

Mohammad T. Bahri
University of Szeged
Faculty of Law and Political Sciences
bahri.mohammad.thoriq@stud.u-szeged.hu
ORCID ID: 0000-0003-0913-5342

BETWEEN LEGAL FORTRESS AND UNCERTAINTY: COMPARATIVE ANALYSIS OF THE REFUGEE LAW FRAMEWORKS IN HUNGARY AND INDONESIA

Abstract: *This study compares the legal frameworks of Hungary and Indonesia in dealing with the massive influx of refugees in their respective countries. While Hungary has successfully reduced the number of asylum seekers through a “fortress” approach using its Asylum Act of 2007, Indonesia’s legal framework, as seen in Presidential Regulation 125/2016, lacks the procedures for converting asylum seekers into refugees. This is compounded by the absence of a refugee status determination process in Indonesia, making it challenging to provide assistance to increasing numbers of asylum seekers entering the state yearly. To address this problem, Indonesia must first make national legal changes that reflect its sociopolitical realities before ratifying the 1951 Refugee Convention and the 1967 Protocols. In contrast, Hungary’s legal framework, while effective in reducing the number of asylum seekers, has been criticized for being restrictive and failing to respect human rights.*

Keywords: *Refugee Law, Asylum Seeker, Legal Fortress, Hungary, Indonesia; 1951 refugee convention; 1967 protocols.*

1. INTRODUCTION

The issue of refugees and asylum seekers has gained significant attention in recent years due to the unprecedented number of forcibly displaced people worldwide. As of 2022, there were over 82 million forcibly displaced people, including refugees, asylum seekers, and internally displaced persons, reports that 26.4 million people were refugees. Of these, 4.1 million were awaiting the outcome of asylum

claims, while 48 million people were internally displaced¹. The numbers have continued to rise in recent years due to ongoing conflicts, political instability, and climate change². For instance, the war in Syria has led to the displacement of over 6 million Syrians, while the conflict in Yemen has displaced more than 4 million people³. The numbers are expected to rise in the coming years due to ongoing conflicts, political instability, and climate change⁴. Refugees and asylum seekers face numerous challenges, including the risk of violence, persecution, and discrimination in their home countries. They often flee their homes and seek refuge in neighboring countries or countries further afield in the hope of finding safety and security. However, their journey is often perilous, and their reception in their host countries can be uncertain, particularly if they are not legally recognized as refugees⁵. The situation has created enormous challenges for both refugees and host countries, leading to a need for a robust legal framework to protect the rights of refugees and ensure their effective integration into their host communities.

The response of countries to the refugee crisis varies widely. Some countries have taken measures to provide protection and support for refugees, while others have implemented restrictive policies that limit their access to basic rights and services⁶. The treatment of refugees and asylum seekers is governed by national and international legal frameworks, including the 1951 Refugee Convention and its 1967 Protocol, which establish the rights and obligations of both refugees and states.

Hungary is a member of the European Union (EU) and has been an important point of entry for refugees seeking asylum in the EU, since it acts as the EU's out border that faces east, with 177.135 people entering the EU through Hungary in 2015 only⁷. However, the state's response to the crisis has been controversial, with a restrictive legal framework and a series of policies aimed at deterring asylum seekers⁸. Furthermore, the actions have been widely criticized for their harsh

¹ IOM, "World Migration Report 2022," *IOM World Migration Report Series* 1, no. 1 (2021): 1–259, <https://publications.iom.int/books/world-migration-report-2022>.

² EUAA, "Asylum Report 2022" (Brussels, 2022), <https://doi.org/10.2847/500804>.

³ Dylan Lasrado, Sandeep Ahankari, and Kamal K. Kar, "Global Trends Forced Displacement in 2021" (Geneva, 2021), https://doi.org/10.1007/978-3-030-68364-1_10.

⁴ Photo Jan and Garup Drc, "By 2023 Displacement Will Have Doubled over a Decade, New Report Predicts," Press Release (Copenhagen, 2023).

⁵ Seraina Rügger, "Refugees, Ethnic Power Relations, and Civil Conflict in the Country of Asylum," *Journal of Peace Research* 56, no. 1 (2019): 42–57, <https://doi.org/10.1177/0022343318812935>.

⁶ Thomas Gammeltoft-Hansen and Nikolas F. Tan, "The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy," *Journal on Migration and Human Security* 5, no. 1 (2017): 28–56, <https://doi.org/10.1177/233150241700500103>.

⁷ Szilvia Borbely, "Integration of Refugees in Greece, Hungary and Italy," *EU Official Journal*, L 1, no. 1 (2017): 1–23, [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL_STU\(2017\)614194\(ANN02\)_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL_STU(2017)614194(ANN02)_EN.pdf).

⁸ Sabine Hess and Lena Kamanidou, "The Expanding Significance of Borders for the European Migration Regime After 2015," 2015, 45–65.

policies towards refugees and asylum seekers. The state has been accused of violating international law and failing to provide adequate protection for those seeking refuge⁹. The Hungarian government has implemented measures such as building a border fence, restricting access to asylum procedures, and criminalizing the provision of assistance to refugees¹⁰. In contrast, Indonesia, a state located in Southeast Asia, has recently taken steps to improve its treatment of refugees and asylum seekers. Despite not being a signatory to the 1951 Refugee Convention and its 1967 Protocol, Indonesia has enacted a new refugee law and established a national refugee legal framework to provide protection and assistance to refugees, which is the Presidential Regulation No. 125/2016, however, challenges remain, including limited resources and a lack of capacity to process and integrate refugees into society¹¹. The lack of consistent legal frameworks for refugee protection has been identified as a critical issue¹². Effective legal frameworks are essential to ensure that refugees and asylum seekers receive adequate protection and support. They also help to prevent human rights abuses and ensure that countries are meeting their international legal obligations.

In recent years, studies have highlighted the critical role of legal frameworks in ensuring the protection of refugees and their integration into host communities¹³. This study will add to this body of literature by examining the legal frameworks governing refugees in Hungary and Indonesia and comparing them to identify any gaps or deficiencies in their refugee laws. Given that Hungary and Indonesia have similar political viewpoints, a comparison between them is highly intriguing. Hungary implemented the “*organized disintegration*” as a political movement to prevent asylum seekers and refugees to be part of the Hungarian citizen, with the spirit of “*protecting the state sovereignty*”¹⁴. In the same way, Indonesia is implementing the “*selective policy*” as the political structure, which means the government of Indonesia is refusing any kind of asylum seeker or refugees who entering their

⁹ Amnesty International, “Fenced Out. Hungary’s Violations of the Rights of Refugees and Migrants,” 2015, 1–26, <https://www.amnesty.org/download/Documents/EUR2726142015ENGLISH.pdf>.

¹⁰ Anikó Bernát et al., “Borders and the Mobility of Migrants in Hungary,” *CEASEVAL* 1, no. 29 (2019): 7–10, http://ceaseval.eu/publications/29_WP4_Hungary.pdf.

¹¹ Susan Kneebone, Antje Missbach, and Balawyn Jones, “The False Promise of Presidential Regulation No. 125 of 2016?,” *Asian Journal of Law and Society* 8, no. 3 (2021): 431–50, <https://doi.org/10.1017/als.2021.2>.

¹² James C. Hathaway and Michelle Foster, *The Law of Refugee Status* (Cambridge University Press, 2014), <https://doi.org/10.1017/CBO9780511998300>.

¹³ Craig Damian Smith, “Policy Change, Threat Perception, and Mobility Catalysts: The Trump Administration as Driver of Asylum Migration to Canada,” *International Migration Review*, 2022, 1–32, <https://doi.org/10.1177/01979183221112418>.

¹⁴ Şahizer Samuk, *Can Integration Be Temporary? The (Dis)Integration of Temporary Migrant Workers in Canada and the UK*, *IMISCOE Research Series*, 2020, https://doi.org/10.1007/978-3-030-25089-8_4.

territory¹⁵. In general, Hungary and Indonesia are only acting as transiting countries, without any political will to receive that asylum seekers or refugees legally.

However Hungary has a long history of admitting refugees, as evidenced by the more than 400.000 asylum seekers who applied to the Hungarian government following the fall of the Habsburg Dynasty between 1918 to 1922, which were governed by the Trianon Agreement at the time¹⁶. Indonesia, on the other way, has no previous experience in handling the asylum seeker from the overseas in terms of legal standing. The asylum seeker and refugees mostly originated from the Middle East, North Africa, and South Asia (Myanmar, Bangladesh, and Laos), only transiting through Indonesia, before reaching their primary destination, such as Australia; however, they cannot enter Australia territories before the UNHCR declaring their status as the refugees, then most of them are “trapped” in Indonesia and treated as undocumented migrants which potentially violating the human rights¹⁷. Furthermore, Hungary has “controversially” managed its refugee population during the 2015 crisis, as evidenced by the decline in the number of applications for asylum, which went from 174.000 in 2015 to only 5838 in 2021¹⁸. On the other hand, the number of asylum seekers in Indonesia is rising quickly; in 2022 alone, there were over 13.899 asylum claimants entering Indonesian territory¹⁹.

The study will use a comparative analysis approach to identify similarities and differences between the legal frameworks governing refugees in Hungary and Indonesia. The analysis will focus on several key areas, including the legal definition of a refugee, access to asylum procedures, detention and deportation policies, and refugee integration policies. By examining these key areas, the study aims to identify any gaps or deficiencies in the legal frameworks governing refugees in Hungary and Indonesia. The study’s findings will be of significant importance to policymakers and practitioners working on refugee issues, providing insights into how legal frameworks can be improved to better protect the rights of refugees and ensure their effective integration into host communities. The study will also contribute to the academic literature on refugee protection, providing a comparative analysis of two countries with very different legal frameworks. To achieve these

¹⁵ Junior Perdana Sande, “Selective Policy Imigrasi Indonesia Terhadap Orang Asing Dari Negara Calling Visa,” *Indonesian Perspective* 5, no. 1 (2020): 92–111, <https://doi.org/10.14710/ip.v5i1.30196>.

¹⁶ Balázs Ablonczy, “The Refugee Experience after the Treaty of Trianon. Between State Practices and Neglect,” *The Hungarian Historical Review* 9, no. 1 (2020): 69–89, <https://www.jstor.org/stable/26984102>.

¹⁷ Jessica Ball, Leslie Butt, and Harriot Beazley, “Children and Families on the Move: Stateless Children in Indonesia,” *Migration and Mobility: CAPI Field Research Report*, no. May 2014 (2014).

¹⁸ IOM, “The Number of Granted Refugee Status Under Asylum Act 2007 in Hungary,” IOM Yearly Report, 2022, <https://hungary.iom.int/migration-hungary>.

¹⁹ Mixed Migration Center, “A Transit Country No More” (Copenhagen, Denmark, 2021), https://mixedmigration.org/wp-content/uploads/2021/05/170_Indonesia_Transit_Country_No_More_Summary_Report.pdf.

aims, this research will draw on a range of academic literature and policy documents. The research will utilize a comparative methodology to analyze the legal frameworks governing refugees and asylum seekers in Hungary and Indonesia. The research will examine the relevant national laws, policies, and practices, as well as the international legal frameworks and obligations of both countries. Overall, this research aims to contribute to the broader academic and policy debates on refugee protection and the role of legal frameworks in governing the treatment of refugees and asylum seekers.

2. RESEARCH METHODOLOGY

A qualitative legal comparative doctrinal analysis is a useful tool for analyzing legal frameworks related to refugee protection. This approach involves analyzing legal documents, such as laws, regulations, and court decisions, to identify similarities and differences between the legal frameworks of two or more countries²⁰. By using this approach, researchers can gain a comprehensive understanding of the legal frameworks and their implementation in practice²¹, which can inform policy recommendations and interventions to better protect the rights of refugees. In this case, the legal frameworks of Hungary and Indonesia in relation to refugee protection would be analyzed. Both countries have legal frameworks in place to protect refugees, but there are challenges and gaps in their implementation. Therefore, a qualitative legal comparative doctrinal analysis would be used to identify these challenges and gaps²², as well as best practices that could be adopted by other countries.

The legal documents that would be analyzed include the Refugee Act of Hungary and the Law on Refugees of Indonesia. These laws provide the legal basis for the protection of refugees in each state and outline the rights and obligations of refugees, as well as the responsibilities of the government and other actors involved in the refugee protection system. The analysis would focus on identifying the key provisions of each law, such as the definition of a refugee, the procedures for refugee status determination, and the rights and obligations of refugees. Then, the comparative doctrinal analysis will be conducted, as the difference in character between the Hungary and Indonesia legal framework, as can be summarized as follow:

²⁰ Pradeep M.D., “Legal Research- Descriptive Analysis on Doctrinal Methodology,” *International Journal of Management, Technology, and Social Sciences*, no. December 2019 (2019): 95–103, <https://doi.org/10.47992/ijmts.2581.6012.0075>.

²¹ Marieke Oderkerk, “The Importance of Context: Selecting Legal Systems in Comparative Legal Research,” *Netherlands International Law Review* 48, no. 3 (2001): 293–318, <https://doi.org/10.1017/S0165070X00001340>.

²² Alysia Blackham, “When Law and Data Collide: The Methodological Challenge of Conducting Mixed Methods Research in Law,” *Journal of Law and Society* 49, no. S1 (2022): S87–104, <https://doi.org/10.1111/jols.12373>.

Table 1. The Comparison of the Legal Framework in Refugee Handling Between Indonesia and Hungary

| Hungary | Indonesia |
|---|---|
| Hungary is a member state of a Supranational Organization (European Union, EU) which are legally bound to each other (Based on the Maastricht Treaty (1992) – EU Treaty, and the treaty of Rome – Governing the functioning of the EU (1958) ²³ . | Independent State, with legal independence, but a member of a supranational organization (ASEAN) (Based on Declaration of Bangkok 1967) |
| Hungary Asylum Seeker Schemes are legally regulated by the Common European Asylum System (CEAS), which is issued and managed supranationally by the European Union, and then adapted to the National Law by the Government, then Hungary is enabled to independently determine the status of refugee (Based on the Dublin regulation and Hungary Asylum Act 2007) ²⁴ . | Have no Law regarding Asylum Seeker Management, and also has not ratified the 1951 Refugee Convention and 1967 Protocols. Then, legally Indonesia has no responsibilities for asylum seeker accommodation ²⁵ . |
| Have the details procedures in the Asylum Seeker reception, based on the Dublin Procedures (Based on the Hungary Asylum Act 2007) ²⁶ . | Have no procedures in Asylum Seeker reception, then the “reception” of the asylum seeker by the Indonesians in some provinces is only based on humanity ²⁷ . |

Source: Authors

Furthermore, the comparative aspect of the analysis would involve identifying similarities and differences between the legal frameworks of Hungary and Indonesia. This comparison could identify areas for improvement in one or both countries, as well as best practices that could be adopted by other countries. For example, a comparison could be made between the procedures for refugee status

²³ EUROSTAT, *The EU in the World – 2020 Edition* (Belgium: European Union Eurostat, 2020), <https://ec.europa.eu/eurostat/documents/3217494/10934584/KS-EX-20-001-EN-N.pdf/8ac3b640-0c7e-65e2-9f79-d03f00169e17?t=1590936683000>.

²⁴ Rosemary Byrne, Gregor Noll, and Jens Vedsted-Hansen, “Understanding the Crisis of Refugee Law: Legal Scholarship and the EU Asylum System,” *Leiden Journal of International Law* 33, no. 4 (2020): 871–92, <https://doi.org/10.1017/S0922156520000382>.

²⁵ Antje Missbach, “Accommodating Asylum Seekers and Refugees in Indonesia,” *Refuge: Canada’s Journal on Refugees* 33, no. 2 (2017): 32–44, <https://doi.org/10.2307/48649576>.

²⁶ EASO, “Description of the Hungarian Asylum System,” 2015, <https://www.easo.europa.eu/sites/default/files/public/Description-of-the-Hungarian-asylum-system-18-May-final.pdf>.

²⁷ Antje Missbach, “Asylum Seekers’ and Refugees’ Decision-Making in Transit in Indonesia: The Need for in-Depth and Longitudinal Research,” *Bijdragen Tot de Taal-, Land- En Volkenkunde* 175, no. 4 (2019): 419–45, <https://doi.org/10.1163/22134379-17504006>.

determination in each state, including the criteria used to determine refugee status and the time frame for making decisions. This comparison could identify areas where the legal frameworks need improvement, such as ensuring that procedures for refugee status determination are fair and efficient.

In addition, the comparative analysis could also identify the factors that affect the implementation of refugee law in each state. For example, political will, public attitudes towards refugees, and the role of NGOs and civil society organizations could be compared between Hungary and Indonesia. This analysis could provide insight into the challenges and opportunities in implementing refugee law frameworks and inform policy recommendations for governments and NGOs working on refugee issues. Furthermore, a qualitative legal comparative doctrinal analysis provides a rigorous framework for analyzing the legal frameworks of Hungary and Indonesia in relation to refugee protection. This approach provides a comprehensive understanding of the legal frameworks and their implementation in practice, which can inform policy recommendations and interventions to better protect the rights of refugees in these countries and beyond.

3. LEGAL REVIEW

The study of the refugee law frameworks in Hungary and Indonesia is of critical importance given the global refugee crisis, with more than 82 million people displaced worldwide. The protection of refugees is an obligation under international law, and it is essential to have effective legal frameworks in place to ensure that refugees' rights are respected. This paper aims to identify legal gaps in the refugee law frameworks of Hungary and Indonesia and to analyze how effectively these frameworks are implemented in practice.

3.1. Hungary's Refugee Law Framework:

Hungary's legal framework for refugees is relatively comprehensive, with a range of laws and regulations in place to protect the rights of refugees. Relevant articles from the legal framework governing the refugee determination process outside of Hungary are: (1) Dublin Regulation (EU) No 604/2013: This EU regulation governs the allocation of responsibility for examining asylum applications among EU Member States. Specifically, it establishes that the first EU Member State an asylum seeker enters is responsible for processing their application. Article 2 of the Dublin Regulation: This article defines the terms used in the regulation, including the definition of "asylum seeker." Article 18 of the Dublin Regulation: This article provides for the transfer of an asylum seeker to the EU Member State responsible for processing their application. Article 27 of the Dublin

Regulation: This article outlines the procedures for returning an asylum seeker to the EU Member State responsible for processing their application. Article 33 of the Dublin Regulation: This article sets out the criteria for determining the EU Member State responsible for processing an asylum application.

In addition to the Dublin Regulation, several other legal instruments govern the refugee determination process outside of Hungary. These include (1) The 1951 Convention Relating to the Status of Refugees: This international treaty establishes the legal definition of a refugee and sets out the rights and obligations of both refugees and the countries that host them. The 1967 Protocol Relating to the Status of Refugees: This protocol extends the scope of the 1951 Convention to include refugees who were displaced as a result of events occurring after 1951.

Hungary is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which establishes the rights and obligations of refugees and state parties. Hungary has also enacted national legislation to implement these international instruments, including the Asylum Act and the Refugee Act. However, Hungary's refugee law framework is not always implemented effectively in practice. Human rights organizations have criticized the state's treatment of asylum seekers and refugees. Reports have documented overcrowded and unsanitary living conditions in refugee camps, as well as inadequate access to healthcare and education. There have also been reports of restrictions on freedom of movement and the use of excessive force by law enforcement agencies.

Hungary's legal framework for refugee handling is primarily based on the Refugee Act of 2007, as amended in 2018. The act provides the legal foundation for the protection of refugees in Hungary and establishes the legal responsibilities of the government and other actors involved in the refugee protection system. The Refugee Act of 2007 defines a refugee as someone who has a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and who is unable or unwilling to seek protection from their home state (Asylum Act of 2007, Article 2). The procedures for obtaining refugee status in Hungary can be explained as follows:

1. Registration: Asylum seekers who arrive in Hungary must register their asylum application with the Hungarian authorities. The registration process includes providing biometric data and other personal information. This first step is regulated in Article 26(1) of the Asylum Act requires that asylum seekers be registered as soon as possible after they express their intention to apply for asylum.

2. Interview: After registration, asylum seekers will be interviewed by a Hungarian official to assess their eligibility for refugee status. During the interview, the asylum seeker will be asked about their reasons for seeking asylum and any persecution they have experienced in their home state. This step is regulated in the Article 31(1) of the Asylum Act requires that asylum seekers be interviewed

in a language they understand and that the interview be conducted with due respect for their dignity.

3. Decision: Following the interview, the Hungarian authorities will decide on the asylum seeker's application. If the application is approved, the individual will be granted refugee status. If the application is rejected, the individual may appeal the decision to the Hungarian Immigration and Asylum Office (IAO). This step is regulated in Article 38(1) of the Asylum Act provides for the granting of refugee status to eligible individuals.

4. Appeal: As mentioned above, asylum seekers who have their application rejected may appeal the decision to the IAO. The appeal must be filed within 8 days of receiving the decision. This step is regulated in the Article 51(1) of the Asylum Act sets out the procedures for appealing.

5. Second instance decision: If the appeal is rejected, the asylum seeker may file a second appeal with the Budapest-Capital Regional Court. This step is regulated in Article 56(1) of the Asylum Act provides for the second instance decision-making process.

6. Legal remedies: If the asylum seeker's application is rejected in the second instance, they may file a petition for review with the Hungarian Supreme Court. Article 63(1) of the Asylum Act provides for the legal remedies available to asylum seekers.

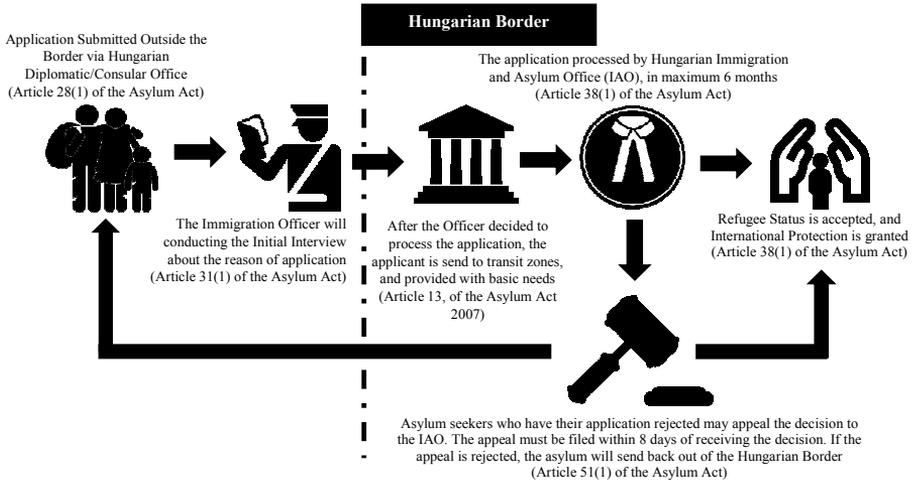
7. In case the Refugee Status Determination (RSD) process is rejected after the legal action, Article 67(1) of the Hungarian Asylum Act 2007 provides for the removal of unsuccessful asylum seekers from Hungary. This can include deportation, forced return, or voluntary departure under the supervision of the authorities.

In summary, the asylum system in Hungary based on the legal framework which already explained above can be seen as follows:

It is worth noting that the Hungarian asylum system has been criticized by human rights organizations for its lack of transparency, the use of detention, and limited access to legal assistance for asylum seekers. Additionally, the Hungarian government has made changes to the asylum system in recent years, including the adoption of laws that restrict the rights of asylum seekers and limit access to protection. Based on the Government Decree 191/2015, the Office of Immigration and Nationality (OIN) is required by the Asylum Act amendment to reject as inadmissible any asylum claims submitted by applicants who entered through a safe third state. Furthermore, the government of Prime Minister Viktor Orbán initiated a xenophobic scapegoating campaign in February 2015, motivated by political considerations. The campaign began with a concerted communication campaign that aimed to demonize migration and refugees, suggesting that Hungary's biggest problem is this issue, supported by a 4,5 million Euro national xenophobic billboard campaign funded by the government. Furthermore, Hungary's strategy,

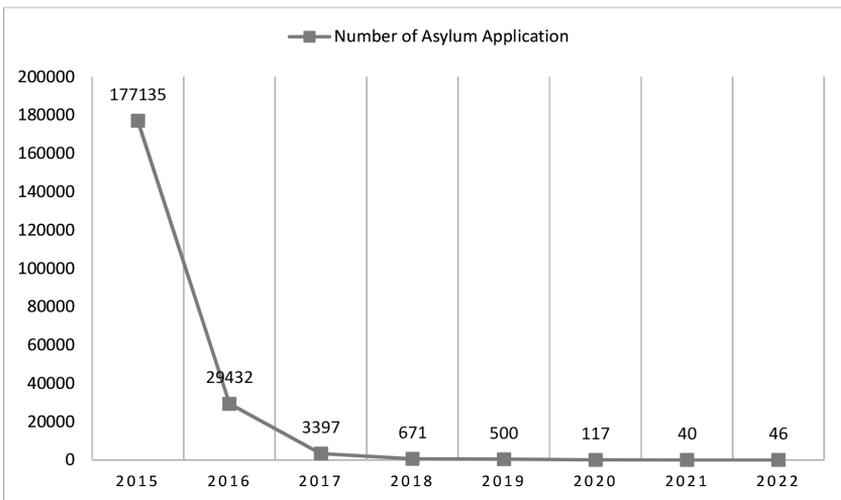
while controversial, was successful in dramatically lowering the number of refugee claimants, as can be seen on the statistics as follow (figure 2).

Figure. 1. Summary of the Hungarian Refugee Determination Procedures Based on Asylum Act 2007 Amended 2018



Source: Author from Hungarian Asylum Act, 2007

Figure 2. Number of Asylum application in Hungary from 2015 to 2022



Source : Eurostat, 2022

Source: Eurostat, 2022

Later on, the United Nations High Commissioner for Refugees (UNHCR) has expressed concerns over the fairness and efficiency of Hungary's procedures for refugee status determination, particularly concerning access to legal assistance and the quality of decisions made by the *Országos Idegenrendészeti Főigazgatóság* (OIF). Moreover, in response to the 2015 refugee crisis, Hungary constructed a fence along its borders with Serbia and Croatia to prevent the entry of refugees. The government has been accused of mistreating refugees and violating their human rights.

Refugees in Hungary are entitled to several rights under both national and international law. Here are some of the key rights of refugees in Hungary:

1. **Right to nonrefoulement:** Refugees are protected against being returned to a state where they may face persecution, torture, or other serious human rights violations. This principle is enshrined in international law and is recognized in Hungarian law. Article 3 of the Hungarian Asylum Act 2007 prohibits the return of individuals to a state where they may face persecution or serious harm.
2. **Right to access to asylum procedures:** Refugees have the right to access to a fair and efficient asylum procedure in Hungary. They have the right to submit an asylum application and to have their case considered in a timely manner. They also have the right to be informed about the procedures and to receive legal assistance. Article 10 of the Hungarian Asylum Act 2007 provides for access to the asylum procedure.
3. **Right to freedom of movement:** Refugees have the right to move freely within the state and to choose their place of residence in Hungary. However, they may be subject to restrictions on movement in some circumstances, such as while their application is being processed. Article 48 of the Hungarian Asylum Act 2007 provides for freedom of movement for asylum seekers and refugees.
4. **Right to work:** Refugees who have been granted international protection in Hungary have the right to work and to access to vocational training and education. However, they may face challenges in finding employment due to language barriers and discrimination. Article 56 of the Hungarian Asylum Act 2007 provides for the right to work for refugees with international protection.
5. **Right to education:** The refugees have the right to access to education on an equal basis with Hungarian citizens. This includes access to primary and secondary education, as well as vocational training and higher education. Article 57 of the Hungarian Asylum Act 2007 provides for the right to education for refugees.
6. **Right to healthcare:** Refugees have the right to access to healthcare services on an equal basis with Hungarian citizens. This includes access to emergency

medical treatment, preventative care, and specialized treatment. Article 58 of the Hungarian Asylum Act 2007 provides for the right to healthcare for refugees.

Furthermore, Hungary has introduced some restrictive measures targeting refugees and asylum seekers. These measures include the establishment of transit zones at the border where asylum seekers are detained while their claims are processed, a reduction in the duration of temporary protection, and a tightening of the criteria for family reunification (European Commission, 2021). In the legal cases of *R.R. and others v. Hungary*, the European Court of Justice also weighed in on Hungary's refugee policies, concluding that the state had broken EU law by depriving asylum seekers of food while they were being held in transit zones. Similarly, the European Court of Human Rights concluded that Hungary had violated article 31 of the 1951 Refugee Convention. In light of these criticisms, there is a need to further evaluate and improve Hungary's refugee protection system. This includes ensuring that the procedures for refugee status determination are fair and efficient and that refugees are treated with dignity and respect. It also involves addressing the restrictive policies and practices that limit the rights and protections of refugees and asylum seekers in Hungary.

3.2. Indonesia's Refugee Law Framework:

Indonesia's legal framework for refugees is less comprehensive than Hungary, whereas Indonesia focuses on the "humanitarian" approach. Indonesia is not a signatory party to the 1951 Convention and its 1967 Protocol and has enacted national legislation related to refugees. Indonesia has also established the Indonesian Office of the United Nations High Commissioner for Refugees (UNHCR) to manage the refugee issue. Indonesia has been praised for its efforts to provide education, healthcare, and other services to refugees, as well as for its willingness to accept large numbers of refugees from conflict-affected countries such as Syria and Myanmar. However, Indonesia faces challenges in ensuring the full protection of refugee rights, including challenges related to legal status and access to work and education. One of the key legal instruments in Indonesia's legal framework for refugee handling is Law No. 37 of 1999 on Foreign Relations. Article 27 of the law provides that Indonesia will provide protection and assistance to refugees in accordance with international law and the principles of humanity.

Furthermore, the Government of Indonesia adopted the Presidential Regulation No. 125 of 2016 on the Treatment of Refugees provides further guidance on the handling of refugees and asylum seekers in Indonesia. The refugee itself, based on Article 1 (1) of that regulation, is defined as a foreigner who is in the territory of the Unitary State of the Republic of Indonesia due to a well-founded

fear of persecution for reasons of race, ethnicity, religion, nationality, membership in certain social groups, and different political opinions are referred to as Refugees, and do not wish to seek protection from their state of origin, and have gained asylum seeker or refugee status from the UN through the High Commissioner for Refugees in Indonesia. In addition to these legal instruments, various ministerial regulations and circulars guide the implementation of refugee protection policies in Indonesia. For example, Ministerial Regulation No. M.02-IZ.01.08 of 2010 sets out the procedures in detention for the refugees, while Ministerial Regulation No. PM.71/HK.110/MENKES/2016 of 2016 outlines the health services that should be provided to refugees and asylum seekers.

In this research, the Presidential Regulation No. 125 of 2016 on the treatment of refugees is becoming the focus of concern for analysis. Based on Article 2, the refugee procedures are run under the cooperation between the Government of Indonesia and the UNHCR Indonesia. Furthermore, the government of Indonesia, based on Article 4, is responsible for rescue/evacuation activities, reception, securitization, and immigration surveillance. First, for the **rescue responsibility**, as stated in Article 6, the investigative agency business in the Search field and Help coordinate and carries out the search for refugees in an emergency in Indonesian territorial seas, which as stated in Article 7, is performed by the National Army, National Police, the ministry that organizes government affairs in the field of transportation, an entity that handles government concerns related to marine security and safety, also known as the marine Security Agency and other relevant ministries/non-ministerial government agencies carrying out tasks in Indonesian territorial waters.

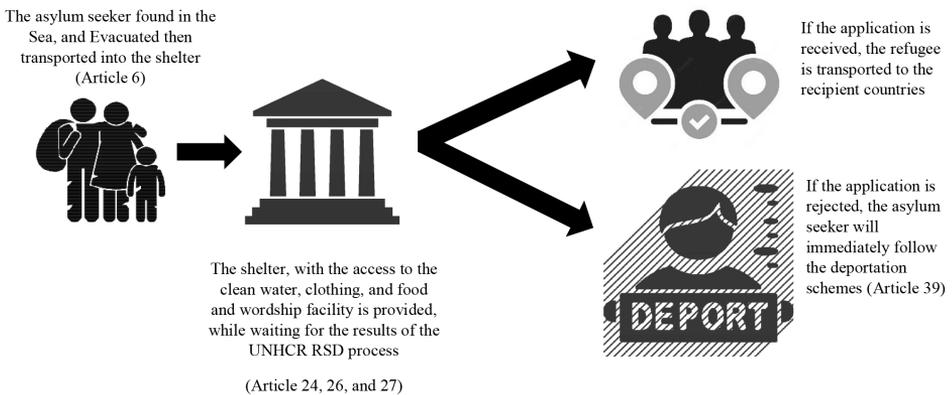
Secondly, the government of Indonesia is also responsible for the **reception responsibilities**. Whereas after those refugees are rescued from the sea, they must be transported to the reception facilities. The related institution as mentioned previously, must be coordinated with the local government to provide the shelter and its needs as stated in Article 24. The shelter has to facilitate those refugees with a clean water supply, meeting the needs of eating, drinking, and clothing, health and hygiene services, and worship facilities as stated in Article 26. Furthermore, the refugee who are: sick, pregnant, disabled, children, and elderly can be placed outside the shelter, based on their needs (ex. The refugee who are sick, can be placed in the nearest hospital) as stated in article 27.

Last but not least, there are the **securitization duties**. As mentioned in Article 31, the refugee must be protected from many forms of offenses. Furthermore, this action has numerous goals, including (1) keeping refugees in shelters, (2) creating a sense of security for the surroundings around the shelter, and (3) creating and socializing regulations that contain obligations and restrictions for refugees, as mentioned in article 32. The Indonesian national police agency is in charge of this mission, with assistance from the local government. The last responsibility is

immigration monitoring, which is carried out when refugees are located, both within and outside the shelter, when they are sent to their destination state, when they return willingly, and when they are deported. Technically, the Immigration authorities have several duties, including (1) double-checking the identity and documents of refugees and taking photos and fingerprints, (2) requesting information contained in minutes of inspection and minutes of opinion for refugees in the context of placement in the Immigration Detention Center, and providing a data collection letter or special identity card for refugees issued by the head of the local Immigration Detention Center as stated in article 35.

Furthermore, while those asylum seekers are transiting through Indonesian territory, the Directorate General of Immigration will work with the UNHCR to carry out RSD processes. If the application is accepted by the UNHCR and the refugee status is given, the asylum seekers will be sent to the refugee destination countries and will be subject to the administration of departure by asking for exit permits and not returning to travel documents by the Immigration authorities. If the UNHCR rejects their refugee status, they will be removed to their origin state via the deportation procedures outlined in article 39. In summary, the asylum seeker handling procedures can be seen as follows:

Figure. 3. Summary of the Indonesia Asylum Seeker Handling Based on Presidential Regulation No. 125/2016.



Sources: Author from Presidential Regulation No. 125/2016.

Despite these legal protections, there have been numerous reports of human rights violations against refugees and asylum seekers in Indonesia. For example, a 2018 report by Human Rights Watch documented cases of arbitrary detention, restrictions on freedom of movement, and police harassment of refugees and

asylum seekers in Indonesia²⁸. The lack of a specific law on refugees has been identified as a major gap in Indonesia's legal framework for refugee protection. The absence of a specific law limits the legal protections and rights that can be afforded to refugees under Indonesian law, and makes it more difficult to hold authorities accountable for violations of refugees' rights²⁹. Furthermore, Indonesia's policy of temporary protection has been criticized by some as not providing a sustainable solution for refugees. Also, the lack of a permanent residency or citizenship pathway for refugees in Indonesia creates uncertainty and instability for refugees and can hinder their ability to integrate into society³⁰. While Indonesia's legal framework for refugee handling is guided by international norms and standards, there is a need for further improvements to ensure that refugees and asylum seekers receive adequate protection and support. This includes addressing the gaps in the legal framework and strengthening the capacity of government agencies to provide effective protection and services to refugees and asylum seekers.

4. DISCUSSION

Given the ongoing refugee crises worldwide, it is crucial to examine and compare the legal frameworks for handling refugees in different countries. This discussion will focus on the findings of a comparative analysis of the refugee law frameworks in Hungary and Indonesia, which highlights the legal gaps and challenges in providing adequate protection for refugees in these countries.

²⁸ UNHCR, "Beyond Detention," *UN Policy Brief Series*, 2019, <https://doi.org/10.5149/north-carolina/9781469653129.003.0005>. Detention is not the answer. Research in fact shows that not even the most stringent detention policies deter irregular migration, and further, that there are workable alternatives to detention that can achieve governmental objectives of security, public order and the efficient processing of asylum applications. Importantly, as seeking asylum is not an unlawful act, detaining asylum-seekers for the sole reason of having entered without prior authorisation runs counter to international law. Under international law, individuals have the right to seek asylum, and if they do so, to be treated humanely and with dignity. Access to open reception arrangements and fair and efficient status determination procedures need to be part of the overall State architecture. Detention also has many negative lasting effects on individuals. It undermines their human dignity and can cause unnecessary suffering, with serious consequences for their health and well-being, in particular when they are detained for long periods. Detention increases anxiety, fear and frustrations and can exacerbate past traumatic experiences. It takes place, frequently, in places and in conditions that do not meet human rights standards. Detention of children is particularly serious due to the devastating effect it may have on their physical, emotional and psychological development, even if they are not separated from their families.

²⁹ Sébastien Moretti, "Southeast Asia and the 1951 Convention Relating to the Status of Refugees: Substance without Form?," *International Journal of Refugee Law* 33, no. 2 (December 24, 2021): 214–37, <https://doi.org/10.1093/ijrl/eeab035>.

³⁰ Francesco Castelli, "Drivers of Migration: Why Do People Move?," *Journal of Travel Medicine* 25, no. 1 (2018): 1–7, <https://doi.org/10.1093/jtm/tay040>.

4.1. Identified Gap in Indonesia Legal Framework

The absence of a robust RSD process in Indonesia has serious implications for the welfare and rights of refugees in the state. Without a functioning RSD process, asylum seekers and refugees are unable to access protection and are forced to endure prolonged periods of uncertainty and detention. As noted by the UNHCR, “prolonged and unjustified detention of refugees and asylum seekers is a serious concern, as it can lead to further harm and vulnerability” (UNHCR, 2020). Moreover, the lack of proper RSD procedures makes it difficult to identify and refer cases to UNHCR for refugee status determination, which puts a significant burden on the Indonesian government and hampers the provision of effective protection to refugees. The UNHCR has urged the Indonesian government to “develop a clear and transparent mechanism for identifying and referring asylum seekers and refugees for RSD, in line with international standards” (UNHCR, 2020).

4.1.1. Comparing the Refugee Status Determination (RSD) Procedures

The most identified difference between the Hungary Asylum Act 2007 and Presidential Regulation 125/2016 is the RSD procedures. In the Hungary Asylum Act 2007, According to article 1, Hungary’s authorities may acknowledge the refugee’s status³¹. Whereas refugee status may be granted to an alien who qualifies as a refugee in accordance with the Geneva Convention on the Status of Refugees as stated in Section 7, Paragraph 1. Also, Hungary has the rights to set the eligibility status based on the Hungarian Fundamental Law, as stated in Article 6, Paragraph 1, which must be met the criteria stated in the Geneva convention, Article 1, as stated in Article 7, Paragraph 1. This right is including the applicant’s personal circumstances and the overall condition in the applicant’s state of origin as stated in section 18 paragraph 1.

From this points, Hungary have the right to accept or reject the refugee status of someone who is asylum seeker. The Asylum Act of 2007 also sets out several factors that must be taken into account when assessing an asylum application, including the current situation in the applicant’s state of origin, the credibility of the applicant’s statements, and any documentation or other evidence that supports their claim. The authorities are also required to consider the individual circumstances of the applicant, such as their age, gender, and any personal vulnerabilities or risks they may face if returned to their state of origin. The reliability of the applicant, the reasonableness of his or her statements, and the validity of the papers supplied will be evaluated as stated in section 19, paragraph 1. This well-estab-

³¹ Government of Hungary, “Act LXXX of 2007 on Asylum,” Pub. L. No. Act LXXX of 2007 on Asylum, 1 Official Gazette 1 (2007), <https://doi.org/10.2307/j.ctv1r4xdbn.6>.

lished legal framework helps Hungarian authorities to create the legal fortress which reject more than 90 percent of refugee application in 2019.

On the other hand, Indonesia does not have a formal refugee determination process, as Indonesia is not a signatory state to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which made Indonesia has not adopted any domestic legislation on refugees and asylum seekers. This means that there are no established procedures for assessing asylum claims or determining refugee status in Indonesia. As a result, asylum seekers in Indonesia face significant challenges in accessing their rights and protections. Many asylum seekers live in limbo, unable to work legally or access education and healthcare, and with no clear path to regularization or resettlement. The lack of a formal refugee determination process also means that asylum seekers are at risk of arrest, detention, and deportation, as they are not recognized as legal residents of Indonesia.

Despite these challenges, Indonesia has taken some steps to address the needs of asylum seekers and refugees. In 2016, the government launched a two-year pilot program to provide temporary shelter, food, and healthcare to refugees and asylum seekers in Indonesia. The program was later extended in 2018, and as of 2021, it continues to provide support to around 14,000 refugees and asylum seekers in the state. However, without a formal legal framework for refugee protection, the situation for asylum seekers and refugees in Indonesia remains precarious. Many organizations and advocates have called on the government to adopt legislation that recognizes and protects the rights of refugees and asylum seekers in the state.

4.1.2. Comparing the Access to the Basic Right

The Asylum Act of 2007 in Hungary sets out the legal framework for determining refugee status and provides some protections for refugees in accessing basic rights. Under the Act, asylum seekers have the right to access healthcare, education, and employment on an equal basis with Hungarian citizens as stated in Article 18, Paragraph 1. However, there have been concerns raised about the fairness and transparency of the asylum system in Hungary, and the Act has been criticized by human rights organizations for failing to adequately protect the rights of refugees.

Regarding healthcare, refugees in Hungary have access to the universal healthcare system, which provides healthcare services to all citizens and residents, including refugees and asylum seekers. However, there have been reports of significant gaps in the quality of healthcare services in Hungary, with concerns raised about long wait times, shortages of medical supplies, and inadequate staffing in some areas. Additionally, access to mental healthcare services for refugees and asylum seekers is limited, which can have a significant impact on their well-being and ability to integrate into society.

In terms of education, free education is provided to all citizens and residents, including refugees and asylum seekers, under the Education Act of 2011, Article 25. However, there have been concerns raised about discrimination against Roma children in the education system, which can impact their ability to access quality education. Additionally, the lack of specialized support services for refugee children, such as language support or counseling, can make it difficult for them to fully participate in the education system. Regarding employment, refugees in Hungary have the right to work under certain conditions, including holding a valid work permit and having a valid residence permit. However, there have been reports of discrimination against refugees and asylum seekers in the job market, with many employers reluctant to hire them due to their refugee status or lack of Hungarian language skills.

On the other hand, Indonesia does not have a formal legal framework for refugee protection, and refugees and asylum seekers face significant challenges in accessing basic rights. The Presidential Regulation 125/2016, issued in 2016, is doesn't allows refugees and asylum seekers to obtain work permits and access public services such as healthcare and education, but the implementation of this regulation on the ground has been inconsistent according to Constitution of the Republic of Indonesia, Article 28D(1). In terms of education, while the Constitution guarantees the right to education for all Indonesians, there are significant gaps in the education system that impact refugees and asylum seekers. Many refugees and asylum seekers in Indonesia are unable to access education due to language barriers, lack of documentation, and limited financial resources. Additionally, there is a shortage of specialized support services for refugee children, such as language support or counseling. Regarding employment, refugees and asylum seekers in Indonesia are not allowed to work legally, which can make it difficult for them to support themselves and their families. This can also limit their ability to fully integrate into society and participate in the local economy.

In conclusion, while Hungary and Indonesia have different legal frameworks for refugee protection, both countries face significant challenges in ensuring that refugees and asylum seekers have access to basic rights such as healthcare, education, and employment. While Hungary has a more formal legal framework for refugee protection, the implementation of these protections has been criticized for failing to adequately address the needs of refugees. In Indonesia, the lack of a formal legal framework for refugee protection has left refugees and asylum seekers in a precarious situation, with limited access to basic rights and significant barriers to integration.

4.1.3. Comparing the Access to the Citizenship

Hungary's legal framework for granting citizenship to refugees is primarily established in the Act LV of 1993 on Hungarian Citizenship. This law outlines the

general requirements for obtaining citizenship, which include a certain period of lawful residence in Hungary and passing a language test. However, the Asylum Act of 2007 also provides some specific provisions for refugees who have been granted asylum. According to Article 22 of the Asylum Act, refugees who have been granted asylum shall have the same rights and obligations as Hungarian citizens. This includes the right to vote in national and local elections, as well as access to social services and healthcare.

Furthermore, Hungary has also implemented a policy of granting citizenship to ethnic Hungarians living abroad. This policy, which has been in place since 2011, has facilitated the naturalization of ethnic Hungarians in neighboring countries such as Romania, Serbia, and Ukraine. While this policy is not specifically aimed at refugees, it does provide a pathway to citizenship for some refugees who are ethnic Hungarians.

In contrast, Indonesia does not have a specific legal framework for granting citizenship to refugees. The state's Citizenship Law (Law No. 12 of 2006) outlines the general requirements for obtaining citizenship, which include a long period of residence and passing a complex legal process. However, the law does not make any provisions specifically for refugees. Despite the lack of legal provisions, there have been some cases of refugees being granted citizenship in Indonesia. In 2017, the Indonesian government granted citizenship to five Afghan refugees who had been living in the state for several years. However, these cases are relatively rare and are largely dependent on the discretion of the government.

Overall, the differences in legal frameworks between Hungary and Indonesia reflect different approaches to integrating refugees into society. Hungary's policy of granting citizenship to ethnic Hungarians and specific provisions for refugees who have been granted asylum provide a pathway to citizenship for some refugees. In contrast, Indonesia's lack of specific provisions for refugees means that the process for obtaining citizenship is more complex and uncertain.

4.2. Comparing the Impact of Difference Approach

First, it is very important to understand the difference between asylum seekers and refugees themselves. An asylum seeker can be defined as someone whose application for asylum has yet to be approved, on the other hand, a refugee can be defined as someone unable or unwilling to return to their own state because of a well-founded fear of persecution on account of race, religion, nationality, social group membership, or political opinion³². Those people, who fled from their state as asylum seeker or refugees, are subject to human rights protection, which is regulated under the 1951 Refugee Convention and related legal basis, which consist

³² Matthew Lister, "WHO ARE REFUGEES?," *Source: Law and Philosophy* 32, no. 5 (2013): 645–71, <https://doi.org/10.1007/si>.

of access to basic rights, such as food, water, shelter, and education, also the living support access, such as access to the job market, under the *non-refoulement* principles, which means they cannot be sent back to their home state, freedom of movement, right to liberty and security of the person, and right of family reunification³³.

The motives which push people to leave their home countries always developing, from conflict, and economic to climate migration, however from the 1900s to the 2015-2016 refugee crisis, armed conflict is dominating the main reason for people to leave their home countries³⁴. The armed conflict resulted in the mass influx of people, called the “*war flaw*” is opening the world’s eyes, to the importance of the legal basis in refugee handling, also becoming the main reason to develop the universal legal basis in refugee handling, which is 1951 Refugee convention and 1967 Protocol which extend the geographical proximity³⁵.

The European Union (EU) refugee crisis which happened in 2015 because of the Arab Spring movement, triggered more than 1 million refugees entering the EU border, from the Middle East and north Africa, who enter EU from the sea and land border. This mass influx of asylum seeker is successfully reshaping the EU migration handling policy on the migration framework³⁶. To address this problem, in September 2015 the quota system under the Common European Asylum System (CEAS) was proposed as the administrative solution for the EU to address the refugee crisis, successfully relocating 120.000 refugees along the EU member state³⁷.

Furthermore, in 2017, the number of an asylum seeker in Hungary is reaching 2.1 percent of citizen, one of the highest numbers in Europe after Germany³⁸. Hungary also faced a significant inflow of migrants entering its borders as a final destination, with over 400,000 asylum seekers entering the state in 2015 alone, far beyond the state’s capacity to manage a major influx of people at one time³⁹.

³³ Moretti, “Southeast Asia and the 1951 Convention Relating to the Status of Refugees: Substance without Form?”

³⁴ Guy J. Abel et al., “Climate, Conflict and Forced Migration,” *Global Environmental Change* 54 (January 1, 2019): 239–49, <https://doi.org/10.1016/J.GLOENVCHA.2018.12.003>.

³⁵ Hugo Storey, “Armed Conflict in Asylum Law: The ‘War-Flaw,’” *Refugee Survey Quarterly* 31, no. 2 (2012): 1–32, <https://doi.org/10.1093/rsq/hds005>.

³⁶ Byrne, Noll, and Vedsted-Hansen, “Understanding the Crisis of Refugee Law: Legal Scholarship and the EU Asylum System.”

³⁷ Šelo Šabić Senada, “The Relocation of Refugees in the European Union,” no. September (2017): 10, https://bib.irb.hr/datoteka/914374.The_Relocation_of_Refugees.pdf%0Ahttp://library.fes.de/pdf-files/bueros/kroatien/13787.pdf.

³⁸ Pavle Kilibarda, “Obligations of Transit Countries under Refugee Law: A Western Balkans Case Study,” *International Review of the Red Cross* 99, no. 904 (2017): 211–39, <https://doi.org/10.1017/S1816383118000188>.

³⁹ WHO Regional Office for Europe, “Joint Report on a Mission of the Hungarian Ministry of Human Capacities and the WHO Regional Office for Europe,” 2016, http://www.euro.who.int/__data/assets/pdf_file/0016/317131/Hungary-report-assessing-HS-capacity-manage-sudden-large-influxes-migrants.pdf?ua=1.

Most of the asylum seekers are going into the EU through Hungary, because of its position, which included in the “*Balkan corridor*”, which connects the Middle East, and Mediterranean region to the EU territory, where people tend to migrate from Middle East to Greece via Macedonia and Turkey entering through Bulgaria and continue to Hungary as the directly bordered EU member states⁴⁰.

Hungary is, on the other hand, responding to the refugee crisis controversially, both in terms of legal or non-legal action. Legally, Hungary enacted Government Decree 191/2015, which directed that asylum applications from a particular third-safe nation would be rejected. Additionally, Hungary adopted the “Soros law,” which prosecuted anyone who helped the asylum seeker. In non-legal way, Hungary responded by building the fence along the border, rejecting the EU’s planned quota system, and launching a propaganda campaign against asylum seekers⁴¹. Furthermore, Hungary is successfully to decrease the number of asylum seeker, who entering their territory by imposing the “legal fortress” as immigration policy, which successfully decreasing the number of asylum seekers. However, as a member of the EU, Hungary have to comply with the Common European Asylum System (CEAS), which bridging between the local refugee handling law through Act LXXX of 2007 on Asylum with the 1951 Refugee Convention, resulting in the smooth processes for asylum seeker and refugee management.

Notwithstanding Hungary’s legal framework for dealing with refugees, the government is using a “one-of-a-kind” strategy for dealing with asylum seekers. In Hungary, the refugee handling legal system is guided by the CEAS as its supranational framework, Constitution of Hungary, the Law on Asylum (LXXX. of 2007), and the Aliens Act (II. of 2007). Under those legal systems, Hungary is required to offer international protection for asylum seekers, including lodging, education, health care, and access to the labor market when their refugee status is recognized⁴². However, politically, under the Orban administration, Hungary has the very unique approach to manage the refugees entering the state. The Hungarian response to migration consists of three components: selective border closure, a number of deterrents, and governmental racist discourse and propaganda efforts in order to minimize the number of refugee in the Hungary territory⁴³.

⁴⁰ Bodo Weber, “The EU-Turkey Refugee Deal and the Not Quite Closed Balkan Route,” *Friedrich Ebert Stiftung*, no. June (2017): 23.

⁴¹ Boldizsár Nagy, “Special Issue Constitutional Dimensions of the Refugee Crisis Hungarian Asylum Law and Policy in 2015–2016: Securitization Instead of Loyal Cooperation,” *German Law Journal* 17, no. 6 (2016): 1033–81.

⁴² Tamás Hoffmann and Fruzsina Gárdos-Orosz, “Populism and Law in Hungary – Introduction to the Special Issue,” *Review of Central and East European Law* 47, no. 1 (2022): 1–11, <https://doi.org/10.1163/15730352-bja10058>.

⁴³ Annastiina Kallius, “The East-South Axis: Legitimizing the ‘Hungarian Solution to Migration,’” *Revue Européenne Des Migrations Internationales* 33, no. 2–3 (2017): 133–55, <https://doi.org/10.4000/remi.8761>.

Hungary's legal position is "controversially" able to control the number of asylum seekers entering the state; however, in 2019 more than 90% of asylum requests were denied due to a political strategy supported by the law⁴⁴.

In Indonesia, to apply for protection, refugees must pass through the refugee identification stage which is evaluated through the RSD (Refugee Status Determination procedure) by the *United Nations High Commissioner for Refugees* (UNHCR). The procedure for determining the refugee status is carried out through registration and interviews, in this interview later it can be determined whether it is appropriate to be granted refugee status if rejected, and refugees can appeal once⁴⁵. The existence of the UNHCR representative office in the Indonesian capital, Jakarta, is based on an agreement between the government of the Republic of Indonesia and the United Nations High Commissioner for Refugees (UNHCR) on 15 June 1979.

Refugees who plan to reach third countries (refugee recipient countries based on the Geneva Convention 1951 about Refugees) will interact with various individuals from different countries. They will even stop in several countries to get to the destination state, either voluntarily or forced due to getting lost, lack of logistics, or being caught by local authorities. In Indonesia, there are a lot of problems faced by refugees who waiting to be replaced by the refugee recipients' countries. Firstly, they are not allowed to work⁴⁶, which means that their daily needs are not well fulfilled.

Secondly, children and youth asylum seekers will have difficulty accessing the education that they should get, even though education is one of the rights that is recognized as a fundamental right for humans. Thirdly, children born to husband-and-wife refugees will have difficulty regarding their child's immigration status, which potentially leads to stateless immigration status⁴⁷. That problem will affect several problems later, such as getting health facilities, education, and registering for various other services⁴⁸. The adoption of that legislation has created

⁴⁴ Attila Juhász and Bulcsú Hunyadi, "Focus on Hungary: Refugees, Asylum and Migration Focus on Hungary: Refugees, Asylum and Migration HEinrich-Böll-Stiftung" (Prague, 2015).

⁴⁵ Vanessa Holzer, "The 1951 Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence" (Geneva, September 5, 2012), www.unhcr.org.

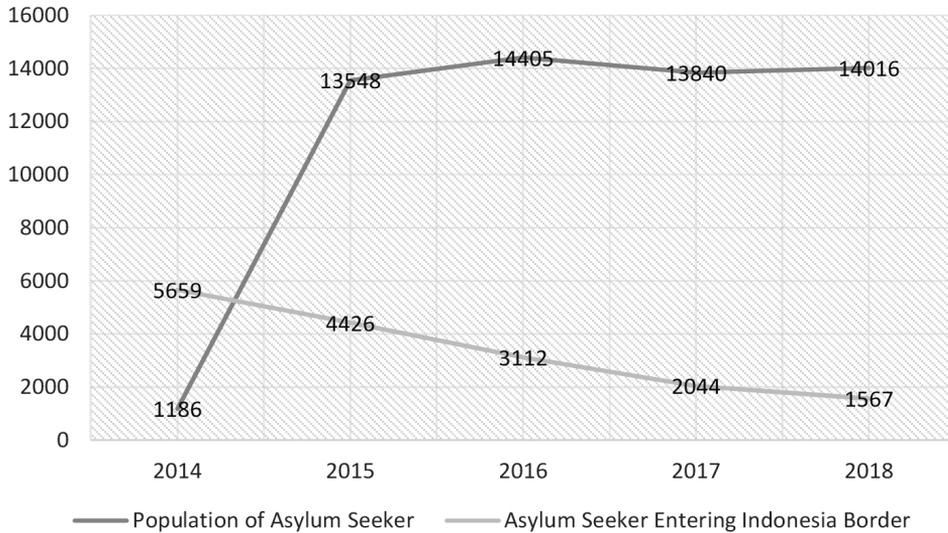
⁴⁶ Bilal Dewansyah and Ratu Durotun Nafisah, "The Constitutional Right to Asylum and Humanitarianism in Indonesian Law: 'Foreign Refugees' and PR 125/2016," *Asian Journal of Law and Society* 8, no. 3 (2021): 536–57, <https://doi.org/10.1017/als.2021.8>.

⁴⁷ Ball, Butt, and Beazley, "Children and Families on the Move: Stateless Children in Indonesia."

⁴⁸ On September 25, 2015, the UN General Assembly adopted resolution No. A/RES/70/1 which discusses the determination, implementation, and review of the SDG's Sustainable Development Goals agenda which was proclaimed for 15 years from 2015 to 2030 as a continuation stage of the Millennium Development Goals (MDG's). The goals on the agenda of the SDG's include three main dimensions (Economic, social, and environmental) which are translated into 17 goals and are targeted at 169 targets, among the main targets of the SDG's are education, a world with

a new phenomenon in which the number of asylum seekers entering Indonesian territory is increasing rapidly, as indicated by the enormous number of asylum seekers declaring their status on Indonesian territory.

Figure 4. Comparison between Population of Asylum Seeker and Asylum Seeker who Officially Entering Indonesia as Asylum Seeker



Source: *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 175, 4 (2019); 10.1163/22134379-17504006

The rapid increase in the number of asylum seekers in Indonesia continues, with no proper solution, particularly in terms of the availability of legal frameworks in the processing of asylum seekers and refugees. Legally, Indonesia's refugee handling legal system is guided by Law No. 37/1999 on Foreign Relations, Law No. 6/2011 on Immigration, and Minister of Justice and Human Rights Regulation No. M.HH-01.GR.01.06 of 2012 on Procedures for Handling Refugees, which recognizes the principles of *non-refoulement* and non-penalization of asylum seekers, and provides for temporary protection for refugees⁴⁹.

However, the legal system for the refugee itself is not conform yet with the 1951 Refugee Convention and 1967 protocols. Because Indonesia is a non-signa-

an adequate level of education for all the world's population at all levels, health services and social protection for all the world's population.

⁴⁹ Antje Missbach, "Accommodating Asylum Seekers and Refugees in Indonesia: From Immigration Detention to Containment in 'Alternatives to Detention,'" *Refuge* 33, no. 2 (2017): 32–44, <https://doi.org/10.7202/1043061ar>.

tory state to those international agreements, it has no authority to grant refugee status⁵⁰. As a result, Indonesia is highly reliant on UNHCR refugee status determination; however, the acceptance rate of UNHCR refugee determination for third-state resettlement from Indonesia as transit countries to refugee receiving countries is very low, less than 5% yearly⁵¹. Politically, Indonesia has refused the UNHCR recommendation to ratify the 1951 refugee convention, through the House of Representatives official meeting⁵². This phenomenon, will run just like snowball, and create bigger problem in the future.

The excessive detention period under Immigration Law No. 6/2011 is also a serious concern for the welfare and rights of refugees in Indonesia. The 10-year maximum detention period for immigration-related offenses, including asylum seekers and refugees, is excessive and contravenes international human rights law. The IIRI has noted that “prolonged detention can cause significant harm to the mental and physical health of refugees, particularly vulnerable groups such as children and women” (IIRI, 2019). Furthermore, the lack of proper judicial review and access to legal representation for refugees in Indonesia undermines the protection of their rights and well-being. As noted by the IIRI, “the lack of access to legal representation and effective judicial review means that asylum seekers and refugees have little or no recourse to challenge detention or decisions affecting their rights” (IIRI, 2019).

In contrast, Hungary’s legal framework for refugee protection has been criticized for implementing a legal fortress approach that violates international human rights law and fails to provide adequate protection to refugees. The restrictive asylum laws and criminalization of irregular migration in Hungary create significant barriers for refugees to access protection and violate their rights to seek and enjoy asylum. The UNHCR has called on Hungary to “bring its laws, policies, and practices in line with international human rights standards and to ensure that refugees and migrants are treated with dignity and respect” (OHCHR, 2019). In conclusion, while Hungary’s legal framework for refugee protection is characterized by a legal fortress approach that violates international human rights law, Indonesia’s legal framework faces significant challenges due to the absence of proper RSD procedures and the excessive detention period under Immigration

⁵⁰ Dita Liliansa and Anbar Jayadi, “Should Indonesia Accede to The 1951 Refugee Convention and Its 1967 Protocol?,” *Indonesia Law Review* 5, no. 3 (2015), <https://doi.org/10.15742/ilrev.v5n3.161>.

⁵¹ ECRE, “UNHCR Urges States to Create Safe Passages – Less than 5% of Resettlement Needs Met in 2018,” ECRE Weekly Bulletin, 2018, <https://ecre.org/unhcr-urges-states-to-create-safe-passages-less-than-5-of-resettlement-needs-met-in-2018/>.

⁵² Markus Junianto Sihalo, “Anggota DPR Setuju Indonesia Tak Ratifikasi Konvensi Pengungsi, Ini Alasannya (Members of Parliament Agree That Indonesia Has Not Ratified the Refugee Convention, Here’s the Reason),” *Berita Satu Portal*, 2019, <https://www.beritasatu.com/nasional/568313/anggota-dpr-setuju-indonesia-tak-ratifikasi-konvensi-pengungsi-ini-alasannya>.

Law No. 6/2011. Both countries need to address the gaps and shortcomings in their legal frameworks to ensure the protection of refugees' rights and welfare.

5. CONCLUSION

There are both similarities and differences between Hungary and Indonesia's policies for handling refugees, and these policies have had a significant impact on refugee handling in both countries. One of the main similarities between Hungary and Indonesia is that both countries have faced challenges in providing adequate support and protection to refugees. In Hungary, the government has faced criticism for its treatment of refugees, including reports of overcrowded and unsanitary conditions in refugee camps. In Indonesia, refugees have faced a range of challenges, including limited access to education and healthcare and a lack of legal protections.

Despite these challenges, there are also some notable differences between Hungary and Indonesia's policies for handling refugees. One of the significant difference between Hungary and Indonesia's refugee handling policies is the procedures for refugee status determination (RSD). Hungary has a well-established RSD system, with specific legal provisions outlining the procedures for determining refugee status. These procedures include an interview process and the opportunity for applicants to provide supporting evidence. In contrast, Indonesia does not have a formal RSD system, and there is no clear process for refugees to apply for asylum. This has led to challenges in providing adequate support and protection to refugees, as many refugees are not able to access the legal protections and assistance they need to build a new life.

Furthermore, the well-established legal basis enable Hungary to take a relatively restrictive approach to refugee handling, with policies focused on preventing the entry and settlement of refugees. For example, Hungary has erected a fence along its southern border and has passed laws criminalizing the act of assisting refugees who are not registered with the government. The government has also been accused of using excessive force against refugees attempting to cross the border. In contrast, Indonesia has taken a more welcoming approach to refugees. The state has a policy of accepting refugees on a case-by-case basis and has provided support to refugees in the form of temporary shelter, education, and healthcare. However, despite these policies, refugees in Indonesia still face significant challenges, including limited access to legal protections and a lack of clear pathways to permanent resettlement.

The impact of these policies on refugee handling in both countries has been significant. In Hungary, the restrictive policies have led to a sharp decline in the number of refugees entering the state, but have also resulted in widespread criticism

from human rights organizations and other countries. In Indonesia, the more welcoming policies have helped to provide support to refugees, but the lack of clear pathways to permanent resettlement has left many refugees in a state of limbo. Overall, the differences in policy between Hungary and Indonesia reflect different approaches to handling refugees and the challenges that come with providing support and protection to vulnerable populations. Despite these differences, both countries have struggled to provide adequate support to refugees and there is still much work to be done to address the needs of this population.

FUNDING

The research in this article has not been supported financially by any institution

REFERENCES

- Abel, Guy J., Michael Brotrager, Jesus Crespo Cuaresma, and Raya Muttarak. "Climate, Conflict and Forced Migration." *Global Environmental Change* 54 (January 1, 2019): 239–49. <https://doi.org/10.1016/J.GLOENVCHA.2018.12.003>.
- Ablonczy, Balázs. "The Refugee Experience after the Treaty of Trianon. Between State Practices and Neglect." *The Hungarian Historical Review* 9, no. 1 (2020): 69–89. <https://www.jstor.org/stable/26984102>.
- Amnesty International. "Fenced Out. Hungary's Violations of the Rights of Refugees and Migrants," 2015, 1–26. <https://www.amnesty.org/download/Documents/EUR2726142015ENGLISH.pdf>.
- Bajomi-Lázár, Péter. "An Anti-Migration Campaign and Its Impact on Public Opinion: The Hungarian Case." *European Journal of Communication* 34, no. 6 (December 1, 2019): 619–28. <https://doi.org/10.1177/0267323119886152>.
- Ball, Jessica, Leslie Butt, and Harriot Beazley. "Children and Families on the Move: Stateless Children in Indonesia." *Migration and Mobility: CAPI Field Research Report*, no. May 2014 (2014).
- Bernát, Anikó, Zsófi Fekete, Endre Sik, and Judit Tóth Chemnitz. "Borders and the Mobility of Migrants in Hungary." *CEASEVAL* 1, no. 29 (2019): 7–10. http://ceaseval.eu/publications/29_WP4_Hungary.pdf.
- Blackham, Alysia. "When Law and Data Collide: The Methodological Challenge of Conducting Mixed Methods Research in Law." *Journal of Law and Society* 49, no. S1 (2022): S87–104. <https://doi.org/10.1111/jols.12373>.
- Borbely, Szilvia. "Integration of Refugees in Greece, Hungary and Italy." *EU Official Journal*, 1, 1, no. 1 (2017): 1–23. [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL_STU\(2017\)614194\(ANN02\)_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL_STU(2017)614194(ANN02)_EN.pdf).
- Byrne, Rosemary, Gregor Noll, and Jens Vedsted-Hansen. "Understanding the Crisis of Refugee Law: Legal Scholarship and the EU Asylum System." *Leiden Journal*

- of International Law* 33, no. 4 (2020): 871–92. <https://doi.org/10.1017/S09221565-20000382>.
- Carrera, Sergio, Steven Blockmans, Daniel Gros, and Elspeth Guild. “The EU’s Response to the Refugee Crisis Taking Stock and Setting Policy Priorities.” *Ceeps Essay*, no. 20 (2015): 9.
- Castelli, Francesco. “Drivers of Migration: Why Do People Move?” *Journal of Travel Medicine* 25, no. 1 (2018): 1–7. <https://doi.org/10.1093/jtm/tay040>.
- Dewansyah, Bilal, and Ratu Durotun Nafisah. “The Constitutional Right to Asylum and Humanitarianism in Indonesian Law: ‘Foreign Refugees’ and PR 125/2016.” *Asian Journal of Law and Society* 8, no. 3 (2021): 536–57. <https://doi.org/10.1017/als.2021.8>.
- EASO. “Description of the Hungarian Asylum System,” 2015. <https://www.easo.europa.eu/sites/default/files/public/Description-of-the-Hungarian-asylum-system-18-May-final.pdf>.
- ECRE. “UNHCR Urges States to Create Safe Passages – Less than 5% of Resettlement Needs Met in 2018.” ECRE Weekly Bulletin, 2018. <https://ecre.org/unhcr-urges-states-to-create-safe-passages-less-than-5-of-resettlement-needs-met-in-2018/>.
- EUAA. “Asylum Report 2022.” Brussels, 2022. <https://doi.org/10.2847/500804>.
- EUROSTAT. *The EU in the World – 2020 Edition*. Belgium: European Union Eurostat, 2020. <https://ec.europa.eu/eurostat/documents/3217494/10934584/KS-EX-20-001-EN-N.pdf/8ac3b640-0c7e-65e2-9f79-d03f00169e17?t=1590936683000>.
- Gammeltoft-Hansen, Thomas, and Nikolas F. Tan. “The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy.” *Journal on Migration and Human Security* 5, no. 1 (2017): 28–56. <https://doi.org/10.1177/233150241700500103>.
- Gödri, Irén, Béla Soltész, and Boróka Bodacz-Nagy. *Immigration or Emigration State? Migration Trends and Their Socio-Economic Background in Hungary: A Longer-Term Historical Perspective. Working Papers on Population, Family and Welfare*, 2014. <https://ideas.repec.org/p/nki/wpaper/19.html%0Ahttps://ideas.repec.org/p/nki/wpaper/19.html>.
- Goodwin-Gill, Guy S. “The Office of the United Nations High Commissioner for Refugees and the Sources of International Refugee Law.” *International and Comparative Law Quarterly* 69, no. 10 (2019): 1–41. <https://doi.org/10.1017/S002058931900054X>.
- Government of Hungary. Act LXXX of 2007 on Asylum, Pub. L. No. Act LXXX of 2007 on Asylum, 1 Official Gazette 1 (2007). <https://doi.org/10.2307/j.ctv1r4xdbn.6>.
- Hathaway, James C., and Michelle Foster. *The Law of Refugee Status*. Cambridge University Press, 2014. <https://doi.org/10.1017/CBO9780511998300>.
- Hess, Sabine, and Lena Karamanidou. “The Expanding Significance of Borders for the European Migration Regime After 2015,” 2015, 45–65.
- Hoffmann, Tamás, and Fruzsina Gárdos-Orosz. “Populism and Law in Hungary – Introduction to the Special Issue.” *Review of Central and East European Law* 47, no. 1 (2022): 1–11. <https://doi.org/10.1163/15730352-bja10058>.
- Holzer, Vanessa. “The 1951 Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence.” Geneva, September 5, 2012. www.unhcr.org.

- Hungarian Helsinki Committee. “Building a Legal Fence: Changes to Hungarian Asylum Law Jeopardise Access to Protection in Hungary” 2007, no. August (2015): 1–6. <https://www.helsinki.hu/wp-content/uploads/HHC-HU-asylum-law-amendment-2015-August-info-note.pdf>.
- IOM. “The Number of Granted Refugee Status Under Asylum Act 2007 in Hungary.” IOM Yearly Report, 2022. <https://hungary.iom.int/migration-hungary>.
- . “World Migration Report 2022.” *IOM World Migration Report Series* 1, no. 1 (2021): 1–259. <https://publications.iom.int/books/world-migration-report-2022>.
- Jan, Photo, and Grarup Drc. “By 2023 Displacement Will Have Doubled over a Decade , New Report Predicts.” Press Release. Copenhagen, 2023.
- Juhász, Attila, and Bulcsú Hunyadi. “Focus on Hungary: Refugees, Asylum and Migration Focus on Hungary: Refugees, Asylum and Migration HEinrich-Böll-Stiftung.” Prague, 2015.
- Kallius, Annastiina. “The East-South Axis: Legitimizing the ‘Hungarian Solution to Migration.’” *Revue Européenne Des Migrations Internationales* 33, no. 2–3 (2017): 133–55. <https://doi.org/10.4000/remi.8761>.
- Kilibarda, Pavle. “Obligations of Transit Countries under Refugee Law: A Western Balkans Case Study.” *International Review of the Red Cross* 99, no. 904 (2017): 211–39. <https://doi.org/10.1017/S1816383118000188>.
- Kneebone, Susan, Antje Missbach, and Balawyn Jones. “The False Promise of Presidential Regulation No. 125 of 2016?” *Asian Journal of Law and Society* 8, no. 3 (2021): 431–50. <https://doi.org/10.1017/als.2021.2>.
- Lasrado, Dylan, Sandeep Ahankari, and Kamal K. Kar. “Global Trends Forced Displacement in 2021.” Geneva, 2021. https://doi.org/10.1007/978-3-030-68364-1_10.
- Liliansa, Dita, and Anbar Jayadi. “Should Indonesia Accede to The 1951 Refugee Convention and Its 1967 Protocol?” *Indonesia Law Review* 5, no. 3 (2015). <https://doi.org/10.15742/ilrev.v5n3.161>.
- Lister, Matthew. “WHO ARE REFUGEES?” *Source: Law and Philosophy* 32, no. 5 (2013): 645–71. <https://doi.org/10.1007/si>.
- M.D., Pradeep. “Legal Research- Descriptive Analysis on Doctrinal Methodology.” *International Journal of Management, Technology, and Social Sciences*, no. December 2019 (2019): 95–103. <https://doi.org/10.47992/ijmts.2581.6012.0075>.
- Missbach, Antje. “Accommodating Asylum Seekers and Refugees in Indonesia: From Immigration Detention to Containment in ‘Alternatives to Detention.’” *Refuge* 33, no. 2 (2017): 32–44. <https://doi.org/10.7202/1043061ar>.
- . “Accommodating Asylum Seekers and Refugees in Indonesia.” *Refuge: Canada’s Journal on Refugees* 33, no. 2 (2017): 32–44. <https://doi.org/10.2307/48649576>.
- . “Asylum Seekers’ and Refugees’ Decision-Making in Transit in Indonesia: The Need for in-Depth and Longitudinal Research.” *Bijdragen Tot de Taal-, Land- En Volkenkunde* 175, no. 4 (2019): 419–45. <https://doi.org/10.1163/22134379-17504006>.
- Mixed Migration Center. “A Transit State No More.” Copenhagen, Denmark, 2021. https://mixedmigration.org/wp-content/uploads/2021/05/170_Indonesia_Transit_State_No_More_Summary_Report.pdf.
- Moretti, Sébastien. “Southeast Asia and the 1951 Convention Relating to the Status of Refugees: Substance without Form?” *International Journal of Refugee Law* 33, no. 2 (December 24, 2021): 214–37. <https://doi.org/10.1093/ijrl/eeab035>.

- Nagy, Boldizsár. “Special Issue Constitutional Dimensions of the Refugee Crisis Hungarian Asylum Law and Policy in 2015–2016: Securitization Instead of Loyal Cooperation.” *German Law Journal* 17, no. 6 (2016): 1033–81.
- Oderkerk, Marieke. “The Importance of Context: Selecting Legal Systems in Comparative Legal Research.” *Netherlands International Law Review* 48, no. 3 (2001): 293–318. <https://doi.org/10.1017/S0165070X00001340>.
- Prabaningtyas, Raden Ajeng Rizka Fiani. “Indonesia and The International Refugee Crisis: The Politics of Refugee Protection.” *Journal of Indonesian Social Sciences and Humanities* 9, no. 2 (2019): 131–46. <https://doi.org/10.14203/jissh.v9i2.152>.
- Primadasa Primadasa, Cipta, Mahendra Putra Kurnia, and Rika Erawaty. “Problematisasi Penanganan Pengungsi Di Indonesia Dari Perspektif Hukum Pengungsi Internasional.” *Risalah Hukum*. Vol. 17, 2021. <https://referensi.elsam.or.id/wp->
- Rayp, Glenn, Ilse Ruysen, and Samuel Standaert. “Measuring and Explaining Cross-State Immigration Policies.” *World Development* 95 (July 1, 2017): 141–63. <https://doi.org/10.1016/j.worlddev.2017.02.026>.
- Rights, European Court of Human. R.R. and Others v. Hungary (36037/13) (2017).
- Rüegger, Seraina. “Refugees, Ethnic Power Relations, and Civil Conflict in the State of Asylum.” *Journal of Peace Research* 56, no. 1 (2019): 42–57. <https://doi.org/10.1177/0022343318812935>.
- Samuk, Şahizer. *Can Integration Be Temporary? The (Dis)Integration of Temporary Migrant Workers in Canada and the UK. IMISCOE Research Series*, 2020. https://doi.org/10.1007/978-3-030-25089-8_4.
- Sande, Junior Perdana. “Selective Policy Imigrasi Indonesia Terhadap Orang Asing Dari Negara Calling Visa.” *Indonesian Perspective* 5, no. 1 (2020): 92–111. <https://doi.org/10.14710/ip.v5i1.30196>.
- Senada, Šelo Šabić. “The Relocation of Refugees in the European Union,” no. September (2017): 10. https://bib.irb.hr/datoteka/914374.The_Relocation_of_Refugees.pdf%0Ahttp://library.fes.de/pdf-files/bueros/kroatien/13787.pdf.
- Sihaloho, Markus Junianto. “Anggota DPR Indonesia Tak Ratifikasi Konvensi Pengungsi, Ini Alasannya (Members of Parliament Agree That Indonesia Has Not Ratified the Refugee Convention, Here’s the Reason).” *Berita Satu Portal*, 2019. <https://www.beritasatu.com/nasional/568313/anggota-dpr-setuju-indonesia-tak-ratifikasi-konvensi-pengungsi-ini-alasannya>.
- Smith, Craig Damian. “Policy Change, Threat Perception, and Mobility Catalysts: The Trump Administration as Driver of Asylum Migration to Canada.” *International Migration Review*, 2022, 1–32. <https://doi.org/10.1177/01979183221112418>.
- Storey, Hugo. “Armed Conflict in Asylum Law: The ‘War-Flaw.’” *Refugee Survey Quarterly* 31, no. 2 (2012): 1–32. <https://doi.org/10.1093/rsq/hds005>.
- Syahrin, Muhammad Alvi, Anindito Rizki Wiraputra, and Koesmoyo Ponco Aji. “Indonesian Legal Policy in Treating International Refugees Based on Human Rights Approach.” *Law and Humanities Quarterly Reviews* 1, no. 4 (2022): 41–55. <https://doi.org/10.31014/aior.1996.01.04.41>.
- UNHCR. “Beyond Detention.” *UN Policy Brief Series*, 2019. <https://doi.org/10.5149/northcarolina/9781469653129.003.0005>.
- Weber, Bodo. “The EU-Turkey Refugee Deal and the Not Quite Closed Balkan Route.” *Friedrich Ebert Stiftung*, no. June (2017): 23.

WHO Regional Office for Europe. “Joint Report on a Mission of the Hungarian Ministry of Human Capacities and the WHO Regional Office for Europe,” 2016. http://www.euro.who.int/__data/assets/pdf_file/0016/317131/Hungary-report-assessing-HS-capacity-manage-sudden-large-influxes-migrants.pdf?ua=1.

Мухамед Т. Бахри
Универзитет у Сеједину
Факултет за правне и политичке науке
bahri.mohammad.thoriq@stud.u-szeged.hu
ORCID ID: 0000-0003-0913-5342

Између правне тврђаве и неизвесности: Упоредна анализа законског оквира о избеглицама у Мађарској и Индонезији

Сажетак: Ова студија упоређује правне оквире Мађарске и Индонезије у решавању питања масивног прилива избеглица у њиховим државама. За разлику од Мађарске, која је успешно смањила број тражилаца азила путем „тврђава” – приликом корисћећи свој Акт из 2007, индонезанском правном оквиру, виђеном у председничкој регулативи 125/2016, недостигају процедуре за пребивање тражилаца азила у избеглице. Ово је додатно отежано одсуством политике утврђивања статуса избеглице у Индонезији, што чини изазовним пружање помоћи све већем броју тражилаца азила који улазе у државу сваке године. Да би се решио овај проблем, Индонезија најпре мора да изврши промене у унутрашњем праву које одражавају њену друштвено-политичку реалност, пре ратификовања Конвенције о статусу избеглица из 1951. као и Протокола уз ову Конвенцију из 1967. Насупрот томе, мађарски правни систем, иако ефикасан у смањивању броја тражилаца азила, критикован је да је рестриктиван и да не поштује људска права.

Кључне речи: закон о избеглицама, тражиоци азила, правна тврђава, Мађарска, Индонезија, Конвенција о статусу избеглица из 1951, Протокол из 1967.

Датум пријема рада: 1.5.2023.

Датум достављања коначне верзије рада: 10.11.2023.

Датум прихватања рада: 10.11.2023.