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## **The Dominant Influence of Islamic Law in Addressing the Challenges of Upholding the Rights of Rohingya Refugees**

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### **Abstract:**

The phenomenon of Rohingya refugees in Aceh, Indonesia, presents complex challenges in refugee management, particularly amid regulatory limitations and evolving social dynamics. Based on this context, this study aims to elucidate the dominant role of Islamic law understanding in Aceh in addressing the Rohingya refugee issue, employing Michael Mann's theory of power networks as an analytical framework. This research employs a qualitative, descriptive-analytical approach involving in-depth interviews with 15 informants, including UNHCR staff, activists, local communities, and refugees. Secondary data were obtained from literature and policies on refugee management in Indonesia. The findings indicate that the Acehnese community's understanding of Islamic law, as reflected in *ukhuwah Islamiyah* and local values such as *peumulia jamee*, serves as a key factor in accepting refugees. The principle of *ukhuwah Islamiyah*, rooted in the Qur'an, Hadith and the objectives of *Sharia (Maqāṣid al-Sharī'ah)*, provides the moral and legal foundation for supporting international solidarity. However, challenges arise in social tensions, negative media coverage, and suboptimal implementation of Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad. From the perspective of power network theory, this study finds that the ideological network based on Islamic legal values dominates community solidarity. Meanwhile, economic, political, and military networks struggle to balance resource distribution and harmonising local and international policies. The scientific contribution of this research lies in its discovery that Islamic and local values dominate other power networks in refugee management in Aceh. The

study recommends the formulation of a *qanun* on refugee management that aligns with local values as a model for similar contexts in other regions.

**Keywords:** Islamic law; Rohingya refugees; power networks; management.

## Introduction

The refugee phenomenon has become an increasingly urgent global issue, particularly for countries bordering conflict zones.<sup>1</sup> According to the 2023 report by the United Nations High Commissioner for Refugees (UNHCR), over 110 million people have been forcibly displaced due to conflict, violence, and human rights violations worldwide. Of this number, approximately 35 million are refugees who have crossed international borders, while 58 million are internally displaced persons (IDPs). Countries such as Turkey, Pakistan, and Uganda are among the primary destinations for refugees, often arriving from war-torn or systematically violent nations like Syria, Afghanistan, and South Sudan. This refugee crisis places significant strain on host countries in terms of infrastructure, economy, and social stability.<sup>2</sup>

In Southeast Asia, one of the most prominent refugee crises is the Rohingya crisis. The Rohingya, a Muslim minority group, have long faced systematic discrimination in Myanmar. Since 2017, more than 700,000 Rohingya have fled Myanmar due to brutal military operations,<sup>3</sup> which the United Nations has described as “ethnic cleansing.” These refugees have sought protection in various countries, including Bangladesh, Malaysia, Thailand, and Indonesia.<sup>4</sup> According to UNHCR data, as of 2023, Indonesia hosts 12,805 refugees from 51 countries, with approximately 1,000 individuals, or about 8 per cent, being Rohingya refugees, the majority of whom are located in Aceh Province. These refugees face numerous challenges, including limited access to healthcare, education, and employment and uncertainty regarding their legal status.<sup>5</sup>

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<sup>1</sup> Peter I. Gasiokwu et al., “Critical Examination of Emerging Issues in Refugee Protection: A Transnational Legal Perspective,” *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 2 (August 30, 2024): 423–46, <https://doi.org/10.29303/ius.v12i2.1364>.

<sup>2</sup> UNHCR, “Five Takeaways from the 2023 UNHCR Global Trends Report,” July 11, 2024, <https://www.unrefugees.org/news/five-takeaways-from-the-2023-unhcr-global-trends-report/>.

<sup>3</sup> UNHCR, “Six Years on, Still No Justice for Myanmar’s Rohingya | UN News,” August 24, 2023, <https://news.un.org/en/story/2023/08/1140032>.

<sup>4</sup> Khamami Zada, “The Rohingya’s Muslim Asylum Seekers in Southeast Asia: From National to International Law Perspective,” *AHKAM: Jurnal Ilmu Syariah* 17, no. 1 (January 7, 2017), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/6227>; Nurul Husna et al., “Children Citizenship Status of Acehnese-Rohingya Mixed Marriage in Aceh: Maqāṣid Shari’ah Perspective,” *Al-Ahkam* 34, no. 1 (April 30, 2024): 169–92, <https://doi.org/10.21580/ahkam.2024.34.1.20162>; Elfirda Ade Putri et al., “Legal Protection of Rohingya Citizens Related to The Conflict in Myanmar,” *Jambura Law Review* 5, no. 1 (January 16, 2023): 60–75, <https://doi.org/10.33756/jlr.v5i1.16722>.

<sup>5</sup> UNHCR, “Perkembangan Terbaru Mengenai Pengungsi Rohingya di Aceh, Indonesia,” UNHCR Indonesia, February 16, 2023, <https://www.unhcr.org/id/16531-perkembangan-terbaru-mengenai-pengungsi-rohingya-di-aceh-indonesia.html>.



**Table 1. Rohingya Refugees in Aceh (December 2023)<sup>6</sup>**

Ship	Date	Location	Men	Women	Children	Total Refugees
Ship 1	November 14, 2023	Pidie Regency	41	49	105	195
Ship 2	November 15, 2023	Pidie Regency	30	38	79	147
Ship 3	November 19, 2023	Bireuen Regency	62	69	125	256
Ship 4	November 19, 2023	Pidie Regency	52	64	117	233
Ship 5	November 19, 2023	East Aceh Regency	7	7	22	36
Ship 6	November 21, 2023	Sabang	51	59	112	222
Ship 7	December 2, 2023	Sabang	36	45	58	139
Ship 8	December 10, 2023	Pidie Regency	53	74	53	180
Ship 9	December 10, 2023	Aceh Besar Regency	357	447	739	1543

Source: CNN Indonesia

**Table 2. Temporary Shelter Locations<sup>7</sup>**

Shelter Location	Number of Refugees
Former Immigration Office in Lhokseumawe	514
Pidie Regency (Mina Raya Foundation and Kulam Village)	755
Balee Meuseuraya Aceh Building in Banda Aceh	135
CT 1 BPKS Dock in Sabang	139
Existing Refugees in Pidie	140

Source: CNN Indonesia

Tables 1 and 2 indicate that Aceh serves as a major transit destination for Rohingya refugees in 2023, accommodating these refugees in several areas within Aceh. As a province located at the northern tip of Sumatra, Aceh has a strong historical and cultural connection to Islamic traditions, which makes it unique in the

<sup>6</sup> CNN Indonesia, "Update Jumlah Total Pengungsi Rohingya Dan Sebaran Penampungan Di Aceh," December 14, 2023, <https://www.cnnindonesia.com/nasional/20231213141254-20-1036757/update-jumlah-total-pengungsi-rohingya-dan-sebaran-penampungan-di-aceh>.

<sup>7</sup> CNN Indonesia, "Update Jumlah Total Pengungsi Rohingya Dan Sebaran Penampungan Di Aceh," *CNN Indonesia*, Desember 2023, Peristiwa edition, <https://www.cnnindonesia.com/nasional/20231213141254-20-1036757/update-jumlah-total-pengungsi-rohingya-dan-sebaran-penampungan-di-aceh>.



context of receiving Rohingya refugees. As a region implementing Islamic law, the people of Aceh have demonstrated a more welcoming attitude toward Muslim Rohingya refugees compared to some other areas in Indonesia.<sup>8</sup> Based on interview with Fsl (UNHCR),<sup>9</sup> Hda representing Kontras Aceh<sup>10</sup> and Ysr as an activist,<sup>11</sup> this receptiveness was evident during the initial arrival of refugees in 2015 when the Acehnese community viewed them as fellow Muslims in need of assistance, aligning with Islamic values and traditions of mutual aid. Consequently, the Acehnese people and humanitarian organisations have actively provided humanitarian assistance despite the central government's regulatory limitations in managing refugees.

The management of Rohingya refugees in Aceh has involved complex dynamics. Scholars have highlighted that the Aceh provincial government, in collaboration with UNHCR, has focused on providing temporary shelters and healthcare services and securing the basic rights of refugees based on the principles of non-refoulement and non-discrimination.<sup>12</sup> Furthermore, although the Acehnese people initially welcomed Rohingya refugees with open arms, over time, social tensions began to emerge due to competition over limited resources. Chairussani Abbas Sopamena's research revealed that this shift was triggered by local perceptions that aid and resources should be prioritised for Indonesian citizens. Social jealousy was exacerbated by incidents such as refugees rejecting food aid and the spread of misinformation on social media, which further tarnished the refugee's image in the eyes of the local community.<sup>13</sup>

The media analysis also indicates that news framing by UNHCR and the Aceh Government seeks to emphasise humanitarian aspects, while some other media outlets provoke rejection of refugees' presence, citing that Indonesia is not a party to the 1951 Refugee Convention.<sup>14</sup> Other studies also highlight how Indonesia remains bound by the principle of *non-refoulement*,<sup>15</sup> a customary international law obliging

<sup>8</sup> Lindsay Robbins, "The Rohingya Case in Aceh: Indonesia's Role as a Destination for Refugees.," *Towson University Journal of International Affairs* 53, no. 2 (2020): 1–15, <https://wp.towson.edu/iajournal/articles/2010-2019/spring-2020/10535-2/>; Nivell Rayda, "For decades, Indonesia's Aceh offered a safe haven to Rohingya refugees. Why has that suddenly changed?," *CNA Asia*, December 2023, <https://www.channelnewsasia.com/asia/aceh-indonesia-rohingya-refugee-crisis-3991261>.

<sup>9</sup> Fsl (a staff of UNHCR Representative in Aceh), Interview, 3 September 2024

<sup>10</sup> Hda (an activist from Kontras Aceh), Interview, 3 September 2024

<sup>11</sup> Ysr (a humanitarian activist in Aceh), Interview, 6 September 2024

<sup>12</sup> Tedi Sudrajat, Baginda Khalid Hidayat Jati, and Chander Mohan Gupta, "Questioning Indonesia's Role in Addressing Rohingya Refugees: A Legal, Humanitarian, and State Responsibility Perspective," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, June 1, 2024, 1–19, <https://doi.org/10.24090/volksgeist.v7i1.10506>.

<sup>13</sup> Chairussani Abbas Sopamena, "Pengungsi Rohingya Dan Potensi Konflik & Kemajemukan Horizontal di Aceh," *Caraka Prabu: Jurnal Ilmu Pemerintahan* 7, no. 2 (2023): 85–115, <https://doi.org/10.36859/jcp.v7i2.1927>.

<sup>14</sup> Subria Mamis et al., "Framing Media Dan Dinamika Opini Publik Terkait Pengungsi Rohingya Di Indonesia: Perspektif UNHCR Dan Otoritas Aceh Dalam Sorotan Kritis," *Wardah* 24, no. 2 (2023): 137–63, <https://doi.org/10.19109/wardah.v24i2.21384>.

<sup>15</sup> The principle of *non-refoulement* is a rule in international law that prohibits a country from expelling or returning individuals to their country of origin if they face threats to their life or freedom there, such as due to their race, religion, nationality, membership in a particular social group, or political opinion. See: Sigit Riyanto, "Prinsip Non-Refoulement Dan Relevansinya Dalam Sistem Hukum Internasional," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 22, no. 3 (2010): 434–49, <https://doi.org/10.22146/jmh.16234>.

the country to protect refugees despite not being formally tied to the convention.<sup>16</sup> Furthermore, the fulfilment of the rights of Rohingya refugee children in Indonesia, particularly in education, has received significant attention. However, several administrative challenges hinder its implementation. For instance, Indonesia has yet to ratify the 1951 Refugee Convention and the 1967 Protocol, leaving it without a clear refugee status determination system. Coordination among relevant institutions, such as the Ministry of Education, UNHCR, and local governments, is often suboptimal, resulting in gaps in formal education access for refugee children.<sup>17</sup>

In addition to challenges in education, the Aceh Government, collaborating with UNHCR, focuses on fulfilling refugees' basic rights, including providing temporary shelter and healthcare services. Nonetheless, social tensions have emerged due to resource competition between refugees and residents. This highlights the presence of social envy, as refugees often receive better access to food assistance, housing, and healthcare services, potentially hindering their integration process.<sup>18</sup> Consequently, this has led to demonstrations by some Acehnese university students rejecting the presence of Rohingya refugees in their region. This phenomenon illustrates resistance from certain local community groups, which may be triggered by concerns about socio-economic impacts or perceptions of unfairness in the aid distribution.<sup>19</sup>

This study differs from previous research, which primarily discusses the challenges in managing Rohingya refugees in Aceh, such as logistical issues, non-compliance with international legal frameworks, and their impact on the local community. For example, research by Lusi Andriyani et al. highlights the efforts of the Aceh government to collaborate with UNHCR to provide refugees with necessities,<sup>20</sup> while Chairussani Abbas Sopamena emphasises social tensions arising from local communities' negative perceptions of aid distribution.<sup>21</sup> In addition, I

<sup>16</sup> Bani Syarif Maula, "Examining the Handling of Rohingya Refugees in Indonesia through the Lens of International Law and Maqāsid Al-Shari'ah: An Exploration of Islamic Humanitarianism," *Mazahib* 23, no. 1 (2024): 1–40, <https://doi.org/10.21093/mj.v23i1.7942>.

<sup>17</sup> I Nyoman Prabu Buana Rumiarta and I Gusti Agung Mas Rwa Jayantiari, "The Fulfilling Right to Education for Rohingya Refugee Children in Indonesia," *The Age of Human Rights Journal*, no. 21 (2023): e7659–e7659, <https://doi.org/10.17561/tahrj.v21.7659>; M. Yakub Aiyub Kadir et al., "The Legal Vacuum on Access to Higher Education for Refugees in Indonesia: Islamic Claim for Aceh Responsibility," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 522–54, <https://doi.org/10.22373/sjhk.v7i1.15454>; Rohmad Adi Yulianto, "Positivising Shari'a In National Regulation Through Maqasid Approach (Studies on Government Policy in Handling of Foreign Refugees in Indonesia)," *Jurnal Hukum Islam* 17, no. 2 (December 15, 2019): 271–92, <https://doi.org/10.28918/jhi.v17i2.2414>.

<sup>18</sup> Teuku Kemal Fasya et al., "Political Trauma of Uleebalang Descendants over Past Conflict in the City of Lhokseumawe, Aceh," *Cogent Arts & Humanities* 10, no. 1 (December 31, 2023): 2264011, <https://doi.org/10.1080/23311983.2023.2264011>.

<sup>19</sup> Rachmawati, "Warga Aceh Gelar Aksi Demo Tolak Pengungsi Rohingya, Sebut Masyarakat Lokal Lebih Butuh Bantuan Pemerintah," *Kompas.Com*, November 30, 2023, <https://regional.kompas.com/read/2023/11/30/063000578/warga-aceh-gelar-aksi-demo-tolak-pengungsi-rohingya-sebut-masyarakat-lokal?page=all>.

<sup>20</sup> Lusi Andriyani et al., "Kebijakan Pemerintah Daerah Nanggroe Aceh Darussalam Terhadap Pengungsi Rohingnya Tahun 2020-2022," *Jurnal Sosial-Politika* 4, no. 1 (2023): 20–27, <https://doi.org/10.54144/jsp.v4i1.63>.

<sup>21</sup> Sopamena, "Pengungsi Rohingya Dan Potensi Konflik & Kemajemukan Horizontal Di Aceh."





Nyoman Prabu Buana Rumiarta and I Gusti Agung Mas Rwa Jayantiari discuss administrative barriers to educational access for refugee children,<sup>22</sup> and Rizki Yunanda et al. point out the imbalance in resource allocation that triggers social jealousy.<sup>23</sup> Other studies also reveal that Indonesia remains bound by the principle of non-refoulement despite not having ratified the 1951 Refugee Convention and its 1967 Protocol.<sup>24</sup> However, no research has explicitly explained how the Acehnese community's understanding of Islamic law can be harmonised with refugee management regulations through the theory of power networks.

In the context of Aceh society, power network theory is employed to map the interactions between various local actors, such as humanitarian organisations, human rights activists, and the general public, in addressing the challenges of managing Rohingya refugees. This harmonisation enables the integration of Islamic legal values, such as *ukhuwah Islamiyyah*, with international legal principles, such as non-refoulement, in addressing humanitarian crises. *Ukhuwah Islamiyyah* has a strong foundation in Islamic law as it is rooted in the teachings of the Qur'an and Hadith. For instance, the Qur'an in Surah Al-Hujurat (49:10) states, "Indeed, the believers are but brothers. So make settlement between your brothers and fear Allah that you may receive mercy."<sup>25</sup> Similarly, in the Hadith, Prophet Muhammad emphasised that a person's faith is incomplete until they love their brother as they love themselves.<sup>26</sup> This principle is also aligned with the objectives of *Sharia (Maqāṣid al-Sharī'ah)*, which aim to preserve the unity of the Muslim community and promote social harmony.<sup>27</sup> Therefore, *ukhuwah Islamiyyah* is not merely a moral value but also an Islamic legal principle applicable in the context of refugee management in Aceh, particularly in supporting local policies based on Islamic law.

This study also explains contextual differences between Aceh and other regions, such as Bangladesh, Malaysia, and Thailand, which have been the focus of previous research. With its implementation of Islamic law and distinctive cultural characteristics, Aceh presents a different dynamic in refugee management compared to these regions. For instance, Islamic values in Aceh reinforce humanitarian solidarity, although social tensions remain a significant challenge. By utilising power network theory, this study provides an in-depth analysis of the role of local actors and offers a significant new contribution to the literature on refugee management. The study finds that power network theory can be harmonised with Islamic law to create a more effective framework for ensuring refugee rights while considering local dynamics within Acehnese society. This research is expected not only to enrich the discourse on refugee management in Indonesia but also to provide a relevant model

<sup>22</sup> Rumiarta and Jayantiari, "The Fulfilling Right to Education for Rohingya Refugee Children in Indonesia."

<sup>23</sup> Rizki Yunanda et al., "The Social Impact of the Existence of Rohingya Refugees in Aceh," *Community: Pengawas Dinamika Sosial* 10, no. 1 (August 11, 2024): 129–41, <https://doi.org/10.35308/jcpds.v10i1.9009>.

<sup>24</sup> Maula, "Examining the Handling of Rohingya Refugees in Indonesia through the Lens of International Law and Maqāṣid Al-Sharī'ah: An Exploration of Islamic Humanitarianism."

<sup>25</sup> Departemen Agama RI, *Al-Qur'an Tajwid Dan Terjemahnya* (Bandung: PT. Syaamil Cipta Media, 2006).

<sup>26</sup> Muhammad bin Ismail al-Bukhari, *Shahih Al-Bukhari*, Kitab Al-Iman 7 (Mesir: Dar Tauq al-Najah, 2001), 13.

<sup>27</sup> Rizka Aprilia Abdullah, "Prinsip Pemersatu Dalam Pemikiran Islam," *Journal of Comprehensive Science (JCS)* 3, no. 5 (2024): 1–7, <https://doi.org/10.59188/jcs.v3i5.685>.



for application in other regions with similar conditions, or regions with differing contexts but through adapting local traditions unique to each area.

## Method

This study focuses on exploring the depth of grassroots data to understand the synergy between the implementation of Islamic law and the regulation of Rohingya refugee management in Aceh, employing the analytical framework of Michael Mann's theory of power networks. This framework is depicted in four interrelated dimensions of power networks: ideological, economic, military, and political.<sup>28</sup> As a qualitative study employing a descriptive-analytical approach, this research is designed to examine the interactions of local actors, including the government, community, and international organisations, while considering the social, cultural, and political dynamics surrounding the issue of Rohingya refugees in Aceh. The focus on data depth aims to contribute to the literature on refugee management rooted in local values while remaining relevant to the discourse of international solidarity.

Primary data were obtained through interviews with eight categories of informants, totalling 15 individuals, selected using purposive<sup>29</sup> and snowball sampling techniques.<sup>30</sup> These methods enabled the researcher to identify credible and relevant informants, including representatives of UNHCR (United Nations High Commissioner for Refugees), Rohingya refugees in Aceh and Cox's Bazar, activists from Kontras Aceh and YKMI (Yayasan Kemanusiaan Madani Indonesia), local communities, and academics. The detailed list of informants, including their initials and positions, is presented in Table 3 below.

**Table 3.** List of Informants

No	Initials	Position
1	Fsl	A Staff of UNHCR Representative in Aceh
2	Hda	An Activist from Kontras Aceh

<sup>28</sup> See: Michael Mann, *The Sources of Social Power: Volume 1, a History of Power from the Beginning to AD 1760*, vol. 1 (Cambridge: Cambridge University Press, 2012), 1–576; Michael Mann, *The Sources of Social Power: Volume 2, the Rise of Classes and Nation-States, 1760-1914*, vol. 2 (Cambridge: Cambridge University Press, 2012), 1–839.

<sup>29</sup> Purposive Sampling is a sampling technique used in qualitative research methods, where samples are intentionally selected based on specific characteristics relevant to the research objectives. This technique aims to ensure that the selected subjects or individuals can provide rich and in-depth information related to the issue or phenomenon being studied. See: Ilker Etikan, Sulaiman Abubakar Musa, and Rukayya Sunusi Alkassim, "Comparison of Convenience Sampling and Purposive Sampling," *American Journal of Theoretical and Applied Statistics* 5, no. 1 (2016): 1–4, <https://doi.org/10.11648/j.ajtas.20160501.11>.

<sup>30</sup> Snowball Sampling is commonly used in qualitative research, particularly when the target population is hard to reach or relatively small and specific. In this method, the initial samples selected are asked to recommend or connect the researcher with other individuals who meet the research criteria. This process continues like a "snowball" rolling and growing larger, thereby increasing the number of samples over time. See: Chaim Noy, "Sampling Knowledge: The Hermeneutics of Snowball Sampling in Qualitative Research," *International Journal of Social Research Methodology* 11, no. 4 (October 1, 2008): 327–44, <https://doi.org/10.1080/13645570701401305>.



3	Ysr	A Humanitarian Activist in Aceh
4	Msi	A Rohingya Refugee in Aceh
5	Hsh	A Rohingya Refugee in Cox's Bazar who has fled again to Aceh
6	HDr	A Rohingya Refugee in Aceh
7	Adr	A Rohingya Refugee in Aceh
8	Nsl	A People of Aceh
9	M.Ms	A Rohingya Refugee in Aceh
10	Bqi	A People of Aceh
11	I.Iy	One of the Members of the YKMI Humanitarian Activists in Aceh
12	Sdn	A People of Aceh
13	M.Hi	A People of Aceh
14	Mly	Lecturer, UIN Ar-Raniry, Banda Aceh
15	Mtz	Lecturer, UIN Ar-Raniry, Banda Aceh

The selection of these informants, as detailed in Table 3, was not only based on relevance but also on practical considerations. The choice of sampling techniques also considered the time and access constraints during the research period, which took place from September 3 to 6, 2024. The short duration of the study was based on practical considerations, such as efficient resource utilisation and budgetary limitations. Furthermore, the research duration was designed in line with qualitative research principles, emphasising the data quality over the quantity of time spent. Focusing on appropriate informants and in-depth interviews within a short timeframe is believed to yield academically valid and significant data. Despite the limited time, the combination of these methods facilitated optimal exploration of the issues addressed without compromising the integrity or depth of the analysis. The interviews were semi-structured,<sup>31</sup> providing flexibility for informants to speak at length while remaining relevant to the research topic. The collected data were transcribed in detail and organised based on the priority of emerging issues, such as policy recommendations from UNHCR. To ensure privacy and confidentiality, the identities of the informants were anonymised. This approach aimed to present readers with primary points from the interviews without revealing identifying details about the informants. It also ensures that the study maintains transparency while adhering to ethical research principles and providing adequate references for future studies.

The interviewed informants offered diverse perspectives. UNHCR staff elaborated on the organisation's policies and roles, while Rohingya refugees shared their experiences both in their home country and in Indonesia. Activists from Kontras Aceh and YKMI provided insights into advocacy and humanitarian assistance, whereas local community members and academics from UIN Ar-Raniry

<sup>31</sup> A Semi-Structured Interview is a data collection method in qualitative research, where the researcher uses an interview guide with a list of specific questions or topics but allows flexibility to further explore responses as needed. See: H Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches*, 9 (Amerika Serikat: Rowman & Littlefield, 2017), 210; Anna Maria Tri Anggraini et al., "ENSURING JUSTICE AND UTILITY: Addressing Alleged Monopolistic Practices in Ibu Kota Nusantara," *Jurisdictie: Jurnal Hukum Dan Syariah* 15, no. 2 (2024): 274–308, <https://doi.org/10.18860/j.v15i2.28765>.



Banda Aceh contributed local perspectives on Acehese responses to the refugees. In addition to primary data, this study employed secondary data sourced from relevant literature, policies, and prior studies. International policies, such as the principle of *non-refoulement*, served as critical references in the analysis. Meanwhile, Michael Mann's theory of power networks was employed to analyse the dynamics of interactions between power actors and society. The researcher found this theory particularly relevant, as it effectively maps ideological, economic, military, and political powers influencing refugee policies.

This research also highlights the harmonisation of the theory of power networks with Islamic law. The theory of power networks was used to map the influence of ideology, economy, military, and politics on refugee management policies, while the values of Islamic *Sharia* provide a distinctive ethical framework in Acehese society. This integration demonstrates how Aceh can serve as a relevant model for local-based refugee management in other regions. Although ethnographic techniques were not directly applied in this study, social media analysis is planned for further exploration to complement the fieldwork. This study aims to become a significant reference for international solidarity and local-based refugee management by prioritising the depth of grassroots data.

## Result and Discussion

### The Synergy Between Customary Law and Islamic Law in the Social Life of Acehese Society

The local Acehese, located at the westernmost tip of Indonesia,<sup>32</sup> possesses a unique cultural richness shaped by the integration of customary law and Islamic law.<sup>33</sup> In this context, Aceh's customary law is vital in maintaining social harmony and regulating various aspects of community life. One prominent example of customary law practice is the *peusijuek* ritual, which involves holy water, yellow rice, and other symbolic elements to bestow blessings and good fortune during significant events, such as weddings, childbirth, and before embarking on long journeys.<sup>34</sup> In wedding ceremonies, although the marriage contract is conducted according to Islamic teachings, the *peusijuek* remains an essential part, illustrating how local customs and Islamic law synergise within Acehese traditions. Therefore, Aceh is often regarded as a unique model for preserving local values amidst globalisation. Research conducted by R. Michael Feener, which delves into the relationship

<sup>32</sup> Jihan Fahira, "Kebijakan Politik Kolonial Belanda Dalam Menaklukkan Aceh," *Wathan: Jurnal Ilmu Sosial Dan Humaniora* 1, no. 1 (2024): 1–11, <https://jurnal.fanshurinstitute.org/index.php/wathan/article/view/25>.

<sup>33</sup> Nurul Qhatami Musthafa and Wawan Darmawan, "Penanaman Nilai-Nilai Multikultural Dalam Tradisi Budaya Lokal Di Aceh," *Sosial Horizon: Jurnal Pendidikan Sosial* 11, no. 2 (2024): 219–30, <https://doi.org/10.31571/sosial.v11i2.7293>; Fauzi Fauzi, "'Urf and Its Role in The Development of Fiqh: Comparative Study of Family Law Between Egypt and Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 346–71, <https://doi.org/10.22373/ujhk.v7i1.23968>; Januddin Muhammad Yusuf and Nawir Yuslem, "Acehnese Dayah Ulama's Response to the Use of 'Urf in Istibath of Fiqh Law from Islam Nusantara," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (May 29, 2023): 291–306, <https://doi.org/10.29240/jhi.v8i1.5732.sa>

<sup>34</sup> Marzuki Marzuki, "Tradisi Peusijuek Dalam Masyarakat Aceh: Integritas Nilai-Nilai Agama Dan Budaya," *El Harakah: Jurnal Budaya Islam* 13, no. 2 (2011): 133–49, <https://doi.org/10.18860/el.v0i0.458>.



between Islamic law and social dynamics in Aceh, highlights that the implementation of Islamic law in Aceh is not merely normative but also contextual, considering local traditions such as customary law.<sup>35</sup> In this context, *peusijuek*, as part of Acehese customs, reflects how local traditional practices can be embraced as cultural and religious harmonisation. This ritual is a localised form of micro-level conflict resolution that fosters social harmony and blessings, symbolically contributing to societal cohesion.<sup>36</sup>

In economics and natural resource management, *adat laot* (customary maritime law) is recognised, governing the lives of fishing communities in Aceh. *Adat laot* regulates when and where fishermen are allowed to fish, how to distribute the catch, and the maintenance of fishing equipment. For instance, fishermen are prohibited from fishing in sacred areas or when the sea is deemed “resting.” This practice aims to preserve marine resources and ensure sustainable yields. *Adat laot* also emphasises the importance of cooperation and collective responsibility in protecting natural resources, making it a form of customary law that governs human relationships and the relationship between humans and nature.<sup>37</sup> In the social domain, Aceh upholds a social tradition known as *peumulia jamee*, which means respecting and honouring guests.<sup>38</sup> This tradition embodies the values of hospitality, respect, and warmth that the Acehese people extend to visitors.<sup>39</sup> In practice, *peumulia jamee* involves welcoming guests through poetry and prayers, feasts, the presentation of symbolic tokens of honour, and courteous and friendly behaviour.<sup>40</sup> For the Acehese community, this tradition is not merely a daily habit but a meaningful part of their cultural identity. These values are encapsulated in the Acehese expression: “*Pang ulee ta'eumpang, pang hareuta ta'mulia*”, meaning “with the presence of people, we share, with wealth, we honour.”<sup>41</sup>

<sup>35</sup> R Michael Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013), 1; Zainuddin Zainuddin and Zaki Ulya, “Recording Siri's Marriages In Obtaining Legal Certainty (Reflections on the rise of Siri marriages in Aceh),” *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 1 (March 22, 2021): 1–16, <https://doi.org/10.18592/sjhp.v1i1.3276>.

<sup>36</sup> Chaerol Riezal, Hermanu Joebagio, and Susanto Susanto, “Kontruksi Makna Tradisi Peusijuek Dalam Budaya Aceh,” *Jurnal Antropologi: Isu-Isu Sosial Budaya* 20, no. 2 (2019): 145–55, <http://jurnalantropologi.fisip.unand.ac.id/index.php/jantro/article/view/103>.

<sup>37</sup> Maya Puspita, “Kearifan Lokal Dalam Pengelolaan Sumber Daya Pesisir Dan Laut Hukum Adat Laot Dan Lembaga Panglima Laot Di Nanggroe Aceh Darussalam,” *Sabda: Jurnal Kajian Kebudayaan* 3, no. 2 (2017): 1–15, <https://doi.org/10.14710/sabda.3.2.%p>.

<sup>38</sup> Zahra Nelissa, Sunaryo Kartadinata, and Mamat Supriatna, “A Study ‘Peumulia Jamee’ of Aceh Society in Counseling Relationship” (International Seminar on Innovative and Creative Guidance and Counseling Service (ICGCS 2021), Atlantis Press, 2022), 210–14, <https://doi.org/10.2991/assehr.k.220405.035>.

<sup>39</sup> Zahra Nelissa et al., “Peumulia Jamee Culture and the Stage of Building Rapport in Individual Counseling Process” (2nd International Seminar on Guidance and Counseling 2019 (ISGC 2019), Atlantis Press, 2020), 70–72, <https://doi.org/10.2991/assehr.k.200814.015>.

<sup>40</sup> Syibran Mulasi, Syaibatul Hamdi, and Muhammad Riza, “Religious Moderation in Aceh: A Strategy for Implementing Islam Washatiah Values in Acehese Society,” *Al-Adyan: Journal of Religious Studies* 4, no. 1 (2023): 1–13, <https://doi.org/10.15548/al-adyan.v4i1.6067>.

<sup>41</sup> M Nur, Risy Mawardati, and M Rizal Fazri AR, “Kontruksi Rumoh Aceh Sebagai Wadah Keakraban (Barometer Budaya Masyarakat Aceh Dalam Memuliakan Tamu),” *Jurnal Ilmiah Beurawang: Indonesian Journal of Humanities* 1, no. 2 (2024): 85–92, <https://journal.lheesagoepress.com/index.php/JIBEURAWANG/article/view/9>.



In Acehnese society, a social hierarchy is traditionally governed by *adat* (customary law). At the pinnacle of this structure are the *uleebalang* or nobles, descendants of kings or royal officials with political and administrative authority during the Aceh Sultanate era up to the early years of Indonesia's independence.<sup>42</sup> The *uleebalang* were responsible for managing specific territories and maintaining social and political stability at the local level. Their role was pivotal in fostering social harmony, often mediating conflicts between community groups.<sup>43</sup> However, the power of the *uleebalang* began to decline following the conflict between the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) and the central government. With the signing of the Helsinki Peace Agreement in 2005, the role of the *uleebalang* in society was increasingly supplanted by religious leaders or *teungku*, who became more dominant in Acehnese social life.<sup>44</sup> Nevertheless, traditional customs such as *peusijek* and *adat laot* have persisted, reflecting Aceh's cultural resilience in integrating traditional values with Islamic principles.

In addition to customary law, Islamic law also plays a significant role in Acehnese society, particularly after the 2005 Helsinki Peace Agreement, which granted Aceh special autonomy through Law No. 44 of 1999, further reinforced by Law No. 11 of 2006 concerning the Governance of Aceh.<sup>45</sup> This autonomy enables the formal implementation of Islamic law in various aspects of Acehnese life, known as *Qanun*.<sup>46</sup> *Qanun* refers to regional regulations in Aceh that govern various aspects of society based on Islamic principles as part of the province's special autonomy.<sup>47</sup> One notable *Qanun* is Qanun No. 6 of 2014 concerning *Jinayat* Law, which regulates criminal offences that violate Islamic law, such as *khamar* (alcohol consumption), *maisir* (gambling), *zina* (adultery), and *khalwat* (unlawful proximity between unmarried individuals). Each article in the *Jinayat* Law specifies the penalties for offenders.<sup>48</sup> For instance, those convicted of *zina* may face 100 public lashes, according to Islamic law. Meanwhile, those violating *khalwat* regulations may receive

<sup>42</sup> Fasya et al., "Political Trauma of Uleebalang Descendants over Past Conflict in the City of Lhokseumawe, Aceh"; Syamsuar Syamsuar, "Teungku Chiek Dirundeng's Struggle in Confronting Dutch Colonial," *Jurnal Ilmiah Peuradeun* 8, no. 1 (January 30, 2020): 143–56, <https://doi.org/10.26811/peuradeun.v8i1.336>.

<sup>43</sup> Muhammadiyah, "The Role of the Uleebalang in Aceh's Socio-Political History," *Wasatha: Jurnal Studi Islam Dan Humaniora* 1, no. 2 (May 15, 2023): 185–212, <https://jurnal.pergunuaceh.or.id/index.php/wasatha/article/view/16>.

<sup>44</sup> Iskandar Zulkarnaen and Ella Suzanna, "Aceh: Conflict Development after the Helsinki Agreement," in *Proceedings of MICoMS 2017* (Emerald Publishing Limited, 2018), 589–93.

<sup>45</sup> Husni Jalil, Teuku Ahmad Yani, and Mohd Daud Yoesoef, "Implementasi Otonomi Khusus Di Provinsi Aceh Berdasarkan Undang-Undang Nomor 11 Tahun 2006," *Kanun Jurnal Ilmu Hukum* 12, no. 2 (2010): 206–34, <https://jurnal.usk.ac.id/kanun/article/view/6295>.

<sup>46</sup> Said Amirulkamar et al., "Administration Reagent of Aceh Family Law Qanun: Siri Marriage Motives Towards the Legality of Polygyny," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (2023): 129–43, <https://doi.org/10.18860/j-fsh.v15i1.21352>.

<sup>47</sup> Arief Budiono et al., "Aceh Autonomy Policy and Qanun Post-Helsinki Agreement," *International Journal of Multicultural and Multireligious Understanding* 9, no. 2 (2022): 771–76, <https://doi.org/10.18415/ijmmu.v9i2.3639>.

<sup>48</sup> Selvia Junita Praja and Wia Ulfa, "Implementasi Qanun Nomor 6 Tahun 2014 Tentang Hukum Jinayat Di Kota Banda Aceh Provinsi Aceh," *Jurnal Kebijakan Pemerintahan* 3, no. 1 (2020): 11–20, <https://doi.org/10.33701/jkp.v3i1.1071>.



10 to 30 lashes, depending on the severity of the offence. These punishments are carried out by *Sharia* enforcement officials and are conducted publicly as a deterrent and a reminder for others.<sup>49</sup> The *Qanun* also prohibits *maisir* or gambling, with violators facing heavy fines or imprisonment.<sup>50</sup> Beyond *Jinayat* Law, *Qanun* regulations govern attire in line with Islamic principles. Muslim women in Aceh are required to wear the *hijab* in public spaces, and men must adhere to strict dress codes that ensure the covering of their *aurat* (parts of the body required to be covered). The Aceh government enforces compliance with these regulations through regular patrols by the *Wilayatul Hisbah* (*Sharia* Police).<sup>51</sup>

The role of *wilayatul hisbah* is not limited to conducting routine patrols to ensure public compliance with the *qanun*, but also extends to directly addressing violations.<sup>52</sup> For example, reports indicate that *wilayatul hisbah* actively conducts inspections for dress code violations and cases of *khalwat* while also organising mechanisms for reporting violations from the public.<sup>53</sup> Field studies reveal that although their patrols have successfully created a deterrent effect, several challenges remain, such as resistance from certain community groups who perceive the monitoring as overly strict or the lack of transparency in some legal actions.<sup>54</sup> Therefore, the role of religious scholars (*ulama*) in the implementation of Islamic law in Aceh becomes dominant.<sup>55</sup> The *teungku*—religious leaders and community figures—hold significant authority in interpreting Islamic law and disseminating it to the community through *dayah* (Islamic boarding schools) and mosques. They are responsible for religious education and serve as mediators in various social and moral conflicts. In this context, the *teungku* play a crucial role in maintaining social stability and ensuring

<sup>49</sup> Dicky Armanda, Yusrizal Hasbi, and Romi Asmara, "Strategi Penerapan Qanun No. 6 Tahun 2014 Tentang Hukum Jinayah Di Aceh," *Asia-Pacific Journal of Public Policy* 7, no. 1 (2021): 18–28, <https://doi.org/10.52137/apjpp.v7i1.59>; Sakhowi Sakhowi, "Taqnīn Method of Qānūn Jināyah and Problems of Its Implementation in Aceh, Indonesia," *Journal of Islamic Law* 3, no. 2 (August 31, 2022): 193–211, <https://doi.org/10.24260/jil.v3i2.817>.

<sup>50</sup> Ridha Hidayatullah, A Hamid Sarong, and Dahlan Ali, "Efektivitas Penerapan Hukuman Terhadap Pelaku Tindak Pidana Maisir Dalam Qanun Nomor 6 Tahun 2014," *Syiah Kuala Law Journal* 1, no. 3 (2017): 107–18, <https://doi.org/10.24815/sklj.v1i3.9641>.

<sup>51</sup> Muhammad Haikal and Azmi Abubakar, "Ketentuan Pakaian Perempuan Menurut Fikih Dan Qanun Aceh," *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 5, no. 2 (2021): 112–22, <https://doi.org/10.35308/jic.v5i2.3104>.

<sup>52</sup> Abdul Qadir Handuh Saiman and Kamil Hadi, "Peran Pengawasan Wilayatul Hisbah Terhadap Pelaksanaan Syari'at Islam Di Kabupaten Aceh Selatan," *Al-Mursalah* 3, no. 2 (2017): 98–108, <http://jurnal.staitapaktuan.ac.id/index.php/Al-Mursalah/article/view/95>.

<sup>53</sup> Syahputra Syahputra, Abdul Kadir, and Muhammad Aswin Hasibuan, "Peranan Wilayathul Hisbah Dalam Meminimalisir Pelaku Khalwat Di Kabupaten Aceh Tengah," *PERSPEKTIF* 6, no. 1 (2017): 37–40, <https://doi.org/10.31289/perspektif.v6i1.2509>.

<sup>54</sup> Ratna Gustina, "Strategi Dakwah Wilayatul Hisbah Dalam Pelaksanaan Pengawasan Syari'at Islam Di Kota Langsa," *Tadabbur: Jurnal Peradaban Islam* 1, no. 1 (2019): 63–85, <https://doi.org/10.22373/tadabbur.v1i1.11>.

<sup>55</sup> Mutiara Fahmi et al., "Islamic Jurisprudence and Local Wisdom in the Humanitarian Protection of Rohingya Refugees by Acehnese Figures," *El-Mashlahah* 14, no. 2 (December 29, 2024): 323–42, <https://doi.org/10.23971/el-mashlahah.v14i2.8958>; Ikhwan Matondang et al., "Resolving Human Rights Violation Cases in Aceh, Indonesia," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, no. 1 (June 30, 2024): 42–57, <https://doi.org/10.30631/alrisalah.v24i1.1539>.





that the Acehnese community upholds the principles of Sharia.<sup>56</sup> This also underpins Aceh's designation as the "Serambi Mekkah," apart from its historical role as a centre for the spread of Islam in the Nusantara.<sup>57</sup>

Thus, the Acehnese community can harmoniously integrate customary law and Islamic law. This is reflected in the well-known Acehnese proverb, "*Adat bak Po Teumeureuhom, hukom bak Syiah Kuala*," which means that custom lies under the authority of the rulers, while the law is under the jurisdiction of the *ulama*. This proverb emphasises that while customary traditions are important, Islamic law remains the primary guideline for societal life.<sup>58</sup> In this context, Acehnese customs do not conflict with Islamic law but are regarded as complementary elements enriching the social order. For instance, *peusijuek* is a customary ritual in wedding ceremonies after the Islamic marriage contract. This tradition is seen as a way for the Acehnese to bless the married couple while remaining within the framework of Islamic law.<sup>59</sup> A similar harmony is evident in *adat laot*, where customary rules observed by fishermen align with Islamic principles in maintaining ecological balance and environmental sustainability.<sup>60</sup>

In the context of Rohingya refugees, Acehnese customary values such as *peusijuek*, the spirit of cooperation in *adat laot*, and the tradition of *peumulia jamee*, which emphasises solidarity and humanitarian brotherhood, depict how the Acehnese community can create social harmony amidst diversity. Traditions like *peusijuek* symbolise acceptance and blessings, which foster a sense of togetherness.<sup>61</sup> Furthermore, the spirit of cooperation in *adat laot* teaches the importance of solidarity and shared responsibility, including assisting those in need.<sup>62</sup> Meanwhile, *peumulia jamee*, deeply rooted in Islamic values regarding the concept of humanity, has driven a high level of acceptance by the local community toward the presence of Rohingya refugees in Aceh. As Muslim minorities facing discrimination in their home country, Rohingya refugees have inspired a sense of Islamic solidarity and shared struggle as

<sup>56</sup> Muhibuddin Muhibuddin, "Peran Tengku Dayah Dalam Pengembangan Masyarakat Islam Di Aceh," *Jurnal An-Nasyr: Jurnal Dakwah Dalam Mata Tinta* 11, no. 1 (2024): 1–8, <https://doi.org/10.54621/jn.v11i1.835>.

<sup>57</sup> M Alkaf et al., "Islamism in Aceh: Genealogy, Shari'atization, and Politics," *Analisa: Journal of Social Science and Religion* 7, no. 2 (2022): 165–82, <https://doi.org/10.18784/analisa.v7i2.1647>; Yahdi Qolbi et al., "Geopolitics and Muslim Countries: Navigating Challenges and Opportunities in Contemporary International Political Dynamics," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 13, 2024): 217–35, <https://doi.org/10.32332/milrev.v3i2.9910>.

<sup>58</sup> Ridwan Muhammad Hasan, "Komunikasi Teologi Adat Dan Syari'At Islam Dalam Wilayahul Hisbah Di Aceh," *Jurnal Al-Bayan: Media Kajian Dan Pengembangan Ilmu Dakwah* 25, no. 1 (2020): 74–91, <https://doi.org/10.22373/albayan.v25i1.6009>; Duhriah Duhriah et al., "Institutionalization of Islam and Adat: The Legal System of Hak Langgeih in Aceh," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 10, 2024): 41–53, <https://doi.org/10.31958/juris.v23i1.7482>.

<sup>59</sup> Riezal, Joebagio, and Susanto, "Kontruksi Makna Tradisi Peusijuek Dalam Budaya Aceh."

<sup>60</sup> Puspita, "Kearifan Lokal Dalam Pengelolaan Sumber Daya Pesisir Dan Laut Hukum Adat Laot Dan Lembaga Panglima Laot Di Nanggroe Aceh Darussalam."

<sup>61</sup> Marzuki, "Tradisi Peusijuek Dalam Masyarakat Aceh: Integritas Nilai-Nilai Agama Dan Budaya."

<sup>62</sup> Puspita, "Kearifan Lokal Dalam Pengelolaan Sumber Daya Pesisir Dan Laut Hukum Adat Laot Dan Lembaga Panglima Laot Di Nanggroe Aceh Darussalam."





fellow Muslims, in line with the message in Al-Hujurat verse 10.<sup>63</sup> This approach demonstrates that Acehese local values are not only relevant to their community but also have the potential to serve as a model for integrating tradition and religion in addressing humanitarian crises. However, the greatest challenge for the Acehese community lies in maintaining a balance between customary law and Islamic law amidst modernisation and globalisation. The influence of global culture through technology, social media, and urbanisation is increasingly felt, particularly among Acehese youth. Modern lifestyles often clash with traditional values and *Sharia*, sparking debates within society. Nonetheless, the Acehese government continues to strive to strengthen the implementation of Islamic law through *qanun*, which is expected to preserve Aceh's identity as a society deeply rooted in Islamic values and traditions.<sup>64</sup>

### The Journey of Rohingya Refugees in Seeking Protection in Aceh

The Rohingya refugees arriving in Aceh, Indonesia, mostly originate from Myanmar and refugee camps in Cox's Bazar, Bangladesh.<sup>65</sup> They bring harrowing stories of persecution and crimes against humanity in their homeland.<sup>66</sup> The oppression experienced by the Rohingya has roots in a long history of ethnic and religious discrimination in Myanmar. The Rohingya, predominantly Muslims, are considered a stateless minority by the Myanmar government. Despite having lived in the Rakhine region for generations, the Myanmar government has refused to grant them citizenship under the 1982 Citizenship Law, effectively rendering the Rohingya without legal status in their own country.<sup>67</sup> This situation is exacerbated by systematic policies that marginalise the Rohingya in all aspects of life, including restrictions on access to education, healthcare, and employment.<sup>68</sup> They have been targeted by

<sup>63</sup> Osha nabilah dkk, Solidaritas Aceh untuk Pengungsi Rohingya: Fachrul Reza pada Media Getty Image, Postmodernise, "*Jurnal Komsopol: Komunikasi Sosial dan Politik*, Vol 4 no. 2 (2024) 69-80, file:///C:/Users/penal/Downloads/2.+Osha+(69-80).pdf

<sup>64</sup> Anjas Putra Pradana et al., "Perkembangan Qanun Aceh Dalam Perubahan Sosial Dan Politik Di Aceh," *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 1 (2024): 64–77, <https://jurnal.fanshurinstitute.org/index.php/jimmi/article/view/100>.

<sup>65</sup> Cox's Bazar is a district in southeastern Bangladesh that hosts the world's largest refugee camp, accommodating over one million Rohingya refugees who fled Myanmar due to violence and persecution. See: Afshan Paarlberg, Ronia Hawash, and Shyam K. Sriram, "'Voiceless and Stateless Rohingya Refugees: Competing Expectations Among NGOs in Cox's Bazar, Bangladesh,'" *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 35, no. 3 (June 1, 2024): 439–50, <https://doi.org/10.1007/s11266-023-00606-7>; Md. Obaidullah et al., "From Humanitarian Crisis to Burden: Understanding the Rohingya Refugee Crisis in Bangladesh," *SN Social Sciences* 4, no. 8 (August 1, 2024): 141, <https://doi.org/10.1007/s43545-024-00942-5>; Rosanna Jeffries et al., "The Health Response to the Rohingya Refugee Crisis Post August 2017: Reflections from Two Years of Health Sector Coordination in Cox's Bazar, Bangladesh," *PLoS One* 16, no. 6 (2021): e0253013, <https://doi.org/10.1371/journal.pone.0253013>.

<sup>66</sup> Fsl (a staff of UNHCR Representative in Aceh), Interview, 4 September 2024

<sup>67</sup> Editor Team, "Sejarah Etnis Rohingya di Myanmar dan Diskriminasi yang Tak Berujung," *Era.id*, Desember 2022, <https://era.id/culture/113496/sejarah-etnis-rohingya-di-myanmar-dan-diskriminasi-yang-tak-berujung>.

<sup>68</sup> In addition to the situations and conditions experienced by the Rohingya ethnic group, the research findings also highlight the complexity of their experiences, encompassing social, cultural, political, and health challenges, as well as the importance of a sensitive cross-sectoral approach for effective solutions. See: R. Mitra, "From the Translocal to the Multi-Sited Transnational: Tracing Rohingya Refugee Networks in India," *Global Networks* 25, no. 1 (2025), <https://doi.org/10.1111/glob.12494>;



violent actions perpetrated by the Myanmar military, particularly in 2017, when reports surfaced of brutal military operations. These operations were accompanied by mass killings, rape, torture, and the burning of Rohingya villages, forcing hundreds of thousands to flee to neighbouring countries such as Bangladesh and eventually Indonesia.<sup>69</sup> The conditions are not significantly better in the refugee camps in Cox's Bazar, Bangladesh. Overcrowding, food shortages, and limited access to basic services such as clean water and education have made life in these camps extremely challenging.<sup>70</sup> Consequently, some Rohingya choose to risk their lives on dangerous journeys to places they perceive as safer, including Indonesia.<sup>71</sup>

Based on the above data, direct confirmation was conducted with sources such as MSi, a refugee from Myanmar, who stated, "*We are oppressed; we have lost our basic rights solely because of our religion and physical appearance*," he explained. He also added that Myanmar remains unsafe,<sup>72</sup> with ongoing massacres, making a return to their homeland not an option at this time.<sup>73</sup> Hsh, another refugee, expressed a similar perspective about the situation in Cox's Bazar: "*We continue to be oppressed, even exploited as an economic commodity in local politics*."<sup>74</sup> The Rohingya refugees also faced various obstacles and life-threatening risks during their journey to Aceh.<sup>75</sup> As

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A. Khairi et al., "Islamic Governance in Action: Malaysia's Approach to Rohingya Refugee Islamic-Based Assistance," *International Journal of Islamic Thought* 26 (2024): 13–23, <https://doi.org/10.24035/ijit.26.2024.298>; P.N. Martuscelli, B. Ahmed, and P. Sammonds, "Resettlement Is Worthwhile for Our Children's Future': Reflections from the Stateless Rohingya Refugees in Malaysia," *Comparative Migration Studies* 12, no. 1 (2024), <https://doi.org/10.1186/s40878-024-00407-x>; K. Trang et al., "A Qualitative Study of Cultural Concepts of Distress among Rohingya Refugees in Cox's Bazar, Bangladesh," *Conflict and Health* 18, no. 1 (2024), <https://doi.org/10.1186/s13031-024-00606-4>.

<sup>69</sup> M Angela Merici Siba and Anggi Nurul Qomari'ah, "Pelanggaran Hak Asasi Manusia Dalam Konflik Rohingya Human Right Violations on Rohingya Conflict," *Islamic World and Politics* 2, no. 2 (2018): 367–85, <https://doi.org/10.18196/jiwp.2221>; Dian Andi Nur Aziz et al., "Examining Qanun in Aceh from a Human Rights Perspective: Status, Substance and Impact on Vulnerable Groups and Minorities," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (June 5, 2023): 37–56, <https://doi.org/10.18326/ijtihad.v23i1.37-56>.

<sup>70</sup> Andika Hendra Mustaqim, "7 Fakta Coks Bazar Kamp Pengungsi Terbesar Di Dunia, Hidup Tanpa Status Kewarganegaraan Di Negara Orang," *Sindonews.Com*, Agustus 2023, <https://international.sindonews.com/read/1185883/45/7-fakta-coxs-bazar-kamp-pengungsi-terbesar-di-dunia-hidup-tanpa-status-kewarganegaraan-di-negara-orang-1693051682>.

<sup>71</sup> Ichwansyah Tampubolon, "Penanganan Pengungsi Etnis Rohingya Di Indonesia: Ditinjau Dari Perspektif Etika Sosial Islam Bercorak Kemaslahatan," *Jurnal At-Taghyir: Jurnal Dakwah Dan Pengembangan Masyarakat Desa* 6, no. 2 (2024): 285–308, <https://doi.org/10.24952/taghyir.v6i2.11319>.

<sup>72</sup> This statement is further supported by a recent report indicating that more than 600,000 Rohingya remain trapped in Rakhine State under a military regime that enforces discriminatory policies, widely regarded as crimes against humanity and genocide. Despite international pressure to hold the perpetrators accountable, the human rights situation in Myanmar remains alarming, with the military continuing to block humanitarian aid and tighten restrictions on the movement of the Rohingya. See: "World Report 2023 in Myanmar," *Human Right Watch*, 2023, <https://www.hrw.org/world-report/2023/country-chapters/myanmar>.

<sup>73</sup> MSi (a Rohingya refugee in Aceh), Interview, 4 September 2024

<sup>74</sup> Hsh (a Rohingya Refugee in Cox's Bazar who has fled again to Aceh), Interview, 4 September 2024

<sup>75</sup> The majority of Rohingya refugees attempting to flee to countries such as Malaysia and Indonesia become targets of human trafficking, which exploits their desperation. Reports from UNHCR indicate



revealed by HDr., the refugees were transported by brokers from international networks using small, unseaworthy boats. *"Everyone on the boat was terrified because of the high waves, the leaks in the boat, and the hunger we endured,"* he said.<sup>76</sup> Funding for these journeys largely came from financial support provided by their families in Malaysia, who had previously sought refuge there. However, many refugees were unaware of their exact destination, hoping to find safety and using Aceh as a transit point before continuing to Malaysia or a third country that had ratified the 1951 Refugee Convention.<sup>77</sup>

Upon arriving in Aceh, the local community and government initially welcomed the refugees warmly, particularly around 2015. *"The people of Aceh were very kind at first,"* said Hda, an activist from Kontras Aceh.<sup>78</sup> However, in subsequent years, particularly since 2023, sentiments began to shift due to media coverage portraying the Rohingya refugees in a negative light.<sup>79</sup> For instance, in November 2023, an incident occurred in Bireuen Regency, Aceh, where residents of Pulo Pineung Meunasah Dua Village rejected the arrival of 249 Rohingya refugees. The villagers prevented the refugees from disembarking and provided food aid that the refugees later discarded into the sea.<sup>80</sup> A similar rejection took place in North Aceh, where residents opposed the presence of Rohingya refugees, citing concerns over behaviours perceived as incompatible with local customs and norms.<sup>81</sup> Nsl, an Acehnese, stated, *"People are becoming hesitant to help because of reports about crimes and theft involving Rohingya refugees."*<sup>82</sup> According to a report by UNHCR in Indonesia, as of May 27, 2024, there were 2,026 Rohingya refugees in the country. Of this total, 73% were women and children.<sup>83</sup>

The Rohingya refugees in Aceh harbour significant hopes for their future. Many of them desire to settle in Aceh if given the opportunity. *"I want to live here, but the regulations do not allow us to have a decent life,"* said M.Ms.<sup>84</sup> They also hope to gain access to employment and education, but Indonesian laws restrict these opportunities. Some of them acknowledge the possibility of marrying Acehnese

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a sharp increase in the number of refugees undertaking dangerous sea journeys in 2022, with over 3,500 individuals attempting to cross using small boats, often arranged by smugglers with little regard for their safety. Many of these boats were stranded for weeks without sufficient food and water, resulting in deaths and the loss of many lives. See: Parvez Uddin Chowdhury, "Behind the 'Dramatic Increase' in Deadly Rohingya Sea Voyages," *Diplomat Media*, January 6, 2023, <https://thediplomat.com/2023/01/behind-the-dramatic-increase-in-deadly-rohingya-sea-voyages/>.

<sup>76</sup> HDr (a Rohingya refugee in Aceh), Interview, 4 September 2024

<sup>77</sup> Adr (a Rohingya refugee in Aceh), Interview, 4 September 2024

<sup>78</sup> Hda (an activist from Kontras Aceh), Interview

<sup>79</sup> Many reports have spread fear about rising crime and false claims that Rohingya refugees are attempting to seize land in Aceh, fueling concerns among the local community. See: Teddy Farhan and Alifia N. Sumayya, "Demonization of Rohingya in Indonesia: An Analysis on Social Media Narratives," *The Lemkin Institute*, Desember 2023, <https://www.lemkininstitute.com/single-post/demonization-of-rohingya-in-indonesia-an-analysis-on-social-media-narratives>.

<sup>80</sup> Agus Setyadi, "Pengungsi Rohingya Silih Berganti Ke Aceh Sepanjang 2023, Penolakan Kian Masif," *Detik.Com*, Desember 2023, <https://www.detik.com/sumut/berita/d-7095376/pengungsi-rohingya-silih-berganti-ke-aceh-sepanjang-2023-penolakan-kian-masif>.

<sup>81</sup> Detikcom team, "Mengapa Pengungsi Rohingya Ditolak Warga Aceh? Ini Penjelasannya," *Detik.com*, 21 November 2023, <https://news.detik.com/berita/d-7048044/mengapa-pengungsi-rohingya-ditolak-warga-aceh-ini-penjasannya>.

<sup>82</sup> Nsl (a People of Aceh), Interview, 6 September 2024

<sup>83</sup> Fsl (a staff of UNHCR Representative in Aceh), Interview

<sup>84</sup> M.Ms (a Rohingya Refugee in Aceh), Interview, 4 September 2024



individuals, though they prefer partners from their community. “*We want to build a family, but it might be better with someone from the same ethnicity,*” said HDr.<sup>85</sup> Nevertheless, if the situation in Myanmar improves, these refugees are willing to return to their homeland. “*We want to go back, but we know our country is still in conflict,*” Hsh admitted.<sup>86</sup> For them, returning to Myanmar would be the ideal choice, but only under safer and more stable conditions. Until then, their hopes remain to seek asylum in a safer and more humane country.

In general, the Rohingya refugees view Indonesia primarily as a transit country, an “alternative exit” from the dire circumstances in their homeland. For them, the primary necessity is to live without threats.<sup>87</sup> Indonesia’s status as an “alternative exit” refers to how refugees use the country as a temporary stop while awaiting Refugee Status Determination (RSD) from UNHCR before continuing their journey to a third country as recognised refugees. The Rohingya refugees do not generally consider Indonesia their destination for asylum. Many aim to reach Australia or Malaysia but are stranded in Aceh’s waters. In some cases, they deliberately travel to Aceh from Malaysia and Bangladesh after living there for years, hoping for a better life in Indonesia.<sup>88</sup> They often choose to live modestly in refugee camps in Indonesia, relying on assistance from the International Organization for Migration (IOM) while waiting for the opportunity to move to a third country through UNHCR’s resettlement program.

### **From a Strong Understanding of Islamic Law to Weak Regulations in Handling Rohingya Refugees**

The strong understanding of Islamic law, legitimised through socio-cultural forms among the Acehnese community, serves as the main foundation for welcoming and assisting Rohingya refugees. The values embedded in Acehnese traditions, such as *peusijek*, the spirit of cooperation in *adat laot*, and *peumulia jamee*, reflect Islamic law principles. These include *ukhuwah Islamiyah*, emphasising the importance of solidarity and aid for those in hardship, as exemplified by the *Ansar*’s support for the *Muhajirun* during the Prophet Muhammad’s migration from Mecca to Medina. *Ukhuwah Islamiyah* is not merely a moral value but also a principle of Islamic law as outlined in the Qur’an and Hadith. In Surah Al-Hujurat (49:10), the Qur’an affirms that believers are brothers and encourages reconciliation among them.<sup>89</sup> Similarly, the Prophet Muhammad stated in one of his Hadiths that the perfection of one’s faith depends on their ability to love their brother as they love themselves.<sup>90</sup> These principles align with the objectives of *sharia*, which aim to preserve the unity of the

<sup>85</sup> HDr (a Rohingya Refugee in Aceh), Interview

<sup>86</sup> Hsh (a Rohingya Refugee in Cox’s Bazar who has fled again to Aceh), Interview

<sup>87</sup> Lindra Darnela and Mohammad Ady Nugroho, “Perlindungan Pemerintah Indonesia Terhadap Stateless Person Imigran Rohingya Di Aceh,” *Asy-Syir’ah: Jurnal Ilmu Syari’ah Dan Hukum* 51, no. 2 (2017): 473–95, <https://doi.org/10.14421/ajish.v51i2.299>.

<sup>88</sup> Faisal Syafri Azmi, “Kebijakan Perlindungan Pengungsi Transit Di Indonesia: Kontestasi Antara Kewajiban Internasional Dan Kepentingan Nasional” (Skripsi, Yogyakarta, UIN Sunan Kalijaga Yogyakarta, 2022), 36.

<sup>89</sup> Departemen Agama RI, *Al-Qur’an Tajwid Dan Terjemahnya*.

<sup>90</sup> Muhammad bin Ismail al-Bukhari, *Shahih Al-Bukhari*, 13.





Muslim community and foster societal harmony.<sup>91</sup> These teachings inspire the Acehese people to embody such values in tangible actions towards Rohingya refugees, whom they regard as fellow believers in need of protection.

Ysr, a humanitarian activist in Aceh, expressed this openness, who stated, "*Acehnese culture is very welcoming to refugees, as it is rooted in the Islamic law that underpins Acehese society.*"<sup>92</sup> This solidarity is further supported by the Acehese people's experience of receiving international aid following the 2004 tsunami. As Bqi, an Acehese resident, explained, "*We help refugees for humanitarian reasons and because they are our fellow believers. In the past, others helped us during the tsunami disaster, so now it is our turn to assist those who are facing hardship, especially oppression.*"<sup>93</sup> Despite the Acehese community's initial openness toward Rohingya refugees, challenges have emerged over time, particularly in the form of social jealousy and negative media narratives. Social jealousy arises when some locals perceive that Rohingya refugees receive more substantial aid and better economic opportunities while the local community continues to face economic difficulties. Additionally, fake news portraying refugees as a source of social issues, such as criminal acts and improper behaviour, has influenced a small segment of the Acehese population.<sup>94</sup> According to Sdn, the rejection of refugees is largely driven by opinions shaped by negative media coverage on social platforms. Although these negative views come from a minority, they highlight the importance of addressing perception challenges as a significant factor to overcome.<sup>95</sup>

Meanwhile, uncertainties surrounding regulations and government policies add to the burden of handling Rohingya refugees. Although Indonesia has ratified several international conventions, such as the International Covenant on Civil and Political Rights (ICCPR) in 2005 and the Convention on the Rights of the Child (CRC) in 1996, the implementation of these regulations remains suboptimal. Presidential Regulation No. 125 of 2016, which governs the handling of refugees, for instance, has not been effectively implemented. According to Fsl from UNHCR, the lack of government involvement and insufficient technical measures in implementing this regulation make refugee management appear half-hearted.<sup>96</sup> The biggest challenge in implementing Presidential Regulation No. 125/2016 lies in the absence of government efforts to designate adequate shelter locations and oversee refugee camps. Several camps in Aceh, such as Mina Raya Camp in Pidie and Kule Camp in East Aceh, are managed by local communities with assistance from humanitarian organisations like UNHCR and YKMI. However, this management remains ineffective, often leaving refugees facing issues with access to basic services. These challenges are exacerbated by the absence of specific local regulations addressing refugee management. Although humanitarian activists, organisations such as UNHCR, YKMI, Kontras Aceh, and academics have proposed drafting a *qanun*

<sup>91</sup> Abdullah, "Prinsip Pemersatu Dalam Pemikiran Islam."

<sup>92</sup> Ysr (a humanitarian activist in Aceh), Interview

<sup>93</sup> Bqi (a People of Aceh), "Interview," 6 September 2024

<sup>94</sup> The statement is a summary by the researchers based on the following sources: I.Iy (One of the Members of the YKMI Humanitarian Activists in Aceh), Interview, 5 September 2024; Fsl (One of the Representatives of UNHCR in Aceh), Interview; Hda (One of the Activists from Kontras Aceh), Interview; Ysr (a Humanitarian Activist in Aceh), Interview

<sup>95</sup> Sdn (a People of Aceh), Interview, 6 September 2024

<sup>96</sup> Fsl (a staff of UNHCR Representative in Aceh), Interview





(regional regulation) to govern the handling of Rohingya refugees, Aceh has yet to establish a clear policy. This is despite the critical role that institutions like the Majelis Permusyawaratan Ulama (MPU) and the Majelis Wali Adat (MWA) could play in providing moral and Islamic legal guidance for refugee management.

Notwithstanding these challenges, the presence of Rohingya refugees in Aceh is also seen as an economic opportunity by some members of the local community. A resident, M.Hi., stated that refugees contribute positively to the local economy by shopping at small shops and assisting with manual labour.<sup>97</sup> This indicates that refugees are not merely perceived as a burden but also as a source of economic benefits that can contribute to the region's economy. However, efforts to empower refugees in Aceh remain hindered by unsupportive regulations. One of the main reasons is the Indonesian government's decision not to ratify the 1951 Vienna Convention on the Status of Refugees and its 1967 Protocol. This decision has significant implications, particularly regarding the provision of basic rights for refugees, such as access to employment, education, and healthcare services. Without ratification, the Indonesian government has no international legal obligation to guarantee these rights, making refugee policies tend to be ad hoc and reliant on local initiatives or support from international organisations.<sup>98</sup> Some parties, including Mly. and Mtz., both academics, suggest that Indonesia adopt Malaysia's model, where refugees are provided with skills training and access to informal employment. However, implementing a similar model in Indonesia remains a significant challenge without a clear legal basis and supportive regulations. This legal uncertainty may also limit refugees' positive contributions to the local economy, as observed in Aceh. Therefore, there is an urgent need to revise the domestic policy framework to make it more inclusive and aligned with international standards.<sup>99</sup>

Ultimately, despite facing pressure from negative media narratives and regulatory challenges, the Acehnese people remain steadfast in adhering to Islamic legal principles when assisting Rohingya refugees. The obligation to help fellow Muslims and their own experience of receiving aid after the 2004 tsunami serve as the primary motivations behind the Acehnese people's actions. However, addressing future challenges requires more systematic measures, such as drafting a specific *qanun* and improving coordination between local governments, the central government, and humanitarian organisations. While refugee issues are fundamentally the responsibility of the central government, the experience in Aceh demonstrates that local governments are often at the forefront of handling refugees, including providing temporary shelters and emergency services. Therefore, while the central government is responsible for macro-level policies, the formulation of specific *qanun* at the regional level can serve as a relevant complement to address practical challenges on the ground. In this way, Aceh can become an example for other regions in balancing

<sup>97</sup> M.Hi (a People of Aceh), Interview, 6 September 2024

<sup>98</sup> Fadli Afriandi and Yusnarida Eka Nizmi, "Kepentingan Indonesia Belum Meratifikasi Konvensi 1951 Dan Protokol 1967 Mengenai Pengungsi Internasional Dan Pencari Suaka," *Transnasional: Jurnal Ilmu Hubungan Internasional Universitas Riau* 5, no. 2 (2014): 1–13, <https://jom.unri.ac.id/index.php/JOMFSIP/article/view/2354>.

<sup>99</sup> Mly and Mtz (Lecturers at UIN Ar-Raniry, Banda Aceh), Interview, 4 September 2024



the obligations of Islamic law and legal regulations in refugee management while upholding humanitarian values and Islamic solidarity.

### **The Interaction of Power Networks in the Implementation of Islamic Law in Handling Rohingya Refugees in Aceh**

From the perspective of the theory of power networks developed by Michael Mann, the interpretation of Islamic law applied in Aceh, particularly in the context of aid for Rohingya refugees, can be understood through four interconnected dimensions of power networks: ideological, economic, military, and political.<sup>100</sup> Each of these dimensions plays a crucial role in shaping and sustaining the structures of power that influence collective actions and social interaction patterns within Acehnese society in addressing refugee issues.

The ideological power network,<sup>101</sup> which manifests as the dominance of religious and moral values, plays a central role in solidifying the implementation of Islamic law in Aceh. Since the era of the Aceh Sultanate, the application of Islamic law has been an integral part of Acehnese identity.<sup>102</sup> This legacy continues in the post-reform era with the granting of special autonomy.<sup>103</sup> In the context of the Rohingya refugees, Islamic values rooted in the concepts of Ansar and Muhajirin serve as the normative foundation for expressing brotherhood among Muslims. These concepts reflect a moral obligation to help those in need of protection, particularly fellow believers. Through the application of these values, the Acehnese people do not merely view refugees as a burden but as part of the global Muslim community in need of solidarity and protection. Historically, the experience of the Acehnese in receiving international aid after the 2004 tsunami has also strengthened the internalisation of Islamic values in the form of humanitarian solidarity. This experience fostered a mindset that motivates the Acehnese to “repay” the kindness they previously received by assisting Rohingya refugees. This vividly illustrates that Islamic law in Aceh is not limited to ritual norms but also materialises in social actions with far-reaching impacts.<sup>104</sup>

<sup>100</sup> See: Mann, *The Sources of Social Power: Volume 1, a History of Power from the Beginning to AD 1760*, 1:1–576; Mann, *The Sources of Social Power: Volume 2, the Rise of Classes and Nation-States, 1760-1914*, 2:1–839.

<sup>101</sup> Ideological power refers to the ability to influence and shape beliefs, values, and norms within a society. Ideology plays a central role in creating collective identity and legitimising existing power structures. Mann argues that ideological power is disseminated through religion, education, media, and cultural value systems, which are used either to maintain power or to challenge existing authority. These networks of ideological power not only function to define social truths but also to mobilise political and social support among individuals or groups sharing similar values. In this context, ideology becomes a crucial instrument for controlling the behavior and beliefs of the masses. See: Mann, *The Sources of Social Power: Volume 1, a History of Power from the Beginning to AD 1760*.

<sup>102</sup> Ito Takeshi, “The World of the Adat Aceh: A Historical Study of the Sultanate of Aceh” (Dissertation, Australia, The Australian National University (Australia), 1984), <http://hdl.handle.net/1885/10071>.

<sup>103</sup> Jalil, Yani, and Yoesoef, “Implementasi Otonomi Khusus Di Provinsi Aceh Berdasarkan Undang-Undang Nomor 11 Tahun 2006.”

<sup>104</sup> Lindra Darnela, “Islam and Humanity: Commodification of Aid for Rohingya in Aceh,” *Al-Jami'ah: Journal of Islamic Studies* 59, no. 1 (2021): 57–96, <https://doi.org/10.14421/ajis.2021.591.57-96>.



In the economic power network,<sup>105</sup> the dynamics of accommodating Rohingya refugees reveal a sense of ambivalence among the Acehnese. On the one hand, economic solidarity is reflected in the local community's support for the refugees, perceived as a moral obligation.<sup>106</sup> On the other hand, there is potential for social jealousy related to resource allocation, where some feel that refugees receive greater attention than local needs.<sup>107</sup> For example, reports indicate that the budget required for food supplies for Rohingya refugees in Aceh reaches IDR 46.2 billion,<sup>108</sup> most of which is supported by international organisations such as UNHCR and IOM.<sup>109</sup> At the local level, organisations like NU Care and LAZISNU also play a role in distributing basic aid, including food supplies, to 170 Rohingya refugees at Mina Raya Camp, Pidie Regency.<sup>110</sup> This potential tension underscores the critical role of the economic power network in maintaining or undermining social solidarity, particularly when the distribution of resources is perceived as inequitable.

Military and security power networks also serve as crucial determinants in maintaining social stability and sustaining the power structures in Aceh.<sup>111</sup> Media, as part of both ideological and military networks in the context of controlling public perception, plays a significant role in shaping societal views on refugees. Negative

<sup>105</sup> Economic power networks refer to the ways in which power is mobilised through control over economic resources such as wealth, labour, and technology. Mann argues that these networks encompass the relationships of production and the distribution of goods and services that determine the material well-being of society. Economic power enables individuals or groups to control access to essential resources needed by others, thereby creating dependency and social hierarchies. By controlling the means of production or distribution, economic power can be leveraged to expand influence within other social networks, such as politics and the military. These networks are often closely tied to capitalism, where free markets and private ownership play a critical role in determining who holds power within a society. See: Mann, *The Sources of Social Power: Volume 1, a History of Power from the Beginning to AD 1760*.

<sup>106</sup> Ysr (a humanitarian Activist in Aceh), Interview

<sup>107</sup> Sopamena, "Pengungsi Rohingya Dan Potensi Konflik & Kemajemukan Horizontal Di Aceh."

<sup>108</sup> Agus Ramadhan, "Rincian Anggaran Yang Diperlukan Untuk Tangani Pengungsi Rohingya Di Aceh, Jatah Makan Rp46,2 Miliar," *Serambinews*, Desember 2023, <https://aceh.tribunnews.com/2023/12/18/rincian-anggaran-yang-diperlukan-untuk-tangani-pengungsi-rohingya-di-aceh-jatah-makan-rp462-miliar?page=all>.

<sup>109</sup> Almas Taqqiya, "Detail Anggaran UNHCR Untuk Bantu Rohingya Di Aceh, Habis Berapa?," *GoodStats Data*, Desember 2023, [https://goodstats.id/article/detail-anggaran-unhcr-untuk-bantu-rohingya-di-aceh-habis-berapa-oZDh5#:~:text=Bantuan%20untuk%20Masyarakat%20Aceh&text=UNHCR%20dan%20IOM%20telah%20mengalokasikan,\(Rp2%2C4%20miliar\)](https://goodstats.id/article/detail-anggaran-unhcr-untuk-bantu-rohingya-di-aceh-habis-berapa-oZDh5#:~:text=Bantuan%20untuk%20Masyarakat%20Aceh&text=UNHCR%20dan%20IOM%20telah%20mengalokasikan,(Rp2%2C4%20miliar)).

<sup>110</sup> Wahyu Noerhadi, "NU Care-LAZISNU Salurkan Bantuan Kemanusiaan Untuk Pengungsi Rohingya Di Pidie Aceh," *NU Online*, Desember 2024, <https://nu.or.id/nasional/nu-care-lazisnu-salurkan-bantuan-kemanusiaan-untuk-pengungsi-rohingya-di-pidie-aceh-00w4b>.

<sup>111</sup> Military and security power networks refer to the power mobilised through the use or threat of physical force, military strength, and other instruments of violence to impose control or maintain authority. Mann emphasises that military power is not limited to acts of direct violence but also includes control over military resources, such as weapons, armed forces, and military technology. These power networks enable states or dominant groups to maintain internal and external stability through coercive force and secure their political and economic interests. Military power is often autonomous but can also be influenced by other power networks, such as political and economic ones. According to Mann, these networks are crucial for maintaining state authority, protecting territorial integrity, and projecting power beyond national borders. See: Mann, *The Sources of Social Power: Volume 1, a History of Power from the Beginning to AD 1760*.



reporting on Rohingya refugees, who are accused of causing social problems, contributes to fragmented attitudes within the community.<sup>112</sup> This condition undermines the cohesion previously driven by *Sharia* principles and humanitarian solidarity. For instance, media reports linking Rohingya refugees to alleged criminal activities, such as theft or internal conflicts, have become one of the factors influencing negative public perceptions.<sup>113</sup> According to interviews with UNHCR representatives, such framing worsens the image of refugees, particularly among Acehese communities already concerned about the social and economic impacts of refugee presence.<sup>114</sup> Consequently, the social stability initially built through the implementation of *Sharia* law can be disrupted by external influences utilising media as a framing tool.

Lastly, the political power network,<sup>115</sup> involving the roles of state regulations and international law, directly affects efforts to manage refugees in Aceh. This political network encompasses various agents and actors, including the central government, the Aceh regional government, and international organisations such as UNHCR, which significantly influence refugee management initiatives. Through Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad, the central government establishes a framework for inter-agency coordination, yet its implementation continues to face challenges. These challenges are evident in resource limitations and coordination issues across levels of government to ensure basic protection for refugees, including the provision of temporary shelters, healthcare services, and security. Despite its special autonomy allowing the implementation of *Sharia* law, the Aceh government often has to balance its authority with national policies that sometimes do not fully support local needs.

The absence of ratification of the 1951 Refugee Convention also weakens Indonesia's position in providing long-term refugee protection. The 1951 Convention defines standards for refugee protection, including the prohibition of forced expulsion (non-refoulement). However, the lack of ratification undermines Indonesia's capacity to address refugee issues on an international scale.<sup>116</sup> Presidential Regulation

<sup>112</sup> Teddy Farhan and Alifia N. Sumayya, "Demonization of Rohingya in Indonesia: An Analysis on Social Media Narratives."

<sup>113</sup> Humas DSI, "Klarifikasi Framing Negatif Terhadap Rohingya," *Dinas Syariat Islam Aceh*, Desember 2023, <https://dsi.acehprov.go.id/berita/kategori/mimbar-baiturrahman/klarifikasi-framing-negatif-terhadap-rohingya>.

<sup>114</sup> Fsl (a staff of UNHCR Representative of in Aceh), Interview

<sup>115</sup> Political power networks refer to the ways in which power is mobilised through political and governmental institutions that hold the authority to create, enforce, and regulate laws and public policies. Mann argues that political power is centralised, hierarchical, and organised through the state and other political actors with the capacity to govern society. Through these networks, the state or dominant groups can control political resources, such as legislative, executive, and judicial powers, as well as manage bureaucracy and public administration. Political power also encompasses the ability to negotiate or impose collective rules and decisions that regulate the behaviour of individuals and groups. According to Mann, political power networks are closely integrated with other power networks, such as economic, military, and ideological ones, as political decisions often rely on military support, economic influence, and ideological legitimacy. See: Mann, *The Sources of Social Power: Volume 1, a History of Power from the Beginning to AD 1760*.

<sup>116</sup> Yordan Gunawan, Carissa Shifa Novendra, and Aldha Febrila, "Indonesia's Responsibility towards Rohingya Refugees: Analysis of the 1951 Refugee Convention," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (2024): 182–94, <https://doi.org/10.22219/ljih.v32i2.32164>; Rohmad Adi Yulianto, "Kebijakan Penanganan Pengungsi Di Indonesia Perspektif Maqasid Al-Syari'ah," *Al-Manahij: Jurnal*



No. 125 of 2016, while designed to fill this gap, remains a domestic policy and does not offer protection recognised at the international level. Thus, there is a clear connection between Presidential Regulation No. 125 of 2016 and the 1951 Convention, where the regulation attempts to govern refugee management mechanisms within the national context but falls short in guaranteeing refugees' rights as stipulated in the 1951 Convention. The absence of ratification also limits Indonesia's ability to fully collaborate with international organisations, such as UNHCR, in supporting refugees.

This political network also highlights structural limitations in Aceh's efforts to comprehensively implement *Sharia* law, particularly concerning national regulations and international standards that are not yet fully aligned. The scope of authority among the actors within this network varies, with the central government possessing the legislative authority to establish the legal framework, while the Aceh government focuses more on the implementation of policies at the local level. On the other hand, international organisations such as UNHCR act as facilitators and monitors of the implementation of refugee protection standards. However, without clear harmonisation between national policies and international standards, the effectiveness of this political network remains limited.

**Table 4.** Dimensions of Power Networks in Handling Rohingya Refugees in Aceh

Dimension of Power Networks	Description	Influence in the Context of Rohingya Refugees
Ideological	Religious and moral values (Islamic Sharia) emphasising solidarity (Ansar & Muhajirin).	Strengthening the moral responsibility of Acehnese society to assist refugees, supported by collective experiences of post-tsunami aid acceptance.
Economic	Dynamics of resource allocation and solidarity accompanied by social envy.	Local solidarity towards refugees is disrupted by perceptions of unfair aid distribution.
Military and Media	Social stability through Sharia law but fragmented by negative media framing.	Media portraying refugees negatively affects social cohesion, creating resistance within the community.
Political	Local and international regulations (special autonomy, Presidential Regulation No. 125 of 2016, 1951 Convention).	Policy gaps between Aceh's Islamic Sharia and national and international standards weaken long-term refugee protection.





Thus, based on the analysis of power network theory, this study demonstrates that the implementation of *sharia* obligations in Aceh in the context of managing Rohingya refugees is not merely a matter of religious normative principles but is also influenced by the complex interplay of ideological, economic, military, and political power networks. The scholarly novelty of this research lies in integrating power network theory with an Islamic legal approach to explain how the Acehnese community balances *sharia* values against structural challenges in managing Rohingya refugees. This study also identifies the role of the ideological power network, grounded in Islamic values, as the primary foundation supporting refugee acceptance despite challenges from the economic network, which creates social jealousy, and the political network, which remains insufficiently harmonised with international law. Furthermore, this research offers an analytical framework applicable to other local contexts for understanding the interaction between religious norms, local policies, national regulations and international law in addressing refugee crises.

### Conclusion

The strong understanding of Islamic law in Aceh has motivated the Acehnese community to welcome Rohingya refugees with open arms despite emerging challenges such as social tensions and weak implementation of regulations governing refugee management in Indonesia. The weaknesses in implementing these regulations hinder refugee management, particularly in terms of placement, supervision of refugee camps, and access to basic services such as education and employment. Nonetheless, these obstacles have not deterred the Acehnese people from assisting Rohingya refugees. From the perspective of Michael Mann's theory of power networks, four power networks play a role in managing Rohingya refugees in Aceh: ideological, economic, military, and political. The ideological power network, rooted in the values of Islamic law such as *ukhuwah Islamiyah*, serves as the foundation for accepting refugees as fellow believers in need of protection. This principle aligns with the Acehnese tradition of integrating Islamic and local values into social life. However, from the perspective of economic and political power networks, managing refugees faces challenges related to resource distribution and suboptimal regulations. Meanwhile, the military and media power networks influence public perceptions in Aceh, with media coverage occasionally exacerbating tensions between refugees and residents.

Based on the findings of this study, several recommendations can be made. First, local governments should formulate a more comprehensive and explicit *qanun* (regional regulation) to manage refugee issues in alignment with national regulations. Although the primary responsibility for refugee issues lies with the central government, ensuring synergy between central and local policies is essential. Additionally, the government must encourage the media to provide balanced and constructive reporting to prevent social tensions and strengthen community integration. This study also recommends further research focusing on the extent to which the central government harmonises various legal norms related to refugee management in Indonesia, including international law, national law, and customary law.

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