

That is, if it is true that an application is to be queued in an orderly manner, everyone should also be required to queue, and anyone who does not go through the queue will not be served. Honest and frank service. That is, if there are obstacles due to an unavoidable problem, they should be notified, so that people don't wait for something that is uncertain. With notification, people can understand and will adapt sincerely without emotion. Basically, everyone can understand other people's difficulties or problems, if this is stated frankly.

If the real problem is often hidden, it will cause disappointment to people who feel they have not been given an honest explanation. The emergence of disappointment is "advertising" which is very detrimental, especially for businesses engaged in the service sector and do not have monopoly rights.

The Legal Politics of Timor Leste in Improving the Quality of Civil Registration Services Carried Out by the Government Bureaucracy Based on the Legal Principles of Good Public Service in the Perspective of a Welfare Law State that if the bureaucracy is structured, the bureaucracy will have various work units. Each unit in the bureaucracy has its own specific goals and tasks. If each unit has its own ego, it is likely that an attitude that is concerned with its own unit will arise. It is feared that this can lead to displacement of goals, and can even result in conflicting goals between the unit and the main institution as a whole. As a result, the essence of the goals of bureaucratic institutions in general are not achieved. In addition, bureaucrats who are trained to work strictly according to existing regulations will experience doubts and awkwardness in behavior when faced with situations that do not exist in these regulations.

Therefore, in addition to complying with formal provisions, bureaucrats must also have the authority to take initiatives and innovate when existing regulations fail to deal with the realities that are developing in people's lives.

4. CONCLUSION

1. Weaknesses in the Political and Legal Regulations of the State of Timor Leste Concerning Civil Registration Public Services by the Government Bureaucracy in the perspective of a welfare state law are that there are three main elements of a legal system which include substance, structure, and culture. . Substantial (legal) factors have not been specifically regulated through laws, only government regulations. Structural factors (institutions) for civil registration have not

implemented good legal principles, limited human resources are inadequate, both at the sub-district and district levels which have an impact on the process of providing KTP, family cards and birth certificates. The provision of services to the community by public service organizations can run well if it is supported by human resources who have the ability, intellectual insight, discipline and high skills. The capacity of existing employees in the Department of Population and Civil Registration still needs to be improved, judging from the ability in knowledge and mastery in the field of computers is still limited. Cultural Factors (Culture) services are not yet IT-based, prefer collective rather than independent.

2. The Legal Politics of Timor Leste in Improving the Quality of Civil Registration Services Carried Out by the Government Bureaucracy Based on the Legal Principles of Good Public Service in the Perspective of a Welfare Law Country. Decree of Law No. 32/2008 Administrative Procedures Article 5 Principles of fairness and impartiality. In carrying out its activities, Public Administration must act fairly and impartially with all people with whom it has a relationship. Article 6 Principles of Good Faith. In carrying out administrative activities, and in all its forms and stages, Public Administration and individuals must act and relate in accordance with the rules of good faith. In complying with the provisions of the previous number, the legal basis values, which are relevant to the situation under consideration, must be considered and, in particular: Beliefs that arise on the opposing party through the actions concerned; The goal to be achieved with the actions taken.

BIBLIOGRAPHY

Absori, *Political Law Towards Progressive Law*, Surakarta: Muhammadiyah University Press, 2013.

Adrianus Meliala, *Cheating Business Practices*, Jakarta, Sinar Harapan Library, 1993.

Bambang Waluyo, *Legal Research in Practice*, Jakarta: Sinar Graphic, 2002.

Muhammad Djakfar, *Business Law Building Discourse on Integration of National Legislation with Sharia*, Malang: UIN Maliki Press, 2013.

Soerjono Soekanto, *Fundamentals of Legal Sociology*, Jakarta: PT. Raja Grafindo Persada, 1988.

Yazid Abu Fida, *Encyclopedia of Halal and Haram Food*, Solo: Arafah Library, 2014.

Kurniawan and Budi Sutrisno, *"Responsibility of Traders on Halal Labels for Food"*, Journal of the University of Mataram, Volume 17, Number 1, February Mataram, 2015.

Bimo Aria Fundrika, *BPOM Reveals 6 Brands of Coffee Saset Containing Paracetamol and Viagra* https://www.voice.com/health/2022/03/05/065124/bpom-Revelation-6-brand-kopi-saset-yang-containing-paracetamol-andviagra?utm_source=whatsapp&utm_medium=share

Faris Majduddin, *"Examples of MSME Cases"*, <https://id.scribd.com>

Rama Tri, *"Only 10 Percent of MSMEs Have Halal Certificates"*, <https://bisnis.tempo.co/amp/1219420/baru-10-persen-umkm-yang-kantungi-sertifikat-halal>. 2014 Law, Article 6: Regarding Halal Product Guarantee. Law No. 8 of 1999 concerning Consumer Protection.

Law Number 33 of 2014 concerning Halal Product Guarantee.

LEGAL PROTECTION OF MYANMAR ETHNIC REFUGEES BASED ON HUMAN RIGHTS

Fatima Naik Wadi

Savitriba Phule Pune University, India

fatmapule_pule@gmail.com

Abstract. The many ethnic groups in Myanmar have led to conflict between the majority and minority ethnic groups within the country. Ethnic Rakhine and ethnic Rohingya who live in one area have long been involved in conflict in which the Rohingya are ethnic Muslims and minorities, while the ethnic Rakhine are ethnic Buddhists who are the majority.

Conflicts that continue to drop victims from time to time require a settlement so that victims do not continue to fall. The government's role is then needed in handling the conflict which has further prolonged the humanitarian crisis in Myanmar. The Rohingya, who suffered more losses, require more attention from the relevant government. However, in reality the Rohingya did not receive attention from the Myanmar government, instead they received discrimination and added to the suffering of the Rohingya ethnic group. The purpose of this study is to analyze the protection of the Rohingya ethnicity based on human rights. The approach method in this study is normative juridical, with secondary data sources obtained through literature study. The data obtained were then analyzed using a qualitative descriptive method. The results of the research on Legal Protection for Refugees in the Myanmar Conflict Country, namely the Rohingya Ethnicity are Currently Not In Accordance With Human Rights, because there is still a discriminatory attitude from the Myanmar government along with the Buddhist majority ethnicity towards the Rohingya ethnicity which results in threats of acts of violence and violations in various other aspects of life, such as in terms of social, religious, economic, and education. Indications of human rights violations that occurred to the Rohingya began with the attitude of the Government of Myanmar in implementing policies in the 1982 Myanmar Citizenship Law, which forcibly assimilated by not recognizing the citizenship rights of the Rohingya and considering the Rohingya as foreigners in Myanmar.

Keywords: Protection, Refugees, Rohingya

1. BACKGROUND

The impact of the humanitarian crisis that occurred is closely related to the issue of Human Rights (Human Rights). The humanitarian crisis caused by the conflict has led to the emergence of various human rights violations, such as violence, persecution, and the inability of a person to fulfill his basic rights as a human being. In a conflict, usually more victims come from minority groups.

The relevant government is then obliged to take action to resolve the conflict so as to prevent more victims and prevent greater losses. However, if the government does not have a

strong will to resolve the ongoing conflict, it will result in a growing humanitarian crisis and impact on the areas surrounding the crisis.²⁶⁰

According to international law, to deal with refugee problems there are rules of law. international refugees and law. international human rights, both in the form of regional and international instruments, such as: .

The 1951 Convention Relating to the Status of Refugees, The 1967 Protocol Relating to the Status of Refugees, the Convention Relating to the Status of Stateless Person (1954), Convention Governing the Specific Aspects of Refugees Problems in Africa (1969).

Even though there are already instruments that regulate it, apart from the conflict that hasn't subsided, the refugee problem hasn't been resolved yet. For example, refugees are displaced, there is arbitrary treatment of refugees so that the author is interested in studying, understanding in more depth.

The ASEAN countries in the Southeast Asian region have ethnic, racial and religious diversity spread across each country. Myanmar as one of the ASEAN countries where the majority of the population is Buddhist and has many ethnicities. The population of Burma (Myanmar) has about 135 ethnic groups and sub-groups. Ethnic Burmese are the largest group (about 68%). Then Shan (9%), Karen (7%), Rakhine or Arakan (4%), and Mon (2%). In addition, there are ethnic Kachin, Chin, Karenni, and Rohingya.

The many ethnic groups in Myanmar have led to conflict between the majority and minority ethnic groups within the country. Ethnic Rakhine and ethnic Rohingya who live in one area have long been involved in conflict in which the Rohingya are ethnic Muslims and minorities, while the ethnic Rakhine are ethnic Buddhists who are the majority.

Conflicts that continue to drop victims from time to time require a settlement so that victims do not continue to fall. The government's role is then needed in handling the conflict which has further prolonged the humanitarian crisis in Myanmar. The Rohingya, who suffered more losses, require more attention from the relevant government. However, in reality the Rohingya did not receive attention from the Myanmar government, instead they received discrimination and added to the suffering of the Rohingya ethnic group.

The Myanmar government's perception of the Rohingya can be seen in a 2009 letter by the Consul General of Myanmar to Hong Kong, Ye Myint Aung to the head of the foreign mission in Hong Kong and local newspapers, in response to newspaper reports of the

²⁶⁰ Syarifatul Ula, "Peran Aktor Non-Negara dalam Hubungan Internasional: Studi Kasus Human Rights Watch dalam Krisis Kemanusiaan di Myanmar", *Journal of International Relations*, Vol. 3, No. 3, 2017, hlm. 19.

persecution of the Rohingya. He said, "These Muslim tribes should not be described as Burmese," "In reality, the Rohingya are not the Burmese people or the Burmese ethnic group," "the brown "skinned Rohingya with the" fair and soft "skinned people of Myanmar, who, according to him" are also handsome," wrote the Consul. ²⁶¹

"My complexion is a typical genuine one of a Myanmar gentleman and you will accept that how handsome your colleague Mr Ye is. It is quite different from what you have seen and read in the papers. They are as ugly as ogres.

In 1977, the military junta that had come to power in Myanmar since 1962 held a national census called Naga Min to examine people who entered Myanmar illegally. ⁴ After that, the existence of the Rohingya ethnic group as one of the ethnic groups in Myanmar was no longer recognized. and this makes the Rohingya do not get protection from the government as a people living in the country.

Since the 1982 Citizenship Law was enacted in Myanmar, ethnicities that are recognized as citizens are ethnicities that have long been in Myanmar before the British colonial occupation in 1824. There have been 135 ethnicities recorded but there are no Rohingya in it.

Therefore, various forms of oppression took place through massacres to ethnic cleansing which led to genocide against the Rohingya ethnicity which has continued to this day, has added to the length of the humanitarian cases that have occurred in Myanmar. lose many basic rights as citizens, such as the right to a place to live, work, and welfare.

In June 2012, the conflict between the two ethnicities peaked. In general, the violence was sparked by cases of rape and murder of Buddhist women allegedly committed by Muslim men, which were then retaliated by killing 10 Muslim men. This incident sparked mass violence in the form of killing and torture, burning of houses and property and being forced to leave their homes, especially against Muslim minorities. Mass violence occurred in June and October 2012 and March, May and August 2013. Most of the incidents occurred in Rakhine state and spread to other states such as Shan.

Myanmar declared martial law in June 2012 and sent heavily armed troops to Rakhine State. However, according to Human Rights Watch (HRW), the arrival of these troops was a disaster for the Rohingya. Government soldiers instead shot many Rohingya Muslims who were branded as illegal Bangladeshi immigrants.

²⁶¹ Pusat Informasi dan Advokasi Rohingya Arakan (PIARA) PAHAM Indonesia Aug 12 th 2012 8 Dewi Asriyani, Peran OHCHR dalam Penyelesaian Kasus Etnis Rohingya, eJournal Ilmu Hubungan Internasional, 2013, Hal. 5

As a result of the humanitarian crisis that befell the Rohingya, they decided to flee to several countries. In fact, the Rohingya have long fled abroad leaving their homes in Myanmar. This is because the humanitarian crisis that has befallen them has been going on for a long time. The migration of Rohingya people from Myanmar to Bangladesh occurred in 1978, as many as 220,000 people fled to Bangladesh due to the widespread and systematic violations of HUMAN RIGHTS they received. Also in 1992 as many as 250,000 Rohingya fled to Bangladesh.

After the 2012 conflict, the Rohingya increasingly sought to flee from Myanmar. The United Nations High Commission for Refugees (UNCHR) estimates that more than 150,000 ethnic Rohingya and Bangladeshi people have left Myanmar by boat since 2012. Furthermore, the UNHCR Maritime Surveillance Unit also explained that between June 2012 and August 2014, an estimated 87,000 Rohingya and Bangladeshis traveled dangerous sea of Banggala Bay.

Several ASEAN countries later became destinations for Rohingya refugees to get a better life. Malaysia, Indonesia and Thailand as neighboring countries of Myanmar are the destinations of Rohingya people who leave their previous homes. Malaysia has become a Rohingya destination because of its economic prosperity, Islamic culture, and the large Rohingya population there. 16 Indonesia has become a Rohingya destination since the heroic humanitarian actions of Aceh fishermen rescued Rohingya refugees and Bangladeshi immigrants who were adrift at sea hoping to be accepted in the destination country.

However, these countries actually refused their arrival. The Thai government even issued a statement that was quite strong regarding the planned presence of Rohingya refugees in their country. They say that the presence of the Rohingya people is not wanted in the country. 18 Likewise with Malaysia and Indonesia. From the statement of Deputy Home Minister of Malaysia Wan Junaidi Jafaar, his country can feed and do good to Malaysian refugees but cannot accept them there. As for Indonesia, TNI Commander Gen. Moeldoko said the Indonesian government would not allow Rohingya refugee boats to enter its maritime territory. According to him, humanitarian assistance will still be given to the refugees who were expelled from Myanmar, but will still prohibit them from entering let alone pulling over to mainland Indonesia. The purpose of this study is to analyze the current legal protection for refugees in conflict countries that are not in accordance with human rights.

2. RESEARCH METHODS

The approach method in this study is normative juridical, using secondary data consisting of primary legal materials in the form of laws and regulations in various countries, and secondary legal materials in the form of books by scientists, research results and related articles. with refugee protection. As well as tertiary legal materials in the form of legal dictionaries and encyclopedias. The data obtained through literature and internet data obtained were then analyzed using a qualitative descriptive method.

3. RESEARCH RESULTS AND DISCUSSION

1. STATE RESPONSIBILITY TOWARDS CITIZENS' RIGHTS

This principle means that the main actor burdened with responsibility for fulfilling, protecting and respecting human rights is the State through its apparatus. This principle is written in all international human rights covenants and conventions as well as domestic regulations.

Article 71 of Law Number 39 of 1999 explicitly states that: "The government is obligated and responsible for respecting, protecting, upholding and promoting human rights as regulated in this law, other laws and regulations and laws. international law on human rights accepted by the Republic of Indonesia"

Human rights are a system of international norms that demand and constitute a minimum standard for countries. This minimum standard will be used by the international community to evaluate as well as score the extent to which the country has carried out its international human rights obligations.

The law on human rights formulates 3 (three) forms of state obligations, namely (1) the obligation to respect; (2) obligation to fulfill; and (3) the obligation to protect. The explanation of the three forms of obligation is:

a. The obligation to respect

The obligation to respect refers to the obligation of the State not to interfere with the civil rights of citizens. Unlawful interference is a violation of human rights. Therefore, the right to life is related to the state's obligation not to kill; the right to physical and mental integrity relates to the state's obligation not to torture, the right to vote relates to the state's obligation not to prohibit or even expel someone from democratic elections; while the rights to work, health and education are related to the state's obligation to provide jobs, health facilities and the education system.

b. Obligation to Fulfill (obligation to fulfill)

The obligation to fulfill refers to the state's obligation to take legislative, administrative, judicial and practical policy steps to ensure that citizens' rights can be fulfilled to the maximum extent possible.

c. Obligation to Protect (obligation to protect)

The obligation to protect requires active action from the State to ensure that there are no human rights violations by third parties, be they individuals, groups or corporations.

Failure to fulfill the three obligations above will lead to violations of human rights. In this position, violations of human rights can only be carried out and/or pinned on the state (government: executive, legislative and judiciary). Unwillingness and inability of the State to protect and fulfill is referred to as a passive human rights violation (human rights violation by omission). Meanwhile, the failure of the State to respect is referred to as an active human rights violation (human rights violation by commission).

d. Human Rights Law

In relation to a rule of law state, human rights are a marker of whether a country deserves to be called a rule of law state. or not. A country that claims to be a state of law. recognizes the supremacy of law. If in practice the state then violates and does not respect the foundations of human rights, then the country cannot be called a state of law. Legal experts. Continental Europe, including Immanuel Kant and Stahl, mentioned that there are four elements of a rule of law. (rechstaat):

- There is recognition of human rights;
- There is a separation of powers to guarantee human rights;
- The running of government is based on regulations;
- There is a state administrative court.

Not much different from the above, legal experts. Anglo Saxon (English and American) states that the rule of law. (rule of law) focuses more on aspects of justice and builds the Judge made law (common law) doctrine so that jurisprudence is binding. According to A. V. Dicey, it is said to be a rule of law. if it contains three elements, namely human rights guaranteed by law; equality before the law, and the supremacy of the rule of law. and no arbitrariness.

The above shows that human rights occupy a very important position in a constitutional state. It is not surprising that demands are made for legal products. more humanistic in nature. This is due to legal contact. with humans is very close, in every line of social life. State, through legal products. and various other policies, seek to solve or improve problems to create a better social order. This ideal fits the legal definition. according to Wirjono

Prodjodikoro who stated that law. is a series of rules regarding the behavior of people as members of a society, while the sole purpose of the law. is to guarantee the safety, happiness, and order of the society.

Heo Huiybers stated that the meaning of human rights becomes clear when the recognition of these rights is seen as part of the humanization of life which has been initiated since humans became aware of their place and duties in the world. The history of culture is also the history of the humanization of life in the moral, social and political fields through law. Through law. also the principles contained in the recognition of human existence as legal subjects. formulated as an integral part of the legal system. Through law, human rights are recognized and protected by law. will always be needed to accommodate the state's commitment to protecting human rights.

More explicit thinking about law. as a protector of human rights and the freedom of its citizens, was stated by Immanuel Kant. For Kant, humans are rational and free-willed beings. The state is tasked with upholding the rights and freedoms of its citizens. Prosperity, happiness of the people is the goal of the state and the goal of law. Therefore, basic human rights cannot be violated by the state. Kant views the protection of people's rights as a moral imperative or what is called the Categorical Imperative with two basic principles. First, every human being is treated according to his dignity. He must be treated as a subject not an object.²⁶²

Second, people must act with the argument that what is the basis of their actions is indeed a universal principle. According to Kant, freedom and autonomy are the most basic differences between humans and other creatures. Physical objects we use for our purposes. We also use animals as long as they are beneficial to us.²⁶³ But man is an end in itself that must not be subordinated to any other end. Why? Because humans are free and autonomous beings who can make their own decisions. Man is the center of independence. He is the only being who has intrinsic value and therefore must be respected as an end in himself.²⁶⁴

Kant gave special moral content to the term "dignity" which means that which must be respected because of himself or as an end in himself. And law. then it must be in line with human rights, right? History has recorded that the human tragedy of the Nazi era was also perpetuated by law. positive. While in law. positively justified then any form of law

²⁶² H. Nawawi, 1995, *Metode Penelitian Bidang Sosial*, Gadjah Mada University Press, Yogyakarta.

²⁶³ Sri Endah Wahyuningsih, *Comparative of Law of Children Maturity of Criminal Justice System in Indonesia and Malaysia Base on Islamic Value*, Unissula Press, 2018.

²⁶⁴Noer Indriati, "Mutual Legal Assistance Treaties (MLATs) sebagai Instrumen Pemberantasan Kejahatan Internasional", *Jurnal Dinamika Hukum*, Vol. 9 No. 2, 2009, hlm. 104.

enforcement. That's right, the substance of the law. which are full of violence and violations of human rights are not taken into consideration. Indonesia also went through these phases. One small example is a KTP with an ET sign (former political prisoner) in the New Order era, which is a form of violation of rights. Human Rights justified by the policies of that time. This action resulted in discrimination and persecution against people who were always stigmatized as PKI or Gerwani. Now, the problem has not been completely resolved, because in reality it is still easy to find legal products. which is inhumane and full of discrimination.⁵⁴ In fact, when the value of human rights was passed down in the form of law. positive, in practice it is different.²⁶⁵

2. LEGAL PROTECTION OF ROHING ETHNIC REFUGE CITIZENS

Since the enactment of the 1982 Burma Citizenship Law, discrimination against the rights of the Rohingya ethnic group has gotten worse, both religiously, culturally, socially, politically and economically. The Rohingya ethnic community is a devout adherent of Islam, some of them men grow beards and women wear headscarves. In every mosque and madrasa in Arakan, the men pray in congregation, while the women pray at home. ⁴ The clerics in the Rohingya environment have a very important role, their suggestions and opinions are very much heard by the community, especially in legal matters such as ⁵ After the implementation of this policy, Rohingya women were not allowed to wear the headscarf and religious activities took place under supervision and many mosques were torn down.²⁶⁶

The absence of Rohingya Ethnic citizenship status, results in not being allowed to engage in political activities or other social activities. All social activities such as helping the poor, widows and orphans, as well as weddings and funerals are carried out by a social institution that exists in every village called Samaj.

From an economic standpoint, the government refused to grant business licenses and restricted business activities to the Rohingya, on the other hand high taxes still had to be paid by the Rohingya, instead the government confiscated several properties owned by the Rohingya to replace the tax payments.

And the basic strength of the Myanmar government in discriminating is the refusal to grant citizenship status. Where the government of Myanmar has the justification and legal

²⁶⁵ Tamia Dian Ayu, "Tinjauan Hukum Internasional Terhadap Etnis yang Tidak Memiliki Kewarganegaraan: Studi Kasus Etnis Rohingya, Myanmar", FH UI, 2012, hal. 94-95

²⁶⁶ Tony Pfanner, The Establishment of A Permanent International Criminal Court, dalam International Review of The Red Cross, Nomor 324, 1998, h.. 25

basis for expelling the Rohingya and this has caused many Rohingya to choose to leave their homes.²⁶⁷

Basically, every refugee who seeks asylum in another country has the right to obtain legal protection as well as safety and security from threatening dangers guaranteed by the destination country. Asylum is the granting of protection within the territory of a country to people from other countries who come to the country concerned to avoid persecution or grave danger.

In the case of the Rohingya immigrant crisis, the ASEAN Government has used official diplomatic channels, namely through the Indonesian Ministry of Foreign Affairs. The Minister of Foreign Affairs of the Republic of Indonesia, Retno Marsudi, held a meeting with the State Counselor for Myanmar, Aung San Suu Kyi in Naypyidaw and the Chair of the Advisory Committee for Rakhine State, Kofi Annan in Naypyidaw. The visit was carried out to discuss the latest developments in Rakhine and reiterate Indonesia's commitment to supporting the recovery of the area and assistance for the Rohingya ethnic group. The results of the visit are as follows:²⁶⁸

1. Affirming the importance of achieving immediate security and stability for efforts to continue inclusive development in Rakhine.
2. Hoping that the Government of Myanmar will continue to uphold respect for and protection of the human rights of all people in Rakhine, including the Muslim minority, especially for the restoration of stability.
3. Agree that the Government of Myanmar can open humanitarian access to conflict-affected areas.
4. Indonesia is ready to continue cooperation in the development of educational and health facilities and infrastructure in Rakhine as a short and medium term goal.
5. Agree to increase cooperation in interfaith dialogue and capacity building in the fields of good governance, democracy and human rights for the long term
6. Indonesia will continue to engage intensively, both with the Government of Myanmar, the Advisory Committee for Rakhine State, and other parties who are concerned about the Rakhine situation.

²⁶⁷ Tri Joko, "Konflik Tak Seimbang Etnis Rohingya dan Etnis Rakhine di Myanmar", *Jurnal Transnasional* Vol. 4 No. 2 Februari 2013, hal. 840

²⁶⁸ Ismail Suardi Wekke, "Muslim Minority in Myanmar: A Case Study of Myanmar Government and Rohingya Muslims", *Jurnal Penelitian Sosial Keagamaan*, Vol. 25, No. 2, 2017, hlm 304

In this regard, Aung San Suu Kyi on behalf of the Government of Myanmar also expressed Myanmar's desire to receive capacity building assistance in various fields, particularly the capacity of the police, security forces, facilitation of interfaith dialogue, and reconciliation efforts in Rakhine.

The conflict between the Rakhine ethnic group and the Rohingya ethnic group, in which the Myanmar government is considered to have violated human rights in handling the conflict, such as allowing acts of violence, killings, attempts at deportation and forced displacement, have not been resolved so far. According to the Universal Declaration of Human Rights (DUHAM) article 2, states:²⁶⁹

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other states. Furthermore, no distinction can be made on the basis of the political, legal or international status of the country or territory to which a person belongs, whether from an independent state, a trust territory, a non-self-governing territory, or a territory which is under any other limitation of sovereignty.”²⁷⁰

It is clear from what is stated in the Universal Declaration of Human Rights, how the government of Myanmar has violated human rights by committing many violations such as: a) The right to move freely and change places, b) The right to be free from torture and violence, c) The right to education, d) The right to do business and trade, e) The right to freedom of belief and worship.

Rohingya Muslims can't go anywhere with their movements controlled, they are weakened and paralyzed by the Myanmar government. This condition makes it difficult to know the exact number of victims. It is deeply concerning that Bangladesh, Arakan's closest neighbour, is closing its doors to the Rohingya and sending them back out to sea. Even three international organizations, Médecins Sans Frontières (MSF), Action against Hunger (ACF) and Muslim Aid UK are also banned from operating in Bangladesh.

Myanmar's security forces were involved in killing, raping and mass arresting of Rohingya people during riots in the Rakhine Region in June 2012. Human Rights Watch (HRW) released a report on conditions in Rakhine which was compiled based on interviews

²⁶⁹ M. Cherif Bassiouni, “The Future of International Criminal Justice”, *Pace International Law Review*, Vol. 11 No. 2, 1999, hlm. 5.

²⁷⁰Sri Endah Wahyuningsih, *Kebijakan Formulasi Permaafan Hakim (Rechterlijk Pardon)* Dalam Kitab Undang-Undang Hukum Pidana Berbasis Nilai-Nilai Keadilan Islam, Unissula Press, 2022. H.5,

with Rakhine residents and Rohingya. In addition to carrying out various acts of violence, the apparatus has also tolerated the brutal acts committed by the Rakhine people against the Rohingya ethnic group. The paramilitary forces were silent when the Rakhine people began to attack and burn the homes of the Rohingya people. When the Rohingya tried to stop the action, the police and paramilitaries opened fire on them with live bullets.

The Rohingya ethnic people are still suffering greatly from the blockade carried out by the Myanmar government which closes their space and isolates them from the outside world. So when a problem occurs, it is very difficult to help the Rohingya ethnicity because the status of the Rohingya ethnicity itself is not considered as citizens in Myanmar.

The non-recognition of Rohingya ethnicity is also stated in Myanmar's Citizenship Law of 1982, in Article 3 it states, "Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as having settled in any of the territories included within the State as their permanent home from a period prior to 1185 B.E., 1823 A.D are Burmese citizens".

What is stated in the Myanmar Citizenship Law is that to become a citizen, a person must prove that his family has lived in the State of Myanmar since before 1948. It is very unfortunate that many ethnic Rohingya do not have evidence or records of their family's historic residence. in Myanmar before 1948¹⁶. After the new citizenship law was passed, the Government of Myanmar withheld the identity cards of Rohingya citizens. To get naturalization requires several conditions, one of which is being able to speak the national language of Myanmar. However, the Rohingya people speak the "Rohingya" dialect, because of this, the Rohingya people have very little access to be able to occupy the education level and also get a job.

The responsibility for maintaining international peace and security is the responsibility of one of the main organs of the United Nations, namely the UN Security Council. ¹⁹ The composition of the membership of the UN Security Council is regulated in Article 23, Chapter V of the United Nations Charter. Membership of the UN Security Council consists of permanent and non-permanent members. Permanent membership consists of five (5) countries, namely China, France, Russia, United Kingdom and United States of America. While non-permanent membership consists of Bolivia, Equatorial Guinea, Ethiopia, Ivory Coast, Kazakhstan, Kuwait, Netherlands, Peru, Poland and Sweden. The non-permanent members of the UN Security Council are elected every 2 years by the General Assembly.

4. CONCLUSION

Legal Protection for Refugees from the Myanmar Conflict Country, namely the Rohingya Ethnicity, is currently not in accordance with human rights, because there is still a discriminatory attitude from the Myanmar government along with the Buddhist majority ethnicity towards the Rohingya ethnicity which results in threats of acts of violence and violations in various other aspects of life, such as in terms of social, religious, economic, and education. Indications of human rights violations that occurred to the Rohingya began with the attitude of the Government of Myanmar to implement policies in the 1982 Myanmar Citizenship Law, which forced assimilation by not recognizing the citizenship rights of the Rohingya and considering the Rohingya as foreigners in Myanmar.

There are still weaknesses in the Legal Protection of Refugees from the Myanmar Conflict Country, namely the Rohingya Ethnicity in the Asylum Giving Country, this is caused by the obstacles and lack of support that accompanied the OHCHR journey while on duty in resolving human rights cases against the Rohingya ethnicity. Limited access to reach conflict areas and the tug-of-war of the licensing process from the Myanmar government are the obstacles encountered. But after all the processes had taken place and pressure from various parties, OHCHR finally received a positive response from the Myanmar government. Furthermore, there are also obstacles in AICHR's journey since its establishment until now in dealing with Rohingya cases. There is a principle of non-intervention that must be paid attention to so that a country does not feel that its affairs are being interfered with and also other factors that become obstacles that AICHR must go through in order to resolve the Rohingya case and maximize AICHR's work in order to get a goal to be achieved.

BIBLIOGRAPHY

- Syarifatul Ula, "Peran Aktor Non-Negara dalam Hubungan Internasional: Studi Kasus Human Rights Watch dalam Krisis Kemanusiaan di Myanmar", *Journal of International Relations*, Vol. 3, No. 3, 2017, hlm. 19.
- Tamia Ayu Dian Faniati, 2012, Tinjauan Hukum Internasional Terhadap Etnis Yang Tidak Memiliki Kewarganegaraan: Studi Kasus Etnis Rohingya, Myanmar, Fakultas Hukum UI, hlm. 79.
- Noer Indriati, "Mutual Legal Assistance Treaties (MLATs) sebagai Instrumen Pemberantasan Kejahatan Internasional", *Jurnal Dinamika Hukum*, Vol. 9 No. 2, 2009, hlm. 104.

- Tamia Dian Ayu, “*Tinjauan Hukum Internasional Terhadap Etnis yang Tidak Memiliki Kewarganegaraan: Studi Kasus Etnis Rohingya, Myanmar*”, FH UI, 2012, hal. 94-95
- Tony Pfanner, *The Establishment of A Permanent International Criminal Court*, dalam *International Review of The Red Cross*, Nomor 324, 1998, h.. 25.
- Tri Joko, “*Konflik Tak Seimbang Etnis Rohingya dan Etnis Rakhine di Myanmar*”, Jurnal Transnasional Vol. 4 No. 2 Februari 2013, hal. 840
- Ido Prijana Hadi, “*Perkembangan Teknologi Komunikasi Dalam Era Jurnalistik Modern*”, Jurnal Ilmiah SCRIPTURA, Vol. 3, No. 1, Januari 2009: 69 - 84
- Ismail Suardi Wekke, “*Muslim Minority in Myanmar: A Case Study of Myanmar Government and Rohingya Muslims*”, *Jurnal Penelitian Sosial Keagamaan*, Vol. 25, No. 2, 2017, hlm 304.
- M. Cherif Bassiouni, “*The Future of International Criminal Justice*”, *Pace International Law Review*, Vol. 11 No. 2, 1999, hlm. 5.
- Abdul Ghofur. A, *Filsafat Hukum*, ctk. Kedua (Yogyakarta: Gadjah Mada University Press, 2009)
- Altherton & Klemmack dalam Irawan Soehartono, *Metode Penelitian Social Suatu Teknik Penelitian Bidang Kesejahteraan Social Lainnya*, Remaja Rosda Karya, Bandung, 1999
- B.N. Marbun, *Kamus Politik*, Pustaka Sinar Harapan, Jakarta, 1996
- Burhan Bungin. *Data Penelitian Kualitatif*, (Jakarta: PT Raja Grafindo Persada, 2008)
- Chaerudin, Syaiful Ahmad Dinar, Syarif Fadillah, *Strategi Pencegahan Dan Penegakan Hukum Tindak Pidana Korupsi*, Refika Editama, Bandung, 2008
- H. Nawawi, 1995, *Metode Penelitian Bidang Sosial*, Gadjah Mada University Press, Yogyakarta.
- Hari Kurniawan, et., al., *Aksesibilitas Peradilan bagi Penyandang Disabilitas*, ctk. Pertama (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia, 2015)
- James P. Chaplin, *Kamus Lengkap Psikologi*, Raja Grafindo Persada, Jakarta, 1997
- Pusat Bahasa, *Kamus Besar Bahasa Indonesia*, Edisi Ketiga, Balai Pustaka, Jakarta, 2005
- Pusat Informasi dan Advokasi Rohingya Arakan (PIARA) PAHAM Indonesia Aug 12 th 2012 8 Dewi Asriyani, Peran OHCHR dalam Penyelesaian Kasus Etnis Rohingya, eJournal Ilmu Hubungan Internasional, 2013,

- Rena Yulia, *Viktimologi (Perlindungan Hukum Terhadap Korban Kejahatan)*, Graha Ilmu, Yogyakarta, 2010
- Satjipto Raharjo, *Penegakan Hukum Sebagai Tinjauan Sosiologis*, Genta Publishing, Yogyakarta, 2009
- Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakkan Hukum*, Raja Grafindo, Jakarta, 1983
- Sri Endah Wahyuningsih, *Kebijakan Formulasi Permaafan Hakim (Rechterlijk Pardon) Dalam Kitab Undang-Undang Hukum Pidana Berbasis Nilai-Nilai Keadilan Islam*, Unissula Press, 2022.
- Sri Endah Wahyuningsih, *Comparative of Law of Children Maturity of Criminal Justice System in Indonesia and Malaysia Base on Islamic Value*, Unissula Press, 2018.
- Soetandyo Wignjosebroto, *Hak-hak Asasi Manusia: Konsep Dasar dan Pengertiannya yang Klasik pada Masa-masa Awal Perkembangannya, dalam Toleransi dalam Keberagaman: Visi untuk Abad-21 Kumpulan Tulisan tentang Hak Asasi Manusia*, Pusat Studi Hak Asasi Manusia dan The Asia Foundation, 2003.