

Managing Refugee and Asylum-Seeker: Legal and Institutional Frameworks in Malaysia and Indonesia

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Abstract. Refugee and asylum seeker conflicts in Southeast Asia, particularly in Malaysia and Indonesia, have become a pressing issue due to ongoing conflicts, statelessness, and irregular migration. Although both countries are major destinations and transit points, neither has a national refugee law, nor is either a signatory to the 1951 Refugee Convention and its 1967 Protocol. This legislative gap creates a patchwork of policies, unequal protection, and an overreliance on global agencies such as the United Nations High Commissioner for Refugees (UNHCR). Consequently, refugees and asylum-seekers face problems such as prolonged detention, limited access to education, healthcare, formal employment, and increased risk of exploitation and human rights abuses. The research highlights the patterns of refugees and asylum seekers in Indonesia and Malaysia, identifies areas of legal and institutional vulnerability, and advocates for the adoption of comprehensive refugee legislation, the establishment of dedicated national agencies, and enhanced inter-agency cooperation to promote a rights-based approach to refugee protection. It also calls for greater regional collaboration within ASEAN, more equitable burden-sharing, and community-based integration programmes to offset socio-economic and political challenges. Based on the experiences of Malaysia and Indonesia and their shared difficulties, this research charts a path towards a more standardised, humane, and sustainable approach. Ultimately, establishing robust legal and institutional frameworks is crucial not only for upholding international human rights standards but also for fostering regional stability and social cohesion in addressing Southeast Asia's complex displacement challenges.

Keywords: Legislation, Management, Policy, Protection.

1 Introduction

1.1 Background and Significance

The issue of refugees and asylum-seekers in Southeast Asia is drawing increasing international attention due to ongoing regional conflicts and human rights concerns. Malaysia and Indonesia are key transit and destination countries hosting large populations of refugees, mainly from Myanmar. As of May 2025, approximately 200,260 refugees and asylum-seekers are registered with the UNHCR in Malaysia. Around 179,020 of them are from Myanmar, including about 117,670 Rohingya, 29,620 Chins, and 31,730 individuals from various other ethnicities affected by

conflict or persecution in Myanmar. The remaining roughly 21,230 refugees and asylum-seekers originate from 50 countries, fleeing war and persecution, including approximately 5,650 Pakistanis, 3,050 Yemenis, 2,780 Somalis, 2,770 Afghans, 2,520 Syrians, 1,030 Sri Lankans, 500 Palestinians, 440 Iraqis, and others. Men constitute about 64% of refugees and asylum-seekers, with women making up the remaining 36%. There are approximately 59,250 children under 18 [1].

Meanwhile, in Indonesia, as of April 2025, there are approximately 12,098 UNHCR-registered refugees, of whom 69% are adults and 29% are children. Of the adults, 72% are male and 28% are female. Between January and December 2023, 1,752 Rohingya refugees arrived by sea in 11 boats at various locations in Aceh and North Sumatra. The remaining roughly 10,543 refugees and asylum-seekers include about 5,980 Afghans, 2,063 Myanmar nationals, 1,170 Somalis, 536 Iraqis, 449 Yemenis, and others. Of the 3,555 children registered with UNHCR, 227 are unaccompanied by a parent or another adult relative, and 106 are separated from their parents [2].

The presence of these vulnerable groups shows an urgent need for laws and systems to ensure their protection and humane treatment [3]. This issue is critical because it involves international law, national sovereignty, and humanitarian principles.

Although international legal frameworks, particularly the 1951 Refugee Convention and its 1967 Protocol, generally safeguard refugees, Malaysia and Indonesia have not signed these agreements. Nevertheless, both countries must adhere to the principle of non-refoulement under customary international law, which prohibits their return of refugees to places where they face a risk of harm. This legal gap hampers the protection of refugees' rights since national laws lack clear provisions regarding their status, safety, and integration. Refugees in these countries face risks of detention, deportation, and exploitation without formal legal protections or access to social services.

1.2 Overview of Refugee and Asylum-Seeker Situations in Malaysia and Indonesia

Data on refugee numbers by country, resettlement statistics, and detention figures:

Table 1. UNHCR (2025). Operational data portal – Refugees in Malaysia and Indonesia. Retrieved from <https://data.unhcr.org>

Category	Malaysia	Indonesia
Refugees & Asylum Seekers	200,260 (as of May 2025)	12,098 (as of Apr 2025)

Category	Malaysia	Indonesia
Main Origins	Myanmar (179,020); Rohingya 117,670; Chin 29,620; Other groups 31,730. Other countries (21,230): Pakistan 5,650; Yemen 3,050; Somalia 2,780; Afghanistan 2,770	Afghanistan 42%, Myanmar Rohingya 22%, Somalia 11%
Demographics	64% male, 36% female; ~59,250 children under 18	Not detailed
Legal Status	Not a 1951 Refugee Convention signatory; refugees considered “illegal immigrants”	Not a 1951 Refugee Convention signatory; temporary stay allowed; UNHCR handles status determinations
Resettlement Opportunities	Very limited (<1% worldwide resettlement rate)	Limited but structured process
Resettlement Numbers	>88,500 resettled (2008–mid-2020); declining since COVID-19	Jan–Feb 2025: 137 (19 sponsorship); 2024 (to July): 542 (52 sponsorship)
Protests/Advocacy	None highlighted	Aug 2024: Refugee protests demanding citizenship or resettlement
Immigration Detention	12,435 detainees (Dec 2023); 11,068 (May 2023, incl. 969 children)	Multiple detention centres; thousands detained (2020 data)
Children in Detention	1,382 (Sept 2023), incl. 679 unaccompanied/separated	Data not detailed
Deaths in Detention	153 in 2022 (incl. 7 children)	Not specified

Category	Malaysia	Indonesia
Conditions	Overcrowding, poor sanitation, inadequate healthcare, physical abuse	Conditions described as poor/terrible
UNHCR Access	Denied since 2019	UNHCR involved in status determination; access not specified
Infrastructure	National detention system, heavily criticized	Some facilities funded by IOM; influenced by Australian migration policies

In Malaysia, refugees and asylum-seekers mostly live in a legal grey area. Their lives depend on temporary measures and makeshift solutions. The Malaysian immigration law, i.e. Immigration Act 1959/63, does not recognize refugee status, and this results in problems like arbitrary detention and deportation of vulnerable people. The victims and witnesses of judicial proceedings are also covered. Indonesia shelters a significant number of refugees who have migrated from Myanmar and other areas of conflict, but it does not have an orderly mechanism for addressing them [4]. This gap complicates their identification, registration, and proper protection. Both nations face challenges in balancing their need to secure their borders with their obligations to assist those in need.

1.3 Purpose and Scope

This research addresses the situation of refugees and asylum seekers in Malaysia and Indonesia. It examines the need for legal reforms and stronger institutions, while contextualising the regional humanitarian crisis. It identifies legal gaps, issues arising from unclear refugee laws, and the need for a central framework to allow effective protection and coordination. Moreover, the research stresses the shift from ad hoc practices towards a rights-based model that aligns with international standards, such as non-refoulement and the right to asylum.

Finally, the research highlights that institutional and legal reforms are essential for addressing urgent humanitarian needs and boosting Malaysia's and Indonesia's reputations worldwide. It also reaffirms their commitment to justice and the rule of law.

2 Contextual Overview

2.1 Historical Migration and Refugee Flows in Southeast Asia

Southeast Asia has been a significant region of migration due to its colonial history, regional wars, economic opportunities, and political factors. Migrants who crossed borders have reshaped the region's population and society for centuries. During the Cold War, massive amounts of refugees escaped from Vietnam, Cambodia, Laos, Myanmar, and other conflict zones [5]. The Vietnam War also compelled large numbers of Vietnamese to seek asylum in Malaysia and Indonesia, neither of which had any formal refugee protection law on its statute books at the time. Ongoing conflicts, such as the Myanmar civil wars and unrest in Southern Thailand, continue to create new generations of asylum-seekers, often ethnic minorities who are fleeing persecution. These historical flows of migration have shaped Southeast Asia's intricate refugee landscape, underscoring the need for regional cooperation.

2.2 Current National Policies and Practices

Historically, Malaysia and Indonesia have not officially recognized refugees. In Malaysia, refugees are viewed as foreigners without legal status and are often called illegal migrants. They risk detention, deportation, and exploitation. The UNHCR operates in Malaysia under a memorandum of understanding. It offers registration and limited protection services, but no formal legal recognition. Indonesia's policies are also reactive. While the country acknowledges the role of the UNHCR and offers temporary asylum, there is no formal refugee law. Presidential Regulation No. 125/2016 recognises the presence of refugees but lacks in their legal protection, leaving many in legal limbo. Both countries often detain and return irregular migrants, including refugees [6],[7],[8]. This situation emphasizes the need for changes.

2.3 Regional and International Legal Frameworks Applicable to Refugees

There are no binding regional instruments regarding the protection of refugees, but Southeast Asia has become a party to several international conventions on the topic. Two significant ones are the 1951 Refugee Convention and the 1967 Protocol. However, Malaysia and Indonesia are not signatories to these and thus have only limited legal obligations. The ASEAN Human Rights Declaration does recognize the right to asylum, but without enforceable action. The ASEAN Declaration on Human Rights is silent on refugees, reflecting the region's reluctance to make legally binding commitments. International organizations like the UNHCR play an important part in furnishing legal protection and support to governments. The international system emphasizes the need for durable solutions, such as resettlement, local integration, and voluntary repatriation. Regionally, however, coordination is minimal. Malaysia and Indonesia need to implement legal and institutional frameworks consistent with international norms.

3 Challenges Faced By Malaysia And Indonesia

3.1 Lack of Comprehensive Legal Recognition

In Indonesia, the Constitution and certain laws provide limited recognition of asylum rights. However, they do not offer complete protection for refugees, resulting in gaps and inconsistencies in enforcement [9]. In Malaysia, refugees are labelled as “illegal migrants” under the Immigration Act. There is no difference between undocumented migrants and asylum seekers. UNHCR recognition provides a *de facto* status but does not offer legal protection[10].

3.2 Limited Institutional Capacity and Resources

In Malaysia, the absence of a domestic framework results in a reliance on the UNHCR and NGOs for refugee services, including education, healthcare, and advocacy. This primarily affects individuals from Africa, the Middle East, and Central Asia. In Indonesia, the resources are also limited. There are about 13,700 refugees who have no access to work, education, or health. The majority live in vulnerable conditions while waiting for resettlement [11],[12].

3.3 Issues Related to Detention, Deportation, and Human Rights

Both countries tend to detain refugees under immigration legislation. Detention is widespread in Malaysia, even for registered refugees, resulting in extended detention in poor conditions. There are reports from some detainees waiting over five years, fighting disease outbreaks and little supervision. In Indonesia, refugees without UNHCR status can also face the same fate, including the denial of public services, random detention, and the possibility of deportation.

3.4 Socio-Economic and Political Implications

Malaysian and Indonesian refugees lack legal entitlements to work, education, and access to basic services. This keeps them within the shadows of the informal economy and perpetually in poverty. The ban on employment affects about 30% of the refugees, worsening economic hardship and mental trauma. Most refugee children are not formally educated, even though they are registered in community learning centres. They cannot access healthcare despite UNHCR arranging lower fees. In Indonesia, perpetual uncertainty and prohibition of work lead to economic deprivation and psychological torment.

Regionally, ASEAN lacks a legally enforceable framework for refugee protection. Both countries are members of the Bali Process, an informal regional initiative that aims to share information and reach collaborative agreements on shared methods for addressing irregular migration [13]. It lacks enforcement authority and clear commitments towards the protection of refugees, yet it has no established legal norms. Since there are no clear legal norms, efforts are uncoordinated, reactive, and therefore irregular.

Overall, Malaysia and Indonesia are faced with intertwined issues of hosting refugees and asylum-seekers. These are premised on an absence of legal status, weak institutional systems, ineffective detention strategies, socio-economic marginalization, and deficient regional coordination. To implement a more sustainable and humane strategy, the two countries must amend their legislation to establish refugee rights, develop institutional capacity, safeguard basic rights, establish socio-economic inclusion mechanisms, and foster greater regional cooperation within ASEAN.

4 Importance Of Strong Legal And Institutional Framework

The increase in the number of refugees and asylum seekers in Southeast Asia, and particularly in Malaysia and Indonesia, signifies the need for an effective legal and institutional framework to address these individuals. This is required to protect the rights of the refugees and maintain regional stability. It also helps to respect international commitments and promote the integration and sustainability of refugees.

4.1 Protecting Refugee Rights and Ensuring Safety

A sufficient legal and institutional framework is necessary to protect the basic rights of asylum seekers and refugees. Refugees in Indonesia and Malaysia are exposed because they do not have formal legal status. This limits their access to health, education, work, and protection from abuse or exploitation [14]. Without clear legal protection, refugees are at risk of detention, deportation, or discriminatory treatment against international human rights standards.

Clear legislation that provides refugee status and their rights can promote their well-being and safety. The Refugee Convention of 1951 and the 1967 Protocol establish international legal standards that outline refugee rights, including protection from refoulement, access to courts, and social assistance [15]. Implementing these standards at the state level provides refugees with legal protection. This creates a secure environment and reduces the risk of human rights violations.

4.2 Improving Regional Stability and Cooperation

Regional stability will be shaped by how neighbouring nations handle refugee crises. Collective action within a common legal and institutional framework will promote stability through reduced irregular migration, averting conflicts, and building confidence among ASEAN members. Malaysia and Indonesia, the major host countries of refugees from Myanmar, the Middle East, and other places, would greatly benefit if all of them had coordinated policies in handling the drivers of displacement and hosting refugees appropriately [16].

Regional cooperation can be achieved through multilateral and bilateral commitments, cooperative task forces, and exchange forums. These programs can facilitate the monitoring of refugee movement, coordination of relief actions, and the dismantling of trafficking and smuggling syndicates. The ASEAN Agreement on Disaster Management and Emergency Response (AADMER) is a manifestation of regional cooperation initiatives that can be replicated in dealing with refugees [17].

An institution that promotes cooperation not only enhances regional security but also demonstrates a shared interest in human rights and an equitable distribution of resources.

4.3 Meeting International Obligations (e.g., 1951 Refugee Convention)

It is essential for Malaysia and Indonesia to comply with international law. It would help them to reinforce their own refugee legislation and maintain international standing. The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol are significant tools that define the rights and protections to which refugees are entitled. Since both countries are geographically near conflict zones and have not ratified the Convention, they cannot apply refugee protections within their own territories [18].

The presence of an international-standard legal framework demonstrates a state's dedication to international human rights and law. It also provides clear guidance to government officers, NGOs, and refugees on their procedures, duties, and rights. Furthermore, meeting international obligations is a mechanism for ensuring access to international financial and technical assistance, which is vital to institution-building.

4.4 Supporting Integration and Self-Reliance of Refugees

Refugee self-sufficiency and integration need a strong legal and institutional framework. Legally resettled refugees who can access work, education, and social services are more likely to become self-supporting and integrate with the host population [19]. This decreases reliance on humanitarian assistance and social tensions.

Opportunities for legal integration, such as obtaining residence and work permits, are a crucial aspect of a successful approach. Besides, organized institutions for tackling the problems of refugees, e.g., government ministries or councils of refugees, can be assigned service provision, encourage active community participation, and monitor progress. These measures foster long-term social cohesion, economic engagement, and stability among host communities and refugees.

Thus, Indonesia and Malaysia need to have a firm legal and institutional framework for addressing asylum seekers and refugees. It upholds the protection of refugees' rights and safety, maintains regional stability through collaboration, ensures that national policies are compatible with international commitments, and promotes the integration and self-sufficiency of refugees. As displacement crises are increasingly widespread at the global and regional levels, international law and policymaking for regional cooperation are both a moral necessity and a necessary measure to deliver lasting peace and development.

5 Components of An Effective Legal Framework

5.1 Recognition of Refugee Status and Asylum Procedures

The lack of domestic asylum procedures in Malaysia and Indonesia has created enormous vulnerabilities. Refugees, especially the Rohingya, sail into Aceh, Indonesia, or along the northern coasts of Malaysia illegally. In December 2023, for example, more than 1,000 Rohingya refugees landed in Aceh. This strained local resources and prompted protests by locals who were tired of the constant arrivals [20]. These circumstances highlight the imperative of current asylum plans that provide legal certainty and reduce political or demand-driven responses.

5.2 Establishment of Legal Rights and Protections

The lack of legal rights exposes refugees to exploitation. In Malaysia, Rohingya refugees often work informally in construction and agriculture, risking wage theft and unsafe working conditions [21]. In Indonesia, Rohingya refugees face barriers to securing formal employment, which causes many to rely on support from UNHCR or IOM [22]. By granting legal rights, such as temporary work permits, both countries could reduce labour exploitation and help address local labour shortages.

5.3 Clear Guidelines on Detention, Deportation, and Resettlement

Rohingya refugees in Malaysia have faced cycles of arrest and detention, with reports of children being held alongside adults in overcrowded centres [21]. In contrast, Indonesia has gradually moved from detention to community-based housing. However, these facilities often function like semi-detention centres, limiting movement and opportunities for self-reliance [23]. Case studies show the humanitarian impact of unclear detention policies and emphasize the urgent need for transparent, humane guidelines.

5.4 Integration Policies and Access to Services

Malaysia hosts around 185,000 UNHCR-registered refugees, most of whom are Rohingya [24]. However, access to healthcare remains limited, and education mainly relies on NGO-operated “learning centres.” Similarly, Rohingya children in Aceh depend on community-managed informal schools, with no path into the national education system [20]. These situations underscore the need for state-led integration policies that ensure access to essential services.

6 Institutional Framework Development

6.1 Creation of Dedicated Refugee Agencies or Units within Existing Institutions

The ongoing Rohingya boat landings in Aceh highlight the lack of a national refugee management body in Indonesia. Local authorities often feel overwhelmed and must rely on informal coordination with UNHCR and IOM [22]. In Malaysia, the absence of a refugee-focused institution has led to broken enforcement. The Immigration Department treats refugees as undocumented migrants [25],[26]. Setting up dedicated agencies would reduce the need for emergency responses and improve governance.

6.2 Inter-Agency Coordination Mechanisms

During the 2015 Andaman Sea crisis, thousands of Rohingya and Bangladeshi migrants were stranded at sea. Initially, Malaysia and Indonesia turned away boats. Under international pressure, they later agreed to provide temporary shelter [27]. This situation showed significant gaps in inter-agency and inter-state coordination. It is important to establish mechanisms for inter-ministerial cooperation to prevent future humanitarian crises.

6.3 Role of International Organisations

International organisations play a key role in immediate response efforts in Aceh. When the Rohingya landings happened in 2023, the International Organisation for Migration (IOM) and UNHCR coordinated food, shelter, and medical support. Tensions escalated as local communities pressed for long-term solutions [20]. In Malaysia, UNHCR documentation offers refugees limited protection against arrest but does not replace their legal standing under domestic laws [21]. These situations illustrate both the importance and limitations of international organizations.

6.4 Capacity Building and Training Programs

Law enforcement in both countries often lacks sufficient training to effectively handle refugees. In Malaysia, raids on migrant areas have sometimes led to the detention of UNHCR-registered refugees because officers are unaware of the protocols [28]. Improved training and capacity development would help prevent these issues and promote a rights-based approach.

7 Regional And International Cooperation

7.1 ASEAN's Role and Regional Commitments

The 2015 Rohingya boat crisis exposed ASEAN's weaknesses. The principle of non-interference hindered strong regional action, putting too much responsibility on frontline states like Malaysia and Indonesia [27]. This situation underscores the pressing need for ASEAN to enhance its role, potentially through a regional refugee framework or increased commitments under the Bali Process.

7.2 Bilateral Agreements between Malaysia, Indonesia, and Third Countries

Malaysia and Indonesia have often called on resettlement countries—like the United States, Canada, and Australia—to accept more Rohingya refugees. However, resettlement numbers remain low, leaving thousands uncertain [29]. Bilateral and multilateral agreements on resettlement and burden-sharing could ease pressures on host countries.

7.3 Engagement with International Legal Standards and Best Practices

Even though neither Malaysia nor Indonesia is a signatory, they are still bound by the principle of non-refoulement. This was recognized in cases like Malaysia's decision not to force Rohingya boats back in 2015 after international backlash [21]. If they adopt international best practices, such as community-based alternatives to detention and granting work rights, both countries could better meet global humanitarian standards.

The Rohingya refugee crisis in Aceh and Malaysia emphasises the urgent need for effective legal and institutional frameworks. Current methods remain fragmented and overly reliant on international organisations, reacting to emergencies rather than being proactive in governance. Establishing national refugee laws, dedicated agencies, and ASEAN-led regional frameworks is crucial for addressing ongoing humanitarian crises. By embracing international standards and practical lessons, Malaysia and Indonesia can work towards sustainable refugee protection while balancing national security and humanitarian responsibilities.

8 Case Studies and Best Practices

Lessons from other countries with similar contexts:

8.1 Thailand

Thailand's National Screening Mechanism (NSM) operates similarly to those in Malaysia and Indonesia. Although Thailand is not a signatory to the 1951 Refugee Convention, it experiences significant mixed-migration flows. In December 2019, the Thai Cabinet approved the NSM to identify people in need of international protection among other migrants. Since 2020, Thailand has established screening committees and developed criteria and procedures, while the UNHCR has provided support during the transition [30]. Although the implementation is gradual and the roles are still evolving, the NSM demonstrates how a non-signatory country can establish a formal process to reduce arbitrary detention and clarify status without necessitating a complete overhaul of migration laws. For Malaysia, where the UNHCR manages refugee status determination without legal backing, and Indonesia, which relies on executive regulation and UNHCR referrals, the NSM provides a practical example of a cabinet-level instrument, clear leadership, and locally managed procedures [31],[32].

8.2 Turkiye

Turkiye implemented a Temporary Protection (TP) regime in response to a sudden large-scale displacement in 2014. This regulation protects Syrians against refoulement and regulates access to services, including work permits, through specific rules and managed movement between provinces. The TP example demonstrates that a committed legal framework can accelerate fundamental protections and access to services, even amid inconsistency in practice and evolving public attitudes. A TP-style regulation could protect sea arrivals and urban refugees while national asylum systems are established in Southeast Asia, provided there are clear regulations on documentation, movement, and work permits [33],[34].

8.3 Iran

In 2015, Iran's Supreme Leader directed that Afghan children of any legal status could be enrolled in public schools. This measure gave universal access to education and is regarded by UN agencies and researchers as a best practice on inclusive education in resource-constrained environments. In Indonesia and Malaysia, a ministry circular or directive could similarly provide asylum-seeking children with access to the public school system until their status is determined. This would reduce protection risks and future social costs.

8.4 Uganda

Uganda is recognised for its progressive policies, which enable refugees to work, move freely, access land in settlements, and utilise national services. This strategy operates within the Comprehensive Refugee Response Framework (CRRF) and aims

to link humanitarian aid to local development. The strengths of this model—legal inclusion and area-based investments—can be applied to Malaysia and Indonesia’s urban and semi-rural hosting situations. However, Uganda’s recent funding shortages demonstrate that progressive models rely on stable international financing; without this support, service and protection gains could be diminished. The key takeaway is to combine inclusive laws with long-term donor commitments and budget allocations to manage uncertainty [35], [36].

8.5 Jordan

Some studies by researchers linked concessional funding and trade benefits to work permits for Syrian refugees, particularly in agriculture and construction, while allowing recognition of prior learning (RPL) [37]. By 2023, more than 340,000 work permits had been issued to Syrians, and financial inclusion had grown through the introduction of basic bank accounts and e-wallets [38]. For Malaysia and Indonesia, flexible work permits based on sectors linked to employer groups or cooperatives could formalise existing jobs, improve labour standards, and ensure compliance, especially in sectors where refugees already work informally. Pairing this with RPL can help validate skills quickly [37].

Several models focus on integrating refugees into national systems instead of creating separate ones. These include Türkiye’s managed access to services under Temporary Protection, Iran’s open access to education, and Uganda’s use of public clinics and schools. The common factor is administrative inclusion, backed by clear financing and data-sharing agreements. Malaysia and Indonesia can start with agreements among relevant ministries and UN agencies to: 1) allow asylum-seeker children to attend public schools, 2) provide primary healthcare access with cost-sharing; and 3) issue secure, usable IDs for case management and basic financial services.

Thailand’s NSM aims to reduce immigration detention for those who are likely to need protection. Indonesia’s Perpres 125 already provides a framework for cooperation with UNHCR and local authorities. Jordan’s flexible work permits and RPL address irregularities by establishing legal economic pathways. A combined strategy for Malaysia and Indonesia would (a) create screening processes to assess protection needs; (b) issue temporary documentation for lawful stay and access to essential services; and (c) implement sector-specific work permits with grievance procedures to prevent exploitation.

Based on these practices, here are suggested priority actions that Malaysia and Indonesia could consider as best practices. For instance, both nations should adopt a nationally managed screening mechanism (Malaysia can modify Thailand’s NSM design; Indonesia can improve Perpres 125 implementation with protections against detention).

Other than that, Malaysia and Indonesia can focus on issuing secure verifiable IDs linked to services (drawing from and Türkiye’s TP cards) to facilitate school enrollment, healthcare access, and financial inclusion.

In addition, both countries can create flexible, sector-based work permits (similar to the Jordan Compact model) with RPL to quickly validate skills. Besides that, both nations should negotiate multi-year agreements with donors (using Uganda's experience), linking inclusion reforms to reliable funding for local schools, clinics, and municipalities hosting large refugee populations.

Lastly, both nations can establish government-UN coordination mechanisms, including public dashboards and annual reviews, to ensure accountability and public support.

9 Policy Recommendations

9.1 Drafting and Enacting Comprehensive Refugee Laws

Currently, both countries rely on informal agreements, executive regulations, or UNHCR-determined refugee status, which are led by the UNHCR [8]. This lack of legal structure leads to inconsistent treatment, prolonged detention, and unclear rights and responsibilities for refugees [4]. Creating detailed refugee laws would provide essential protection, such as non-refoulement, legal identity, fair processes in asylum claims, and access to basic services. Malaysia and Indonesia could adopt a rights-based approach that begins with legal recognition, identity documentation, and protection from deportation, then gradually includes education, healthcare, and access to the labour market.

To ensure these laws are realistic, both nations could start by implementing laws that complement existing immigration frameworks rather than replacing them entirely. For instance, Turkey's 2014 Temporary Protection Regulation offers Syrians protection and regulated access to services without significantly altering all asylum procedures [39]. This method demonstrates that laws can be practical, tailored, and incremental, while striking a balance between national security and humanitarian responsibilities.

Finally, the drafting process should be inclusive, involving parliament members, civil society organizations, academics, and refugees. This inclusive approach builds legitimacy and public support, while also ensuring that laws meet international standards [40].

9.2 Establishing National Refugee Protection and Management Bodies

This is crucial as laws alone often become mere symbols without effective institutions. Setting up dedicated national bodies to safeguard and manage refugees is necessary. In Thailand, the National Screening Mechanism (NSM) is overseen by a committee comprising multiple ministries, which is responsible for refugee screening and recognition [16]. Indonesia's Presidential Regulation No. 125/2016 assigns specific responsibilities to ministries and local governments, although its coordination systems require improvement [41].

Malaysia could establish a National Refugee Protection Agency (NRPA) under the Ministry of Home Affairs, involving representatives from ministries such as Health, Education, and Social Welfare. Indonesia might strengthen its current systems by transforming the task force under Perpres 125 into a permanent Refugee Protection Board with clearer responsibilities and oversight. These organisations should serve as primary coordinators for refugee registration, service provision, detention monitoring, and collaboration with the UNHCR and international agencies.

These institutional frameworks must also provide alternatives to immigration detention. National refugee agencies could establish reception centres or community-based hosting options, akin to Kenya's Kalobeyei Integrated Settlement [42]. These methods can reduce the risk of human rights abuse and are often more cost-effective than long-term detention.

9.3 Promoting Regional Collaboration and Information Sharing

Given the cross-border nature of refugee movements, national reforms should be backed by regional cooperation. Southeast Asia currently lacks a thorough regional refugee protection framework, as ASEAN mainly prioritizes state sovereignty and non-interference [43]. However, small steps toward collaboration are both possible and necessary.

Malaysia and Indonesia could lead the establishment of an ASEAN Refugee Coordination Mechanism, modelled after the Bali Process to encourage burden-sharing, early warning systems, and coordinated maritime responses. This mechanism could include: 1) regional data sharing on refugee arrivals and trafficking networks, 2) mutual recognition of refugee documents to reduce irregular secondary movements, 3) joint training and capacity building for immigration and law enforcement personnel, and 4) development of regional contingency plans for sudden mass influxes, especially from Myanmar [13].

Additionally, Malaysia, Indonesia, and Thailand might consider trilateral or bilateral initiatives. For example, they could develop a Maritime Rescue and Disembarkation Protocol for Rohingya boat arrivals, ensuring that no vessel is sent back without humanitarian aid. This would reflect principles of solidarity and shared responsibility while decreasing irregular smuggling activities [44].

Additionally, regional cooperation should involve outreach to donors. Joint appeals, such as Bangladesh's Joint Response Plan for Rohingya refugees, demonstrate how regional unity can secure ongoing funding [45]. By presenting a united front, Malaysia and Indonesia could gain more reliable financial support from international partners.

9.4 Enhancing Awareness and Community Engagement

Even well-designed laws and institutions can fail without the public's support. Refugees often become scapegoats in political discussions, wrongly blamed for straining welfare systems or posing security risks [46]. In Malaysia, negative views have sometimes resulted in the arrest and deportation of Rohingya asylum seekers, while there is local resentment in Indonesia's host communities [47].

Increasing awareness requires proactive communication strategies. Governments should run national campaigns emphasizing that refugees are victims of persecution, not criminals. They should also promote success stories of refugees contributing to the economy through work and entrepreneurship. Jordan's communication strategies under the Compact framed refugee labour as a means to boost economic growth rather than as competition, which helped build support from host communities [48],[49].

Community engagement should focus on programmes that encourage collaboration between hosts and refugees. Uganda's settlement approach, which supports integrating refugees into local communities while providing development assistance to both groups, shows how inclusive planning can ease tensions [31]. In Indonesia, municipalities could launch joint livelihood programs that support both local residents and refugees, thereby fostering coexistence rather than competition.

Civil society organizations, religious leaders, and local NGOs must also play a role in raising awareness. In countries like Malaysia and Indonesia with strong faith-based networks, working with Islamic charities could frame refugee protection as aligned with Islamic values of compassion and hospitality [50].

Educational initiatives are essential as well. Including refugee topics in school curricula, organizing intercultural events, and promoting youth exchanges can foster empathy and long-term acceptance in society. Iran's decision to allow all Afghan children access to schools, regardless of their status, protected their rights and helped reduce xenophobia over time [51].

Ultimately, it is essential to amplify the voices of refugees. Organizations led by refugees should have the opportunity to join policy discussions, service delivery, and advocacy efforts. Evidence from Kenya and Jordan shows that when refugees have platforms to speak for themselves, trust in institutions grows and tensions with residents decrease [52].

10 Conclusion

10.1 The Importance of a Collaborative, Rights-Based Approach

Malaysia and Indonesia, located along busy migration routes in Southeast Asia, are facing growing challenges in managing refugees and asylum seekers. Although both countries host large refugee populations, neither has yet established national refugee laws or signed the 1951 Refugee Convention. As a result, protection and assistance are often provided unevenly, relying on the efforts of the UNHCR and civil society. A

coordinated, rights-based approach is necessary to address this issue. This approach should prioritize the dignity, safety, and legal rights of refugees while considering the sovereignty concerns of host nations. By incorporating refugee protection into their local legal systems, Malaysia and Indonesia can ensure consistent access to healthcare, education, and employment. This integration will help reduce vulnerabilities and promote social harmony. Regional cooperation through ASEAN frameworks and bilateral agreements can further improve practices, facilitate burden sharing, and help prevent human trafficking and irregular migration [53],[54],[55].

10.2 Call to Action for Policymakers and Stakeholders

Policymakers in both countries must understand that viewing refugee protection as a security issue only intensifies humanitarian crises and destabilizes the region. Instead, a forward-looking framework should include international human rights standards, principles of compassion, and local socio-economic conditions. Lawmakers should create refugee laws that clearly define asylum procedures, outline the rights and responsibilities of refugees, and establish agencies dedicated to refugee management. Collaborating with international organizations, NGOs, and local communities can improve implementation and build mutual trust. Stakeholders, including religious leaders, civil society groups, and academics, also play an important role in promoting inclusive policies and addressing negative public perceptions. Ultimately, Malaysia and Indonesia can lead by example in Southeast Asia by showing that managing refugees with a focus on rights and compassion is not only a moral duty but also a route to stability, resilience, and regional unity.

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