

PRODUCING RIGHTLESSNESS: ROHINGYA REFUGEES IN
INDONESIA'S MULTILEVEL GOVERNANCE FAILUREPrayetno¹, Hikmawan Syahputra², Budi Ali Mukmin³, Muhammad Hasan Izzurrahman⁴, Natalie Brinham⁵, Aprillia Revalina Br Purba⁶

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ABSTRACT

As a non-signatory to the 1951 Refugee Convention, Indonesia operates a restrictive transit regime that suspends Rohingya refugees, rendered stateless by Myanmar's 1982 Citizenship Law, in prolonged legal limbo. This article examines the systematic production of rightlessness within Indonesia's multi-scalar governance regime, employing a critical qualitative single-case study in Karang Gading Village, North Sumatra. Integrating Christian Joppke's tripartite citizenship framework and Hannah Arendt's ontology of rightlessness, the study analyzes how multilevel governance failure under Presidential Regulation Number 125 of 2016 produces localized exclusion. The findings reveal that rightlessness is structurally manufactured through a triangular misalignment of authority, responsibility, and fiscal capacity across governance levels, rendering UNHCR documentation administratively void and compelling local authorities to impose spatial containment and social quarantine amplified by digital xenophobia. This case refutes inclusive-cosmopolitan citizenship theory and demonstrates that territorial sovereignty remains structurally determinative. Indonesia must therefore transition toward comprehensive refugee legislation that realigns intergovernmental legal authority with operational and fiscal responsibility at the local level.

ABSTRAK

Sebagai negara non-aksesi Konvensi Pengungsi 1951, Indonesia mengoperasikan rezim transit restriktif yang menempatkan pengungsi Rohingya, yang kehilangan kewarganegaraan akibat Burma Citizenship Law 1982, dalam ketidakpastian hukum berkepanjangan. Artikel ini mengkaji produksi sistematis rightlessness dalam rezim tata kelola multi-skalar Indonesia, menggunakan desain studi kasus tunggal kualitatif kritis di Desa Karang Gading, Sumatera Utara. Dengan mengintegrasikan kerangka kewarganegaraan tripartit Christian Joppke dan ontologi rightlessness Hannah Arendt, penelitian ini menganalisis bagaimana kegagalan tata kelola multilevel di bawah Peraturan Presiden Nomor 125 Tahun 2016 memproduksi eksklusi di tingkat lokal. Temuan menunjukkan bahwa rightlessness diproduksi secara struktural melalui ketidakselarasan segitiga antara kewenangan, tanggung jawab, dan kapasitas fiskal lintas tingkatan tata kelola, menjadikan dokumentasi UNHCR tidak berlaku secara administratif dan memaksa otoritas lokal mengandalkan penahanan spasial serta karantina sosial yang diperkuat oleh xenofobia digital. Kasus ini menyanggah teori kewarganegaraan kosmopolitan-inklusif dan membuktikan bahwa kedaulatan teritorial tetap bersifat determinatif. Indonesia perlu bertransisi menuju legislasi perlindungan pengungsi yang komprehensif yang menyelaraskan kewenangan hukum antarpemerintah dengan tanggung jawab operasional dan fiskal di tingkat lokal.

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INTRODUCTION

By the end of 2024, the United Nations High Commissioner for Refugees (UNHCR) estimated that 123.2 million people had been forcefully relocated globally owing to persecution, conflict, violence, and systemic human rights violations. Stateless people are among the most marginalized, with the Rohingya from Myanmar being the biggest group at roughly 1.8 million people (United Nations High Commissioner For Refugees, 2025a, 2025b). Their loss of citizenship is not accidental, but the product of purposeful, state-enacted disenfranchisement. The 1982 Myanmar Citizenship Law formally designated them as foreign inhabitants in their native nation (United Nations High Commissioner For Refugees, 2024).

Making sense of this condition of enforced statelessness requires more than an empirical account of displacement; it calls for a theoretical vocabulary capable of explaining why the loss of citizenship translates into a broader loss of protection. This article draws consistently on two theoretical frameworks and refers back to them throughout. The primary lens is Hannah Arendt's conception of rightlessness, developed in *The Origins of Totalitarianism* (1951). For Arendt, rightlessness is not merely the absence of specific rights, but a more fundamental existential condition: the loss of membership in any political community that renders a person eligible to possess rights in the first place. Arendt's central paradox is that human rights, though claimed as universal and inalienable, lose their meaning the moment a person no longer has a state to guarantee and enforce them. A stateless person cannot claim rights not because they are undeserving, but because there is no sovereign entity obligated to respond to their claims. It is worth noting that Arendt used the term "stateless" broadly, at a time when the legal categories of stateless person and refugee had not yet diverged into the separate frameworks they occupy today; this article accordingly treats her framework as a theory of refugeehood—of what it means to lack a state's protection—rather than one specific to formal statelessness. This distinction matters for the argument that follows: it does not depend on the Rohingya's formal stateless status under Myanmar's 1982 Citizenship Law, but on their status as refugees without a protecting state once in Indonesia, a transit country itself outside the 1951 Convention. Arendt encapsulates the underlying condition in what she terms "the right to have rights"—the right to belong to a political community, without which all other rights remain abstract moral declarations devoid of enforcement. In the context of this research, Arendt's rightlessness operates at two mutually reinforcing levels. At the macro level, Rohingya refugees have been expelled from Myanmar's political community through the 1982 Citizenship Law, severing the formal foundation upon which any right can be operationalized. At the micro level in Karang Gading Village, they face a situation in which international recognition by UNHCR—manifested through the issuance of the Mandate Card as documentary proof of their status—fails to translate into administrative recognition within Indonesia's domestic legal system. Arendt's ontology of rightlessness thereby serves as an analytical lens that exposes global protection bodies such as UNHCR as structurally incapable of substituting the protective function that only a sovereign state can provide (Zampolli, 2025); despite operating in good faith, as inter-state entities, they remain at the behest of the states they serve (Brinham, 2025).

Alongside this ontological account, the article draws on Christian Joppke's (2003) citizenship regime framework as a contrast case—not to explain statelessness, but to specify what the status of refugee, rather than citizen, structurally forecloses. Joppke (2003) conceives citizenship as a relational construct with three interdependent dimensions: status (formal membership in a sovereign political community), rights (the substantive entitlements that follow from that membership), and identity (cultural and political belonging). For

Joppke, modern citizenship regimes sit permanently in tension between two logics: universal inclusion, drawn from international human rights norms, and particularistic exclusion, rooted in state sovereignty. In Indonesia's case, this tension operates asymmetrically: Indonesia rhetorically acknowledges international norms—such as non-refoulement as a *jus cogens* obligation—while structurally refusing to provide refugees a path to formal status or equivalent protection under domestic law. The status dimension therefore becomes the primary point of failure: without formal status recognized under Indonesian law, the rights dimension becomes structurally inaccessible, and the identity dimension becomes administratively irrelevant. Read together, Arendt and Joppke do different but complementary work: Arendt explains why rightlessness is possible at all, because no sovereign is obligated to answer the refugee's claims; Joppke specifies the precise architecture of exclusion that a citizenship regime like Indonesia's produces. Applied across levels, this combined framework shows how a fragmented transit-state apparatus translates legal exclusion at the macro level—in Myanmar and the wider region—into the local, spatial exclusion documented in Karang Gading Village.

Positioning this theoretical framework against the existing body of scholarship reveals where it intervenes. The existing literature on Rohingya refugees in Indonesia can be grouped into three clusters. The first is macro-analytical, addressing global protection regimes and statelessness. The second is normative-juridical, examining the doctrinal and implementation difficulties of Peraturan Presiden Republik Indonesia Nomor 125 Tahun 2016 tentang Penanganan Pengungsi dari Luar Negeri (Presidential Regulation 125/2016 concerning Handling of Refugees from Abroad; hereafter, *Perpres* 125/2016 (Amiludin & Sinta, 2024); within it, Utami (2019) identifies structural barriers such as inadequate socialization to regional governments, the absence of dedicated task forces, and a shortage of human resources, while Wahyudi (2025) examines Indonesia's state responsibility under the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) for possible breaches of the *jus cogens* non-refoulement principle. The third cluster is localized, examining grassroots community acceptance or rejection of refugees, without being structurally connected to national policy frameworks (Fitrah et al., 2025; Sapada et al., 2023; Silalahi et al., 2024).

Read together, these clusters reveal a significant gap: no study has systematically linked the national transit regime, village-level governance, and the global citizenship regime as interacting levels of one structural process. This article's contribution is precisely this integrated perspective: rather than treating these levels separately, as the existing literature largely does, it traces how failures at each level compound one another to produce rightlessness on the ground—departing from the largely doctrinal focus of the second cluster (Datu et al., 2026) to center the lived, spatial consequences of legal and administrative fragmentation in a single case.

Karang Gading Village, in Labuhan Deli District, Deli Serdang Regency, North Sumatra, offers a case through which this integrated dynamic can be traced empirically. On 30 December 2023, 157 Rohingya refugees arrived in the village (Gunawan, 2024). Local residents initially offered emergency humanitarian assistance out of compassion, but opposed long-term settlement once concerns about social conflict and resource competition set in (Andriansyah, 2024). Silalahi et al. (2024) attribute the resulting coordination failure to administrative and budgetary gaps in *Perpres* 125/2016, despite Indonesia's formal commitment to basic humanitarian safeguards; local officials were, by their own admission, unable to secure a proper long-term shelter, and provincial and municipal authorities struggled to designate a suitable facility (Gunawan, 2024). For want of resources, officials

confined the refugees to a remote, uninhabited sandbar, where they lived for months in a single tarpaulin tent without sanitation or clean water, well past the point at which UNHCR had called for adequate temporary shelter (Kompas TV, 2024). Refugees were kept physically alive through basic humanitarian assistance, but contained politically, socially, and administratively—a physical isolation that itself produces rightlessness. This case, in other words, is where the analytical gap identified above becomes empirically visible, and the point at which this article now turns.

Building directly on this empirical entry point, this article addresses two research questions: first, how do the localized refugee governance mechanisms of Karang Gading Village generate and spatially manifest rightlessness; and second, why have the humanitarian protection frameworks of Indonesia's national transit policy and the global refugee regime failed to convert basic administrative protection into enforceable socio-political rights for the Rohingya. In exploring these questions, the article maps the vertical friction between central immigration authorities and regional agencies that *Perpres* 125/2016 creates, treating these multilevel bureaucratic failures as a cohesive, structural process in order to inform comparative migration and citizenship studies more broadly.

The remainder of the article proceeds as follows. The rest of this introduction sets out the international, constitutional, and regulatory framework—including Indonesia's non-refoulement obligations, *Perpres* 125/2016, and the decentralization framework under Undang-Undang Republik Indonesia Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah (Law 23/2014 concerning Regional Government; hereafter, Law 23/2014)—within which the Karang Gading case unfolds, and explains why the “multilevel citizenship” framing used in some of the existing literature does not hold for a unitary state like Indonesia. The Method section then details the study's qualitative single-case design. Results and Discussion applies the Arendt–Joppke framework set out above to the empirical material, moving from the regional continuum of rightlessness that begins in Myanmar and Bangladesh, through the local dynamics of exclusion in Karang Gading, to the national citizenship regime that structures both. The Conclusion draws out the theoretical and policy implications of these findings.

Before turning to Method, it is necessary to lay out the legal and institutional terrain in which the Karang Gading case is embedded. Indonesia occupies an ambiguous legal position with respect to refugees. It is not a signatory to the Convention Relating to the Status of Refugees of 1951 (1951 Refugee Convention) or its Protocol Relating to the Status of Refugees of 1967 (1967 Protocol), and therefore has no treaty obligation to grant refugee status, work rights, or a path to local integration. It is nonetheless bound by customary international law, most notably the *jus cogens*, erga omnes principle of non-refoulement, which prohibits any state from returning a person to a territory where they face persecution (Datu et al., 2026). Domestically, this obligation is reinforced by Article 28 of the 1945 Constitution (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 or UUD 1945), which requires humanitarian protection (Madani, 2025).

Non-signatory states frequently manage this gap between non-binding treaty status and binding customary obligation through administrative arrangements with UNHCR rather than through domestic refugee legislation (Janmyr, 2018). Indonesia is one such case: it maintains a Memorandum of Understanding with UNHCR, under whose mandate refugee status determination is conducted, and works alongside the International Organization for Migration (IOM), which supports humanitarian assistance and resettlement-related logistics. The result is a policy environment that is neither a clear refusal of protection nor a coherent

system of it: Indonesia is constitutionally and customarily obligated to safeguard refugees, while remaining structurally opposed to their long-term settlement.

This unresolved tension between international obligation and domestic reluctance is what Indonesia's principal domestic refugee regulation must reconcile. In the absence of Convention accession, *Perpres* 125/2016 on the Handling of Refugees from Abroad functions as Indonesia's primary refugee-management instrument. It codifies emergency procedures for temporary housing, security arrangements, and refugee identification (Amiludin & Sinta, 2024; Muttaqin, 2024)—“security” here referring to the administrative maintenance of order in and around shelter sites, a theme this article returns to below in its discussion of securitization dynamics at the local level. What *Perpres* 125/2016 does not do is provide a path to official work, education, or legal status, leaving refugees in a state of permanent administrative liminality. In practice, the regulation frames the Rohingya's presence primarily as a matter of migration management rather than rights protection: within it, the category of “refugee” functions as a label for administrative processing rather than one that triggers rights-based protection—regulating where refugees may be housed and how their arrival is processed, but saying comparatively little about what they are entitled to while they wait (Syahrin et al., 2024). This management-first orientation compounds Indonesia's non-ratification of the 1951 Convention, leaving substantial protection gaps (Izzurrahman et al., 2026), and confines refugees to shelters that are frequently overcrowded and under-resourced—conditions that in turn fuel public opposition whenever new arrivals occur (Bintarawati et al., 2023).

Institutionally, *Perpres* 125/2016 delegates the technical, physical, and logistical responsibilities of refugee management to regional governments, while retaining all statutory, legal, and fiscal authority at the central ministerial level (Amiludin & Sinta, 2024; Muttaqin, 2024). This division of labor interacts with Indonesia's general decentralization framework under Law 23/2014, which explicitly classifies immigration, national security, and foreign policy as central government affairs. Regional governments therefore have no legal authority to determine refugee status, issue residence permits, or Regional Revenue and Expenditure Budget (*Anggaran Pendapatan dan Belanja Daerah*, or *APBD*) to refugee-related expenditure not mandated through central fiscal transfer. UNHCR's own protection mandate—grounded in its 1950 Statute and extended into Indonesia through its bilateral MoU with the government—carries no domestic legal force under this arrangement; UNHCR's protection determinations and documentation operate in a parallel system that Indonesian administrative law does not recognize. The result is a multi-layered normative architecture—dispersed obligations, contested jurisdictions, and structured resource gaps—that constitutes the institutional environment within which rightlessness is systematically produced.

This dispersed, multi-layered architecture is precisely what some scholars have sought to capture under a specific conceptual label. Some scholars analyze situations like this through the lens of a “multilevel citizenship regime”—a concept developed primarily in studies of the European Union and federal states, where citizens hold layered, formal rights at each level of government (municipal, state or provincial, federal, and supranational), such that a person can meaningfully be a citizen of more than one governing tier at once. Applying that concept to Indonesia is, on its face, a poor fit: Indonesia is a unitary, not a federal or multilevel, state, and its Constitution vests exclusive authority over immigration, foreign policy, and national security in the central government alone (Utami, 2019). Regional administrations cannot independently confer civic rights or determine immigration status; there is no legal tier of “regional citizenship” for them to grant.

This article's position, developed further in the Results and Discussion section, is that what some literature has labeled a multilevel citizenship regime is better understood as a multilevel governance failure: not a coordinated system distributing citizenship-like rights across levels of government, but a structure in which legal authority remains centralized while operational responsibility is pushed downward without matching resources or power. The Karang Gading case, discussed above, illustrates this pattern clearly: regional governments lacked both the legal authority and the fiscal means to manage the transit population on their own terms, the central government remained financially and operationally disengaged from implementation, and UNHCR's protection mandate carried no power to compel domestic action (Salsabiil et al., 2019; Sapada et al., 2023; Wahyudi, 2025). Amiludin and Sinta (2024) trace this unevenness more broadly to the absence of a dedicated national refugee law: without statutory guidance, implementation depends on the discretion and initiative of whichever local officials happen to be involved, case by case. This ad hoc quality of implementation also complicates Indonesia's engagement with international protection actors and, more directly, fails to secure refugees' rights on the ground.

METHOD

This study investigates the systematic creation of rightlessness under localized refugee government using a qualitative, descriptive single-case study approach. The qualitative design is relevant since the creation of rightlessness is determined by institutional processes, structural gaps, and administrative exclusions that necessitate in-depth examination. Karang Gading Village was chosen as a revealing and critical case for three reasons: it is one of the first documented instances of Rohingya refugee management under *Perpres* 125/2016 in North Sumatra; it offers a complete temporal arc from arrival in December 2023 to camp closure in last 2025; and it provides an empirical site through which the theoretical claims set out above can be stress-tested against Indonesia's transit policy in practice. Late April 2026 saw the completion of empirical research in Karang Gading Village, Labuhan Deli District, Deli Serdang Regency, North Sumatra. Two important elite institutional informants were interviewed in-depth and semi-structured using a purposive sample approach. A representative of the Karang Gading village administrations was interviewed on April 23, 2026, at the Karang Gading Village Office, while officials of the UNHCR North Sumatra Field Office were interviewed on April 22, 2026. It is important to recognize a key epistemological limitation: direct voices, personal narratives, and subjective interviews with the Rohingya refugees themselves are not included in the research. The 157 Rohingya refugees had already been moved and transported out of Karang Gading Village at the time of fieldwork in late April 2026. Hemlet VII's makeshift emergency camp on the remote sandbar had been demolished, making the actual location unusable and deserted. This absence does not invalidate the research, even if it represents a significant epistemic gap. Rather, it strengthens the analytical emphasis on the institutional and structural causes of rightlessness. Through state and international actors' acts, omissions, and geographical tactics, the research reconstructs systems of exclusion.

The study was carried out in four stages: (1) a pre-fieldwork legal and documentary review (January-February 2026) covering UUD 1945, *Perpres* 125/2016, Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Imigrasi (Law 6/2011 on Immigration; hereafter, Law 6/2011), UNHCR operational reports, and regional government decrees; (2) instrument development (March 2026), in which theoretical indicators were operationalized into a structured interview guide and observation protocol; (3) fieldwork (April 2026), comprising semi-structured in-depth interviews, non-participant observation of the former

shelter site, and supplementary document collection; and (4) transcription, validation, coding, and analysis (May 2026). Three data collection techniques were deployed: semi-structured in-depth interview organized around three thematic clusters, the operational implementation of *Perpres* 125/2016 at the village level, the administrative validity of UNHCR Mandate Card in local bureaucratic transactions, and the dynamics of community securitization and spatial management; systematic document analysis of primary legal texts, UNHCR field records, inter-agency correspondence, and journalistic documentation; and non-participant observation using a structured protocol to document physical evidence of spatial containment at the former camp site. The research instrument was constructed from a narrative indicator framework that operationalized Joppke's (2003) three citizenship dimension, also bureaucratic labeling and community stigmatization following Zetter (2021), alongside Arendt's ontological markers of rightlessness, specifically the absence of a sovereign obligated actor and the failure of internationally conferred documentation to produce domestic administrative recognition.

Member checking assured credibility by returning entire interview transcripts to both informants for official verification prior to analysis. Transferability was addressed by detailed contextual description, allowing for evaluation of the findings' relevance to analogous non-signatory transit stages. Dependability was maintained by keeping a complete methodological audit trail of all data gathering and analysis choices. Confirmability was obtained by source triangulation, which involved cross-referencing UNHCR population figures, administrative statements from village authorities, and field observations, as well as technical triangulation, which combined interview, documentary, and observational data. Miles, Huberman, and Saldaña (2013) qualitative interactive model was used for data analysis. It consisted of three phases: data condensation through a deductive-inductive coding process that combined theory-derived codes (Joppke's citizenship dimensions and Arendt's rightlessness markers) with inductively generated field codes including "bureaucratic hands-off," "spatial quarantine," "documentary void," and "digital securitization"; data display through thematic matrices mapping governance decisions to their spatially manifested consequences; and iterative conclusion drawing and verification against the full evidential corpus.

RESULTS AND DISCUSSION

1. Bangladesh as the Origin of the Rightlessness Continuum

The research results presented in this section are "clean" results. Data analysis processes, such as statistical calculations and hypothesis testing, do not need to be presented. Only the results of the analysis and the results of the hypothesis testing need to be reported. The research results can be supplemented with tables and figures to clarify the verbal presentation of the research results. Tables and figures must be commented on or discussed.

The Rohingya's sense of injustice is not spontaneous nor confined. Instead, it is a long-term, international cycle of exclusion that starts with their systematic disenfranchisement in Myanmar and is then strengthened in transit nations (Kaveri & Rajan, 2022). The Burma Citizenship Law of 1982 deprived the Rohingya of their citizenship—not as an isolated administrative act, but, as Brinham (2025) argues, as a calculated component of a broader genocidal process rather than merely a precondition for it. This state-driven legal erasure forced the Rohingya out of the Westphalian nation-state system, setting in motion a recurring cycle of displacement rather than a single, linear catastrophe (Bhattacharjee, 2024). The Rohingya were left vulnerable to the unchecked

power of sovereign nations as a result of this legal exclusion, which created the structural paradigm Hannah Arendt defined as the loss of a political community (Zampolli, 2025).

Joppke's (2003) tripartite framework of citizenship offers one way of tracing the methodical destruction of status, rights, and identity in the Rohingya case. Under the 1982 Law, the Burmese government denied the Rohingya formal status, reclassifying them as "illegal Bengali immigrants" and severing their access to rights and identity alike (Bhattacharjee, 2024; Kaveri & Rajan, 2022). This exclusion was not the product of a single legal act but the culmination of a gradual, decades-long process of ethnicizing Myanmar citizenship around a state-ascribed list of "national races," or Taingyintha, from which the Rohingya were excluded. As a result of this exclusion, the Rohingya were reduced to a condition of rightlessness in Arendt's sense: deprived of political meaning, abandoned by the state, and rendered legally non-existent (Kaveri & Rajan, 2023).

Bangladesh, especially the congested refugee camps of Cox's Bazar, became the first choice for millions of Rohingya in order to survive. Bangladesh served as a secondary location of confinement and ongoing rightlessness rather than facilitating political reintegration or legal restoration (Kaveri, 2020). Concerned about long-term demographic absorption, Bangladesh, a non-signatory to the 1951 Convention Relating to the Status of Refugees, implemented a stringent, security-focused strategy to camp administration (Bhattacharjee, 2024; Kaveri & Rajan, 2022). This securitizing narrative did not emerge all at once, however: it hardened in successive waves across the decades since Rohingya first sought refuge in Bangladesh, sharpening further with each new influx. By the time of the most recent large-scale arrivals, officials routinely depicted the Rohingya as a "national security threat," an economic "burden," and a source of regional instability (Girinoto, 2024).

The introduction of drastic, discriminatory policy measures was justified by this securitization process (Girinoto, 2024). The Bangladeshi government launched contentious relocation schemes to the isolated island of Bhasan Char, severely restricted refugees' physical movement, and denied them access to official job markets and public schooling. The Rohingya suffered from "suspended rightlessness" as a result of this confinement strategy. A dangerous and unstable situation resulted from the Rohingya's complete suspension of their right to political, legal, and civil rights, notwithstanding the fact that foreign humanitarian organizations only offered little physical nourishment (Kaveri & Rajan, 2023).

Significant push factors in the Cox's Bazar camps were structural confinement and physical insecurity, which were exacerbated by the rise of criminal syndicates centered in the camp and dwindling foreign financing. Thousands of refugees were forced to make perilous maritime voyages across the Bay of Bengal and the Andaman Sea due to the lack of opportunities for a dignified existence. Their later entrance in Indonesia, namely in Aceh and North Sumatra, is a clear continuation of this international chain of rightlessness. These marine asylum seekers do not find a neutral legal environment upon arrival. Rather, they are faced with a transitory state whose legal and sociopolitical institutions mirror and strengthen the discriminatory systems they left behind (Al Imran, 2022).

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and North Sumatra, is a clear continuation of this international chain of rightlessness. On arrival, these asylum seekers do not find a neutral legal environment; instead, they encounter a transitory state whose legal and sociopolitical institutions mirror and reinforce the very discriminatory systems they had fled (Al Imran, 2022).

2. Multiple Dimensions of Rightlessness at the Local Level

The Rohingya refugee scenario in Karang Gading, Labuhan Deli, Deli Serdang, North Sumatra, exemplifies a multifaceted, intricate system of injustice. According to actual facts, being rightless in this scenario does not imply a lack of humanitarian sympathy. Instead, it highlights a significant structural disparity between official international recognition and the real ability to enforce rights inside the host state's internal administrative frameworks. The 157 refugees who arrived at Karang Gading on 30 December 2023 triggered administrative uncertainty over how to process an unrecognized legal category, and a social reaction from host communities that shifted over time from solidarity to resistance, both examined in turn below (Silalahi et al., 2024).

According to Lund (2023), localized rightlessness happens when formal recognition in one system does not imply practical rights in other systems that govern daily life. In a similar vein, Nisrina and Najicha (2024) argue that stateless people are fundamentally vulnerable because of the gap between state and international recognition, as fundamental rights are mediated by administrative institutions that do not recognize their status. This structural separation is best demonstrated by the refugees in Karang Gading.

The duality of recognition systems is the most prominent element of rightlessness among Karang Gading refugees. When Rohingya refugees arrive, they are registered in UNHCR's Biometric Identity Management System (BIMS) and verified by UNHCR. This results in the issuance of the "UNHCR Mandate Card." This certificate, which validates the holder's status as an asylum seeker or a recognized refugee under international law and affords vital protection against refoulement, serves as a *de facto* legal passport within the global humanitarian framework.

Presenting this global literature within Indonesia's specific administrative framework highlights a critical structural problem. Indonesia is not a member of the 1951 Refugee Convention, hence the UNHCR Mandate Card is not legally or officially valid inside the domestic administrative framework. The Card is not legally obliged to be recognized or acknowledged as authentic identification by local village authorities, civil register officers, or law enforcement agencies (Datu et al., 2026). Due to this discrepancy, refugees are legally invisible in day-to-day transactions due to persistent administrative exclusion at the local level.

Hannad Arendt's criticism of human rights is shown by this administrative standstill. Human rights, which are universal and unalienable, lose their significance when a person loses his citizenship or political community (Kaveri & Rajan, 2022; Zampolli, 2025). Despite its worldwide humanitarian authority, the UNHCR Mandate Card is useless when it comes to the nation-state's legal sovereignty. The state continues to be the exclusive guardian of rights: the refugee's theoretical "rights to have rights" is essentially invalidated in the absence of official citizenship protection (Zampolli, 2025). They become legally invisible as a result of the mandate card, which paradoxically confirms their political exclusion and affirms their abstract humanity.

Severe limitations on one's ability to move around and engage in the economy are the second aspect of rightlessness. Regulations in Karang gading's temporary shelter system

severely limit movement outside the camp boundaries and forbid both official and informal jobs, leaving residents entirely dependent on outside aid from the IOM and UNHCR. While food and basic medical care are provided by humanitarian organizations, this institutional impediment to “productive activity”—which is defined as self-sustaining employment or entrepreneurship—confines refugees to what political scientists refer to as “humanitarian limbo.” Physical survival is ensured in this situation, but the intellectual, social, and financial resources essential for a dignified and meaningful living remain inaccessible (Aleinikoff & Zamore, 2019).

Examining shifting social realities at the grassroots level is required to have a comprehensive understanding of how rightlessness is created locally, beyond administrative complaints. The Karang Gading migrants' experiences represent a significant socio-spatial transformation. During the initial phase on Kuala Besar Island, an isolated and desolate location where the refugees lived for almost eight months after landing, the physical conditions were extremely poor. There was no formal sanitation, power, or clean water accessible for refugees.

Despite tremendous physical difficulty, the early period was marked by impromptu and unofficial community togetherness. Motivated by compassion and shared religious values, local fishermen and peasants from adjacent areas provided immediate food help, clothing, and basic fishing equipment. Refugees were able to supplement their diet by fishing for themselves owing to this help. This type of localized, vernacular humanitarianism operated as an unofficial safety net, providing refugees with de facto, temporary rights to remain and prosper in the community.

This tenuous unity evaporated in the second phase, when the refugees were relocated to an organized temporary shelter within a palm plantation near Karang Gading. Despite substantial improvements in physical circumstances, such as structured tents, separated family rooms, clean toilet facilities, and frequent health visits from the IOM-funded local community health center (*Pusat Kesehatan Masyarakat*, or *Puskesmas*), the socioeconomic milieu remained increasingly hostile. The shelter's proximity to neighboring villages, combined with the awareness that the temporary stay would very certainly continue for months or years, generated strong grassroots opposition.

Securitization was the driving force behind the shift from informal hospitality to deliberate social rejection. According to securitization theory, exceptional and exclusive actions that would otherwise be undesirable are justified when a sociopolitical issue is discursively presented as an existential danger (Girinoto, 2024). The public narrative of the Rohingya was methodically changed in North Sumatra by regional politicians, local community leaders, and internet actors (Silalahi et al., 2024). The Rohingya were depicted as a serious security and demographic danger to the host society rather than as defenseless victims of a humanitarian disaster deserving of support (Girinoto, 2024).

This discursive change was considerably accelerated by digital networks, notably social media platforms, which became polarized forums for war-framing and xenophobic propaganda (Fitrah et al., 2025). Arisanty et al. (2026) investigate how these platforms' algorithmic architecture, notably filter bubbles and echo chambers, facilitates the transmission of highly emotive, unsubstantiated hoaxes and hate speech (Fitrah et al., 2025). In the case of the Rohingya, internet spaces were swamped with narrative that portrayed migrants as invaders, colonizers, or economic opportunists intended to change local demography and drain public funds. This digital securitization generated a polarized us-versus-them duality that quickly appeared in physical reality (Girinoto, 2024).

Fearing social envy, villagers launched rallies demanding the immigrants' urgent deportation (Silalahi et al., 2024). Local village officials, together with regional police and military, were forced to deploy 24-hour security to avert violent conflict between the host community and shelter inhabitants. This societal rejection effectively stripped migrants of their existential right to occupy public spaces. These findings demonstrate how grassroots security and social hostility may effectively prevent and reduce formal legal protection. Even if foreign organizations offer basic physical comforts, the social quarantine imposed by the hostile host community leaves the refugees severely isolated, limited to their tents, and forbidden meaningful participation in the surrounding social sphere.

Chiara Zampolli (2025) distinguishes between the provision of basic needs in temporary shelters, which is reactive and based on goodwill, and the fulfillment of rights, which is structural and legally enforceable. Refugees in Karang Gading received aid not because they had legally enforceable rights, but because various actors utilized their discretion in providing assistance. This distinction is critical to the rightlessness addressed in this study: when protection is discretionary rather than rights-based, its continuity and certainty cannot be guaranteed, leaving refugees perpetually vulnerable to abrupt political and social upheavals

3. The National Citizenship Regime as a Mechanism of Exclusion

Understanding the structural exclusion experienced by refugees at the local level requires a critical examination of the national policy architecture that produces and legitimizes such exclusion. While previous academic literature has used the term "Multilevel Citizenship" to describe interactions between local governments, the central state, and international organizations such as the UNHCR, empirical data from Karang Gading, North Sumatra, demonstrate that this framework is fundamentally flawed and theoretically incorrect. Instead of a coordinated, multi-layered system of citizenship or rights distribution, the observed conflicts and paralysis between the Central Government, the Deli Serdang Regional Government, and UNHCR demonstrate a profound multilevel governance failure rooted in the architecture of the Indonesian national citizenship regime.

The normative duties of each actor have been established: the central government bears primary responsibility under *Perpres* 125/2016 and *jus cogens* obligations; regional governments have coordination duties under *Perpres* Article 6 and Law 23/2014; and the UNHCR has a protection mandate under its 1950 Statue. However, the Karang Gading instance demonstrates systemic underperformance at all three levels. The central government, which has sole legal authority over refugee status and immigration, did not deploy an inter-ministerial coordination task force as required by *Perpres* 125/2016 Articles 8-11, did not the State Budget or the National Budget (*Anggaran Pendapatan dan Belanja Negara*, or *APBN*) funds for shelter provision in Deli Serdang, and did not allocate respond formally to UNHCR's documented evidence that sandbar conditions fell below minimum humanitarian standards (Kompas TV, 2024). The regional government, which was assigned physical coordination duties but lacked both the legal authority to determine status and the fiscal capacity to fund adequate facilities, resorted to sandbar confinement, not as deliberate cruelty, but as the only administratively available response to a delegated responsibility in the absence of delegated resources. UNHCR, despite its international mission, was unable to coerce state cooperation; its Mandate Card has no domestic legal authority inside Indonesia's administrative system, and its repeated formal demands for adequate temporary housing went unfulfilled for months. The result is a triangular institutional void in which the central government retains exclusive authority while withdrawing from operations, the

regional government bears operational exposure without power or capacity, and the international organization holds normative legitimacy without enforcement power, allowing every actor to legitimately claim that protection is not their legal responsibility, while no actor is simultaneously empowered and obligated to deliver. This structural imbalance is precisely what causes rightlessness, not by mistake, but as an institutional effect.

Citizenship is defined as a stable, legally binding connection of mutual rights and duties between an individual and a sovereign state. According to Joppke (2010), citizenship regimes are not arbitrary, but rather the outcome of historical struggles between universal inclusion and the specific demands of sovereign political communities. In Indonesia, constitutional law gives the unitary state sole jurisdiction to define, award, and govern citizenship and nationality rights at the national level. According to Susdarwono (2022), the principles of status determination, notably *ius soli* and *ius sanguinis*, are rigidly codified to protect state sovereignty and national security. There is no legislative framework for “regional” or “multilevel” citizenship, allowing local governments to give alternate kinds of political membership over legal rights to non-citizens. This legal monopoly is a purposeful method for preserving national boundaries.

Indonesia’s exclusionary refugee policy is largely founded in its refusal to sign the 1951 Refugee Convention and its 1967 Protocol. This decision is not a passive one, but rather reflects thorough considerations of state sovereignty, administrative capability, and the long-term repercussions of possibly infinite refugee flows (Muttaqin, 2024; Nisrina & Najicha, 2024). According to Janmyr (2018), the majority of non-signatory governments in the Asia-Pacific area have taken similar stances, claiming a lack of welfare systems capable of facilitating integration and worries that ratification may encourage higher refugee admissions. Indonesia, like many poor nations, has a structural dilemma: it bears global protection responsibilities while operating with insufficient financial and institutional capacity (Aleinikoff & Zamore, 2019). Indonesia's non-ratification should be regarded as part of a greater regional problem, rather than an isolated aberration, even though the consequences for individual refugees are nonetheless terrible.

To address the lack of a convention-based framework, the Indonesian government enacted *Perpres* 125/2016. This regulation was a significant formal advancement because it established a domestic legal framework, implemented mechanisms for refugee identification, accommodation, and interagency coordination, and formalized collaboration with international organizations such as UNHCR and IOM (Amiludin & Sinta, 2024; Bintarawati et al., 2023; Izzurrahman et al., 2026). However, *Perpres* 125/2016 is primarily a measure for managing refugees in transit, not a comprehensive rights-protection instrument. Legal and policy academics have identified structural restrictions, such as a lack of pathways to long-term legal status, formal employment rights, and access to public services equivalent to those available to citizens (Syahrin et al., 2024; Wahyudi, 2025). This difference is not usually completely acknowledged in field-level implementation.

More crucially, *Perpres* 125/2016 did not establish hierarchical or functional multilevel governance structures capable of translating national policy goals into local action. Instead, it produced a structural conundrum by transferring technical, physical, and logistical duties for refugee management to regional governments while preserving all legal, statutory, and fiscal authorities at the central ministerial level. This administrative system resulted in a gray zone of institutional uncertainty. Local governments were required to respond to the immediate presence of stranded refugees, but did not have the constitutional authority to

grant legal status, work permits, or access to public services. Furthermore, they did not get specific support from the national budget (*APBN*) to manage these duties (Amiludin & Sinta, 2024; Wahyudi, 2025).

These structural constraints are exacerbated by significant challenges in implementing policy at the subnational level. According to a UNHCR North Sumatra official, regional government agencies have different interpretations of *Perpres* 125/2016, resulting in uneven execution that is usually dependent on particular local authorities' initiative. Utami (2019) discovered similar patterns in the Riau Islands, where inadequate transmission to local governments led to haphazard and poorly planned responses. Sapada et al. (2023) discovered that methods for recognizing refugees and providing shelter perform better than those for monitoring and enforcing long-term rights. This demonstrates that uneven implementation is a nationwide tendency, not a Karang Gading-specific issue.

4. Inclusive Cosmopolitanism and Exclusive Territorial Sovereignty

The socio-legal experiences of the Rohingya in Indonesia give a solid factual basis for reconstructing modern citizenship theory. In recent decades, liberal political theorists have promoted the concept of Inclusive Cosmopolitan Citizenship, a post-national paradigm that believes that globalization is undermining the conventional Westphalian link between citizenship and the nation-state. According to this paradigm, universal human rights, international humanitarian treaties, and global citizenship education (GCED) create a global moral society in which rights are founded on abstract human dignity rather than geographical bounds (Mulyani et al., 2024). However, the empirical findings of this study provide a compelling counter-narrative, demonstrating that the concept of inclusive cosmopolitan citizenship is structurally weak and subordinate when compared to the entrenched framework of Exclusive Territorial Citizenship (state-centric citizenship). The state continues to be the principal sovereign authority and guardian of substantive rights.

As Hannad Arendt remarked, in the absence of government enforcement, “human rights” become a moral abstraction with no practical application (Zampolli, 2025). The UNHCR and its Mandate Card represent the global humanitarian system, yet they cannot overcome nation-state sovereign territorial exclusion. Universal human rights require a coercive and administrative state infrastructure to be converted into actual safeguards. The Rohingya, as a stateless group, demonstrate this systemic flaw. Without a sovereign state sponsor, their cosmopolitan status is reduced to everlasting rightlessness, with daily existence reliant on the discretionary and unpredictable generosity of host communities and transit countries. This contradiction is clearly addressed in modern scholarly discussions over Indonesian citizenship studies. Mulyani et al. (2024) show that the objective of GCED, which seeks to create peace, universal inclusion, and global solidarity, frequently struggles with the realities of national borders, resource constraints, and exclusive state-centric policies. GCED implementation is significantly hindered by national political and economic constraints, particularly in transit regions with low resources and a strongly protective legal regime.

Arisanty et al. (2026) examine how the expansion of digital “warfaring” and xenophobic echo chambers on social media is threatening the establishment of a cosmopolitan public sphere. These algorithmic networks systematically strengthen exclusive nationalism and a defensive us-versus-them dichotomy, urging local host communities to resist the presence of refugees on the grounds of national identity and security. Although local solidarities are often expected to serve as organic foundations for

universal solidarity, the empirical reality of the Rohingya in Karang Gading shows that when regional communities experience economic anxiety, local solidarity is quickly abandoned in favor of exclusive territorial protection.

Ultimately, the Rohingya instance in Indonesia demonstrates that the global inclusive cosmopolitan citizenship model is a fragile and mostly unfulfilled ideal. Unless the international legal system creates mechanisms requiring sovereign nations to decouple the enforcement of substantive socioeconomic and legal rights from geographical citizenship, stateless people will continue to be without rights. These communities will remain on the periphery of the global system, supported by humanitarian aid but barred from political engagement within sovereign states.

CONCLUSION

The empirical findings demonstrate that Rohingya refugees' rightlessness in Karang Gading is not a passive result of regulatory absence, but rather an actively manufactured and spatially exhibited outcome of systemic, multi-tier bureaucratic fragmentation and digital securitization. This rightlessness is concretely articulated through physical isolation and social quarantine, motivated by digital "warfaring" and localized mobilizations that deprive refugees of their existential right to public space. Localized exclusion is vertically produced because the global humanitarian framework, exemplified by the UNHCR Mandate Card, lacks domestic legal validity in Indonesia, and the national transit policy under *Perpres* 125/2016 fails to translate basic administrative protections into enforceable sociopolitical rights. The delegation of substantial logistical and security responsibilities to regional governments, without accompanying legal authority or fiscal resources, produces an administrative vacuum that reduces abstract human rights to insignificance at the micro-level. These findings confirm the central theoretical argument: applying Christian Joppke's (2010) tripartite citizenship framework reveals that the denial of status at the domestic level renders the rights and identity dimensions structurally inaccessible, while Hannah Arendt's ontology of rightlessness explains why the absence of a sovereign obligated actor, despite the presence of international humanitarian documentation, confines refugees to a condition of political non-existence. Together, these frameworks map the precise mechanisms by which macro-level legal exclusions are translated through bureaucratic processes into localized, physical spaces of containment.

The Karang Gading case reshapes the broader literature on citizenship studies in non-signatory, postcolonial states by demonstrating that interactions between local, national, and international actors do not produce an emerging "multilevel citizenship," but instead reveal a profound "multilevel governance failure"—one rooted in a triangular institutional misalignment in which legal authority, operational responsibility, and fiscal capacity are systematically distributed across levels without complementarity. This finding illuminates how post-colonial transit states strategically deploy administrative liminality and spatial quarantine to maintain sovereign boundaries, effectively suspending stateless populations in a condition of permanent rightlessness that forestalls long-term demographic and political integration. To address these structural deficiencies, Indonesia should transition from ad hoc administrative decrees to a comprehensive legislative refugee protection framework that explicitly defines intergovernmental fiscal obligations, clarifies the legal authority of sub-national administrations in refugee management, and establishes enforceable standards for temporary shelter and basic service provision. Regional governments are further encouraged to integrate digital literacy and community-based inclusion programs to counteract digital xenophobia and rebuild the vernacular solidarity observed during the initial phase of the

Karang Gading response. Future research should build on these conceptual findings through comparative analyses of localized refugee governance in other non-signatory transit states in the Global South, longitudinal investigation of digital securitization's effects on sub-national policy implementation, and the incorporation of direct refugee narratives to examine how displaced populations negotiate informal rights and assert agency within fragmented administrative environments.

DECLARATIONS

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The data presented in this study are available from the corresponding author upon reasonable request. Access to interview transcripts and related research materials is restricted to protect participant confidentiality and anonymity, as some information was provided under conditions of non-disclosure and off-the-record communication. Publicly available documents used in the analysis can be found in the references cited throughout the article.

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The authors used AI-assisted tools during the preparation of this manuscript to refine language and improve structural organization. All substantive intellectual content—including conceptualization, data collection, analysis, interpretation, and conclusions—was generated by the authors. The authors take full responsibility for the integrity and accuracy of the published work.

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