to financial difficulties. See at Footnotes below.

<sup>60</sup> Herlyna Herlyna, Mukhneri Mukhtar, and Eliana Sari, "The Evaluation of Paket C Equivalency Program Implementation in Tangerang District, Indonesia," in *Proceedings of the 1st International Conference on Innovation in Education (ICoIE 2018)* (Proceedings of the 1st International Conference on Innovation in Education (ICoIE 2018), Padang, Indonesia: Atlantis Press, 2019), <https://doi.org/10.2991/icoie-18.2019.121>.

<sup>61</sup> Beltetkin, "Turkey's Progress Toward Meeting Refugee Education Needs The Example of Syrian Refugees."

<sup>62</sup> United Nations Educational, Scientific, and Cultural Organization, "Global Convention on the Recognition of Qualifications Concerning Higher Education," UNESCO, November 25, 2019, <https://en.unesco.org/about-us/legal-affairs/global-convention-recognition-qualifications-concerning-higher-education>.

<sup>63</sup> United Nations Educational, Scientific, and Cultural Organization, "Article VII Global Convention on the Recognition of Qualifications Concerning Higher Education" (2019), <https://en.unesco.org/about-us/legal-affairs/global-convention-recognition-qualifications-concerning-higher-education>.

assessment part of the UNESCO Qualifications Passport contains information which describes the highest achieved qualification(s), subject field, other relevant qualifications, as well as relevant job experience and language proficiency (in cases where it is possible to substantiate it and it might have relevance).<sup>64</sup> The evaluation approach is comprised of a review of available documents, extensive experience gathered from past reviews, and a structured interview. Thus, the paper gives genuine information that may be relevant for employment applications, internships, qualifying courses, and college admissions.<sup>65</sup> This UNESCO initiative is actually based on the lessons learned and the approach used by the Council of Europe and the Norwegian Agency for Quality Assurance in Education's European Qualifications Passport program. Although this document is not a legal recognition, authorization, or license to practice a given profession, it summarizes and shows the applicant's educational background, work experience, and language skills. This research then argues, therefore, that such a globally developed method should be more than adequate to serve as a replacement for the past study document required for enrolment at an Indonesian higher education institution.

### **Aceh, the Concept of Islamic State, the Ruling on the Refugee in Islam, and Local Communities Support**

Historically speaking, Aceh has long established its state as the first sovereign Islamic kingdom in Southeast Asia (Perlak and Pasai).<sup>67</sup> The incorporation of Sharia law in its legal system and the acknowledgment of Aceh autonomus government as today is a reflection on how Aceh was in the distance past, and is the result of a long peace and non-peaceful process that concluded in 2006 with the enactment of Law No. 11 Year 2006 on the Government of Aceh

---

<sup>64</sup> Another two-part section is the explanation section, which offers information on the document's status and a brief summary of the pilot project. The third section of the passport contains information on the route forward and contact information for the appropriate authorities and agencies, which may be useful during the job-searching process, application for further studies, and authorization application. See the guideline from footnote below.

<sup>65</sup> United Nations Educational, Scientific, and Cultural Organization, "UNESCO Qualifications Passport for Refugees and Vulnerable Migrants" (UNESCO, 2020), <https://unesdoc.unesco.org/ark:/48223/pf0000374690>.

<sup>66</sup> United Nations Educational, Scientific, and Cultural Organization.

<sup>67</sup> Hasnil Basri Siregar, "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia," *Journal of Law and Religion* 24, no. 1 (ed 2008): 143–76, <https://doi.org/10.1017/S074808140000196X>.

(hereafter: UUPA).<sup>68</sup> The UUPA emphasizes the exclusiveness of Aceh in practicing Islam and incorporating Sharia Law (Islamic Law) in its legal system.<sup>69</sup>

Article 20 (A) of UUPA stipulated that the first general principle that guided the governance of Aceh and its district/city is Islamic principles. The recognition of Islamic principles as the first general principle that guided the governance of Aceh conveyed a fundamental commitment of Aceh in applying Shari'a Law to every aspect of government affairs, including education.<sup>70</sup> This commitment is then restated in Article 125 of UUPA "[i]slamic law as referred to in Graphic (1) includes worship, *ahwal al-syakhsiyah* (family law), *muamalah* (civil law), *jinayah* (criminal law), *qadha* (judicial), *tarbiyah* (education), *da'wah*, *syiar* (broadcast) and defense of Islam".<sup>71</sup>

The protection and the equitable treatment of refugees have become a valuable and undeniable culture in Islam.<sup>72</sup> This is backed by the saying of the Prophet Muhammad Peace be Upon Him (UPBH), "[t]he rights of migrants are the same as those of their hosts."<sup>73</sup> The inclusivity of the refugee protection is also mentioned many times in the Qur'an, and one of those reads that "and those who believed after [the initial emigration] and emigrated and fought with you – they are of you..." (8:75).<sup>74</sup> Such reading stipulates a strong conviction that the refugees who are supportive of the host state should no longer be considered an outsider; but a part of the local communities. Therefore, they should be treated equally, including access to educational rights.

---

<sup>68</sup> Siregar.

<sup>69</sup> Government of Republic of Indonesia, "Paragraph 3 of the Consideration of the Government of Republic Indonesia Law Number 11 Year 2016 on The Government of Aceh" (2006).

<sup>70</sup> Government of Republic of Indonesia, "Article 20(a) of the Government of Republic Indonesia Law Number 11 Year 2016 on The Government of Aceh" (2006), 2.

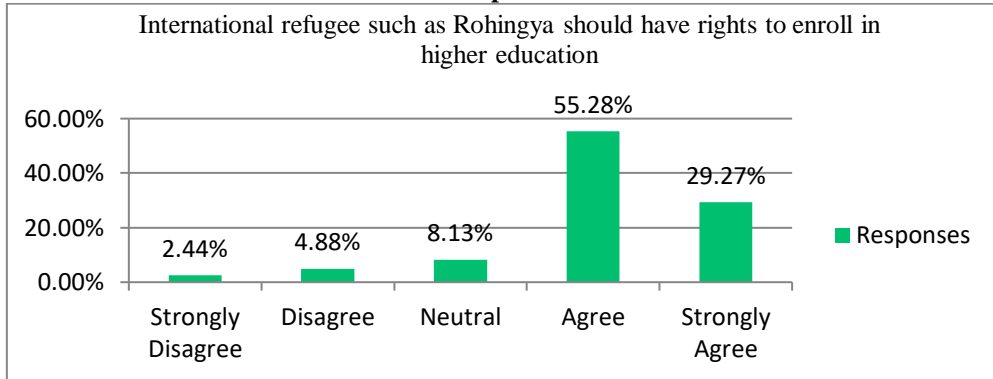
<sup>71</sup> Government of Republic of Indonesia, "Article 125 of the Government of Republic Indonesia Law Number 11 Year 2016 on The Government of Aceh" (2006).

<sup>72</sup> Ahmed Abou-El-Wafa, *The Right to Asylum between Islamic Shari'ah and International Refugee Law, A Comparative Study, Riyadh - 2009 (1430 H.)*, First (Riyadh: Press of Naif Arab University for Security Sciences, 2009), <https://www.unhcr.org/publications/legal/4a9645646/right-asylum-islamic-shariah-international-refugee-law-comparative-study.html>.

<sup>73</sup> Islamic Relief Worldwide, "Islam and Refugees," in *Islam and Refugees* (High Commissioner's Dialogue on Protection Challenges Theme: Faith and Protection, Palais des Nations, Geneva: United Nations High Commissioner for Refugee, 2012), <https://www.unhcr.org/protection/hcdialogue/50ab90399/islam-refugees.html>.

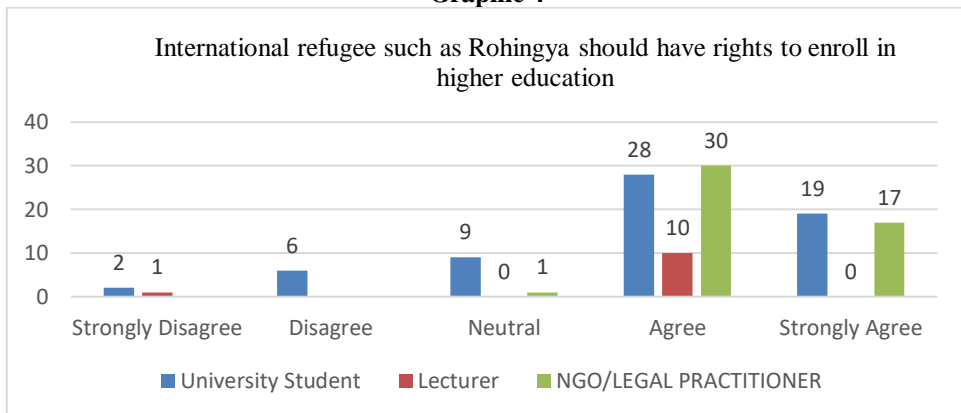
<sup>74</sup> Al-Qur'an: Al-Anfal/8:75, n.d.

**Graphic 3**



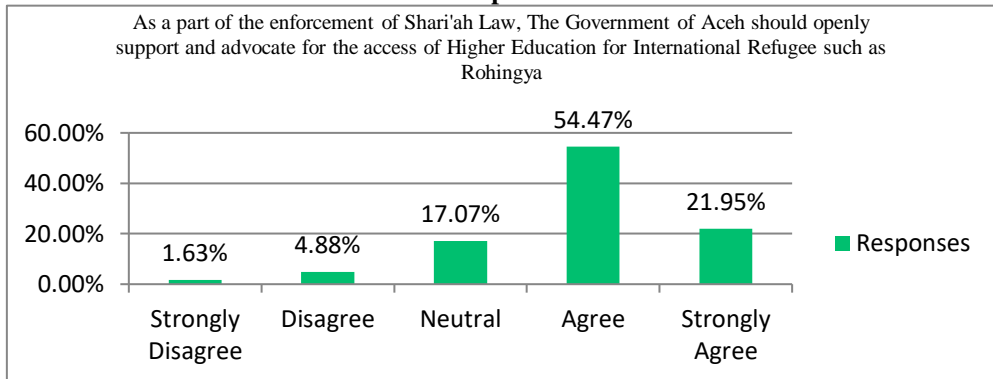
The local community concurs that refugees should be permitted to enroll in college. From the graph above, we can see that 29.27% of survey respondents strongly agree with this statement. Additionally, 55.28% of locals concur that refugees should have access to higher education. Comparatively, the percentages of those who strongly disagree and disagree with the statement are quite low, at 2.44% and 4.88%, respectively. There is 8.13% of people who choose neutral stance in regard to this matter.

**Graphic 4**

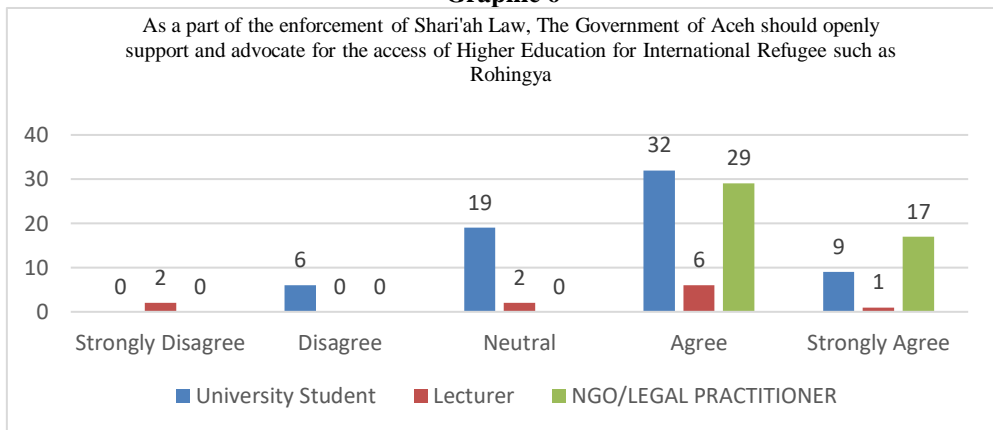


The fourth Graphic examines in significant detail what local communities view the question of whether or not refugees ought to have access to higher education. According to this Graphic, people who agree or strongly agree that refugees should be permitted to enroll in higher education stem from many backgrounds. More than half of students, NGOs, and legal practitioners, and nearly all academics agree or strongly agree that refugees should have access to higher education.

**Graphic 5**



**Graphic 6**



Furthermore, Graphic 5 and 6 reveal that 54.47 percent of participants, including 32 university students, 6 lecturers, 29 NGO representatives and legal practitioners, believe that the government of Aceh should actively support and promote the notion of allowing refugees to pursue higher education in Aceh, as this is also a component of the implementation of Shari'ah law. Only lecturers and students object to this notion, with 2 lecturers strongly disagreeing and 6 students disagreeing. A total of 21 participants (17.07 percent) held no opinion regarding this issue. This study also argues that since *tarbiyah*, as explained earlier in this section, is part of the Shari'ah law regulated in the LoGA, the government of Aceh should have a sufficient justification to advocate higher education for refugees that stays in its land.

A thorough application of Shari'a law, especially in Aceh, where the Shari'a law is already incorporated in the legal system, is the most potential breakthrough relating to refugees' higher education access. In Islam, hosting and supporting refugees is imperative that the host and supporter can gain a status of

“true believers, deserved forgiveness and a generous recompense.”<sup>75</sup> The concept of the rights of refugees, the protection of refugees, or the safety of refugees is abundant in Sharia law. It refers to the Quran (Muslim Holy Book) in many terms such as “iwa”,<sup>76</sup> “hijrah” (immigration)<sup>77</sup>, “malja”,<sup>78</sup> and “aman” (safety)<sup>79</sup>.<sup>80</sup> It also stipulated in Article 12 of the Declaration of Human Right in Islam 1990 reads:

“Every man shall have the right, within the framework of the Shari'ah... if persecuted, he is entitled to seek asylum in another country. The refugee country shall be obliged to protect the asylum seeker until his safety has been attained unless asylum is motivated by committing an act regarded by the Shari'ah as a crime”.<sup>81</sup>

In Islam, refugees gain the right to be provided, protected, respected, and defended as much as the citizen of the host countries. Evidently, the people of Yathrib (al-Madinah's Name before the migration (Hijrah)), when declaring *bay'ah* (allegiance) with Prophet Muhammad PBUH, stated that “I will give a pledge of protection, provided you protect and defend me as much as you do your wives and children”.<sup>82</sup> This practice then became more prudent when Prophet Mohammad (PBUH) stated that “the rights of migrants are the same as those of their hosts”. On that notion, taking example on how people in Medina treated all the refugees equally,<sup>83</sup> refugees in a Muslim Land should also equally treated and provided rights as much as the locals, including the rights to higher education.

The Holy Quran contains provisions for the right to asylum: Ayah 9 of Surat al-Hashr, which outlines five fundamental criteria regarding the right to asylum and how refugees should be handled. Allah the All-Powerful declares in the Holy Qur'an:

<sup>75</sup> Al-Qur'an: Al-Anfal/8:74, n.d.

<sup>76</sup> Al-Qur'an: Al-Anfal/8:72,74, n.d.

<sup>77</sup> Al-Qur'an: Al-Hasyr/59:9, n.d.

<sup>78</sup> Al-Qur'an: At-Taubah/9:56-57, n.d.

<sup>79</sup> Al-Qur'an: At-Taubah/9:56-57.

<sup>80</sup> Prof. Ahmed Abou-El-Wafa, *The Right to Asylum between Islamic Shari'ah and International Refugee Law, A Comparative Study, Riyadh - 2009 (1430 H.)*.

<sup>81</sup> Organization of Islamic Cooperation, “Article 12 of the Declaration of Human Right in Islam” (1990), <https://elearning.icrc.org/Human/Rights/in/Islam> (1990).pdf.

<sup>82</sup> Claude Gilliot, W. Montgomery Watt, and M. V. McDonald, “The History of al-Tabari, VI, Muhammad at Mecca,” *Studia Islamica*, no. 70 (1989): 196, <https://doi.org/10.2307/1595691>.

<sup>83</sup> Hafijur Rahman, “Akabe Anlaşması ve Medine Sözleşmesi'nin İslami Siyasal Düşüncede Siyasal Otoritenin Doğuşu Açısından Bir Değerlendirilmesi,” *İnsan ve Toplum Bilimleri Araştırmaları Dergisi* 9, no. 5 (December 29, 2020): 3379–96, <https://doi.org/10.15869/itobiad.748609>.

“But those who before them, had homes (in Medina) and had adopted the Faith, - Show their affection to such as came to them for refuge, and entertain no desire in their hearts for things given to the (latter), but give them preference over themselves, even though poverty was their (own lot) and those saved from the covetousness of their own souls, - They are the ones that achieve prosperity.”<sup>84</sup>

This verse expresses the following principles: Refugees (or migrants moving from one region to another) should be warmly welcomed and treated well, and they should not be expelled to the borders (refouled) or denied admittance. Muslims should provide them with preferential treatment over themselves. It is better to give people preference over oneself than over one's goods, even if this results in returns for oneself. Refugees should be accepted regardless of their wealth, as the holy Ayah states: “... and they have no yearning in their hearts for items offered to the latter (refugees).” Immigrants should not be refused, even if the inhabitants of the region of asylum are in abject poverty, destitution, and need, and have few means and funds, as the holy Ayah states, “... poverty was their lot.” The Ayah also provides evidence of territorial asylum, which is evident from its reference to “...those who, before them, had homes (in Medina) and had chosen the Faith,” i.e., “were empowered in both and well-established there.” This demonstrates that it is the responsibility of the territory's residents to accept all immigrants.<sup>85</sup>

Although there should be a basis for requesting asylum, in Islam all motives are treated equally. This demonstrates that receiving asylum depends on elements other than the applicant's fear of persecution and arrival in a nation where Muslims reside or a “Muslim land”. A person may also be granted asylum if they want to live in a Muslim country because they converted to Islam or because they want to live as a protected non-Muslim, a *musta'min* or *zimmi*. Thus, Islam adopts a broader definition of a refugee than the 1951 Convention and 1967 Protocol on the Status of Refugees, which define a refugee simply as someone who escapes persecution out of fear.<sup>86</sup>

The term "Islamic land" refers to areas where Islamic Shari'ah is upheld and where everyone living there, Muslims and non-Muslims alike, as well as those under Muslim protection, benefits from the *aman* (safety) of Islam. Imam Abu Haneefah establishes three prerequisites for a Muslim country's territory, namely:

---

<sup>84</sup> Al-Qur'an: Al-Hasyr/59:9.

<sup>85</sup> Prof. Dr. Wahbah az-Zuhaili, *Tafsir Al-Munir Aqidah, Syariah, Manhaj: Adz-Dzaariyaat - At-Tahriim, Juz 27 & 28* (Gema Insani), accessed September 12, 2022, <https://ia904603.us.archive.org/8/items/terjemah-tafsir-al-munir-2014.pdf>.

<sup>86</sup> Ahmed Abou-El-Wafa, *The Right to Asylum between Islamic Shari'ah and International Refugee Law, A Comparative Study, Riyadh - 2009 (1430 H.)*.

The Islamic Shari'ah is the governing law, as seen by the territory's obvious Islamic rules. It has a border with a Muslim country. Both Muslims and non-Muslims (*zimmis*) who live there should benefit from the *aman* of Muslims.<sup>87</sup> Aceh fulfilled all three criteria mentioned above since Aceh has a distinctive position that allows it to apply Shari'ah law within its legal system, it is a part of Indonesia that respects and protects both Muslims and non-Muslims, and it shares a border with a country that respects both Muslims and non-Muslims, such as Malaysia. Both the Malikites and the Shafi'ites claim that *Daral-Islam* (the Land of Islam) is the region where Muslim principles predominate and where Muslims can practice their faith to its fullest. Hanbali jurisprudence states that "Every land, where Islamic provisions prevail, is a Muslim land; every land, where non-believers' provisions prevail, is a non-believers' land, and there is no land but those."<sup>88</sup> The holistic application of Shari'ah law in Aceh has become a key argument in support of Aceh's qualification to be considered an Islamic state, or as today format, Islamic province, or at the very least, the Islamic land.

As an autonomous province in Indonesia, Aceh is allowed to unilaterally authorize changes in its local education system as mentioned in article 16 (3) of Law Number 6 of 2016 on the Government of Aceh (the LoGA). This means that, the access to higher education could be provided by Aceh government on the basis of applying Shari'a law as whole, not merely the *hudud law*<sup>89</sup> which, according to Kamaruzzaman (2007), is a misinterpretation of Islamic law.<sup>90</sup> As mentioned earlier, the refugees' protection is an inherent part of the Islamic law. Thus, applying Islamic law as a whole will provide refugees with a similar access to the locals on many rights including education. It also in line with article 125 of UUPA, that stipulated the application of the Shari'a law in Aceh should include, among many, *tarbiyah* or education. Government of Aceh could possibly enact a new Qanun on the administration of refugees.

The same argument is also applicable to the higher education institution that the enrollment requirement could be waived for the refugees as an affirmation

---

<sup>87</sup> Prof. Ahmed Abou-El-Wafa.

<sup>88</sup> Prof. Ahmed Abou-El-Wafa.

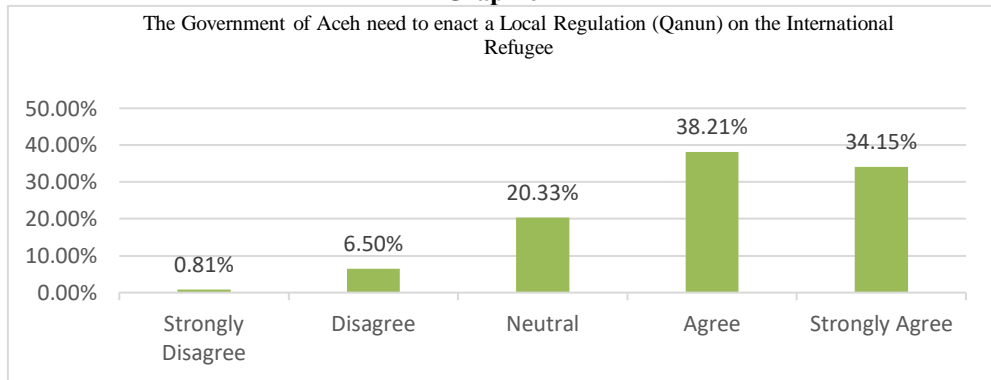
<sup>89</sup> Hudud is an Arabic term that refers to Islamic penal law or Quranic punishments. In traditional Islamic legal systems, hudud is implemented when certain proofs and conditions are met. Hudud offences as stipulated in the Quran include theft, brigandage, adultery and apostasy, see more explanation from the footnote below. Mohamed Ali, "Shariah Law and Hudud: Understanding Its Objectives and Spirit," 2013, <https://dr.ntu.edu.sg/handle/10356/79298>; Dedy Sumardi, "Hudūd Dan HAM: Artikulasi Penggolongan Hudūd Abdullahi Ahmed An-Na'im," *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 35, no. 2 (December 2, 2011), <https://doi.org/10.30821/miqot.v35i2.149>.

<sup>90</sup> Kamaruzzaman Bustamam-Ahmad, "The Application Of Islamic Law In Indonesia: The Case Study in Aceh," *JOURNAL OF INDONESIAN ISLAM* 1, no. 1 (June 1, 2007): 135, <https://doi.org/10.15642/JIIS.2007.1.1.135-180>.

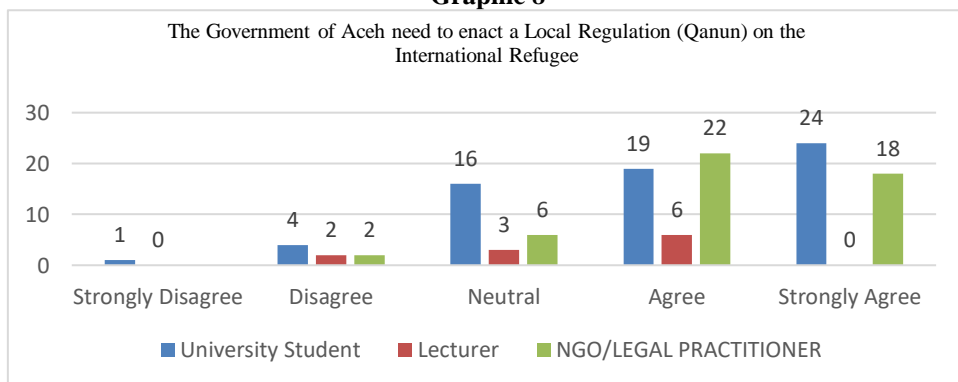


to the application of the Shari'a law that protects and respects the vulnerability of the refugees. The application the Shari'a law as a whole, not just in the curriculum, in higher education is in accordance with Article 5 (2) of Qanun Number 11 Year 2014 on the Education Organization stipulated that the National Educational System in Aceh should be organized and integrated Islamically to achieve the educational purposes. The organization and the integration in an Islamic way should comprehensively interpreted as to include the ease of access of the education to the refugees. Government of Aceh might regulate higher education management for refugees in this qanun so that universities in Aceh have a solid legal basis for accepting refugees as students. Clearly, engagement with the central government is required. However, this should not prevent the Aceh government from taking action on this issue.

**Graphic 7**



**Graphic 8**

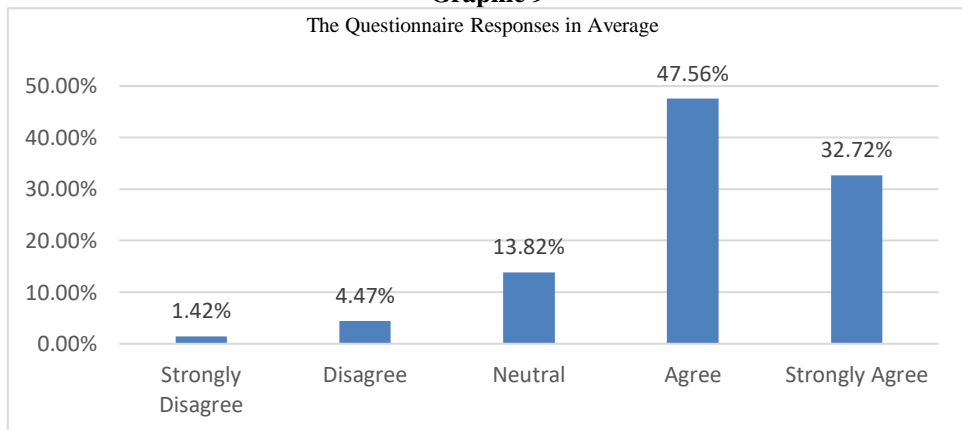


The notion that the government of Aceh should implement a qanun governing refugee handling also garnered strong support from survey respondents. As we can see from graphic 8, NGO and legal practitioner responses are divided between agree and strongly agree, with 22 respondents agreeing and 18 responding strongly. Similar proportions are depicted in Figure University

Student, where 24 respondents strongly agree, 19 respondents for both agree and neutral. However, there are students that disagree and strongly disagree with four and one respondents, respectively. The figure for lecturer demonstrates a range of opinions, with 2 disagreeing, 3 remaining neutral, and 6 agreeing. Graphic 7 illustrates that less than 10% of those who completed this questionnaire disagreed or strongly disagreed with the question. Figures agree and strongly agree are again indicating overwhelming support from poll participants totaling more than 60%, with 36.21% and 34.15%, respectively.

All the quantitative data that we share in this section shows how local communities are fully support the idea of refugees to be able to access higher education in Aceh.

**Graphic 9**



This graph demonstrates that in most questions about supporting or permitting refugee access to higher education, 47.56% of all 123 poll participants agree and only 4.47% disagree. On average, 32.72% of participants strongly agree with the survey question, while 1.42% strongly disagree. Only 13.82% of participants chose to remain neutral on average. According to this graphic, if Indonesia is unable to lawfully allow refugees to enter higher education in Indonesia, based on the premise of adopting Shari'a law as a whole, Aceh will be the most ideal "Islamic area" to welcome them, with overwhelming support from local residents.

## **Conclusion**

For many years, refugees have been denied entrance to higher education in the majority of nations that are not signatories to the 1951 Refugee Convention, including Indonesia. Even though some refugees have been in Indonesia for more than a decade, as a non-party Indonesia has not yet permitted refugee access to its

system of higher education. The three primary reasons for this are a student permit from the Indonesia Secretary General, a Visa from immigration, and evidence of prior study. This study found that Indonesia is legally responsible to provide higher education rights for refugees. This study argues that even though there is no clear indication about such responsibility in Indonesia educational regulation, Indonesia's Constitution is clearly mandating Indonesia to actively participating in giving humanitarian assistance and restoring global order. Indonesia also accepts the Convention Against Discrimination in Education which bound Indonesia to abrogate any statutory provisions and any administrative instructions that practices discrimination in Education.

Aceh also met all criteria for being considered an "Islamic Land" because it has a unique position that allows it to apply Shari'ah law within its legal system, it is a part of Indonesia that respects and protects both Muslims and non-Muslims, and it shares a border with a country that respects both Muslims and non-Muslims, such as Malaysia. Since Aceh met the criteria for being termed an Islamic land, this study contends that Aceh is fundamentally theologically accountable to offer refugees with the same rights that its citizens have, which includes the opportunity to enroll in higher education. The idea proposed in this study received a lot of supports from local communities. In most questions about supporting or permitting refugee access to higher education, 47.56% of all 123 poll participants agree and only 4.47% disagree. On average, 32.72% of participants strongly agree with the survey question, while 1.42% strongly disagree. Only 13.82% of participants chose to remain neutral on average.

## References

- A Transit Country No More: Refugees and Asylum Seekers in Indonesia.” Research Report. Mix Migration Centre, May 2021. <https://mixedmigration.org/resource/a-transit-country-no-more-refugees-and-asylum-seekers-in-indonesia/>.
- Adwani, Adwani, Rosmawati Rosmawati, and M. Ya'kub Aiyub Kadir. “The Responsibility in Protecting The Rohingya Refugees In Aceh Province, Indonesia: An International Refugees Law Perspective.” *IJUM Law Journal* 29, no. (S2) (November 3, 2021): 1–21. [https://doi.org/10.31436/iiumlj.v29i\(S2\).677](https://doi.org/10.31436/iiumlj.v29i(S2).677).
- Afriansyah, Arie, and Eva Zulfa. “Refugees Resettlement: A Review Of Indonesian Laws And Practices.” *Indonesia Law Review* 8, no. 2 (August 31, 2018). <https://doi.org/10.15742/ilrev.v8n2.489>.
- Ahmed Abou-El-Wafa. *The Right to Asylum between Islamic Shari'ah and International Refugee Law, A Comparative Study, Riyadh - 2009 (1430 H.)*. First. Riyadh: Press of Naif Arab University for Security Sciences,

2009. <https://www.unhcr.org/publications/legal/4a9645646/right-asylum-islamic-shariah-international-refugee-law-comparative-study.html>.
- Ali, Mohamed. "Shariah Law and Hudud: Understanding Its Objectives and Spirit," 2013. <https://dr.ntu.edu.sg/handle/10356/79298>.
- Beltekin, Nurettin. "Turkey's Progress Toward Meeting Refugee Education Needs The Example of Syrian Refugees." *Eurasian Journal of Educational Research* 16, no. 66 (December 19, 2016): 1–30. <https://doi.org/10.14689/ejer.2016.66.10>.
- Buckner, Elizabeth, Dominique Spencer, and Jihae Cha. "Between Policy and Practice: The Education of Syrian Refugees in Lebanon." *Journal of Refugee Studies* 31, no. 4 (December 1, 2018): 444–65. <https://doi.org/10.1093/jrs/fex027>.
- Bustaman-Ahmad, Kamaruzzaman. "The Application of Islamic Law In Indonesia: The Case Study in Aceh." *JOURNAL OF INDONESIAN ISLAM* 1, no. 1 (June 1, 2007): 135. <https://doi.org/10.15642/JIIS.2007.1.1.135-180>.
- Caroline Chan. "Briefing Note: Indonesia's Higher Education Systems." *Skills Futures* (blog), November 19, 2019. <https://skills.australiaindonesiacentre.org/reports/indonesias-higher-education-systems/>.
- Dereli, Begüm. "Belonging through Higher Education: The Case of Syrian Youth in Turkey." *Journal of Refugee Studies* 35, no. 1 (March 1, 2022): 195–219. <https://doi.org/10.1093/jrs/feab055>.
- Dewansyah, Bilal, and Irawati Handayani. "Reconciling Refugee Protection and Sovereignty in ASEAN Member States: Law and Policy Related to Refugee in Indonesia, Malaysia and Thailand." *Central European Journal of International and Security Studies* 12, no. 4 (October 30, 2022). <https://cejiss.org/reconciling-refugee-protection-and-sovereignty-in-asean-member-states-law-and-policy-related-to-refugee-in-indonesia-malaysia-and-thailand>.
- Digdowiseiso, Kumba. "The Development Of Higher Education In Indonesia." *International Journal of Scientific & Technology Research* 9, no. 2 (February 25, 2020): 1381–85.
- Directorate General of Higher Education and Ministry of Education and Culture, Republic of Indonesia. "Study In Indonesia | Achievements of Indonesian Universities in the Top 500 QS World University Rankings 2023," July 30, 2022. <https://studyinindonesia.kemdikbud.go.id/web/in-the-top-500-qs-world-university-rankings-2023>.
- Direktorat Kelembagaan and Direktorat Jenderal Pendidikan Tinggi, Riset dan Teknologi. "Layanan Izin Belajar Mahasiswa Asing," 2021. <https://izinbelajar.kemdikbud.go.id/>.

- Dragana Borenovic Dilas, Chris Mackie, Ying Huang, and Stefan Trines. "Education in Indonesia." WENR, March 21, 2019. <https://wenr.wes.org/2019/03/education-in-indonesia-2>.
- Fernández, Julia González. "International Legal Protection of The Right to Education For Refugees and Asylum-Seekers." Ku Leuven- Katholieke Universiteit Leuven. Accessed May 25, 2022. <https://repository.gchumanrights.org/server/api/core/bitstreams/a5a10f9c-52ca-43be-b367-3ce83fc1b68e/content>.
- General Conference of the United Nations Educational, Scientific and Cultural Organization. Article 1(1) of the Convention against Discrimination in Education (1960). <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-discrimination-education>.
- General Conference of the United Nations Educational, Scientific and Cultural Organization. Article 1(2) of the Convention against Discrimination in Education (1960). <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-discrimination-education>.
- Gilliot, Claude, W. Montgomery Watt, and M. V. McDonald. "The History of Al-Tabari, VI, Muhammad at Mecca." *Studia Islamica*, no. 70 (1989): 196. <https://doi.org/10.2307/1595691>.
- Government of Republic of Indonesia. Article 20(a) of the Government of Republic Indonesia Law Number 11 Year 2016 on The Government of Aceh (2006).
- Hamdani. University readiness and Local responses in accepting refugee in university. Meeting, July 9, 2022.
- Herlyna, Herlyna, Mukhneri Mukhtar, and Eliana Sari. "The Evaluation of Paket C Equivalency Program Implementation in Tangerang District, Indonesia." In *Proceedings of the 1st International Conference on Innovation in Education (ICoIE 2018)*. Padang, Indonesia: Atlantis Press, 2019. <https://doi.org/10.2991/icoie-18.2019.121>.
- Ibesh, Rasem, Wael Ahmad, Rachid Chikhou, Razan Jumah, Hayat Sankar, and Allen Thurston. "The Educational Experiences of Syrian Women in Countries of Safety/Asylum." *International Journal of Educational Research Open* 2 (2021): 100027. <https://doi.org/10.1016/j.ijedro.2020.100027>.
- Irfan, Anne E. "Educating Palestinian Refugees: The Origins of UNRWA's Unique Schooling System." *Journal of Refugee Studies* 34, no. 1 (March 1, 2021): 1037–59. <https://doi.org/10.1093/jrs/fez051>.
- Ishak Hasan. University readiness and Local responses in accepting refugee in university. Meeting, July 9, 2022.
- Islamic Relief Worldwide. "Islam and Refugees." In *Islam and Refugees*. Palais des Nations, Geneva: United Nations High Commissioner for Refugee,

2012. <https://www.unhcr.org/protection/hcdialogue/50ab90399/islam-refugees.html>.
- Kneebone, Susan. "Is the 2016 Indonesian Presidential Regulation a Potential 'game-Changer' on Rescue of Rohingya Boat Refugees? | Kaldor Centre." Kaldor Centre for International Refugee Law. Accessed July 1, 2022. <https://www.kaldorcentre.unsw.edu.au/publication/2016-indonesian-presidential-regulation-potential-game-changer-rescue-rohingya-boat>.
- Listriani, Sophia, Rosmawati, and M. Ya'kub Aiyub Kadir. "Toward a New Legal Framework for Settling Rohingya's Refugee Crisis in Indonesia: A Lesson Learned from Aceh Province." In *Proceedings of the International Conference on Law, Governance and Islamic Society (ICOLGIS 2019)*. Banda Aceh, Indonesia: Atlantis Press, 2020. <https://doi.org/10.2991/assehr.k.200306.227>.
- Martha K Ferede. "Higher Education for Refugees." Ed/Gemr/Mrt/2018/P1/24 Rev. 2. Background Paper Prepared for the 2019 Global Education Monitoring Report: Migration, Displacement and Education: Building Bridges, Not Walls. France: Global Education Monitoring Report Team, 2018. <https://unesdoc.unesco.org/ark:/48223/pf0000266075>.
- Ministry of Education, Cultural, Research and Technology Secretary General. Circular Letter number 30546/A.A5/HK.01.00/2022 on the Education for Refugees Children (2022). <https://drive.google.com/file/d/1mbbjFRvKh6ZkaZHQ16HYCq-1YsIDditV/view>.
- Ministry of National Education. Article 2 of Ministry of National Education Rule No 25 Year 2007 on Requirements and Procedures for Foreign Citizens to Become a Student at a Higher Education in Indonesia (2007). [https://jdih.mkri.id/mg58ufsc89hrsg/Mendiknas\\_25\\_2007.pdf](https://jdih.mkri.id/mg58ufsc89hrsg/Mendiknas_25_2007.pdf).
- Missbach, Antje. "Asylum Seekers' and Refugees' Decision-Making in Transit in Indonesia: The Need for In-Depth and Longitudinal Research." *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 175, no. 4 (November 8, 2019): 419–45. <https://doi.org/10.1163/22134379-17504006>.
- Muhammad Suhaily Sufyan. University readiness and Local responses in accepting refugee in university. Meeting, September 7, 2022.
- Mukhlis. University readiness and Local responses in accepting refugee in university. Meeting, July 8, 2022.
- Naylor, Ryan, Les Terry, Alberto Rizzo, Nga Nguyen, and Nathan Mifsud. "Structural Inequality in Refugee Participation in Higher Education." *Journal of Refugee Studies* 34, no. 2 (June 1, 2021): 2142–58. <https://doi.org/10.1093/jrs/fez077>.

- Organization of Islamic Cooperation. Article 12 of the Declaration of Human Right in Islam (1990). [https://elearning.icrc.org/detention/en/story\\_content/external\\_files/Human%20Rights%20in%20Islam%20\(1990\).pdf](https://elearning.icrc.org/detention/en/story_content/external_files/Human%20Rights%20in%20Islam%20(1990).pdf).
- Pherali, Tejendra, and Mai Abu Moghli. "Higher Education in the Context of Mass Displacement: Towards Sustainable Solutions for Refugees." *Journal of Refugee Studies* 34, no. 2 (June 1, 2021): 2159–79. <https://doi.org/10.1093/jrs/fez093>.
- President of The Republic of Indonesia. Article 1(1), 2(1), 13(3), 20(2), 29(1), 37(a), 39(a), 42(3) and 43(3) of The Presidential Decree No 125 Year 2016 on The Handling of Refugee (2016). <https://www.refworld.org/pdfid/58aeec374.pdf>.
- Rahman, Hafijur. "Akabe Anlaşması ve Medine Sözleşmesi'nin İslami Siyasal Düşüncede Siyasi Otoritenin Doğuşu Açısından Bir Değerlendirilmesi." *İnsan ve Toplum Bilimleri Araştırmaları Dergisi* 9, no. 5 (December 29, 2020): 3379–96. <https://doi.org/10.15869/itobiad.748609>.
- Refugees, United Nations High Commissioner for. "Projected Global Resettlement Needs 2022 (PDF)." UNHCR. Accessed October 31, 2022. <https://www.unhcr.org/protection/resettlement/60d320a64/projected-global-resettlement-needs-2022-pdf.html>.
- Section of Education Policy of the Education Sector of UNESCO. "Enforcing the Right to Education of Refugees: A Policy Perspective." UNESCO, 2019. ED-2019/SANS COTE ED/0436/8. <https://unesdoc.unesco.org/ark:/48223/pf0000366839>.
- Sellars, Maura. "Planning for Belonging: Including Refugee and Asylum Seeker Students." *Journal of Refugee Studies* 35, no. 1 (March 1, 2022): 576–94. <https://doi.org/10.1093/jrs/feab073>.
- Sheany. "Indonesia Will Help Refugees, but 'Won't Host Them Forever,' Says Immigration Office." Jakarta Globe, July 26, 2017. <https://jakartaglobe.id/news/indonesia-will-help-refugees-wont-host-forever-says-immigration-office>.
- Sigona, Nando. "Education, Asylum and the 'Non-Citizen' Child: The Politics of Compassion and Belonging. By Halleli Pinson, Madeleine Arnot and Mano Candappa." *Journal of Refugee Studies* 25, no. 2 (June 1, 2012): 307–8. <https://doi.org/10.1093/jrs/fes014>.
- Siregar, Hasnil Basri. "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia." *Journal of Law and Religion* 24, no. 1 (ed 2008): 143–76. <https://doi.org/10.1017/S074808140000196X>.
- Sitarah Mohammadi and Sajjad Askary. "Refugees Live in Destitution in Indonesia: Years of Limbo and Suffering Leads Refugees to Protests for

- Many Weeks Now for Resettlement,” January 10, 2022. <https://www.refugeecouncil.org.au/refugees-live-in-destitution-in-indonesia/>.
- Sumardi, Dedy. “Hudûd Dan HAM: Artikulasi Penggolongan Hudûd Abdullahi Ahmed An-Na'im.” *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 35, no. 2 (December 2, 2011). <https://doi.org/10.30821/miqot.v35i2.149>.
- Tan, Jennifer. “What’s Noteworthy and What Needs to Be Taken Note of: An Exploratory Examination of a Learning Center for Refugee Children,” 11–18, 2021. <https://doi.org/10.22492/issn.2186-5892.2021.2>.
- the United Nations Educational, Scientific and Cultural Organization. “Indonesia - Ratified Convention | UNESCO.” Accessed March 30, 2023. <https://www.unesco.org/en/countries/id/conventions>.
- “UNHCR|Emergency Handbook.” Accessed July 1, 2022. <https://emergency.unhcr.org/>.
- United Nations Educational, Scientific, and Cultural Organization. Article VII Global Convention on the Recognition of Qualifications concerning Higher Education (2019). <https://en.unesco.org/about-us/legal-affairs/global-convention-recognition-qualifications-concerning-higher-education>.
- . “Global Convention on the Recognition of Qualifications Concerning Higher Education.” UNESCO, November 25, 2019. <https://en.unesco.org/about-us/legal-affairs/global-convention-recognition-qualifications-concerning-higher-education>.
- . *Protecting the Right to Education for Refugees*. Second Edition, Revised and Updated. Working Papers on Education Policy 04. France: UNESCO. Accessed March 30, 2023. <https://www.refworld.org/pdfid/5a5f41fc4.pdf>.
- . “UNESCO Qualifications Passport for Refugees and Vulnerable Migrants.” UNESCO, 2020. <https://unesdoc.unesco.org/ark:/48223/pf0000374690>.
- . “Indonesia Fact Sheet - February 2022.” Fact Sheet. UNHCR, February 2022. <https://www.unhcr.org/id/wp-content/uploads/sites/42/2022/04/Indonesia-Fact-Sheet-February-2022-FINAL.pdf>.
- . “Indonesia Fact Sheet - June 2022.” Fact Sheet. UNHCR, June 2022. <https://www.unhcr.org/id/wp-content/uploads/sites/42/2022/08/Indonesia-Fact-Sheet-June-2022-FINAL.pdf>.
- . “Procedural Standards for Refugee Status Determination under UNHCR’s Mandate.” United Nations High Commissioner for Refugee, August 2020.



- <https://www.unhcr.org/publications/legal/4317223c9/procedural-standards-refugee-status-determination-under-unhcrs-mandate.html>.  
----- "Tertiary Education." UNHCR. Accessed November 19, 2021.  
<https://www.unhcr.org/tertiary-education.html>.
- "UNHCR Warns 2020 Risks Lowest Resettlement Levels in Recent History." UNHCR. Accessed July 12, 2022.  
<https://www.unhcr.org/news/press/2020/11/5fb4e6f24/unhcr-warns-2020-risks-lowest-resettlement-levels-recent-history.html>.
- United Nations High Commissioner for Refugees. "Education Assistance." UNHCR Indonesia. Accessed June 27, 2022.  
<https://help.unhcr.org/indonesia/services/education/>.
- Wahbah az-Zuhaili. *Tafsir Al-Munir Aqidah, Syariah, Manhaj: Adz-Dzaariyaat - At-Tahriim, Juz 27 & 28*. Gema Insani. Accessed September 12, 2022.  
<https://ia904603.us.archive.org/8/items/terjemah-tafsir-al-munir-mktbhazzaen/Terjemah%20Tafsir%20AI%20Munir%20-%202014.pdf>.