

UNHCR's Role in Handling Afghan Refugees during COVID-19 in Indonesia

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Abstract

This study seeks to evaluate the impacts of the COVID-19 pandemic on Afghan refugees in Indonesia, while elucidating the role undertaken by the United Nations High Commissioner for Refugees (UNHCR) in addressing their needs. The pandemic has had a significant impact on the global refugee landscape, prompting several countries to restrict the movement of individuals and enhance entry scrutiny, thereby obstructing refugees' access to protection and assistance. Furthermore, refugees often encounter restricted access to essential healthcare and safety provisions, exacerbating an already arduous situation. Organizations dedicated to aiding international refugees, such as the UNHCR, strive to ameliorate these circumstances, primarily by facilitating healthcare access and providing financial support. Nonetheless, these efforts are hindered by limitations in resources and the dynamic nature of regulatory frameworks. Ultimately, the study concludes by expounding upon the UNHCR's interventions, spanning protective measures, advocating for healthcare provisions, facilitating educational services, and providing temporary accommodations. This research augments our comprehension of the UNHCR's role concerning refugees during the COVID-19 pandemic, alongside the effectiveness of the UNHCR's responsiveness in meeting their needs.

I. INTRODUCTION

The current situation of refugees has become an example of the interdependence of the international community in various countries. There for, it created new problems for refugees in a country and could had direct consequences for other countries.¹The UN General Assembly (United Nations) agreed to develop a comprehensive response to situations involving large movements of refugees. A declaration on refugees emerged which explained that responses to refugee issues must be based on the principles of international cooperation and on the burden of sharing responsibilities. Therefore, they are better able to protect and assist refugees. This effort is made to support the host countries and the communities involved.

Protection for refugees is still the reason for UNHCR's existence. UNHCR or United Nations High Commissioner for Refugees is an international organization working in the humanitarian field that is specifically tasked with dealing with refugees globally.² The 1951 Convention and 1967 Protocol became a reference for UNHCR to help and protect refugees so that discrimination dides not occur, protection from punishment for refugees, to the application of the principle of non-refoulment or the prohibition of forced returns.

The principle of non-refoulment is very important and fundamental for UNHCR because this principle must be applied by every country that is a member of UNHCR so that exceptions and reductions in the application of this principle are not allowed.⁴ Apart from containing the understanding of refugees and the rules obeyed, the 1951 Convention and the 1967 Protocol also explained the role of UNHCR as an international organization that specifically deals with refugees globally.³

Nicholson and Kumin, A Guide to International Refugee Protection and Building State Asylum Systems. Handbook for Parliamentaries No 27, 2017. UNHCR has been established in Indonesia since 1979, currently headquartered in Jakarta and has representatives in Medan, Tanjung Pinang, Surabaya, Makassar, Kupang and Pontianak.⁴ In its early days, UNHCR's activities focused on handling the arrival of Vietnamese refugees by boat in large numbers, as stated in the Comprehensive Plan of Action (CPA).⁵ However, with the flow of refugees coming to Indonesia, UNHCR Indonesia is more assertive in dealing with international refugees who come to Indonesia.

¹ Rahel Stepani Simbolon and Zahratul Azizah, *Penanganan Pengungsi Afghanistan Di Indonesia* (Yogyakarta).

² UNHCR, 'UNHCR Refugee Response Coordination', 2013.

³ NICHOLAS R. MICINSKI, 'International Cooperation on Migration in the European Union.', in *University of Michigan Press*, 2022.

⁴ UNHCR Indonesia, 'UNHCR Indonesia'.

⁵ Indonesia.

In addition, in most cases international refugees who come to Indonesia make the handling of refugees even more serious, UNHCR will be able to Provided assistance to refugees. At the same time, coupled with strengthening data from the 2020 Global Trends report put forward by UNHCR in 2020. Some people had been evicted from their homes, but they were still in their country. It is just that they didn't get proper housing and continue to be threatened with discomfort in that country.⁶ apaCausing a new wave of refugees to enter Indonesia.

Launching from the World Economic Forum report, said that the consequences of the COVID 19 Pandemic for refugees in third countries were difficulties in accessing livelihoods, coupled with minimal access to health and education.⁷ (9) In addition, the impact felt by refugees such as tightening borders and banning entry to countries during a pandemic. All of this forced many refugees to be displaced not only refugees, but asylum seekers too. Meanwhile, the conditions before the COVID-19 pandemic alone made it very difficult for refugees, coupled with bad problems during the pandemic. The basic needs of refugees alone are difficult, coupled with other harsh realities that refugees must face, such as discrimination by the community and bad stigmatization by labeling refugees as carriers of the virus. This reinforces the social consequence that refugees are the most vulnerable group during the COVID-19 pandemic.

Refugee protection is not only meant to alleviate suffering, but also to guarantee the protection of their most necessary human rights and freedoms in accordance with their special conditions. This includes guarantees of being returned to the territory where he faced threats of persecution for reasons of his race, religion, national origin, membership in a particular social group or political views. The personal conflict that occurred in Afghanistan resulted in discomfort, fear and misery for its citizens, so they decided to seek refuge in a neighboring country or a country that they thought could guarantee their safety.⁸

UNHCR should protect and assist refugees in various ways. In an emergency, UNHCR also Providedd physical protection from violence, individual didcumentation, counseling and the most basic needs, such as shelter, water, food, health care. UNHCR should continue to try to protect their basic human rights in their countries of Asylum, including by supporting their integration into national programs and services. Long term, UNHCR is working to ensure that refugees are not sent back against their will to

⁶ UNHCR, 'Siaran Pers – UNHCR: Pengungsi Di Indonesia Membutuhkan Dukungan Dan Solusi Lebih Besar – UNHCR Indonesia'.

⁷ Tiffany Setyo. Pratiwi, 'Polemik Perlindungan Pengungsi Internasional Di Tengah Pandemi COVID-19: Studi Kasus Pengungsi Rohingya Di Cox's Bazar', *Dauliyah: Journal of Islam and International Affairs*, 6.2 (2021), 365–86
<<https://doi.org/https://doi.org/10.21111/dauliyah.v6i2.6601>>.

⁸ UNHCR, 'Siaran Pers – UNHCR: Pengungsi Di Indonesia Membutuhkan Dukungan Dan Solusi Lebih Besar – UNHCR Indonesia'.

countries where they could face persecution. UNHCR should also support them to resettle in third countries or return voluntarily to their homelands when it is safe.⁹

Millions of people in Afghanistan suffer misery and hunger amid decades of conflict, the country's economic collapse, years of drought, and freezing winter temperatures. Afghanistan, which has experienced repeated humanitarian crises, is facing its darkest hour. UNHCR and partners had launched a joint response plan to provide vital humanitarian assistance.¹⁰ There are 24 million people inside Afghanistan and 5.7 million Afghans and a host of five neighboring countries who need support. Half of Afghanistan's population is experiencing acute hunger. About 3.4 million people were displaced by the conflict, and many children were out of school. The health care system is collapsing, the fundamental rights of women and girls are under threat, farmers and herders are struggling amidst the climate crisis, and the economy is in free fall.¹¹

The conflict has died, but violence, fear and dispossession continue to send Afghanistan across borders, particularly in Iran and Pakistan. Afghanistan is experiencing a humanitarian and displacement crisis. More than 700,000 Afghans were recently internally displaced in 2021, 80 percent of whom are women and children.¹² This is happening on top of recurring natural disasters including drought and earthquake damage and the COVID-19 pandemic with far-reaching health and socio-economic impacts.

Afghanistan already has one of the largest refugee populations worldwide. About three quarters of Afghan refugees are hosted in Iran and Pakistan, with more than 2.2 million refugees registered in the two countries. Afghan children are growing up amidst this crisis. About 65 percent of Afghans are children and young people, worried about their future in the face of insecurity and economic challenges.¹³

Using a variety of communication channels, UNHCR works to ensure the right information on prevention, symptoms, action needed and where to go for help – reaches refugees and asylum seekers in a timely manner. This is done through close collaboration with local authorities as well as with our partners such as Church World Service (CWS), Catholic Relief Services (CRS) Dompot Dhuafa, the International Organization for Migration (IOM), Jesuit Refugee Services (JRS), Human Care Justice Post – Human Initiative (PKPU-HI) and Selasih.¹⁶

Besides, Indonesia is a country with a Muslim majority, so even though it has not ratified the 1951 Convention, the treatment of refugees could be resolved with Islamic

⁹ Pratiwi.

¹⁰ Simbolon and Azizah.

¹¹ Irham, 'WHO: 90 Persen Fasilitas Kesehatan Afghanistan Akan Ditutup'.

¹² Republika Online, 'Pengungsi Afghanistan Di Indonesia, Tanggung Jawab Siapa?'

¹³ Simbolon and Azizah.

values. However, the awareness of Indonesian Muslims is still lacking in paying attention to the Afghan refugees, the majority of whom are Muslims.

*“The Executive Committee ... encourages States that had not done so to consider accession to the 1951 Convention and 1967 Protocol and relevant and applicable regional instruments and/or consider lifting existing restrictions or repealing reservations to ensure the widest possible application of the safeguarding principles they contain .”*In addition to the protection of foreign nationals or refugees regulated in international law, for a long time Islamic law has regulated the law regarding international refugees. The presence of Islamic law provides and reinforces the principles of humanity, such as brotherhood, equality and mutual tolerance, providing assistance to those in need, guaranteeing security and protection.¹⁴ Islamic law actually existed long before there were international legal instruments such as human rights and refugees.

Refugee protection is related to the protection of human rights in general, namely maintaining all the rights that every human being is born with. However, in Islam there are two words that are often translated as Islamic law, namely sharia and fiqh. Sharia is the word of Allah and the Word of the Prophet Muhammad SAW.¹⁵ So the main sources of sharia are the Al-Quran and the Sunnah of the Prophet. Whereas Fiqh is human *ijtihad* over sharia law which consists of the Al-Quran and Sunnah. Human rights in Islam are not only recognized but also fully protected as one of the pillars of Islamic development. This principle has been explicitly outlined in the Koran.¹⁶

II. METHODOLOGY

This research aims to find out and understand more deeply how the role of African Risk Capacity in overcoming the food crisis due to climate change in Mali in 2021-2022. The object of this research is the role of the African Risk Capacity organization in overcoming the food crisis due to climate change-related disasters in Mali. The research period of 2021-2022 was determined based on the fact that Mali received payments from

¹⁴ Aryuni Yuliantiningsih, ‘PERLINDUNGAN PENGUNGSI DALAM PERSPEKTIF HUKUM INTERNASIONAL DAN HUKUM ISLAM (Studi Terhadap Kasus Manusia Perahu Rohingya)’, *Dinamika Hukum*, 13.1 (2013), 159–70.

¹⁵ and Hukum Internasional. Syariat, Dalam, Islam Dan, *The Right to Asylum between Islamic Shari 'ah Islam Dan International Refugee Law*, 2009.

¹⁶ M Alvi Syahrin, ‘Memahami Pencari Suaka Dan Pengungsi Dalam Syariat Islam’, *Islamigrasi*, 3.1 (2019), 1–8.

African Risk Capacity for the first time due to a severe drought that caused crop failure in 2021 and the aid distribution process is still ongoing until 2022.¹⁷

This research uses a qualitative method (library research) with a descriptive analysis approach. Library research is research using library sources, either in print or online, to find information that meets needs or answers questions¹⁸. The author utilizes and studies materials in the form of reference books, articles, magazines, research reports, scientific journals, internet websites, e-books, theses, and other literature related to this research.

III. RESULT AND DISCUSSION

Conceptual Framework

Human Security Concept

In this research, the basic definition of refugee is defined in the 1951 Convention and 1967 Protocol which is important to know, because it is needed to determine a person's refugee status (including refugees or not). This determination is made by the country where the refugee or asylum seeker is located and in cooperation with UNHCR which has official authority in handling refugee issues from the United Nations. Refugees' legal status, rights and obligations in the country of refuge (rights and obligations apply where the refugee is located). Implementation of the 1951 Convention and 1967 Protocol is primarily concerned with administration and diplomatic relations. Here the emphasis is on matters relating to cooperation with the UNHCR. Thus, UNHCR can perform its own duties and supervisory duties, especially towards the countries where the refugees are located. UNHCR was actually established by the UN General Assembly (MU UN) in 1951, while the Articles of Association or statute were approved by the MU UN in December 1950. The task of UNHCR is in principle to provide international protection to refugees who fall under UNHCR's authority.

Refugees are included in the focus of human security or Human security because it is considered a threat to humans in various factors. With 7 elements of human security and provisions that have been emphasized by UNDP, refugees must get their rights because it is a human rights issue. Human security can be said to have two important aspects. First, security from chronic threats such as hunger, disease, and repression. Second, it means protection from sudden and painful disruptions in daily life at home, at

¹⁷ Reliefweb, "Drought-stricken Mali receives first-ever ARC Limited climate risk insurance pay-out". Accessed from Reliefweb: <https://reliefweb.int/report/mali/drought-stricken-mali-receives-first-ever-arc-limited-climate-risk-insurance-pay-out>, on the date of November 14 2022.

¹⁸ IGI Global Dictionary, "What is Library Research". Accessed from IGI Global Dictionary: <https://www.igi-global.com/dictionary/library-research/75496>, on the date of March 09 2022.

work or in the community. Such threats can exist at all levels of income and national development.

From here it can be explained that it is imperative that UNHCR has a role for refugees in various countries, especially during the COVID-19 pandemic. The 1951 convention and the 1967 additional protocol strengthen UNHCR's authority in handling refugee cases around the world. This derivative concept that discusses the role of UNHCR as a form of protection is the concept of Individual Security. Because after moving from their home country, refugees take care of their lives independently, not accompanied by representatives from their country.

Instead, according to the Canadian school perspective, human security is intended to protect the security of individuals, communities or civilians (people-centered view of security). However, state security is also needed as a means to protect people security. The concepts of human security and state security are complementary.

Concept of HAM (Human Rights)

The essence of International Human Rights Law (HAM) regulates universal humanity without being bound by certain attributes of space and time. This is important considering that every country has the possibility of discussing human rights law in its domestic context.¹⁹ Human rights in the context of refugee law are at least related to three things. First, protection of the civilian population due to armed conflict. Second, the general protection given to civilians in ordinary circumstances. Third, protection for refugees, both IDPs and refugees. International law has laid down basic obligations for state behavior in carrying out its international protection. Acts contrary to it will give birth to international responsibility. International responsibility is defined as wrongdoing that has international characteristics. Such responsibility arises when there are serious violations of matters relating to the protection of human rights, including the human rights of refugees.

In historical records, especially in relation to the contribution of the United Nations (UN), there has been a very significant increase in the degree of human rights. There are several articles that had become a common thread in the protection and enforcement of human rights to this day. These articles, namely Article 13 paragraph (1) point B which states "promoting international cooperation... and assisting in the

¹⁹ Aisyah Wahyuni, "The Role of the World Uyghur Congress (WUC) in Handling Uyghur Ethnic Conflict with the Chinese Government for the 2014-2018 Period", 2019, 88 <https://repository.uinjkt.ac.id/dspace/bitstream/123456789/49399/1/AISYAH_WAHYUNI.FISIP.pdf>.

realization of human rights and fundamental freedoms for all without distinctions as to race, sex language, or religion (promoting cooperation international and assist in the implementation of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion).²⁰

In this case, the protection of every international refugee must use the view of human rights because every refugee has the right to live. The concept of human rights explains how refugees should be treated, especially refugees affected by the COVID-19 pandemic. This further explains that every interested agency has an obligation to handle this refugee case, especially UNHCR as an official agency of the United Nations.

In addition, Islamic teachings on human rights can be found in the sources of Islamic teachings themselves, namely the Qur'an and al-Hadith.

- The Charter of Medina. (al-Dustur al-Madinah)
- The Cairo Declaration.

Regarding human rights, the Qur'an speaks at the level of universal principles such as: justice, deliberation, helping each other, rejecting discrimination, respecting women, honesty, and so on.

Human rights in Islam are Theocentric, meaning that humans in this case are seen only as creatures entrusted with basic rights by God, not as absolute owners. Therefore, it is obligatory to maintain them in accordance with God's rules. In enforcement, apart from the interests of humanity, it is also based on obedience and obedience to carry out God's commands and in seeking His pleasure. Therefore, the enforcement of human rights should not clash with the teachings of Sharia comprehensively. Western human rights are more anthropocentric, meaning that human beings are the main focus of attention. Humans are seen as the full owners of these rights.

International Organization Concept

Cliver Archer in his book entitled International Organization, says that the International Organization is a formal and sustainable structure formed by an agreement between members, both governmental and non-governmental, from two or more sovereign countries with the aim of sharing the interests of its members.

²⁰ Zeffry Alkatiri, ““Multikultur Dan Multiperspektif Dalam HAM Internasional.””, *Wacana, Journal of the Humanities of Indonesia* 8, 2 (2006), 188.

According to Clive Archer, the role of international organizations is divided into three categories as follows:

As an instrument, namely an international organization used by its members for certain purposes. This is the case with IGOs, whose members are sovereign states with the power to restrict independent action by international organizations.²¹ International organizations are used by its member countries as an instrument for the policies of each government used in state diplomacy to reach an agreement, avoid or reduce the intensity of conflict and are often used as a means of connecting a country's national interests.

As an arena or a place where activities such as forums occur. In this case, the International Organization Providedd a meeting place for members to gather and discuss, debate, cooperate, formulate and initiate the formation of international agreements. International organizations provided a more open place for their members to express views and find out other points of view through a public forum. The arena is neutral.

As an independent actor who makes his own decisions without being influenced by power or coercion from outside the organization. Archer also added that most international organizations are very dependent on the existence of their members, especially international non-governmental organizations (INGOs) such as the United Nations. Of the three categories, UNHCR as an international organization has a role as an instrument in which UNHCR is used by countries that had refugee and asylum seeker problems to address problems in that country, for example UNHCR Indonesia is used by the Indonesian state to address the dynamics of asylum seekers and refugees. who came to Indonesia. Moreover, Indonesia is one of the countries that had not ratified the 1951 refugee convention and the 1967 protocol, so the handling of refugee problems is left to UNHCR in Indonesia. UNHCR also plays a role as an inter-state international organization that discusses refugee issues in the world through forums organized by UNHCR.

UNHCR has influence because it is able to make its own decisions and act directly without any influence from other parties outside the organization. Especially also UNHCR Indonesia whose country is not a participant in the refugee convention. The United Nations has basically formed the UNHCR organization to handle and defend the rights of international refugees as stipulated in the UDHR (Universal Declaration of Human Rights). Some of the points in the UDHR include the right to life, the right to freedom, and the right to personal safety if the government or its people are not protected.

²¹ Koesnadi Kartasmita, 'Organisasi Dan Administrasi Internasional', *Organisasi Dan Administrasi Internasional*, 1987.

The most important task of the founding of the UNHCR organization is to offer international protection, long-term solutions to the refugee problem and promote international refugee law. UNHCR has a mechanism to assist the implementation of universal human rights protection. This concept generally includes preventing legal repatriation, promoting the physical security of refugees, promoting and supporting voluntary repatriation, and assisting with resettlement.

3.1.2. UNHCR's own functions are as follows:

- Offer worldwide protection to people and organizations who feel attacked, intimidated or even abandoned in their own countries.
- Offer long-term solutions, such as the voluntary return of refugees if the person or group feels safe
- Integrate refugee camps
- Act as facilitator for these refugees to find a country that will accept them according to the legal framework of each country
- Stipulates the international refugee law, the 1967 protocol and the 1951 convention on the status of asylum seekers and refugees so that the international community is aware that refugees are protected by law.

The Role of UNHCR as an Instrument

UNHCR's primary role is to provide protection and assistance to refugees and internally displaced persons, including ensuring that their basic needs are met, such as food, water, shelter, and medical care. UNHCR also helps refugees to access education, employment, and other essential services. In addition, UNHCR works with governments, NGOs, and other organizations to find long-term solutions for refugees, such as resettlement, repatriation, and local integration. UNHCR also advocates for refugee rights and promotes the principles of refugee protection under international law.

UNHCR plays a key role in addressing refugee cases by coordinating and leading responses to refugee situations, working with governments to establish legal and policy frameworks for refugee protection, and providing humanitarian assistance to refugees and other displaced persons in emergencies. UNHCR also works to prevent and resolve refugee crises, through advocacy and diplomacy, and by addressing the root causes of displacement.

Provide Advocacy

As the official agency for refugees, UNHCR should provide guidance in advocacy for the process of getting to their third country, so that while in their temporary transit country, and get their rights to be able to continue their lives in their new country. COVID-19 has made it difficult for refugees to find employment due to their refugee status and language barriers. UNHCR continues to advocate for refugees to access their basic rights, including health, education, empowerment and livelihoods.

Human rights advocacy is an important aspect of dealing with refugee cases. Refugees are often forced to flee their homes due to persecution, conflict, or other forms of human rights violations. The protection and promotion of human rights is therefore a fundamental element in providing assistance and support to refugees. Some views on the role of human rights advocacy in dealing with refugee cases are that advocating for the protection of refugees' human rights is crucial. This includes advocating for the right to asylum and non-refoulement, which means that refugees cannot be returned to a country where they may face persecution or other forms of harm. It also includes advocating for the right to freedom of movement, access to food, water, and other essential services, and protection from violence and discrimination.

Advocating for legal and policy frameworks that protect the human rights of refugees is also crucial. This includes advocating for the ratification and implementation of international human rights instruments, as well as national laws and policies that protect the rights of refugees. Advocacy can also help ensure that refugees are included in national policies and programs that address issues such as education, health, and social services. Advocacy can empower refugees to assert their rights and participate in decision-making that affects their lives. This can be done through capacity-building initiatives, such as providing legal assistance and information, and promoting refugee-led organizations and initiatives. Advocacy can help raise awareness about the human rights violations faced by refugees and the challenges they face in accessing their rights. This can be done through public awareness campaigns, media outreach, and other forms of communication.

The concept of human security is closely related to advocacy on refugee cases. Human security is a broad and comprehensive approach to security that focuses on protecting and promoting the security and well-being of individuals, not just states or governments. As such, human security can be seen as an important framework for advocating for the rights and needs of refugees.

The concept of human security places the individual at the center of security concerns, recognizing that individual well-being is fundamental to sustainable and

lasting security. This is particularly relevant for refugees, who often face significant challenges in terms of physical, emotional and social well-being. Human security takes a broad and inclusive approach to security, recognizing that security is not just about military or political matters, but also includes issues such as economic, social and environmental security. This broader approach can help address the root causes of refugee crises and promote sustainable solutions.

Human security emphasizes the importance of preventing security threats before they arise, rather than simply responding to them after they occur. This is particularly relevant for refugees, who often face significant risks to their security and well-being before they leave their homes. Human security recognizes that security threats are often interconnected and require multidimensional responses. This can include addressing issues such as poverty, inequality and discrimination, as well as addressing conflict and violence.

International organizations play an important role in advocacy to address refugee cases. These organizations have the capacity to bring stakeholders together, share information and resources, and coordinate efforts to address the complex challenges faced by refugees. The following are some views on the role of international organizations in advocating for refugee cases:

International organizations can help coordinate efforts to provide assistance and protection to refugees. This can include coordinating the delivery of aid and services, as well as working with governments and other stakeholders to address the root causes of refugee crises. International organizations can help raise awareness about the human rights violations faced by refugees and advocate for policies and programs that protect their rights. They can also advocate for increased funding and support for programs that meet the needs of refugees.

International organizations can play a key role in sharing information and research on refugee situations. This can include sharing data and analysis on refugee flows, documenting human rights violations, and providing information on best practices in providing assistance and protection to refugees. International organizations can provide training and capacity-building support to governments and civil society organizations working with refugees. This can include providing technical support and training on issues such as refugee protection, legal aid, and trauma support. International organizations can advocate for political solutions to refugee crises. This can include advocating for peace negotiations, conflict resolution, and policies that address the root causes of refugee flows.

Overall, international organizations play an important role in advocating for refugee casework. Through coordination, advocacy, information sharing, capacity building, and political advocacy, international organizations can help ensure that refugees receive the support and protection they need to rebuild their lives in safety and dignity.

Meanwhile, Indonesia is also still convoluted with its internal problems that cause its own citizens are still not fully prosperous and still need attention and assistance from the government. Although Indonesia is the largest economy in Southeast Asia and 10th in the world in terms of purchasing power balance, it still cannot guarantee a high quality of life for its citizens. It was recorded that until 2020 the level of quality of life owned by Indonesian citizens was only ranked 107th out of 189 countries.

In addition, Indonesia's economy is still not developing evenly, especially with the outbreak of the COVID-19 pandemic which also has an impact on various sectors of people's lives. From the economic sector alone, around 3.6 of Indonesia's population is still living in poverty, and 64.3% of Indonesia's productive-age population is also still unemployed. These scores show that Indonesia still has to work harder to meet the needs of its citizens.

UNHCR, at the same time, is still complicated in the process of entering and accepting refugees in their destination countries or transit countries. According to UNHCR, there is still a considerable disparity between the number of refugees who can transmigrate to destination countries or third countries and the number of refugees who need to be resettled. In 2019 alone, out of a total of 1.4 million refugees worldwide in need of resettlement, only 63,696 refugees were able to transmigrate to a destination country. Therefore, it is likely that refugees who were able to transmigrate to a destination country. Therefore, it is likely that the refugees will stay in Indonesia for a long time.

In addition, the needs of the immigrants are also increasing with the wave of refugees from Ronghingia landing in Aceh. At the same time, the Indonesian government has not been able to optimize its handling, especially in fulfilling all the needs and rights of its citizens. Some of the efforts that have been made by the Indonesian government are to issue legal products, namely presidential regulation number 125 of 2016 in order to deal with the large number of refugees and asylum seekers who come to Indonesia, which previously had not been regulated in state law. The condition of refugees in Indonesia based on law does not mention their right to work and study so there is no legitimate opportunity to work or take education which causes boredom for refugees during their waiting period.

Providing Health Facilities

Based on data from the NTT regional office, the Ministry of Justice and Human Rights of the Republic of Indonesia, to the immigration division, I. Ismoyo said that one of the refugees from Afghanistan in Kupang had attempted suicide on July 24, 2022.²² They were several things that motivated the Afghan refugees. They made suicide attempts including holding demonstrations and sewing itself. What the refugees get depression, and boredom due to the long wait for resettlement or placement in a third country and the uncertainty of the resettlement process from UNHCR.

Responding to this, mental health specialist DAP Shinta Widari explained that the mental disorders that plagued the refugees were like an iceberg phenomenon. Required cooperation and collaboration, and it was also necessary to carry out early detection. Mental disorders must be treated immediately because if it left unchecked condition, it will reduce physical health. Besides that, it could also cause psychosocial issues such as stigma and discrimination for acts of violence, drug abuse, shackling, or attempted suicide. The main director of BPJS Kesehatan, Ali Ghufri Mukti explained in an online meeting with UNHCR that protecting refugees in Indonesia was an important focus for providing security and welfare as well as protection for international refugees. In addition, those who could not get protection rights in their country of origin need to be given attention to still get a sense of security and the same social protection rights as other people in general.

A representative from UNHCR Indonesia Ann Mayman also attended and explained the current situation of refugees in Indonesia. Indonesia's position which is among the countries receiving asylum seekers and refugees in large numbers, has the potential for additional refugees in Indonesia. For refugees under the auspices of UNHCR, they will be guaranteed protection and freedom from the dangers that threaten them and also every refugee will be encouraged to get access to health insurance in Indonesia.

In 2020, Indonesia launched the Peduli Lindungi application for digital tracking of -19 which gave vaccinated citizens access to public facilities and mass transportation. This program however, required its users to upload Identification Number consisting of 16 digits. Only citizens, permanent residents and foreigners with work visas had the

²² Andrew W Mantong, “Keamanan Kesehatan Dan Kebijakan Luar Negeri Indonesia Pada Masa COVID-19: Rekomendasi Awal.”, *CSIS Commentaries*, 2020, 1–5.

number. 50% refugees vaccinated did not have the identification number and electronic vaccine certificates.

UNHCR with the support of state-owned pharmaceutical company Bio Farma developed a system to generate different registration numbers to enable refugees to register on the application. However, the Jakarta Health Office, overseeing the handling of pandemics, did not have the authority to issue these numbers. Therefore, refugees who had been vaccinated at local health clinics did not receive electronic vaccine certificates which could be uploaded to the Care Protect application. They also had no proof of vaccination other than a handwritten letter from a doctor or health worker.

Zico Pestalozzi, Coordinator of asylum campaigns and advocacy, an NGO working on refugee issues explained that the refugee task force under the ministries of politics, security and law should coordinate better with relevant stakeholders and ensure inclusive access to care applications. Later, Dicky Budiman, an epidemiologist at Griffith University in Australia, also warned that if the Indonesian government and UNHCR did not seriously protect vulnerable populations. This would be a big problem as it could generate new variants or at least new clusters among refugee communities.

With limited access to health for the refugees, they are forced to survive without treatment. Some of them had recovered. The number of refugees infected with COVID-19 and how to treat them was unclear because some of them did not get access to free health services. Meanwhile, they could not afford to pay for the independent swab test. Representative of refugees from Afghanistan in Jakarta, Mehdi Ali Zada estimated that nearly 20 percent of the refugee population in the city was infected with COVID-19. Meanwhile, there was no guarantee of protection from refugee agencies or the local government. According to Mehdi, Church World Service (CWS) — an organization focusing on refugee issues — has provided medical assistance but limited to emergency patients. He argues that the burden of refugees had multiplied in the midst of a pandemic. If they still received support from family or relatives, now most of them could stop due to an increase in COVID-19 cases.²⁵

Providing Educational Facilities

A similar Learning Center, HELP, was founded in September 2017 in a small house in Tebet, South Jakarta by 2 Afghan refugees, namely Mohammad Baqir Bayani and Kalsoom Jaffari. HELP had provided assistance to refugees from 12 countries waiting period in Indonesia.

Quoted from the official website, help4refugess.or.id, as a HELP learning house, provided free informal education to teenage refugees and children. Depending on

individual and institutional didnations, HELP often encounterd financial difficulties. On a monthly basis, HELP required a fe of 15 million rupiah for building rental, stationery, educational materials and curricula and transportation.

In an effort to raise financial support, HELP has legally registered their didnation efforts through the Ministry of Law and Human Rights of the Republic of Indonesia. Informal education and sports activities could also be an alternative solution in developing child refugee skills. Vocational training and schools are needed to give them the knowledge as well as the practical skills they need to be able to work in the future. This is also what local governments in Indonesia are trying to facilitate by providing training on repairing cellphones, cooking courses and sewing. For refugees who are still remaining in the imigration detention center and have not been transferred to community house require the imigration authorities to fulfill their right. Rizka Argadianti Rachman as a refugee advocate explained that in the Jakarta detention center, refugee children and their parents live together.

The right to education for refugee children finds a way out with the help of community organizations and students who voluntarily teach Indonesian as the language used in Indonesia. English as a universal language in their destination country and also handicraft skills. In 2017, by cooperating with the University of Indonesia Crisis Center, the Jakarta detention center Provided training to improve skills such as t-shirt screen printing. In this scenario, the Indonesian International Organization of Migration (IOM) collaborates with the Jakarta IDC to provide computer, language, and guitar teachers. When detained, both asylum seekers and refugee children have the same access to education and training. They provide more amenities for refugee children than the Riau Islands IDC, which was intended to provide particular learning and therapy for refugee children. Many refugee children have abilities or talents that may help the local community grow. The Indonesian government, in collaboration with UNHCR, is attempting to devise a method through which the abilities acquired by child refugees may not only enhance the welfare of the refugees themselves, but also have a beneficial impact on the wider community.

At the Medan IDC, refugees are provided with home schooling education where teachers are brought to the refugee camps to learn to read or learn Indonesian. In facilitating education for refugees in Medan City, UNHCR collaborates with IOM Indonesia, the Education Office and the Medan City Government. For refugee children who are not under the auspices of IOM, UNHCR collaborates with NGOs and social services for the education of refugee children so that they colud continue their education in formal schools.

Refugees had occupied Community house and the detention center together with education office was established. Therefore, refugee children continued their formal education in public school. Although there are challenges in the form of administrative regulations that make these refugee children unable to obtain a diploma. Refugees who are unable to continue their education in public schools are given another alternative in the form of informal education in the form of home schooling, all of which comes from IOM funds.

The Semarang detention center also applies the same thing. Local authorities had a routine program that is held once a week to Provided proficiency in Indonesian, English and handicrafts. IOM is responsible for all the financial needs of this program. Rudenim Jakarta and Semarang had a role in supervising and ensuring the fulfillment of the rights of child refugees could run well. Efforts to fulfill access to education for child refugees are not easy due to various internal impacts in Indonesia after the arrival of these international refugees. The impact that occurs could affect the economic, social and didmestic security sectors. For example, social conflicts that could arise as a result of the assimilation process between refugees from abroad and local residents that is not going well. In this case, an actor is needed who could mediate in the assimilation process, including in communication with the local community.

UNHCR urges countries in the world to focus on funding and educational facilities for child refugees. UNHCR encourages didnor countries to increase investment and commitment in developing education for child refugees. The education of refugee children is very important for development and peace in receiving countries. On Sept. 19, 2016, a High-Level Meeting on Refugees and Migrants was conducted where there were 193 countries that joined the declaration and one of the most important was the right to education for all child refugees.²³

This high-level meeting was the largest head of state level meeting in relation to refugee and migration issues which produces an international response blueprint for better handling of refugees and migrants. At this meeting, 193 member countries signed a plan that focuses on handling refugees called the New York Declaration. In the special report on the rights of migrants produced at the meeting, children in detention facilities were often hindered from various accesses including education which is also not an embodiment of the "best interest" values for these child refugee. However, its implementation still needed time considering the global conditions in the COVID-19

²³ Paramita Diandra Angraini, ““Solusi Pemenuhan Kesejahteraan Pengungsi Selama Proses Resettlement Dari Perspektif Hukum.””, *Jurnal Ilmiah Keimigrasian*, 1 (2022), 1–15.

pandemic situation where there were adjustments to the policy priorities of each country including Indonesia.

Refugees in the Islamic Perspective

The traditions and culture of the Arab nation are a solid foundation for protecting human beings and respecting their dignity. The use of several terms such as al-drah (protection), al-istijarah (asking for protection) and a/-iwa (protection), nothing else, shows a clear picture of the idea of protecting humanity, which later in the present era becomes the main task of UNHCR. Islamic Sharia exists to reinforce human principles, such as brotherhood, equality and tolerance. The provision of assistance, guarantees of security and protection to people in need, even to enemies, is a noble teaching of Islamic Sharia, which incidentally predates the birth of a number of modern international legal instruments on human and refugee rights, which regulate, among other things, asylum rights and refugee extradition ban. It's all in the context of protecting the safety of the person's soul and preventing him from persecution or murder. Islamic law regulates asylum issues clearly and in detail. Islamic law also guarantees full protection, respect and care for every asylum seeker. There also outlines rules, for Islamic society, that must be followed in order to fulfill asylum requests. Therefore, the act of refusing an asylum seeker's request is expressly prohibited. What is now known as the "principle of the prohibition of expulsion/return of asylum seekers to their country of origin (Principle of non-refoulement)", which forms the basis of the Intentional Refugee Law, departs from this principle in Islamic Sharia.

The long tradition of providing protection in the history of humanity demands protection for asylum seekers, both Muslims and non-Muslims. This is confirmed by QS al-Taubah: 6, namely: "and if one of the polytheists asks you for protection, then protect him so that he could hear the word of Allah, then deliver him to a safe place for him; that is because they people who did not know." Where the deepest "request for protection" (istijrah) is the need for a comprehensive protection umbrella for asylum seekers, their families and their assets, especially those related to "holy places", as stated in QS al-Baqarah: 125 which explains that:

"And (remember), when We made the house (Baitullah) a gathering place for people and a safe place. And make part of the Magam Ibrahim a place of prayer. and We had commanded Ibrahim and Ismail: "Clean My house for those who thawaf, those who i'tikaf, those who bow and prostrate". (Surah al-Baqarah: 125)".

Likewise in the Hadith:

“Anyone who enters the Grand Mosque, he is guaranteed safe; whoever enters Abu Sufyan's house, he is guaranteed safety; whoever throws his weapon is guaranteed safety; and whoever closes the door of his house, he is guaranteed safety. (Narrated by Muslim).”

As emphasized by a number of Islamic scholars, the migration (hijrah) and refuge of Muslims to Ethiopia (Abessinia/Habsy) and the migration of the Prophet SAW to Medina to avoid persecution by the Quraysh infidels were a manifestation of compassion. This is also an important precedent for the existence of a close relationship between asylum seekers and asylum givers which forms a bond of rights for asylum seekers and obligations for asylum givers.

Al-Qur'an and Hadith are legal sources that had provided a more adequate juridical foundation for contemporary asylum law compared to other historical sources of law. Although many of these legal values are part of the culture and traditions of the pre-Islamic Arab nation, this reality is not always recognized, including in the Arab world. The international community needs to appreciate this tradition of generosity and hospitality towards guests, which has been in practice for 14 centuries. Likewise, they need to recognize the contribution of these traditions to the formation of modern law.

The issue of "protection" or "asylum" has an important position which could be seen by a comparative approach between Islamic Sharia and a number of international legal charters/documents and various international agreements. We need to explore the notions of "protection" or "asylum", the moral and ethical dimensions according to Islamic Shari'a and which are either hidden or barely visible in contemporary international relations. Islam was a pioneer in recognizing the right to protection or "asylum". Nevertheless, the author is of the opinion that merely an explanation of Islamic pioneering is not enough to describe the moral and ethical dimensions which are the basic foundation behind human rights legislation according to Islamic philosophy of the concept of "protection" or "protection".

This principle is spread through Islamic Sharia, because it is a form of good tradition and culture, which includes noble ethical behavior and values such as the attitude of protecting and helping people who are in dire need and who are being wronged. Therefore, Islam strongly recommends and demands that Muslims practice this teaching of mutual help (ta'awun) in the reality of life in all places and times, by and towards anyone, men and women, adults and children, people free and slave. We

understand based on history that Abū Sufyān asked before he embraced Islam through Fatimah, that the Prophet Muhammad SAW grant him the right of asylum in the midst of the life of the people of Medina.

It should be noted that the Prophet Muhammad SAW has granted the right of asylum to polytheists, solely for the reason of granting asylum to those who approach the Grand Mosque or their actions enter their respective homes or their actions enter Abū Sufyān's house. This legal provision applies in every situation and condition that meets the specified requirements. The author reveals the words of 'Umar ibn al-Khattāb that the word *metros* is a Persian word which means "protection"; if a Muslim says it to a non-Muslim *harbiy* (a non-Muslim *harbiy* is a non-Muslim who commits an act of attack/aggression against Muslims) who did not understand Arabic, then a Muslim must give that person guaranteed protection/asylum.

This shows that in Islamic jurisprudence, a non-Muslim *harbiy* who is under a protection agreement could not be killed and his property will be secured. If a Muslim says to a non-Muslim *harbiy*: "Stop and put down your weapon!" Ibn Qudāmah posits that 'Umar ibn al-Khattāb once said to Hormuzan: "Speak and don't be afraid!"; when Hormuzan had spoken, 'Umar ibn al-Khattāb instructed that he be killed. Then, Anas interrupted and immediately said to Umar: "*You had no reason for this, because you had removed protection from him.*" 'Umar ibn al-Khattāb replied: "*Not at all.*" Then, Zubair said: "*Really you had told him: 'Speak and do not be afraid!'*". Then, 'Umar withdrew his instructions.

IV. CONCLUSION

In this study, it is concluded that the role provided by UNHCR (United Nations High Commissioner Refugees) as one of the instruments in international organizations helps Afghan refugees during the COVID-19 pandemic in Indonesia in providing various needs, including providing advocacy to relocate to their third country, then providing health facilities in handling the COVID-19 pandemic and providing educational facilities for refugees. UNHCR and the Indonesian government continue to provide this assistance to eliminate the chain of the COVID 19 pandemic virus and on behalf of humanity respond to the refugee situation during the COVID-19 pandemic.

The COVID-19 pandemic has also presented many challenges for refugees, especially those from Afghanistan in Indonesia. UNHCR's role is crucial in providing assistance and support to refugees in the form of shelter, food, and medical care. Despite the difficulties posed by the pandemic, UNHCR has demonstrated its commitment to protecting the rights and welfare of Afghan refugees in Indonesia. Through its various

programs and initiatives, UNHCR has been instrumental in ensuring that refugees receive the assistance they need to survive and thrive during these difficult times. As the pandemic continues to evolve, it is imperative that UNHCR continues to prioritize the needs of the refugees and remains steadfast in its efforts to assist them.

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