

The Transformation of the Aceh Community's Response to Rohingya Refugees and Its Relevance to Aceh Qanun Number 6 of 2008 in Population Administration

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ABSTRACT

This study discusses the changing attitudes of the Acehese community towards Rohingya refugees and its implications for the legal protection of refugee families in the context of Islamic family law. The shift in community responses from positive to negative attitudes, manifested through demonstrations, expulsions, and verbal and physical violence, has led to the marginalization of refugees, including their families. This article connects this situation to the implementation of Aceh Qanun Number 6 of 2008, Article 27, which governs the role of the Population and Civil Registration Office to coordinate with the Religious Affairs Office (KUA) and the Religious Court in registering marriages. The absence of official documentation for refugees becomes a major obstacle, impacting the registration of marriages and legal protection of their families. This situation worsens the family's rights in Islam, particularly their legitimate marital status. This research uses a qualitative method with a mixed approach, involving interviews, social media analysis, and legal reviews. The results reveal that factors such as past trauma, difficulties in integration, hoaxes, and the role of social media in spreading hate speech have contributed to the change in attitudes. The significant impact of this change is seen in the family law context, where refugee families face legal uncertainty regarding marriage matters. This study focuses on the role of the values of ukhuwah Islamiyah and sharia principles, which should serve as the foundation in protecting the rights of refugee families. The government is expected to take decisive steps in providing legal certainty and protection for refugees wishing to marry, whether between refugees or between refugees and local citizens, and to encourage the community to treat them with humanity in accordance with Islamic teachings.

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INTRODUCTION

The controversial issue of the Rohingya Ethnicity is indeed shaking the world, not only in the national arena, but also worldwide. At the end of 2023, the sharp rejection of the arrival of the Rohingya ethnic group triggered tensions that spread to the global level. The highlight came when a student demonstration at the BMA office (Balai Meuseraya Aceh) where the Rohingya ethnic group lives, was dramatically manipulated on social media, resulting in a wave of anarchist actions. This issue caused local tensions and global conversations. In fact, previously the people of Aceh showed a significant level of enthusiasm in welcoming and providing a place for the arrival of the Rohingya ethnicity. However, events in 2023 show a paradigmatic shift in the response of the Acehnese people to the latest wave of Rohingya ethnic groups arriving in the region. These changes create complex dynamics in intercultural interactions and raise questions about the factors underlying these changes in attitudes.

Aceh is a province that is synonymous with the warmth and friendliness of its people, it has become a highlight as a destination that is very open to guests. However, the image of warmth and hospitality of the Acehnese people seemed to disappear and underwent a significant shift when Rohingya immigrants landed in Bireuen and Pidie in 2023. In fact, this act of refusal was exacerbated by a number of students in Aceh who forcibly took refugees from shelters. The drastic change in the behavior of the Acehnese people towards the Rohingya ethnic group has invited mixed reactions among the population, aroused support and rejection, and created a negative image in the eyes of external parties.

In May 2015, Acehnese fishermen rescued more than 1,800 Rohingya refugees stranded in the Andaman Sea. They did so amid a regional government impasse that threatened to leave the Rohingya to drown. (Mcnevin & Missbach, 2018) Rahayu in his research found that the people of Aceh showed a positive response to the arrival of Rohingya ethnic refugees in Indonesia. Rahayu said that there are several reasons underlying the acceptance of Rohingya refugees by Indonesia, especially the Acehnese people, including: First, the Laot Customary Court in Aceh, Second, due to the Indonesian Government's policy. Third, the involvement of international organizations, and finally because of the similarity of historical backgrounds, there is a common understanding of the suffering or historical experience that makes the Acehnese people more empathetic to the situation of Rohingya refugees. (Rahayu et al., 2023)

Aceh, as a region that has long interacted with the issue of Rohingya refugees since 2009, is the focus of the research. The results of the study conducted by Malahayati show that the protection provided to the Rohingya in Aceh is much better than other provinces in Indonesia. The quality of interaction between refugees and the local community is fairly positive, influenced by the existence of local wisdom values inherent in Acehnese culture, along with the values they bring from their home countries. (Malahayati et al., 2019)

Yasin in his paper explained that Aceh not only provides good services in terms of basic necessities such as shelter, food, and clothing to the Rohingya

refugees, but also persistently provides education and training in preparation for their future lives in Western countries, the determination of which is carried out by the United Nations High Commissioner for Refugees (UNHCR) (B. Yasin, Y. Q. Yusuf, 2018)

In the perspective of Islamic family law, refugees are not only stateless individuals but also families whose rights must be protected. Rohingya refugees, which include families with children, women, and the elderly, require special protections related to family rights, such as the right to live with the family, the right to child custody, and the right to family integrity. Islamic values teach the importance of maintaining the brotherhood of mankind, including honoring guests and providing protection to those in need, as affirmed in various hadiths of the Prophet Muhammad PBUH.

The change in the attitude of the Acehnese people towards Rohingya refugees not only has an impact on their social conditions, but also poses challenges in the implementation of legal protection for refugee families. Their family rights are often threatened, such as access to legal protection in marriage. In the absence of clear and firm protection, refugee families are in a state of uncertainty that disrupts their stability as the most basic social unit. In this context, the implementation of Qanun Aceh Number 6 of 2008 concerning the Implementation of Population Administration, especially Article 27, is very relevant. This article stipulates that the district/city Population and Civil Registration Office is authorized to coordinate with the Office of Religious Affairs (KUA) and the Religious Court in recording important events such as weddings. However, for Rohingya refugees, the absence of official documents and clear residency status is the main obstacle in the administrative process. This has an impact on the legal uncertainty of their families, including in marriage and other rights. With diminishing public trust and increasing negative sentiment on social media, legal protection for Rohingya refugees, especially related to family rights, is becoming increasingly difficult to realize. Therefore, this research focuses on efforts to integrate sharia values and local legal regulations to create more inclusive policies in protecting refugees as vulnerable families.

This study examines changes in the attitude of the Acehnese people towards Rohingya refugees and their implications for family rights in the context of Islamic family law. By focusing on the social dynamics that affect the protection of refugee families and their relevance to the Acehnese qanun, this research is expected to contribute to the development of more inclusive policies based on humanitarian principles and Islamic sharia, in an effort to protect the rights of vulnerable refugee families.

RESULTS & DISCUSSION

The Phenomenon of Changing the Response of the Acehnese People to Rohingya Refugees

Aceh has recently witnessed a massive influx of Rohingya refugees fleeing atrocities in Myanmar. UNHCR data shows that during 2023, there were 1,684

people who landed in Aceh, with 700 of them coming from November to December 2023. Although the arrival of the Rohingya to Aceh has occurred since 2015, their numbers have been increasing recently. These Rohingya refugees arrived by wooden boat, carrying men, women, the elderly, babies, and children, all from Cox's Bazar, Bangladesh. The conflict in Myanmar since the 1970s, with its peak in 2017, has forced them to flee. Refugee conditions in Cox's Bazar, Bangladesh, have also not improved over the past seven years. Aslinar As a medical volunteer at the Jamtoli camp, Cox's Bazar, has heard the sad story of Rohingya refugees. Their lives in the camps are full of suffering, especially for children who do not get enough nutrition and do not have adequate access to education. Aceh has been known as a refugee-friendly place, but this time there has been a shift in attitude, with some people showing significant rejection. The reason for the refusal is related to the bad behavior of some of the Rohingya refugees who came before (Aslinar, 2024).

When the Rohingya first came to Aceh, the response of the community was very positive and full of warmth. The people of Aceh united to welcome the arrival of refugees by donating suitable clothes, blankets, carpets, towels, and even food. Local volunteers are actively helping and raising donations on the roadside to be given to Rohingya refugees. In terms of basic welfare aspects, namely clothing, food, and board, it is known that the condition of Rohingya immigrants shows adequate fulfillment of these needs. Furthermore, Rohingya immigrants are also involved in training and education programs.

However, the phenomenon in 2023 seems to be reversed. As the rejection that occurred in Aceh Tamiang. The Aceh Tamiang Regency Government firmly rejects the arrival of Rohingya refugees from a number of districts and cities in Aceh. This rejection decision was announced through a zoom meeting with the participation of the Governor of Aceh, regents/mayors throughout Aceh, and heads of agencies. The rejection is based on consideration of the risk of flood disasters, unsuitable conditions in densely populated areas, and potential friction in the community due to the behavior of refugees who are considered not to respect local wisdom. This decision affirms the commitment of the Aceh Tamiang Regency Government to prioritize safety, comfort, and local wisdom (tanyoeacehtamiang, 2023).

Likewise, the residents of Gampong Lamreh, Aceh Besar rejected the arrival of Rohingya refugees and asked UNHCR to move them to another place. Negotiations between residents and UNHCR were tough, with residents confirming their refusal. The Secretary of Lamreh gave until 16.00 WIB for refugees to be in the village, threatening forced eviction if the deadline was exceeded. (Tanyoebandaaceh, 2023) As a result of the residents' refusal, UNHCR Aceh Representative, Munawaratul Makhya stated that the last refugees were taken to the TPI Class I Immigration Office in Banda Aceh (Sara Masroni, 2023). as well as rejections and demonstrations occurred in Sabang Aceh. (Iangsakali, 2023b) rejection also occurred on the coast of Krueng Raya Beach, Aceh Besar, they compactly escorted the Rohingya to the Aceh Governor's Office

(Tanyoelangsa, 2023b). and the tragedy again A total of 135 ethnic Rohingya people were taken to the Aceh Governor's Office in Banda Aceh by Lamreh residents, then left the refugees and left them on the terrace of the office (Nurul Hidayati, 2023).

Fika in the regional seminar workshop and also an Acehnese who have lived side by side with the Rohingya ethnicity, described that when the refugees arrived in Bayeun Aceh, people flocked to welcome and see their condition. Community solidarity looks strong, and assistance comes to the maximum from the residents themselves before help from outside arrives. In this initial phase, the lives of Rohingya refugees began to improve with the help of the people of Aceh. However, as time went by, there was a change in the original behavior and disposition of some Rohingya refugees. They began to show unexpected behaviors, such as not representing Islamic identity well, freedom to enter and exit shelter locations without supervision, and other negative behaviors that disturbed the community (Fika Andriana, 2024).

Dilla stated that this condition seemed to be a past trauma for the people of Aceh. This incident triggered a shift in the response of the Acehnese people from enthusiasm to rejection of the Rohingya. This negative experience caused distrust and made the people of Aceh reluctant to accept the Rohingya again in the future (Dilla, 2024). So that there are many negative responses on social media which, when read, cause sympathy for human cruel actions against others. For example, on @OfficialiNews's YouTube account, there are comments such as "Dikasih hati ask for a heart" (@irqamwahzudi), "Deserves to be expelled from his country, just expel him from Indonesia" (@kispurba), "Refugees do not know themselves, have been helped without thanks, it is better to take care of the Indonesian people who still need help" (@ameliafancarani), "Just expel people like this, it only causes problems and becomes a burden on the budget" (@harrishail5229) (OfficialiNews, 2023); as well as a number of other hurtful comments expressed by thousands of netizens on various social media platforms.

Aslinar said that the bad comments came from irresponsible buzzer behavior who wanted to instill hatred in netizens (Aslinar, 2024), but Mimi added that people's responses on social media cannot be attributed solely to people or buzzer behavior. He emphasized that not all negative responses come from individuals who deliberately create adverse public opinion. Rather, the response is recognized as a manifestation of the traumatic experiences experienced by the community in the past. In other words, people's behavior on social media is the result of painful experiences they have had before (Mimi, 2024). This statement is similar to what was conveyed by Rosmawar, who once coexisted with Rohingya refugees. He stated the fact that what is widely spread on social media is mostly true. The experience of living close to them was revealed as something that greatly disturbed the comfort and safety of the community (Rosmawar, 2023).

These responses are very inversely proportional to what the Acehnese have done before as has been written in previous studies. In May 2015, Acehnese fishermen rescued more than 1,800 Rohingya refugees displaced in the Andaman

Sea, overcoming a regional government impasse. Aceh can be used as an example in providing a lesson for international refugee regimes that often fail to provide basic protection to the most suffering refugees. He highlighted the common paradox of hospitality faced by all potential hosts, including countries that deny asylum seekers entry. The authors identify three main contributions from the Aceh example: evaluating the legal limitations of refugees as a solution to the refugee crisis, measuring the capacity to provide hospitality, and recognizing the value of contingency in creating a more hostile response to refugees (Mcnevin & Missbach, 2018).

The humanitarian assistance provided by the people of Aceh is important considering that many countries refuse to accept the Rohingya refugees. Mumtazinur in his article tries to review Aceh's assistance to Rohingya refugees and its correlation with the Indonesian Government's humanitarian diplomacy. The assistance provided by the people of Aceh to Rohingya refugees helped influence the diplomacy supported by the Indonesian government. The role of the Acehnese people in this context can be agreed upon as a responsible party given to the Indonesian government party at the regional and global levels as a supporter of world peace. The people of Aceh also position themselves as supporters of peace who are ready to support Indonesia's foreign policy and place diplomacy as a strategic step to create world peace (Mumtazinur, 2020).

Rahayu in his research found that the people of Aceh showed a positive response to the arrival of Rohingya ethnic refugees in Indonesia. Initially, Indonesia was not the main destination for this group of Rohingya refugees. However, conditions changed when the Acehnese people carried out an evacuation action after seeing the boat on which the refugees were riding was adrift in the waters near the Aceh sea. As a result, Indonesia, and especially Aceh, became a refuge for Rohingya refugees. Rahayu said that there are several reasons underlying the acceptance of Rohingya refugees by Indonesia, especially the Acehnese people, including: First, the Hukom Adat Laot in Aceh, The acceptance of Rohingya refugees is based on the principles of hukom adat laot that apply in Aceh. Local customary values play an important role in determining positive attitudes towards refugees. Second, because of the Indonesian Government's policy. Third, the involvement of international organizations, support from international institutions can strengthen efforts to accept and protect refugees. And finally, because of the similarity of historical backgrounds, the similarity of historical backgrounds between the Acehnese people and the Rohingya ethnic group also contributed to the positive response. Perhaps there is a shared understanding of suffering or historical experiences that make the people of Aceh more empathetic to the situation of Rohingya refugees (Rahayu et al., 2023).

Primadi explained that Indonesia's efforts in handling the case of Rohingya refugees in Aceh Province consist of internal and external efforts. Internal efforts involve search and rescue operations of ethnic Rohingya who are adrift at sea, taking them to the coast for help, providing shelter, health facilities, and logistical

support. In addition, external efforts are carried out by building cooperation with countries related to similar issues, namely Malaysia and Thailand. In addition, Indonesia is also involved in cooperation with refugee organizations (Primadi, 2019).

Irwansyah in his research wrote about the different responses to the existence of Rohingya Muslims in the three regions investigated, namely Aceh, Medan, and Makassar. This response is influenced by cultural factors and strong religious ties in each region. In Aceh, the response to Rohingya Muslims was influenced by the strength of religious relations, with the concept of *ukhuwah Islamiyah* (Islamic brotherhood) being dominant. The presence of Rohingya Muslims in Aceh has received more responses based on Islamic *ukhuwah*, where religious brotherhood is the main factor in accepting and supporting refugees. In Medan and Makassar, cultural and religious backgrounds are more diverse, creating a different basis for responses. In both regions, the response to Rohingya Muslims is more likely to be influenced by the humanitarian aspects and the assertive identity of the state. This shows that factors such as humanitarian solidarity and state identity have become more significant than religious aspects in responding to the existence of refugees. The interaction of different responses in the three regions resulted in acculturation and stigmatization. In Aceh, acculturation may be more likely to occur through *ukhuwah Islamiyah*, while in Medan and Makassar, humanitarian responses and state identities can create different dynamics of interaction, which in turn can lead to stigmatization of Rohingya Muslims (Irwansyah, 2022). These findings illustrate the complexity of the community's response to the existence of Rohingya Muslims, which is influenced by cultural, religious, humanitarian, and national identity factors in each region. Understanding these dynamics is important for designing policies that take into account local contexts and increase understanding and tolerance between community groups.

Rosyid discussed Indonesia's role in dealing with the Rohingya Muslim ethnic group in Myanmar. Indonesia, with its free and active political principles, shows its concern for global conditions, especially ethnic minorities who have experienced genocide and expulsion in Myanmar. Although Aung Sang Suu Kyi is unable to play herself as a peace leader, the role of world countries, especially ASEAN, needs to be optimized to address this issue without violating the principle of non-intervention. The sustainability of Indonesia's attention can be seen in providing humanitarian assistance and diplomacy to the Rohingya ethnic group. Civil society also plays a role in building basic infrastructure, such as schools, hospitals, and the needs of refugees. These efforts need to be sustained to ensure the welfare of the Rohingya ethnic group. In this context, the literature highlights the importance of Indonesia becoming a member of the 1951 Convention on Refugees as a further step in effectively addressing this issue (Rosyid, 2019).

It is very clear from the previous literature that Acehnese have shown kindness and a positive attitude towards Rohingya refugees in the past. Previous studies have consistently documented the warm behavior, solidarity, and

extraordinary acceptance of the Acehnese people towards the arrival of refugees. In fact, this positive attitude seems to surpass the response of residents in other areas. However, the change in attitude that occurred in 2023 shows a significant shift. Acehnese appear to have been traumatized by previous experiences, which may have involved changes in the behavior of some Rohingya refugees who came earlier. Discomfort and dislike for behavior that is perceived as disrespectful to local wisdom, including food waste and other negative actions, may have created distrust and trauma among the people of Aceh. This change in attitude is due to the bad experiences experienced by the people of Aceh, especially related to the behavior of some Rohingya refugees who previously came. Complaints of bad behavior, such as disrespecting local wisdom, throwing away food, and other negative actions, are the triggers of this change. The negative response was also reflected on social media, where various comments and opinions voiced concerns about the threats, budget burdens, and crime problems associated with Rohingya refugees. This shows that public perception is influenced by negative narratives spread in cyberspace. This change in the response of the Acehnese people has become complex and evolving, involving the dynamics between past experiences, mistrust, and the actual conditions of refugees. Efforts to understand and address these changes require a holistic approach, involving education, dialogue, and concrete steps to restore the positive attitudes that once existed and promote tolerance among the people of Aceh.

Factors Influencing the Change in Attitudes of Acehnese Residents Towards Rohingya Refugees

Some people on social media denied the existence of the Rohingya because they feared a threat. They are worried that the Rohingya will become a burden on the state, behave badly, create a crime problem, and even create a new state in Indonesia and cause social inequality. A number of reasons put forward as the basis for the rejection include concerns about potential threats that are considered to have a negative impact on Indonesia. Commentators highlighted the potential for land grabbing that is considered similar to the Israeli-Palestinian case and expressed concern that it would become a burden on the state budget, especially in supporting the needs of refugees. Criticism was also directed at the demands of evacuation sites that were considered excessive, given the economic and infrastructure conditions that may be constrained. Arguments about cleanliness, bad behavior, and the issue of the identity of illegal immigrants were also the basis for the rejection, while some commentators voiced concerns about the potential for worsening social disparities in Indonesia. The general approach begins with the claim that they are not anti-refugees, but want to highlight a number of issues that are considered detrimental to the state. This signals an attempt to compromise a view that is actually multifaceted, and underscores the need for deeper understanding and inclusive solutions to refugee issues.

The rejection did not only occur directly in the field but the rejection *along with hate speech* from netizens was much more cruel. Every time there is an

account that has a lot of followers reporting about the Rohingya ethnicity, there will be thousands of negative comments given. Surprisingly, the comments are almost certainly uniform and very massive day and night. Here are some netizens' comments that should be unethically spoken. For example, "just throw them back into the sea", "they must be expelled from Aceh immediately, otherwise they will seize the land of our ancestors", "they are no different from Israel", "they are the second Israel", "let them starve, do not be helped, later they will go home too", "let them rain and heat without tents, later they will get sick and go home", "why help them, Our people alone still have many who do not eat, many have no place to live", and so on. If anyone defends the Rohingya ethnic group, they will be invaded with comments "let's just bring the Rohingya to your home/office" (Aslinar, 2024).

The response of netizens was coupled with a video that went viral on social media that revealed the complaints of Rohingya immigrants related to protests because officers were late in providing rice (langsakali, 2023a) and small portions of food at their refugee camps (Surya Aditiya, 2023). The furious reaction from Indonesian netizens arose due to the perception that Rohingya immigrants were fleeing to Aceh, and then the complaint caused dissatisfaction among Acehnese residents with the behavior of the Rohingya ethnicity. Another case was when the Pidie Resort Police detained a Bangladeshi citizen with the initials HM (70) on suspicion of human smuggling (Tanyoelangsa, 2023a). On Saturday, December 9, 2023, there was an incident of a case of rudapaksa against one of the Rohingya immigrant women at the shelter location, namely so that one of the Rohingya immigrants in Gampong Kulam was completely enraged by the mob (Aceh Online, 2023). Then dozens of Rohingya residents fled from temporary shelters at the former Punteuet Immigration Office, Blang Mangat District, Lhokseumawe City. According to information received by the people of Aceh, 30 Rohingya managed to escape in three waves. Respectively, on Sunday (26/11) 7 Rohingya people escaped, then, on Tuesday (5/12) 16 people escaped again and Wednesday (6/12) another 7 Rohingya immigrants escaped from a temporary shelter at the former Peunteut Immigration office. So far, the security forces, UNHCR officers and Lhokseumawe Immigration are not aware of the whereabouts of the 30 Rohingya who managed to escape (Harianrakyataceh, 2023).

The level of rejection of the Rohingya ethnic group is increasing, especially with the support of Prof. Hikmahanto Juwana's argument. He put forward two main arguments that strengthen this attitude of rejection. First, Hikmahanto Juwana stated that the arrival of the ship carrying the Rohingya ethnic group was allegedly carried out systematically with the help of mafia groups. This argument indicates that there is an allegation that the process of their arrival is organized and involves irresponsible parties. In addition, the second argument put forward is that some ethnic Rohingya residents who seek livelihood in Indonesia tend to trigger social conflicts with the people of Aceh and Indonesia in general. This point highlights the role of social conflicts that may arise due to interactions between the Rohingya ethnic group and the local community. With this argument, the

rejection of the Rohingya ethnic group is gaining more support, especially from those who tend to believe the views of Prof. Hikmahanto Juwana (Hikmahanto Juwana, 2023).

Hikmahanto also conveyed his statement in a podcast on the Kumparan YouTube account showing his firm stance regarding the arrival of the Rohingya ethnicity. He said he agreed to reject the arrival of the Rohingya, and considered that the Rohingya were not refugees. Hikmahanto expressed the view that the presence of the Rohingya is a burden for the government, and some Rohingya have even fled shelters in Bangladesh. Furthermore, Hikmahanto emphasized that Indonesia is no longer a transit country but a destination country for Rohingya. He argued that the Rohingya were not Indonesia's responsibility, and even expressed his view that the UNHCR (United Nations High Commissioner for Refugees) office be closed (Hikmahanto, 2023).

The impact of social media in changing the attitude of Acehnese people towards the Rohingya is very significant (Naufal Alfarizy, 2023). In addition to the use of buzzers that play a key role in shaping opinions, the existence of accounts that spread hoax news also complicates the situation and increases negative sentiment among netizens. The rapid spread of information on social media, including fake news, can create tension and uncertainty in society. Hoax news has great potential to create a negative image of certain groups, in this case, the Rohingya ethnicity. People who are exposed to false information may form inaccurate and untruthful views.

The responses outlined above reflect a number of views and arguments that can influence the changing response of the Acehnese people to the Rohingya ethnic group. Some of the key factors that may have contributed to this shift include concerns about threats to land, state budgets, the demands of refugee sites, hygiene issues, as well as feelings that the presence of the Rohingya could exacerbate social disparities. In addition, the support of figures such as Professor Hikmahanto Juwana with his arguments mentioning the possibility of mafia involvement, social conflicts, and the presence of Rohingya fleeing refugee camps in Bangladesh, can also strengthen this view of rejection. Changes in public responses are often influenced by a variety of factors, including information widely disseminated through the media, the views of important figures, and the dynamics of social issues at the time. Understanding the various perspectives and considerations within the Acehnese society can help in responding holistically to the evolving situation.

Dynamics of Rohingya Refugee Marriages in Aceh

In the midst of the complexity of the Rohingya refugee issue that is taking place in Indonesia, there is a phenomenon that attracts attention, namely the practice of serial marriage carried out by fellow Rohingya refugees and Indonesian people with Rohingya refugees (Husna et al., 2024). In 2014, ten women from Indonesia were reportedly married to Rohingya refugees living in shelters at the Pelangi Hotel, Medan City (Lubis & Peranan, 2014). and countless

people will be married to Rohingya refugees until 2024. Azhari, who was a Rohingya refugee volunteer in Bayeun Aceh in 2015, stated that Acehese sometimes feel uncomfortable with the behavior of some Rohingya refugees who appear to be in marital relations, but their marital status is often unclear or unascertainable (Azhari, 2024). This raises concerns among the local community regarding the applicable social norms and religious laws.

Then the case of the marriage of two Rohingya refugee couples in West Aceh in May 2024 was opposed by leaders in Aceh because it did not meet the administrative requirements showing that the act was not right both in terms of law and religion. Marriages that are carried out without permission from the KUA and without official documents such as passports and embassy permits clearly violate the rules that apply in Indonesia. As a country that upholds Islamic law and sharia, every marriage must meet formal requirements in order to be legally recognized (Maya Citra Rosa, 2024). In this case, the act of a refugee who immediately holds a marriage without meeting the conditions set by the KUA is an inappropriate act, because it is contrary to Indonesian laws and regulations, including provisions in Islamic law that applies in Aceh. In addition, marriages that are not officially registered also pose a risk to refugee couples regarding their legal status and the children that may be born from the marriage. They will not get the legal protection they deserve, both in terms of family rights and citizenship rights. Enforcement of this rule is also important in maintaining order and validity of marriage, especially for foreign nationals such as refugees.

Basic Family Rights in Islam: Protection and Implementation for Refugees

In Islam, the family is considered a very important social unit. Islamic law emphasizes the protection of the family and the regulation of the rights inherent in each member of the family, including the rights of husband, wife, children, and extended family. Understanding these basic family rights is important in looking at how Islam regulates family interactions, especially in vulnerable situations such as refugees. First, the Right to Live Together (*Al-Ma'iyah*). In Islam, the right to live together in one family is highly valued. Husbands and wives have the right to live together, support each other, and create a harmonious family atmosphere. In the context of refugees, these rights are often threatened by precarious conditions of residence, as well as the uncertainty of their legal status (Moh. Sholeh, 2015). The concept of *al-ma'iyah*, emphasizes the importance of coexistence between couples and their families. Islam views the family as a pillar of individual happiness and social stability. Therefore, the right to cohabitation must be protected and facilitated by the authorities in emergency situations such as refugees.

Second, Child Custody (*Hadlanah*), Child Custody, or *Hadlanah*, in Islamic law is the right and obligation of parents, especially mothers, to maintain and care for their children. Islam pays special attention to the well-being of children, including in difficult situations such as war, displacement, or the loss of parents. (Mahfudin & Fitrotunnisa, 2019) For refugee families, child custody can be a complex issue due to unclear guardianship status and unstable living conditions.

Countries or international institutions that deal with refugees are obliged to guarantee children's human rights, including the needs of education, health, and adequate care. Third, Guardianship (Territory), Guardianship in Islam covers various aspects, including guardianship of orphans or those who have not reached the age of adulthood, as well as guardianship in the case of marriage. For refugees who have lost a parent or are in a situation where their guardianship cannot be carried out normally, Islamic law emphasizes the importance of appointing a legal guardian according to sharia rules (Rahmatullah, 2016). Guardianship is also related to the protection of the assets and civil rights of individuals who are unable to make decisions on their own, such as children or vulnerable parents. Refugees, especially children, often need special attention in this regard, to ensure their rights remain protected even in emergency situations.

In refugee situations, Islamic law still emphasizes the importance of protecting the basic rights of the family. Islamic communities in various countries, including Aceh, have a moral and religious responsibility to help protect refugee families. Among them are providing decent housing, protection for women and children, and ensuring that family rights such as the right to cohabitation, child custody, guardianship, and inheritance rights are respected. Islamic law provides clear guidance on family rights, which include the right to cohabitation, child custody, guardianship, and inheritance rights. In the context of refugees, understanding and applying these principles is essential to maintain the dignity and well-being of families facing crises. The Islamic community has an obligation to protect refugee families, including guaranteeing their rights, in accordance with the teachings of Islamic law.

Implications of Islamic Family Law on Rohingya Refugees in Aceh

Islamic family law provides protection for the basic rights of every individual, including refugees, by emphasizing the principles of justice, family welfare, and social solidarity. In Aceh, the application of Islamic family law to refugees, especially Rohingya refugees, aims to ensure that their rights are protected. Principles such as *ukhuwah Islamiyah* (Islamic brotherhood) and *tamkin* (legally recognized existence) are the basis for the treatment of refugees, where they are recognized as brothers and sisters in need of protection. However, in the context of marriage and other family rights, there are legal procedures and requirements that must be followed by every individual, including refugees. One example is the obligation to comply with administrative provisions regulated by the Office of Religious Affairs (KUA). In the case of Rohingya refugees in Aceh, the right to marry under Islamic law is not ignored, but they are often unable to meet the requirements set by the KUA, which is the official institution that regulates marriage under Islamic and state law.

In order to have a valid marriage according to Islamic law and the state, each couple is required to meet several administrative and sharia requirements, including: A clear identity where each individual must have an official identity document such as an ID card or a recognized refugee document. Second, Legal

marital status, Couples who are about to get married must be able to prove their status, whether they are not married or are not in a marital bond with someone else. And finally, there must be legal procedures, the marriage must be held in accordance with the applicable law, including registration at the KUA.

For Rohingya refugees, the main obstacles often faced are the lack of legal documents and the unclear status of previous marriages, due to their complex situation and uncertain refugee conditions. The absence of official documents or unclear status prevents them from legally marrying in the KUA, not because their marital rights are ignored, but because they cannot meet the requirements required by law.

The principle of *ukhuwah Islamiyah* emphasizes that every Muslim is a brother, and as brothers, they are obliged to protect and help each other, especially in crisis situations such as refugees. Aceh, as a region that applies sharia law, recognizes this principle in its treatment of Rohingya refugees. Refugees are considered guests who must be treated with respect and given assistance according to the capabilities of the local community. However, the principle of *tamkin* (legally recognized existence) also plays an important role in the application of the law. Islamic law recognizes a person's rights when their legal status and identity are clear and valid. In this context, Rohingya refugees who do not have complete or clear documents often face difficulties in obtaining official recognition from local authorities, including the KUA. Without a valid recognition, the marriage process regulated by Islamic law cannot be carried out, because it will violate the applicable legal provisions.

In the case of Rohingya refugees in Aceh, although they have the right to marry in principle, they are often unable to meet the established administrative requirements. The KUA does not ignore their rights, but as an official institution, the KUA is bound by the laws of the country that govern the marriage process. Therefore, the inability of Rohingya refugees to qualify such as legal identity or previous marital status makes them not allowed to marry officially. In addition to marriage issues, other family rights such as child custody and protection from discrimination are also a concern. Although the people of Aceh and the local government have made efforts to provide protection and assistance to Rohingya refugees, there are challenges in terms of the full fulfillment of family rights. For example, refugees often live in camps with inadequate conditions, making it difficult for them to exercise child custody or obtain legal guardianship.

Challenges of Implementing Qanun Aceh Number 6 of 2008

The implementation of Article 27 of the Aceh Qanun Number 6 of 2008, which regulates the authority of the Population and Civil Registration Office to coordinate with the Office of Religious Affairs (KUA) and the Religious Court in the registration of marriages, faces various serious challenges in the context of Rohingya refugees. This article, which aims to create an orderly and integrated population administration, is difficult to apply to refugees due to the following basic factors:

1. Most Rohingya refugees arrive in Aceh without carrying official documents such as passports, birth certificates, or other identity documents. This is the main obstacle in the marriage registration process, because the absence of an official identity makes them not meet the administrative requirements set by the KUA. Without such documents, the refugee's status as an individual or family cannot be legally verified.
2. Unclear Legal Status: Rohingya refugees often do not have a legal status formally recognized by the Indonesian government. This ambiguity includes previous marital status, such as whether they have been married, divorced, or still in a marital bond with another partner. This uncertainty complicates the process of registering marriages under state and sharia law.
3. Lack of a Special Database for Refugees, Qanun Aceh no. 6 of 2018 also mandates the development of a population database that includes reporting on the recording of important events, including weddings. However, to date, there has been no dedicated database designed for refugees, so there is no system that can record or verify their population data. The absence of these databases hinders the preparation of accurate and transparent administration.

As a result of these challenges, Rohingya refugees often hold serial marriages, both among fellow refugees and with local residents. This series of marriages is not officially recorded by the KUA, causing a number of long-term impacts, including:

1. Children born of serial marriages do not have official documents, such as birth certificates, that are necessary to access educational and health services.
2. Absence of Legal Protection for Families, Without official registration, family rights, including inheritance rights, child custody, and legal protection in case of divorce or family conflict, cannot be guaranteed.
3. Social Stigma, Serial marriage is often seen as a form of violation of social and religious norms, which can affect the acceptance of refugees in the local community.

This condition shows the need for a more inclusive and flexible policy to record refugee marriages in accordance with the principles of Qanun Aceh Number 6 of 2008. In addition, it is important for the government and relevant agencies to establish a registration system that allows refugees, even without complete documents, to obtain legal recognition of their marital and family status.

CONCLUSION

The change in the attitude of the Acehnese people towards Rohingya refugees from warm acceptance to rejection reflects complex social dynamics. Factors such as the bad behavior of some refugees, past trauma, hoaxes on social media, and negative stigma have affected people's views. These changes complicate the implementation of Islamic family law, particularly in ensuring the protection of the rights of refugee families. Qanun Aceh Number 6 of 2008, which regulates population administration, including marriage registration, is difficult to apply to refugees due to the absence of official documents, unclear legal status, and lack of a dedicated database for refugees. As a result, many refugees have entered into serial marriages, which are not officially registered, triggering legal problems for their families, such as the uncertainty of the status of children and the lack of legal protection. This research emphasizes that it is necessary to integrate Islamic sharia values, such as *ukhuwah Islamiyah*, in protecting refugees as guests in need. The government is expected to simplify the marriage registration process, establish a special database for refugees, and increase public education and dialogue to promote tolerance and inclusive legal protection.

Recommendations for the government include, Simplifying marriage registration procedures for refugees through coordination with UNHCR and KUA, Creating a special population database for refugees, Education and community dialogue to restore the positive image of the Acehnese people as a refugee-friendly community, Strengthening cross-agency coordination to ensure fair legal protection and in accordance with sharia.

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