

Research Article

Rohingya in Aceh: Human Rights Vs Security Justice Islamic Law Perspective

Any Ismayawati¹, Inna Fauzatal Ngazizah^{2*}, Saidatul Nadia Abd Aziz³

^{1,2}Faculty of Sharia, UIN Sunan Kudus, Indonesia

³Faculty of Law, Universiti Kebangsaan Malaysia, Malaysia

*innaufauzi@uinsuku.ac.id

ABSTRACT

The humanitarian crisis affecting the Rohingya ethnic group has driven thousands of asylum seekers to Southeast Asia, including Aceh Province, where the majority of the population is Muslim and Sharia law is applied. This situation raises important issues regarding the protection of human rights for both the Muslim community in Aceh and Rohingya asylum seekers. The purpose of this study is to analyse the Islamic legal perspective on human rights protection in Aceh and to examine the dilemma between security and humanity in the handling of Rohingya refugees. The method used is descriptive qualitative study with a normative-sociological approach through analysis of literature, Aceh sharia regulations, and international and national human rights documents. The results of the study show that Islamic legal principles, such as *hifz al-nafs* and *hifz al-insaniyyah*, provide a strong basis for the acceptance and protection of refugees. However, their implementation faces challenges in the form of social resistance, limited facilities, and concerns about local security disturbances. The conclusion that can be drawn is that human rights protection in Aceh can only be effective if there is harmonisation between Sharia values, security policies, and humanitarian commitments through the synergy of the government, religious scholars, and the community.

Keywords: Human Rights; Security; Justice; Islamic Law

A. INTRODUCTION

The arrival of Rohingya refugees in Aceh over the past decade has generated a complex socio-legal situation that places humanitarian obligations, security concern, and Islamic legal perspectives in a position of contestation. On one hand, Aceh's long history of solidarity stemming from cultural values of *peumulia jamee* has encouraged communities to welcome displaced Rohingya arriving by sea on the other hand, increasing incidents of unauthorized movement, human smuggling networks, community resistance and clashes between local residents

and refugees reveal an emerging tension between humanitarian commitments and public order concern. This problem frames a broader question: to what extent do state obligation to protect refugees base on international human rights standards align or conflict with national security frameworks and Islamic legal norms that shape Aceh's legal culture? these intersecting issues form the basis of the problem formulation explored in this study.

This scholarly article utilizes three primary theoretical frameworks. First, Human Rights Theory, with a specific emphasis on the

safeguarding of refugees in accordance with international standards such as the principle of non-refoulement and the entitlement to seek asylum, is employed to examine the humanitarian aspect of Aceh's response to refugees (Donnelly, 2020). Second, Security Studies Theory, particularly the constructs of human security and societal security, offers analytical instruments to comprehend state apprehensions pertaining to social stability, crime prevention, and the safeguarding of national borders. Third, the investigation incorporates Islamic Law Theory (Sonafist & Yuningsih, 2023), specifically *maqāṣid al-sharī'ah* and the principles of *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-māl* (protection of property), which delineate the ethical and legal obligations of Muslim communities toward at-risk populations (Amin et al., 2024). These three frameworks establish an interdisciplinary foundation that is later applied in the Results and Discussion section.

A visible gap exists between *das sollen*, the normative framework of refugee protection grounded in human rights law, humanitarian principles and Islamic legal obligations, and *das sein*, the empirical reality in Aceh where community resistance, inadequate government coordination and security dilemmas have produced inconsistent protection practices. Although Indonesian law does not formally recognise refugees as subjects entitled to full legal status, humanitarian practices and local autonomy often fill the legal void, producing

varied outcomes. Previous research has tended to focus on either the humanitarian or the security aspect, rarely integrating them with an Islamic legal approach. This study addresses this by examining how these three dimensions interact, conflict or overlap in the actual handling of refugees in Aceh. Accordingly, the objective of this research is to analyze the tension between human rights protection, security interests, and Islamic legal values in Aceh's treatment of Rohingya refugees, and to identify a more integrative approach for policy development.

Previous scholarly investigations concerning the safeguarding of Rohingya individuals in Indonesia have primarily concentrated on isolated facets of the matter, thereby lacking a concurrent synthesis of human rights, security, and Islamic legal frameworks as posited in this discourse. Initially, Siregar (2014) scrutinizes Indonesia's ad hoc and non-enforceable refugee governance, elucidating the regulatory inadequacies inherent in Presidential Regulation No. 125/2016; nevertheless, it fails to explore the influence of religious norms in Aceh on the reception of refugees (Siregar, 2024). This inquiry is instrumental in illustrating the legal institutional challenges faced by Indonesia's refugee regime; however, its analysis remains predominantly centered on state mechanisms and regulatory stipulations. It does not investigate the manner in which Aceh's distinct autonomy and the implementation of Islamic law shape local responses to Rohingya refugees, particularly with

regard to reconciling humanitarian obligations with community security concerns. In contrast, the present study surpasses mere regulatory examination by situating refugee governance within the Sharia-based legal culture of Aceh and its implications for security and justice. Secondly, Mawardi and Hanum (2023) explore community acceptance of Rohingya refugees in Aceh through the lenses of social solidarity and customary (adat) practices. Their investigation underscores hospitality and indigenous knowledge as facilitating factors for the reception of refugees (Mawardi & Hanum, 2023). This perspective romanticizes the notion of social acceptance while neglecting to address emerging security dilemmas, public opposition, or normative tensions among Islamic jurisprudence, state authority, and human rights discourse. This article seeks to fill this void by critically examining the application of Islamic legal norms to both substantiate humanitarian protection and legitimize security-oriented restrictions imposed on refugees. Lastly, Rahman, Rashid, and Yulia (2023) investigate the operational roles of UNHCR and IOM in administering shelter, humanitarian aid, and resettlement pathways; however, they do not assess the confluence of these humanitarian mechanisms with local security challenges or Islamic legal responsibilities (Rahman, Rashid, & Yulia, 2023). Although their study offers a detailed account of humanitarian governance, it largely treats local society as a passive recipient of international

mechanisms. It does not assess how these humanitarian interventions intersect with local security discourses or Islamic legal obligations upheld by Acehese authorities. By contrast, this study interrogates the friction between international humanitarian norms, local Islamic legal reasoning, and state-driven security justice.

At an international level, McNevin and Missbach (2018) examine regional rescue-at-sea and non-refoulement practices in Southeast Asia, yet they fail to address the distinctive autonomy and Sharia-based legal culture of Aceh (McNevin & Missbach, 2018). While their analysis provides a macro regional perspective, it overlooks Aceh's autonomy and Sharia-based legal system as a critical site where global norms are contested locally. Meanwhile, Ramnath (2024) focuses on structural protection challenges in maritime Southeast Asia, emphasising geopolitical constraints among ASEAN member states, but paying no attention to localised socio-religious dynamics. Ramnath remains detached from the local socio-religious dynamics that shape refugee governance on the ground. Based on this comparative review, existing literature tends to isolate legal governance, social acceptance, humanitarian operations, or regional geopolitics as separate domains. None systematically examine the intersection and contestation between human rights protection, security justice, and Islamic law within Aceh's unique legal and socio religious context. Therefore, this article offers a novel contribution by integrating these

three analytical dimensions to explain how Rohingya refugees in Aceh are simultaneously positioned as subjects of humanitarian concern and objects of security regulation, mediated through Islamic legal discourse.

B. RESEARCH METHODS

The approach used in this study uses a qualitative approach with the aim of understanding in depth the protection of human rights for Acehnese Muslims against Rohingya asylum seekers based on the study of Islamic Law, as well as exploring the dilemma between security and humanity faced. A qualitative approach was chosen to obtain an in-depth understanding of the issue being studied. (Moleong, 1993) The research methods used include literature studies, policy document analysis and in depth interviews with various stakeholders including community leaders, scholars, local government officials and representatives of non governmental organizations involved in handling Rohingya asylum seekers in Aceh. With this research method, it is hoped to gain a deep understanding of the protection of human rights for Acehnese Muslims against Rohingya asylum seekers from the perspective of Islamic Law.

C. RESULTS AND DISCUSSION

1. Protection of Refugees in Islamic Law

In Islam, A refugee is a person who has been forced to flee their country because of a

well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, as defined under the 1951 Refugee Convention and its 1967 Protocol. Refugees cannot safely return to their home country and therefore require international protection. An asylum seeker, on the other hand, is someone who has left their country and seeks international protection but has not yet been legally recognized as a refugee. Their claim for protection is still being processed by the receiving state or the UNHCR. Thus, the two terms are *related but not the same*: all refugees were once asylum seekers, but not all asylum seekers are ultimately recognized as refugees. The distinction matters because asylum seekers do not yet have the full legal rights and protections granted to recognized refugees, although they are still entitled to basic humanitarian protections, including the principle of non-refoulement. The rules say that host societies must give asylum seekers a warm welcome, which is something that is important in Islam. Islamic law stresses the importance of protecting those who are being persecuted, and it says that mosques and the homes of the Prophet Muhammad's companions are safe places. The journey of the Prophet and his companions from Mecca to Medina is an example of how to protect people who are seeking asylum. This tradition of the sanctuary goes beyond holy places to include homes and public spaces that are protected by Islam, regardless of status, wealth, gender, or religion.

The legal framework provides a comprehensive approach to asylum, underscoring the rights of refugees and the responsibilities of host communities (Iranpour et al., 2023). The concept of safety, central to Sharia, delineates the protection afforded to non-Muslims, including those in conflict with Muslim communities, emphasising the host's duty to enable the voluntary repatriation of refugees once it is deemed safe (Aidulsyah, 2023). The Quran goes into more detail about how to treat refugees and migrants. It says that people who are in trouble should get help and that refugees should be protected, especially women (Budoyo & Hardiyanti, 2021) and children, who are more likely to migrate and seek asylum.

Islamic teachings advocate a humane approach to refugees, asylum seekers, and internally displaced persons (Newhouse, 2021). This includes special consideration for refugees, women and children who are considered more vulnerable than the general refugee population (Stevens et al., 2024). Islamic law mandates equal rights for refugee women and children with host communities, including the right to family unity and respectful treatment at all times (Beltramo et al., 2023). As in Q.S Surah al-Taubah verse 57 which reads: *"If they find your refuge or a cave or a hole in the ground, they will go to it as soon as possible"*. Furthermore, Surah At-Taubah verse 118 elaborates in more depth on the breadth of receiving asylum seekers as it reads: *"And to the three people whose*

repentance is postponed until the earth has become narrow (and also felt) by them, and have known that there is no place to escape from Allah. Except for Him. Then Allah accepted their repentance so that they would remain in his repentance. Indeed, Allah is the Most Repentant and the Most Merciful (Q.S. al-Taubah:118).

Based on the two letters of the Qur'an above, it can be seen that the meaning to protect and expand to love refugees by providing needs. The decline of the verse is due to the tradition of the Arab community to protect asylum seekers. The granting of asylum aims to create a fully safe and comfortable atmosphere for refugees. As the event of the second Aqabah oath about the loyalty of bay'ah which preceded the migration of the Prophet Muhammad PBUH to Medina. This event is a form of acceptance by the Prophet Muhammad PBUH in Medina by the people of Yathrib by saying *"I will give an oath to protect on the condition that you all also protect and defend me as you defend your wives and children"*. This is reinforced in Surah al-Anfal verse 26 which reads: *"And remember (O those who migrate) when you were few in number, and oppressed on earth (Mecca), you were afraid that the people of Mecca would kidnap you. So Allah gives you a place to dwell (Medina) and He makes you strong with His help and He gives you sustenance from what is good so that you may be grateful"*. Furthermore, in verse 74 of Surah al-Anfal it is explained the meaning of hijrah as follows: *"And those who believe, hijrah and seek in the way of*

Allah and those who give a place of residence and help (to those who migrate), then those are the believers. They obtain forgiveness and glorious sustenance."

The above description clearly shows that Islam emphasizes the importance of protection and concern for others, including asylum seekers or refugees. This principle is in line with the example of the Prophet Muhammad PBUH in allowing Muslims who experienced persecution in Mecca to emigrate or migrate to Medina. This concrete example is in line with the concept of *ukhuwah Islamiyah* which means brotherhood among fellow Muslims as narrated by Bukhari and Muslim as follows: "the parable of the believers in loving, loving and helping each other is like one body, if one of the limbs is sick, the whole body will feel pain". This principle teaches fellow Muslims to help and support each other, including in providing protection to those in need.

Field research in Lhokseumawe City and North Aceh revealed that the primary issue was not solely the provision of humanitarian aid, but also the escalation of social tensions within the community. In a comprehensive interview with Rahmad, a religious scholar regarded as a reference for the local community, he underscored that the Acehnese community generally welcomed the Rohingya arrivals on humanitarian grounds, yet expressed concerns regarding breaches of social norms and security challenges stemming from unregulated interactions (Rahmad, 2024). These worries were

not just about religion; they were also about how stable the local community was.

An interview with an official from the Aceh Social Services Agency confirmed this finding. The official said that there had been more reports from the community about Rohingya activities that were seen as harmful to public order, such as entering and leaving camps without supervision and not following local rules (Farah, 2024). This primary data shows that the local government is in a tough spot. It has to provide humanitarian protection, but it also has to keep the community safe.

On the other hand, asylum provisions include Islamic sharia law, including: Firstly, asylum seekers must be in an Islamic country or territory that is subject to Islamic law. This is an important condition that aligns the asylum-granting country with the asylum seeker. Additionally, submitting asylum seekers to the areas they visit aims to prevent conflict between migrants and local communities (Mahfud et al., 2022). According to Abu Hanifah, the state must impose regulations on refugees for at least three reasons, including rules enforced from Islamic values (Yusliwidaka, Roisah & Setiyono, 2024); (Fernando et al., 2022). Countries that grant asylum must not conflict with other Islamic countries, and both Muslim and non-Muslim refugees are protected using Islamic principles (Santoso, 2012).

Secondly, asylum seekers may have converted to Islam or have the status of ahl al-dzimmah (non-Muslims under the protection of an Islamic state). This is intended not only to protect asylum seekers from persecution and oppression, but also to ensure that they are not forced to return to areas where they may be at risk. However, asylum can also be granted to people who wish to occupy a certain area for reasons that are acceptable to all parties (Syahrin, 2019).

Thirdly, the impossibility or unwillingness to obtain protection from the country of origin is caused by several things such as the social, economic and political situation of the country of origin. In addition, race, religion, nationality, membership in certain social groups are the reasons why refugees flee their countries of origin (Gümüş, Duman, & Dolu, 2024). In addition, the impossibility of refugees obtaining protection is due to the inability of the state to provide protection to its population. This is due to weaknesses that are possessed either due to internal state conflicts or caused by natural disasters.

Fourthly, there is no conflict between granting asylum and Islamic principles. As it is written in Surah Hashr verse 9 which reads "and those who have occupied the city of Medina and have believed before the coming of the muhajirin, they love the muhajirin and vice versa, they the ansar do not desire in their day anything that is given: they put the muhajirin ahead of themselves even when they are in distress. And whoever is

kept from his miserliness, they are the lucky ones."

Based on this verse, it can be seen that in granting asylum must pay attention to the following principles. 1) Muslims at least feel happy to welcome asylum seekers and blend well with each other. "They are Ansar loving those who migrate to them muhajirin". Therefore, they are not allowed to be expelled. 2) Good treatment must be given and priority is given to the interests of the immigrants. "...and they prioritize the muhajirin over themselves." This means prioritizing others with regard to worldly needs. Such is a thing that is pleasing to Allah. 3) Be sympathetic to the asylum seekers as it sounds. "...and they the Ansar do not put any desire in their day towards anything given to the Muhajirin". This means that for asylum seekers, whether poor or rich, it does not influence the country of the asylum recipient to provide protection. 4) the prohibition of rejecting asylum seekers even if the country they are visiting is experiencing a crisis or problem. As the saying goes, "even though they are in distress" which can be interpreted as poverty of both urgent needs and limited wealth.

2. Conflict analysis between security needs and humanitarian guidance

The conflict between the important things that must be fulfilled is the demands of security and humanity that must run in a balanced manner. The development of increasingly intense conflicts in parts of the world demands complexity that requires a balance between humanity and

security. As the approach offered by Kaldor that to balance the two things requires a focus on specific individuals and communities. In addition, there are several concepts offered by Kaldor. The first concept is security and humanity in a broad version, where this concept focuses on "freedom from desire". This school uses a holistic approach to achieving security and humanity that not only focuses on physical security but also focuses on material security which includes poverty, hunger, disease and natural disasters. Physical security refers to the protection of individuals from threats that endanger their bodily integrity such as violence, harassment, assault, or any form of physical harm. Meanwhile, material security concerns the fulfillment of basic living needs, including access to food, shelter, health care, income, and other economic resources necessary for survival. The two differ in that physical security focuses on *safety from harm*, whereas material security focuses on *safety from deprivation*. Regarding the first concept, freedom from desire (*ḥifẓ al-nafs min al-hawā*) in Islamic legal thought emphasizes the preservation of the self from destructive impulses that may harm one's physical or moral well-being. It reflects the idea that uncontrolled desire can endanger both individual and social stability. This concept underscores the need for disciplined behavior to prevent actions that threaten communal security.

Furthermore, the second concept is security and humanity in a narrow version, where this concept focuses on "freedom from fear". This

stream limits security and humanity only to the protection of individuals and violence. In other words, this school emphasizes more on the human right to protect (Farida, Prabandari, & Rahayu, 2020). This approach focuses on emergency assistance, conflict resolution prevention and peace (Kaldor, 2020). Therefore, security and humanity are a series of efforts to maintain human sovereignty as individuals or communities to be free from economic and social deprivation and free from human rights violations such as genocide and violence.

There are three things that must be considered in terms of security. *First*, human rights (HAM) (Warsono et al., 2023). This perspective is based on the definition of individual security in relation to human rights, as contained in the *United Nations Universal Declaration of Human Rights*, namely individual rights such as the right to life, having an equal position before the law, being free from discrimination of race, religion or gender, legal rights such as obtaining legal protection, freedom of opinion and worship according to their respective beliefs, the right to meet basic needs such as clothing, food and board, economic rights and political rights. *Second*, his perspective argues that armed conflict is the greatest threat to individual security. The purpose of this perspective is the protection of civilians who are not involved in the conflict. The safety of individuals is protected by upholding moral rights and providing humanitarian assistance. *Third*, sustainable development. For

developing countries, it is recommended to carry out economic and social equality instead of pursuing economic and social growth like developed countries. This is to prevent conflicts due to social inequality and injustice. The biggest threats to sustainable development are the smuggling of illegal drugs, terrorism, poverty and environmental degradation (Kaldor, 2020)

Today, after the end of World War II, there is a shift in the concept of security where the state is no longer an actor in the conflict, but the concept of security has shifted to the individual as an actor in the conflict. Military threats no longer dominate global conflicts, but have shifted to economic, food, health, environmental, individual security, community security and political security. This is considered to have a great impact on the security of individuals, countries and even the world (Hata & Wijayanti, 2022). Based on *the United Nations Development Programme* (UNDP) of the United Nations in 1994, human security has seven categories, including (Mumtazinur & Wahyuni, 2021):

1. Economic security where the threat is in the form of poverty, low income and rampant unemployment.
2. Food security where the threat is malnutrition and hunger due to the difficulty of access to food sources.
3. Health security where the threat is in the form of difficulty in getting health services due to inadequate medical equipment and the

occurrence of disease outbreaks that result in death.

4. Environmental security where the threat is in the form of pollution and natural disasters that cause a lack of natural resources.
5. Individual security where the threat is in the form of fear due to violence, genocide, war and terrorism.
6. Community security where the threat is in the form of rebellion, discrimination against certain ethnicities, religions or groups of people.
7. Political security where the threat is in the form of a coup and a dictatorial military.

After the existence of humanitarian law as a form of security and humanity, in a conflict there is a prohibition on attacking unarmed civilians as people who are not involved in the conflict, they are obliged to receive optimal protection. Humanitarian law emphasizes the humanitarian principle that parties to the conflict are prohibited from using violence that could cause excessive suffering to civilians who are not involved in the conflict. So the main purpose of humanitarian law is to defend humanity, save lives and reduce the suffering of individuals who are victims or affected by the conflict. The term civilian includes all people who are not involved in the conflict including humanitarian volunteers. This is stated in the Geneva Convention IV of 1949 articles 27 to 34, as clearly as follows:

1. It is forbidden to commit physical and spiritual coercion to obtain information, or to commit acts of violence that result in physical suffering

2. It is forbidden to prevent civilians from performing ibada according to their beliefs
3. It is forbidden to impose collective punishment, hostage and insult to civilians
4. Intimidation and terrorism and looting are prohibited
5. Reprisals or reprisals against civilians are prohibited
6. It is forbidden to commit acts of hostility to civilians
7. Must provide an opportunity for civilians to leave enemy territory

The increasing number of conflicts in various parts of the world, resulting in the number of victims caused by these conflicts, has given birth to a new awareness for the international community about humanitarian issues. Humanitarian assistance is based on humanitarian law, which distinguishes between the military and civilians and the obligation to respect and protect those who are not involved in the conflict and those who are hostages. Humanitarian assistance for the state as the main person to provide humanitarian assistance to its people in need, if they are unable to afford it, then they are obliged to allow and receive assistance from other countries. Humanitarian aid also regulates the rights of humanitarian organizations, where humanitarian organizations have the right to offer assistance and gain access to provide their assistance. In addition, victims of conflict also have the right to receive assistance, which is

in line with the prohibition on starvation for civilians as a form of security (Sandra, 2019)

The implementation of humanitarian law and the Geneva Convention was the establishment of *the International Conference of the Red Cross and Red Crescent* hereinafter referred to as the ICRC, where this institution is tasked with ensuring that civilians are guaranteed their security and human rights, that hostages are treated fairly, not discriminated against and that they have their rights as human beings according to applicable rules. The ICRC is a neutral institution, with the right to act for humanity as a neutral institution and responsible for the enforcement of humanity (Asnawi, 2017) In addition, the ICRC also participates in providing strategic direction and funding to protect civilians and their rights, such as providing security and humanitarian care and protection.

The protection of security and humanity in conflict situations is a problem that requires a gradual solution. Berry Buzan argues that state security is the most important thing for individual security, because without the state, there is no clarity which institution can act on behalf of individuals. In terms of humanity, especially children who are victims of the ongoing conflict, the ICRC has created rehabilitation programs to address their trauma caused by the conflict (Setiyono, 2017). In addition, the ICRC also conducts humanitarian diplomacy aimed at influencing or changing the political choices made by conflict states, armed groups and other

international organizations to protect individuals or civilians without prejudice to race, class, ethnicity, religion and gender.

The ICRC conducts humanitarian interventions in conflict areas with the aim of upholding peace and security for every individual, as set out in the Geneva Conventions mentioned in the previous paragraph. The public expects peace and security to be achieved through recognition, implementation and respect for human rights (Sihombing et al., 2024); (Rahayu et al., 2024). The ICRC was born out of the rampant conflicts occurring in various parts of the world, both national and international. It was born out of a sense of empathy from various circles to reduce the ongoing suffering caused by conflict (Nurfahmi, 2017). It is therefore clear that the existence of the ICRC as an implementer of human rights law and the Geneva Conventions is very important. The ICRC's involvement in conflict areas helps to maintain a balance between humanity and security worldwide.

3. Human Rights Aspects in the Handling of Spiritual Refugees: Implementation of Islamic Law

The provincial and district governments, along with organisations like the Aceh Regional Disaster Management Agency (BPBA), UNHCR, and IOM, work together to provide emergency shelter, basic humanitarian aid, and short-term housing. But these groups have limited powers: the Indonesian government doesn't have a formal law about refugees in the country, so local

governments have to rely on Presidential Regulation No. 125/2016, which only covers temporary handling. This regulatory limit often leads to inconsistent responses, a lack of resources, and a reliance on support from the community. At the same time, more people coming and staying longer has made local communities more worried about social stability, security risks, and economic pressures. It is important to understand these administrative and practical facts as a starting point for looking at the tensions that follow between humanitarian obligations, local security concerns, and the Islamic law that is used in Aceh.

The handling of refugees is a serious problem in the human rights aspect. Islamic law in its implementation should be a clear guide in ensuring that the rights of local communities and refugees are equally achieved. Islamic law basically offers a fairly systematic framework that covers various aspects of life, including the handling of refugees as a fundamental element, namely the protection of the soul or *hifz al-Nafz*.

Hifz nafs or commonly referred to as the protection of the soul in Islam emphasizes the importance of protecting human life in every case, both in the field of health and public policy. This not only protects the physical but also protects the dignity and quality of life. The question is whether the protection of the soul in this case is also part of the human rights for the refugees that must be fulfilled. As is known globally, his ethnic group, which is mostly Muslim, has experienced

systematic discrimination and violence in their home countries. This caused Rohingya to seek asylum in another country. At such a time, it raises the basic question of which human rights principle in Islam is able to overcome the problem.

Islam as the religion with the most adherents in Indonesia has a perfect realization of human rights. The values of the teachings as mentioned in the holy book of Islam emphasize the protection of the right to life and the right to justice. Islam as a religion does not only play a role as an identity. Islam in its manifestation also plays a role as a response to problems in life. In addition, Islam teaches humans the urgency of peace, harmony and harmony (Boty, 2015). Peace as the main goal in the teachings of Islam is based on the relevant verse as found in Surah Al-Baqarah verse 224 which reads "And do not make the name of Allah in your oath as an obstacle to doing good". The prohibition of swearing in the verse is meant not to use the name of Allah to do good. If the next oath is pronounced, then it must pay kafarat to redeem it. Based on this verse, it can be seen that Ishlah or peace in Islam is a part that is connected to human history as a caliph dil al-Ard with wisdom that comes from Allah. The goal is to interpret the true purpose of life. Islamic law describes the purpose of life through several things, including protection for those who seek salvation. This is recorded in the history of Islam such as the

Muslim Kamum who sought refuge in the country of Abyssinia (Jahan, Amin, & Arafat, 2014).

In general, the right to life and security are fundamental values of Islam. For Indonesia in general and Aceh Province in particular, indirectly by religion it is obligated to provide humanitarian protection for refugees. Moreover, Islamic law suppresses the right to dignity and humane treatment. In this case, the provision of decent living conditions and respect for religious practices must be protected. In addition, Islam also has a study on the importance of education. This means that the refugee receiving country at least also provides access to education for refugee children as Islamic teachings to continue to gain knowledge.

Among them is the limited resources owned by the recipient country or region. The cost of providing housing, food or health services is a huge economic burden. Aceh as one of the provinces visited by waves of refugees has difficulties in providing a sustainable and decent place to live. The guarantee of health facilities in Aceh for the area where the perpetrators are accommodated experience medical, medicine and equipment. Language limitations, differences in curriculum are obstacles for refugee children to get access to education.

In addition, there are also security concerns that arise between protecting refugees or ensuring national security (Zada, 2014). Although at the beginning of its emergence it was well received by the local people of Aceh, there

were also concerns about the long-term impact on local resources and the security of the local community. This fact plays a big role in the poor relationship of refugees with the local community (Missbach, Adiputera, & Prabandari, 2018). The limited interaction between the two parties and the absence of mutual relations have become a problem that develops into a trigger for social conflict.

What is also no less important to pay attention to is to combine the habits of the Rohingya refugees with the customs of the local community both linguistically and culturally. The merging of the two cultures is important in shaping the integration of the customs of the Rohingya refugees with the customs of the Acehnese people. This is an important point in building a harmonious relationship for both parties. Moreover, What must also be raised in achieving this goal is a good understanding of the mutual relationship for both parties. The merging of two different cultures becomes a considerable and long-term homework. Respect for different cultures can actually encourage the creation of a more harmonious atmosphere but requires relief for both parties.

D. CONCLUSIONS

Implementation in maintaining human values without neglecting security guarantees faces great challenges. The protection of human rights as happened in Aceh against the arrival of Rohingya refugees has become in the spotlight of

the world. The humanitarian crisis experienced by the ethnic group is a reason to seek asylum outside the country or outside the region. Aceh as a destination area has problems in responding to the existence of Rohingya refugees. The exploration in this study that questions the dilemma between security guarantees and response to humanity can be faced if all parties involved, both local governments, local communities and migrants, can both submit and comply with the rights and obligations of each party. The values contained in Islamic law can be used as bargaining power to be a reference for how the two parties are harmonious and balanced. The recommendations in this study are aimed at local governments in coordination with the central government to pay attention to concrete steps by forming policies based on the values of Islamic law without ignoring the interests of both parties, both immigrants and local communities.

REFERENCES

JOURNALS

- Aidulsyah, F. (2023). The rise of urban Salafism in Indonesia: The social-media and pop culture of new Indonesian Islamic youth. *Asian Journal of Social Science*, 51(4), 252–259. <https://doi.org/10.1016/j.ajss.2023.07.003>
- Amin, I., Salma, S., Bahar, M., & Lendrawati, L. (2024). Stratification of Al-Maqashid Al-Khamsah (Preserving Religion, Soul,

- Reason, Heredity and Property) and Its Application in al-Dharuriyah, al-Hajiyah, al-Tahsiniyah, and Mukammilat. *AJIS: Academic Journal of Islamic Studies*, 9(1), 264–281.
<https://doi.org/10.29240/ajis.v9i1.8941>
- Asnawi, M. I. (2017). Konsistensi Penegakan Huku Humaniter Internasional Dalam Hubungan Antar Bangsa. *Jurnal Hukum Samudra Keadilan*, 12(1), 112.
<https://ejurnalunsam.id/index.php/jhsk/article/view/95>
- Beltramo, T. P., Calvi, R., De Giorgi, G., & Sarr, I. (2023). Child poverty among refugees. *World Development*, 171. <https://doi.org/10.1016/j.worlddev.2023.106340>
- Budoyo, S., & Hardiyanti, M. (2021). Urgency of Strengthening Women Participation in The Building of Gender Justice Based Village. *Law Reform*, 17(2), 252–259. <https://doi.org/10.14710/lr.v17i2.41751>
- Boty, M. (2015). Agama dan Perubahan Sosial (Tinjauan Perspektif Sosiologi Agama). *Jurnal Istinbath*, 15(1), 35-50. <https://jurnal.radenfatah.ac.id/index.php/istinbath/article/view/776>
- Iranpour, C., Wells, R., Berle, D., Saniee, A., Rostami, R., & Iranpour, N. (2023). Effect of traumatic experiences and future threats on executive functioning and verbal fluency amongst Farsi-Dari speaking immigrants, refugees, and asylum seekers. *Psychiatry Research Communications*, 3(4). <https://doi.org/10.1016/j.psycom.2023.100146>
- Nurfahmi, E. (2017). Keterbatasan International Committee of The Red Cros (ICRC) dalam Mengatasi Krisis Kemanusiaan di Suriah. *Journal of International and Local Studies*, 1(1), 31–42.
<https://doi.org/10.56326/jils.v1i1.721>
- Farida, E., Prabandari, A. P., & Rahayu, R. (2020). International Human Rights Instruments and Indonesian Legal Protection for Persons with Disabilities. *Indian Journal of Forensic Medicine and Toxicology*, 14(4), 4482–4486.
<https://doi.org/10.37506/ijfmt.v14i4.12347>
- Fernando, Z. J., Pujiyono, P., Rozah, U., & Rochaeti, N. (2022). The freedom of expression in Indonesia. *Cogent Social Sciences*, 8(1). <https://doi.org/10.1080/23311886.2022.2103944>
- Gümüş, F., Duman, M., & Dolu, R. (2024). Child sexual abuse knowledge and attitudes of Syrian refugee parents and related factors. *Journal of Pediatric Nursing*, 77. <https://doi.org/10.1016/j.pedn.2024.04.044>
- Hata, Z. T., & Wijayanti, S. (2022). Analisis Human Security dalam Resolusi Dewan Keamanan Persatuan Bangsa-Bangsa (DK PBB) No. 2334 Tahun 2016. *Politea : Jurnal Pemikiran Politik Islam*, 5(1), 34. <https://doi.org/10.21043/politea.v5i1.14231>

- Kaldor, M. (2020). Human Security: Practical Possibilities. *LSE Public Policy Review*, 1(2), 1–8. <https://doi.org/10.31389/lseppr.15>
- Indarti, E. (2020). Legal philosophy about the performance of the Indonesian national police. *Indian Journal of Forensic Medicine and Toxicology*, 14(4), 3046–3052. <https://doi.org/10.37506/ijfmt.v14i4.12053>
- Mahfud, M. A., Wibawa, K. C. S., ALW, L. T., & Saraswati, R. (2022). The Fulfillment of Rights to Citizenship for Migrant Worker Deportees in Nunukan District. *Law Reform*, 18(1), 1–15. <https://doi.org/10.14710/lr.v18i1.44655>
- Mcnevin, A., & Missbach, A. (2018). Hospitality as a horizon of aspiration (or, what the international refugee regime can learn from Acehese fishermen). *Journal of Refugee Studies*, 31(3), 292–313. <https://doi.org/10.1093/jrs/fey014>
- Mawardi, C., & Hanum, F. (2023). Policy on the Management of Rohingya Refugees in Aceh: State Sovereignty versus Justice? *Journal of Law, Environmental and Justice*, 1(2), 122–136. <https://doi.org/10.62264/jlej.v1i2.7>
- Syahrin, M., A. (2019). Perlindungan Terhadap Pencari Suaka Dan Pengungsi Menurut Hukum Islam Dan Hukum Internasional (Studi Filosofis dan Ontologis Keilmuan). *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, 19(1), 63–75. <https://doi.org/10.19109/nurani.v19i1.3156>
- Missbach, A., Adiputera, Y., & Prabandari, A. (2018). Is Makassar a “Sanctuary City”? Migration Governance in Indonesia After the “Local Turn”. *Advances in Southeast Asian Studies*, 11(2), 199–216. <https://doi.org/10.14764/10.ASEAS-0003>
- Mumtazinur, M., & Wahyuni, Y. S. (2021). Keamanan Individu (Personal Security) dan Qanun Hukum Keluarga: Tinjauan Konsep Keamanan Manusia (Human Security). *El-Usrah*, 4(1), 76–89. <https://doi.org/10.22373/ujhk.v4i1.8504>
- Newhouse, L. S. (2021). On not seeking asylum: Migrant masculinities and the politics of refusal. *Geoforum Journal*, 120, 176–185. <https://doi.org/10.1016/j.geoforum.2021.01.024>
- Poluakan, Q. (2022). Perlindungan HAM Bagi Warga Sipil dalam Konflik Bersenjata Non-Internasional Menurut Perpektif Hukum Humaniter Internasional (Studi Kasus Perang Saudara Suriah Tahun 2011). *Lex Administratum*, 10(3), 7–9. <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/41990>
- Rahayu, R., Roisah, K., Wardana, K. A., & Erlangga, V. L. S. (2024). Human Rights Defenders in Indonesia's Digital Age: Navigating Limited Spaces in the Quest for Digital Democracy. *Sriwijaya Law Review*, 8(2), 358–375. <https://doi.org/10.28946/slrev.Vol8.Iss2.3860.pp358-375>

- Rahman, M., Rasyid, L. M., & Yulia, Y. (2023). Rohingya and Aceh: When Religion and Culture Play its Role. *Journal of Law and Sustainable Development*, 11(12). <https://doi.org/10.55908/sdgs.v11i12.1029>
- Ramnath, K. (2024). Adrift in the Andaman Sea: Law, Archipelagos and the Making of Maritime Sovereignty. *Past & Present*, 265(Issue Supplement 17), 249–281. <https://doi.org/10.1093/pastj/gtae033>
- Jahan, R., Amin, R., & Arafat, S. M. Y. (2014). Practical challenges for mental health services among Rohingya refugee in Bangladesh. *Asian Journal Psychiatry*, 97. <https://doi.org/10.1016/j.ajp.2024.104069>
- Sandra, R. (2019). Bantuan Kemanusiaan Dalam Hukum Humaniter Internasional. *TerAs Law Review: Jurnal Hukum Humaniter Dan HAM*, 4(6). <https://doi.org/10.25105/teras-irev.v4i6.5425>
- Sihombing, J. S. P., Saraswati, R., Yunanto, Y., & Turymshayeva, A. (2024). The Regulation of Legal Protection for Poor Communities Toward Justice in Indonesia and the Netherlands. *Journal of Human Rights, Culture and Legal System*, 4(2), 331–353. <https://doi.org/10.53955/jhcls.v4i2.274>
- Setiyono, J. (2017). Peran ICRC Dalam Perkembangan Hukum Humaniter Internasional Di Era Global. *Law Reform*, 13(2), 217. <https://doi.org/10.14710/lr.v13i2.16157>
- Siregar, M. P. R. (2024). Indonesia's Response to Rohingya Refugees in the Perspective of International Law in 2023. *ESLHR: The Easta Journal Law and Human Rights*, 2(02), 51–58. <https://doi.org/10.58812/eslhr.v2i02.197>
- Sonafist, Y., & Yuningsih, H. (2023). Islamic Law, the State, and Human Rights: The Contestation of Interfaith Marriage Discourse on Social Media in Indonesia. *Juris: Jurnal Ilmiah Syariah*, 22(2), 381–391. <https://doi.org/10.31958/juris.v22i2.10934>
- Stevens, A., Boukari, Y., Sonora, Kadir, A., Bernadette N., & Kumar, D. (2024). Discriminatory, racist and xenophobic policies and practice against child refugees, asylum seekers and undocumented migrants in European health systems. *The Lancet Regional Health - Europe*, 41, 108. <https://doi.org/10.1016/j.lanepe.2023.100834>
- Warsono, H., Amaliyah, A., Putranti, I. R., & Iannone, A. (2023). Indonesia Government Sets Back: The Rule Of Law, Collaborative Governance And Human Right Challenges During Covid-19. *Law Reform*, 19(2), 169–198. <https://doi.org/10.14710/lr.v19i2.53734>
- Yusliwidaka, A., Roisah, K., & Setiyono, J. (2024). The Implementation of State's Rights and Obligations in Outer Space: Is It Equal? *Legality: Jurnal Ilmiah Hukum*, 32(2), 418–432. <https://doi.org/10.22219/ljih.v32i2.35312>

Zada, K. (2017). The Rohingya's Muslim Asylum Seekers in Southeast Asia: From National to International Law Perspective. *Ahkam*, 17(1), 115-126.
<https://doi.org/10.15408/ajis.v17i1.6227>

BOOKS

Donnelly, J. (2020). *The Concept of Human Rights*. London: Routledge.

Moleong, L. J. (1993). *Metode Penelitian Kualitatif*. Bandung: Remaja Rosdakarya.

Santoso, M. I. (2012). *Perspektif Imigrasi dalam Migrasi Manusia*. Bandung: Pustaka Reka Cipta.

INTERVIEWS

Rahmad, H. Head of Village, Seuneubok Rawang, Peureulak, Aceh. Seuneubok: 14 June 2024

Farah, H. Local Community, Seuneubok Rawang, Peureulak, Aceh. Seuneubok: 14 June 2024