

## Law Enforcement Against Rohingya Refugees Involved in Criminal Activities in Medan City

Muhammad Ryan Eka Ramadhan<sup>1</sup>, Fitria Ramadhani Siregar<sup>2</sup>

Email: [mryanekar@gmail.com](mailto:mryanekar@gmail.com)

Universitas Pembangunan Panca Budi

### ABSTRACT

*Rohingya is one of the Islamic ethnic minorities and is isolated in the country of Myanmar. The Rohingya ethnic group has been in the Rakhine Region for a long time, even before the British came to power between 1824 and 1948. However, the existence of the Rohingya ethnic group was not recognized by the Myanmar Military Junta government so that throughout their survival the Rohingya ethnic group was not strong enough to face violence committed by the government. In the end, the Rohingya were forced to travel to other countries, including Indonesia, by boat. Indonesia is one of the countries that is a destination for refugees due to discrimination or conflict in their country. Rohingya refugees who temporarily stop in Indonesia is a humanitarian problem and the country must respond to this matter as best as possible. However, before 2016, Indonesia did not have a regulation to regulate the refugee problem because Indonesia did not participate in ratifying the 1951 Refugee Convention. Regarding the presence of foreigners, including Rohingya refugees, in 2016, the Indonesian Government issued regulations to address the refugee problem, namely through Presidential Regulation of the Republic of Indonesia Number 125 of 2016 concerning Handling of Refugees from Abroad. This regulation regulates the handling of refugees which includes aspects of discovery, security, shelter, supervision, international cooperation and various other aspects including handling refugees who are involved in criminal activities. Therefore, the author formulates problems related to law enforcement against Rohingya refugees who are involved in criminal activities.*

**Keywords:** Rohingya, Law Enforcement, Refugees, Crime

### INTRODUCTION

The Rohingya are a Muslim group that mostly lives in Myanmar's Rakhine state, formerly known as Arakan. Although these ethnic groups have existed in the region since before the British took control of Myanmar (formerly Burma) between 1824 and 1948, their status as an ethnic group in Myanmar is highly questioned and often ignored by the Myanmar government. Myanmar's government, particularly under the rule of the military junta and subsequent governments, does not recognize the Rohingya as a legitimate ethnic group. The Myanmar government generally considers them to be illegal immigrants from Bangladesh, even though many Rohingya have lived in Myanmar for generations.

Discrimination against the Rohingya has been long and systematic. They often face limitations when it comes to basic rights such as education, employment, and access to healthcare. In addition, they also experience restrictions in terms of freedom of movement and land ownership rights. Since the end of 2016, the situation for the Rohingya has worsened. Attacks by Rohingya militant groups on Myanmar security posts in October 2016 and August 2017 triggered a harsh response from the Myanmar military. Myanmar's military (Tatmadaw) launched an operation called a "terrorist crackdown", which reportedly involved mass killings, rape, burning of houses, and shooting of Rohingya civilians.

According to reports from various human rights organizations and the United Nations, this military operation has resulted in many casualties and injured thousands. Tens of thousands

of Rohingya have been forced to flee Myanmar and seek refuge in neighboring countries. Most Rohingya refugees head to refugee camps in Cox's Bazar, Bangladesh, which is one of the largest shelters. However, due to various reasons, including very difficult living conditions and high density in the camps, some Rohingya refugees continue their journey to other countries

Indonesia, with its strategic geographical position in Southeast Asia, is one of the transit destinations or final destination for Rohingya refugees, although it does not have official status as a refugee host country, Indonesia has become a refuge for many of them. During their time in Indonesia, refugees were often involved in various criminal cases such as fights with residents around shelters. Therefore, law enforcement measures are needed that can overcome the problem.

## METHODS

In this study, a qualitative approach was used to explore and understand law enforcement in dealing with the problem of Rohingya refugees involved in criminal activities. The data collection method involves in-depth interviews with refugees involved in criminal activities, local government officials, and related parties including the Overseas Refugee Handling Task Force in Medan City to gain in-depth insights into the experiences, strategies, and challenges faced. Participatory observation in shelters and analysis of documents related to Rohingya refugees in Medan City.

## RESULTS AND DISCUSSION

### Law Enforcement Theory

Law enforcement is part of an action carried out by law enforcers. The purpose of law enforcement is to ensure order and increase legal awareness in every citizen, including refugees. The process of implementing law enforcement is applied before and after violations committed by refugees. Law enforcement is an important part regulated by the government that acts as a stakeholder to carry out enforcement by preventing, restoring, or punishing a person who is proven to have committed acts of violation of the law including criminal activities

Based on the explanation of law enforcement, of course it is clear that what is meant by law enforcement functions as a reference for life in every Indonesian citizen or foreign citizen while in Indonesian territory.

Types of Violations Committed by Rohingya Refugees

The number of refugees in Indonesia, especially in the city of Medan, is 172 people with the following details

**Table 1. Data on the Number of Refugees by Shelter**

No	Shelter	Number of Refugees
1.	Pelangi Community House	109
2.	Aras Dengsi Community House	62
3.	My Mansion Community House	1
<b>Total</b>		<b>172</b>

The Rohingya refugees face a wide range of legal and social challenges, and in some cases, they engage in violations that can be categorized as criminal acts. Here are some of the types of violations that are often committed by refugees in Indonesia:

- a. Immigration Violations

Rohingya refugees in Indonesia are prohibited from working, in accordance with the Regulation of the Director General of Immigration Number IMI-0352. GR.02.07. Despite this, many refugees are forced to work to make ends meet, resulting in violations of immigration laws.

b. General Crimes

There have been reports of refugees being involved in fights or riots in shelters, such as what happened to Rohingya refugees in shelters in Medan City. These actions are often triggered by social pressures and difficult living conditions.

### **Challenges in Law Enforcement**

Challenges in law enforcement against refugees in Indonesia include complex aspects, especially related to policies, and socio-economic conditions. Here are some of the key challenges faced:

a. Inadequate Legal Policy

Indonesia itself has not ratified the 1951 Refugee Convention and the 1967 Protocol, which results in unclear legal protection for refugees, leaving refugees without access to the basic rights they should have<sup>5</sup>.

b. Discrimination and Socio-Economic Challenges

Rohingya refugees often face discrimination in society which exacerbates their challenges in finding work and a difficult economy, encouraging them to engage in criminal activities.

c. Limited Resources

Law enforcement against Rohingya refugees involved in criminal activities such as fights is often hampered by limited resources both in terms of budgets and law enforcement apparatus.

The solution in law enforcement of Rohingya refugees who commit violations until now the government has made efforts to handle refugees in Indonesia. The efforts that have been made are:

a. Communicating and coordinating with the Medan City Overseas Refugee Handling Task Force (PPLN Task Force)

b. Communicate and coordinate with the United Nations High Commissioner for Refugees (UNHCR)

c. Cooperate with the International Organization For Migration (IOM)  
The existence of a Legal Umbrella on the Mechanism for Handling Refugees<sup>8</sup>.

### **Case Studies**

#### **Chronology**

On Friday, August 30, 2024 at 22.40 WIB, there was an incident of beating by Myanmar Rohingya refugees a.n Bin Dil Mohammed Nor Din to security who was on duty at CH Aras Dengsi named Andi Bukit, The details of the incident are as follows:

From the information submitted from Security CH on behalf of Andi Bukit, information was obtained:

1. There are Myanmar Rohingya refugees a.n. Bin Dil Mohamed, Nor Din cs totaling 03

- (three) people who returned home late at night around 22 o'clock
2. The refugee asks to open the door that has been locked by the security in accordance with the rules in CH, the refugee leaves CH at 21.00 WIB at the latest
3. Security asked the reason for the Refugee's delay in returning to CH, but was responded with dispolite and defiant language
4. Security called the refugee Bin Dil Mohamed, Nor Din and intended to ask why the person concerned was being disrespectful but then the person concerned immediately attacked in the form of beating the security in the face until he fell
5. Security had bruises on his face and his legs were bleeding from falling
6. Security has made a complaint report to the Medan City Police.

### **Follow-up**

The follow-up carried out by the officers of the Medan Immigration Detention House regarding the complaint report include:

1. On Friday, September 6, 2024 at 12.00 WIB, Officers carried out activities to pick up refugees of Myanmar citizens of Rohingya ethnicity a.n. Bin Dil Mohamed, Nor Din who was accompanied by the Medan City Overseas Refugee Handling Task Force Team, Officers together with the Task Force Team tried to find refugees a.n. Bin Dil Mohamed, Nor Din but did not find refugees in his room, then the officer met the parents of the refugee a.n. Nur Uddin and received information that the refugees were not at the Community House on the grounds that the refugees had not returned from Friday prayers at the nearest mosque
2. From the excavation of information, it was found that the refugee was still in the Community House and the parents concerned lied and tried to cover up the whereabouts of their childSetelah mencari kurang lebih selama 40 menit, petugas Rudenim Medan menemukan pengungsi a.n.Nur Uddin di kamar No. 12 yang sedang bersembunyi didalam kamar mandi
3. After finding the refugee a.n. Nur Uddin, the Medan Rudenim officer together with the Task Force Team explained to the parents of the refugees and the Focal Point that the refugee would be temporarily taken to the Medan Rudenim for questioning
4. he officer with the refugee a.n Bin Dil Mohamed, Nor Din then moved to the Medan Immigration Detention House, and detention measures were carried out.
5. On Friday, September 6, 2024, a statement was taken from the person concerned a.n Bin Dil Mohamed, Nor Din at the Medan Immigration Detention House.. From the results of taking the information concerned, several pieces of information were obtained, including:
  - The refugee admitted to being outside the Community House on August 30, 2024 to play futsal with other refugees and returned to CH at 22.00 WIB through;
  - When they wanted to return to CH, the gate was already closed, and they shouted to call security, but the security did not open the door so there was a small commotion to the refugee room area and finally there was mutual pushing witnessed by other Rohingya ethnic refugees and the mother of the alleged beating perpetrator;

- Bin Dil Mohamed, Nor Din did not admit to beating the security forces but only pushed each other until they were separated by other refugees.
  - The refugee wants his problem to immediately find a solution and reconcile with the security.
6. Refugee a.n Bin Dil Mohamed, Nor Din has been detained since September 06, 2024 and given a temporary exit permit as of October 7, 2024 based on a letter of request from the biological mother concerned a.n Binti Sultan, Sufiya Khatun equipped with a statement letter from the person concerned and his mother to remain in the CH Aras Dengsi area and is willing to be summoned to the Medan Immigration Detention Center for further investigation and because the person concerned is still of school age and behave well
7. On October 29, 2024, the officers again supervised the whereabouts of Bin dil Mohammed to CH Aras Dengsi and obtained the following results:
- Since being released from the Medan Detention Center, the refugee has behaved well;
  - The parent said that his child has not continued school because he has missed the school process and may continue his school process after the new year;
  - Regarding the continuation of the legal process in the police, they do not know the continuation and until now there has been no notification or summons from the police;
  - The refugee has communicated with IOM to be able to continue his education at SMK Negeri 8 which is not far from the community house.
8. On October 31, 2024, the Officer collected information at the Tahfiz Qur'an Darul Mustaqim Islamic Boarding School, Tanjung Morawa with the following results:
- The refugee has studied at the Tahfiz Quran Darul Mustaqim Islamic Boarding School from July 2023 to April 2024;
  - The refugee stays at the Islamic Boarding School and returns home once a month to meet with his family;
  - Since the end of April 2024, the person concerned has not returned to the Islamic Boarding School and the reason is unknown.

## CONCLUSION

Law enforcement against Rohingya refugees involved in criminal activities in Medan City is a complex challenge and requires a holistic approach, given their backgrounds full of suffering and uncertainty. Close cooperation is needed between law enforcement officials, governments, and humanitarian agencies to ensure the protection of human rights for refugees, while ensuring that criminal acts that violate the law are still processed in accordance with applicable regulations. Therefore, law enforcement efforts do not only focus on legal sanctions, but also on rehabilitation and social reintegration efforts of refugees, so that they can contribute positively to the life of the people of Medan City. Through a more humane and equitable approach, it is hoped that a balance will be created between the protection of human rights and effective law enforcement.

## REFERENCES

Bintarawati, Fenny, Arief Fahmi Lubis, Rai Iqsandri, and Andrew Shandy Utama. "Tantangan



- Dan Prospek Perlindungan Hukum Dan Hak Asasi Manusia Bagi Pengungsi Rohingya Di Indonesia Dari Perspektif Masyarakat.” *Jurnal Hukum Dan HAM Wara Sains* 2, no. 12 (2023): 1169–80. <https://doi.org/10.58812/jhhws.v2i12.871>.
- Marni, S. (2019). Kebijakan Penanganan Pengungsi Asing di Indonesia
- M. Almudawar, and Ichsanoodin Mufty Muthahari. “Penanganan Dan Perlindungan Hak Asasi Manusia Terhadap Pengungsi (Refugees) Dan Pencari Suaka (Asylum Seekers) Di Indonesia Sesuai Pengkajian Perpres 125 Tahun 2016 Dan Implementasi Peran Rumah Detensi Imigrasi Dalam Penanganan Pengungsi Di Luar Negeri Pa.” *Perspektif Hukum*, 2021, 108–22. <https://doi.org/10.30649/ph.v2i12.71>.
- Mhd. Azhali Siregar & Andreas Okta Pasaribu, “Analisis Hukum Terhadap Perdagangan Manusia Yang Dimuat Melalui Platform Berdasarkan Peraturan Perundang-Undangan Di Indonesia”, *Jurnal Hukum Sehasen*, Vo.11, No.1, (2025), hal. 3, DOI: <https://doi.org/10.37676/jhs.v11i1.7683>
- Undang- Undang Nomor 6 Tahun 2011 tentang keimigrasian Peraturan Presiden Nomor 125 Tahun 2016 tentang penanganan pengungsi dari Luar Negeri
- Pratomo, Sapto Aji, Suhardi Darmawan, and Wahyu Saputra Sinaga. “Tinjauan Yuridis Terhadap Pengungsi Di Indonesia Yang Bekerja: Studi Kasus Pengungsi Afghanistan.” *Iblam Law Review* 4, no. 1 (2024): 183–94. <https://doi.org/10.52249/ilr.v4i1.237>.
- Primadasa, Cipta Primadasa, Mahendra Putra Kurnia, and Rika Erawaty. “Problematisasi Penanganan Pengungsi Di Indonesia Dari Perspektif Hukum Pengungsi Internasional.” *Risalah Hukum* 17 (2021): 44–51. <https://doi.org/10.30872/risalah.v17i1.380>.
- Rakhmi, Ida Tutia, Mujibussalim, and Mahfud. “TINDAK PIDANA YANG DILAKUKAN PENGUNGI INTERNASIONAL DI INDONESIA.” *Jurnal Kajian Hukum* 21, no. 1 (2019): 145–58. <https://doi.org/10.24815/kanun.v2i1.11317>.
- Siahaya, Tirza, Josina Agustina Yvonne Wattimena, and Johanis Steny Franco Peilouw. “Urgensi Diratifikasinya Konvensi 1951 Tentang Pengungsi Perspektif Hukum Keimigrasian.” *Jurnal Ilmu Hukum* 1, no. 11 (2022): 1069–79. <https://www.hukumonline.com/klinik/a/status-hukum-seorang-irefugee-i-dan->.
- Siregar, F. R., Rambe, M. J., & Ardiansyah, V. (2023). Kebijakan Hukum Pidana Terhadap Pelaku Tindak Pidana Kekerasan Seksual Pada Anak Di Kota Medan. *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 5(2), 22-31.
- Siregar, F. R. (2022, December). JURIDICAL ANALYSIS OF CHILD VICTIMS OF CYBERBULLYING THROUGH SOCIAL MEDIA REVIEWED FROM THE PERSPECTIVE OF CRIMINAL RESPONSIBILITY. In *International Conference on Health Science, Green Economics, Educational Review and Technology* (Vol. 4, pp. 532-537).
- Surat Edaran Direktur Jenderal Imigrasi Nomor IMI.5-GR.03.03-039 tentang Pengenaan Tindakan Administratif Keimigrasian (TAK) Pendetensian Terhadap Pengungsi
- Wulandari, Ayu, Marnia Rani, Sherly Meliana, Wiwin Marisa, Universitas Maritim Raja, and Ali Haji. “Penegakan Hukum Terhadap Imigrasi Ilegal : Analisis Peraturan Dan Tantangan Di Indonesia.” *Jurnal Ilmu Hukum* 1, no. 4 (2024): 368–72. <https://doi.org/https://doi.org/10.62017/syariah>.