

Fulfillment of the Right to Education for Refugee Children in the East Java Immigration Area: A Human Rights Law Perspective

Alfi Syahrin¹, Siti Marwiyah¹, Moh. Taufik¹

¹Dr. Soetomo University, Surabaya, Indonesia; alfisyahrin659@gmail.com

ARTICLE INFO

Keywords:

Human Rights Law;
Immigration;
Refugee Children;
Rights to Education.

Article history:

Received 2025-12-03
Revised 2026-01-04
Accepted 2026-02-05

ABSTRACT

Refugee children are a vulnerable group who often face obstacles in accessing education, even though this right is guaranteed in various national regulations. This study examines the fulfillment of the right to education for refugee children in the working area of the East Java Regional Office of the Directorate General of Immigration from a human rights law perspective. This study aims to determine the national legal regulations regarding the right to education for refugee children and the role of the Regional Immigration Office in ensuring it. The results show that although several regulations guarantee the right to education in general, there are no technical provisions that specifically regulate the rights of refugee children. The East Java Regional Immigration Office acts as a coordination facilitator, but still faces challenges such as limited documentation, lack of policy synchronization, and poor understanding of technical implementers. Affirmative policies and national technical guidelines are needed, as well as strengthened cross-sectoral coordination so that the right to education for refugee children can be fulfilled fairly and inclusively.

This is an open access article under the CC BY SA license.



Corresponding Author:

Alfi Syahrin

Dr. Soetomo University, Surabaya, Indonesia; alfisyahrin659@gmail.com

1. INTRODUCTION

Education is a basic right of every child that is protected by international and national human rights instruments, however, refugee immigrant children in Indonesia, including in the working area of the East Java Regional Office of the Directorate General of Immigration, still face various structural obstacles in fulfilling this right, because even though Indonesia has ratified the 1989 Convention on the Rights of the Child which requires the state to guarantee the right to education for every child without discrimination, including refugee children, this reality results in a gap in rights between the international legal framework and practices in Indonesia, as evidenced by the study by Naparat Kranrattanasuit which found the existence of "emergency, exclusion, and inequity" in education for refugee children. (Nethania, 2023), besides that, even though the state has responsibility, in practice it turns out that refugee children have not enjoyed adequate formal or non-formal education services.

Although the Ministry of Education and Culture has issued a policy that allows refugee children to access formal schools, in its implementation they still encounter difficulties such as limited school

capacity, language barriers and inconsistent regional policies, even though alternative efforts through humanitarian organizations such as Dompot Dhuafa through the School for Refugee program have shown success in preparing language and skills for refugee children and adults in the context of resettlement, this remains additional and does not replace the role of the state in fulfilling basic rights. (Kharima et al., 2024).

Many refugee children do not have access to formal education services even though UNHCR records them administratively and the AP report states that approximately one-third of the 12,095 registered refugees are children and experience limited access to education and health services. Furthermore, in the era of globalization and humanitarian crises, the principle of inclusivity and equality of education for refugee children is also emphasized in research presented by Renatha Ayu Rosdiana that the humanitarian approach driven by the ratification of the Human Rights Law and the CRC encourages the idea that the state is responsible for the access to education for refugee children, especially if they play a role in long-term social, cultural, political, and economic development. (Rosdiana, 2022).

Within the framework of human rights law, the right to education is also a non-derogable right that remains valid even in emergency situations such as conflict and forced displacement. Normatively, human rights instruments such as the ICESCR and CRC emphasize that the state is obliged to provide compulsory and free basic education regardless of legal status, citizenship, or other signs of discrimination. Ironically, practices in Indonesia still show that education for refugee children is often considered a "luxury" rather than an essential need. (Dwi Hasya, 2023).

Such a situation creates a dilemma between legal and humanitarian gaps on the one hand with immigration authority and accelerated resettlement on the other, so that the East Java region as an entry point and transit point for immigrant refugees requires the formulation of concrete policies, harmonization of formal and non-formal education services, as well as a nationally binding and operational human rights law approach at the Regional Office of the Director General of Immigration to ensure that immigrant refugee children truly get access to education that is decent, inclusive, sustainable, and in accordance with international standards and best practices from other transit countries such as Thailand and Malaysia.

Fulfillment of the educational rights of refugee immigrant children in the East Java Regional Office of the Directorate General of Immigration is an urgent issue because even though Indonesia has ratified the 1989 Convention on the Rights of the Child which affirms that every child has the right to receive education without discrimination, including refugees, practice in the field shows that there are significant regulatory, coordination and implementation obstacles. (Shahrullah et al., 2023).

Theoretically, the right to education is a non-discretionary right that must be fulfilled even in emergency situations, but multicultural research in Makassar emphasizes the need for an inclusive and multicultural approach so that refugee children can adapt socially, emotionally, and cognitively in their new environment, this emphasizes that without an adequate legal framework and clear regulations, as well as integration into the formal education system, the fulfillment of refugee children's right to education is only temporary and does not touch the root of the problem of institutional structure, culture, and regional capacity.

This dilemma becomes even more apparent because the East Java Immigration Office as the entry and transit point for refugees is faced with the dual task of securing migration and fulfilling the basic rights of refugee children in line with the mandate of human rights, so that comprehensive and operational national and regional policy updates are needed, including the provision of technical guidance, increasing school capacity in teaching Indonesian and multiculturalism, partnerships with UNHCR/IOM, and independent monitoring, all within the framework of binding human rights law in order to realize access to education that is decent, inclusive, sustainable, and in accordance with international standards, especially in the East Java region as a transit area and temporary settlement for immigrant refugee children.

The purpose of this research, based on the proposed problem formulation, is to identify and analyze the legal regulations regarding the fulfillment of educational rights for refugee immigrant children from

a human rights perspective. Furthermore, it is also to identify and explain the roles and responsibilities of the East Java Regional Office of the Directorate General of Immigration in ensuring the fulfillment of educational rights for refugee immigrant children. This research is expected to provide benefits in contributing to the development of legal science, particularly in the study of human rights law and immigration law, related to the regulation of educational rights for refugee immigrant children. This research is expected to enrich the scientific repertoire in the field of human rights and immigration, by highlighting the importance of harmonizing human rights norms in fulfilling universal, non-discriminatory educational rights, including for refugee children residing in Indonesia.

2. METHODS

This research uses a normative legal approach, a type of legal research that emphasizes the study of applicable legal norms. Normative legal research focuses on the study of relevant laws and regulations, legal principles, legal doctrines, and legal principles to analyze a legal issue theoretically and systematically. In the context of this research, a normative approach is used to analyze how international and national legal regulations regulate the right to education for refugee immigrant children, as well as the role and responsibilities of the East Java Regional Office of the Directorate General of Immigration in ensuring the fulfillment of these rights from a human rights (HAM) legal perspective. Therefore, the primary sources used in this research include laws, government regulations, presidential regulations, international conventions, and other relevant legal documents.

This research uses two approaches, namely the statute approach and the conceptual approach. The statute approach is used to examine laws and regulations governing human rights, the right to education, and refugee management, both in national laws such as Law Number 39 of 1999 concerning Human Rights, Law Number 20 of 2003 concerning the National Education System, and Presidential Regulation Number 125 of 2016, as well as in international laws such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC). The conceptual approach is used to understand the basic concepts related to the right to education, child protection, and the role of the state in fulfilling refugee rights, so as to provide a comprehensive framework for analyzing the issues raised in this research.

The legal materials for this study were collected comprehensively through library research. The analysis was conducted in a normative juridical manner, examining the alignment of applicable national and international legal provisions with the reality of their implementation in the field. The author analyzes how the right to education for refugee children has been guaranteed through instruments such as the Human Rights Law, the National Education System Law, and international conventions such as the CRC and the ICESCR, and then compares this with the implementation by the East Java Regional Office of the Directorate General of Immigration.

3. FINDINGS AND DISCUSSION

Legal Regulations Concerning the Fulfillment of Educational Rights for Refugee Children According to Human Rights Law

Education is one of the main pillars of national and state development. From the perspective of Indonesian national law, education is not merely a basic need, but a constitutional right guaranteed and protected by the state. The right to education is an inseparable part of human rights and a primary prerequisite for the fulfillment of other rights, such as the right to work, the right to a decent standard of living, the right to political participation, and the right to freedom of expression. Therefore, education is considered a key to realizing a just, democratic, and civilized society.

In the context of a state based on the rule of law like Indonesia, the right to education is explicitly guaranteed in the 1945 Constitution of the Republic of Indonesia (UUD 1945), which is the source of all legal sources. The 1945 Constitution serves as the highest normative foundation governing various aspects of national life, including the fundamental rights of citizens and universal human rights. The

Indonesian Constitution affirms that education is the right of every citizen and that it is the state's obligation to provide and finance it, particularly at the primary level.

Education is also a tool for enhancing human dignity. Through education, individuals can develop their full potential, both intellectually, emotionally, socially, and spiritually. With proper education, individuals can actively participate in community life and contribute to national development. Therefore, fulfilling the right to education impacts not only the individual but also the collective progress of the nation.

However, fundamental problems arise when discussing the fulfillment of educational rights for vulnerable groups outside the scope of citizenship, such as the children of immigrant refugees. As non-citizens within Indonesia, their legal status is not rigidly regulated in the national legal system, particularly because Indonesia has not ratified the 1951 Convention Relating to the Status of Refugees. This raises doubts among legal practitioners and bureaucrats about the state's obligation to guarantee access to education for them.

However, the principles of the 1945 Constitution can be interpreted progressively to address this issue. For example, although Article 31 states that "every citizen has the right to an education," Article 28C and Article 28I paragraph (2) explicitly use the phrase "every person," reflecting the principle of the universality of human rights. This indicates that the constitution does not exclusively limit basic rights to citizens, but to anyone within Indonesia, including refugee children. Article 28C paragraph (1) reads:

"Everyone has the right to develop themselves by fulfilling their basic needs, the right to receive education and to benefit from science and technology, art and culture, in order to improve the quality of their lives and for the welfare of humanity."

The phrase "everyone" here has an inclusive meaning, encompassing everyone regardless of citizenship status. Therefore, from a constitutional perspective, refugee children in Indonesia also have a strong legal basis to demand the right to education as part of basic human rights that cannot be reduced under any circumstances (non-derogable rights). Furthermore, Article 28I paragraph (2) of the 1945 Constitution states that:

"Everyone has the right to be free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment."

This provision reinforces the principle of non-discrimination as a fundamental principle in the Indonesian legal system. In this context, the state may not discriminate against anyone in fulfilling their rights, including education, based on race, religion, ethnicity, citizenship, or legal status. Therefore, if the state ignores the right of refugee children to education, such action could be categorized as a form of constitutionally prohibited discrimination.

On the other hand, Article 31 of the 1945 Constitution specifically uses the term "citizen." However, this term should not be interpreted rigidly, denying the right to education for non-citizens. Instead, this article must be read systematically in conjunction with other articles, especially those that uphold the principles of universality and non-discrimination. This is especially true in the context of children, who are the most vulnerable group and require special protection from the state.

The right of children to education has been recognized in international and national law as an inalienable right. States have an obligation to provide special treatment and maximum protection to children. In many cases, refugee children have no control over their circumstances. They become victims of armed conflict, persecution, disasters, or persecution in their countries of origin. Therefore, countries hosting refugees, such as Indonesia, bear a moral and legal responsibility to ensure that these children continue to receive a proper education.

It's also important to highlight that education in Indonesia is regulated within the framework of a unitary state and a decentralized system. The central government is responsible for establishing national education policies, while regional governments are responsible for implementing them according to the needs and characteristics of their respective regions. Therefore, the realization of

refugee children's right to education is highly dependent on regional policies and the attitudes of local governments.

In this context, the Regional Office of the Directorate General of Immigration and the Education Office in the regions play a strategic role in bridging the educational needs of refugee children. Both have the administrative and institutional capacity to encourage regional educational institutions to be more inclusive of refugee children. This must, of course, be done in accordance with constitutional provisions that guarantee the right to education in a non-discriminatory manner.

Thus, education is not merely an academic or administrative matter, but rather a concrete manifestation of respect for human rights. Denying refugee children access to education is tantamount to violating the fundamental principles of the 1945 Constitution and its various derivative laws. Therefore, it is crucial for all parties—including the central government, regional governments, educational institutions, and civil society—to understand that the right to education is universal and constitutional and must be guaranteed without exception.

The 1945 Constitution of the Republic of Indonesia (UUD 1945) is the highest fundamental law in the Indonesian state system. As the country's constitution, the 1945 Constitution not only regulates the system of government but also guarantees the basic rights of every person, including the right to education. This right is recognized as part of human rights (HAM) inherent in every individual, regardless of citizenship status, ethnicity, religion, race, or other social background. In the context of refugee children living in Indonesia, this constitutional guarantee provides a strong basis for declaring that they also have the right to receive a decent education.

Education as a Constitutional Right

The right to education in the 1945 Constitution is affirmed in several articles, particularly in Article 28C paragraph (1) and Article 31 paragraphs (1) and (2). These articles explicitly state that every citizen and every person has the right to education. Although there are differences in terminology between "citizen" and "every person", other constitutional principles, such as the principle of non-discrimination and respect for human rights, provide the basis for stating that the right to education applies universally to anyone within the jurisdiction of the Indonesian state. Article 28C paragraph (1) states "Everyone has the right to develop themselves through the fulfillment of their basic needs, the right to receive education and to benefit from science and technology, art and culture, in order to improve the quality of their life and for the welfare of humanity."

The phrase "every person" in this article is inclusive, encompassing all persons within the territory of Indonesia, regardless of citizenship status. This means that the children of immigrant refugees are also included within the scope of the intended legal subjects, and thus have the constitutional right to obtain an education. Meanwhile, Article 31 paragraph (1) states "Every citizen has the right to education." And paragraph (2) states "Every citizen is obliged to receive basic education and the government is obliged to finance it." Although these two articles use the term "citizen," a hermeneutic approach in interpreting the constitution should not be carried out partially and exclusively. Instead, it must be carried out systematically and integrally with other articles, including those that affirm the rights of every person without discrimination.

In addition, Article 31 paragraphs (3) to (5) emphasize the role of the state in ensuring a quality and equitable national education system, as well as the importance of an education budget of at least 20% of the APBN and APBD. This provision strengthens the state's responsibility in providing education services for the entire population, including vulnerable groups such as refugee children, in the spirit of enlightening the nation's life as stated in the Preamble to the 1945 Constitution.

Principle of Non-Discrimination and Protection of Human Rights

As part of the constitutional reforms following the 1998 Reformation, the 1945 Constitution contains stronger provisions on respect for human rights, as stated in Articles 28A to 28J. Among these articles, Article 28I paragraph (2) is particularly relevant in emphasizing that the state may not

discriminate against anyone on any basis, including refugee status. Article 28I paragraph (2) states, "Everyone has the right to be free from discriminatory treatment on any basis whatsoever and has the right to receive protection against such discriminatory treatment."

This provision has broad implications for the implementation of basic rights, including the right to education. In this regard, the state may not prevent refugee children from obtaining an education simply because of their status as non-citizens or because they lack complete residency documents. Such treatment is contrary to the spirit and values of the constitution, which upholds justice, equality, and respect for human dignity. Furthermore, Article 28B paragraph (2) states, "Every child has the right to survive, grow, and develop and has the right to protection from violence and discrimination."

The right to education is part of a child's right to develop fully. Therefore, states are obliged to ensure that refugee children receive educational services appropriate to their needs, in order to realize the principle of the best interests of the child, which is also a universal principle in child protection law.

Legal Implications for the Fulfillment of the Right to Education for Refugee Children

Based on the provisions in the 1945 Constitution above, several legal implications can be drawn regarding the state's obligation to guarantee the educational rights of refugee children:

The State Must Not Ignore Its Constitutional Obligations

The state has a constitutional obligation to fulfill basic educational needs, including for groups not explicitly mentioned in Article 31, such as refugee children. An interpretation of the constitution that only considers the word "citizen" exclusively has the potential to give rise to discrimination that is contrary to Article 28I paragraph (2).

Application of the Principles of Universality and Non-Discrimination

The principle of universality teaches that human rights apply to all people without exception. Therefore, the state must adopt an inclusive approach in implementing education policies. Refugee children must be treated equally with other Indonesian children in terms of access to basic education.

The Constitution Prioritizes Protection of Vulnerable Groups

Children, including refugee children, are a vulnerable group requiring special protection. The 1945 Constitution affirms the need to protect children from all forms of discrimination and violence, and guarantees their right to life, growth, and development. Education is a crucial component in ensuring a child's physical, mental, and social development.

Local Governments Are Also Bound by the Constitution

Under Indonesia's decentralized system, responsibility for education lies not only with the central government but also with regional governments. The constitution serves as the primary reference point for all levels of government in formulating policies, including those concerning the education of refugee children living within their jurisdictions.

The Constitution as the Basis for the Legitimacy of Affirmative Action

Central and regional governments have the constitutional legitimacy to enact affirmative action policies aimed at providing facilities or special treatment for refugee children so they can fully enjoy their right to education. These affirmative policies are not discriminatory privileges, but rather a manifestation of the principle of substantive equality.

Challenges in Implementing the Constitution

Although the 1945 Constitution provides a clear legal basis for guaranteeing the right to education for all, including refugee children, its implementation still faces various obstacles. These include:

Overly Formalistic Legal Interpretation

Many government officials, including in the education sector, still view the phrase "citizen" in Article 31 narrowly, thus refusing to provide educational services to non-Indonesian citizens.

Absence of Derivative Technical Regulations

The absence of implementing regulations that explicitly regulate the procedures for accepting refugee children in state schools makes it difficult to implement the principle of non-discrimination guaranteed by the constitution.

Lack of Socialization and Training for Civil Servants

Not all education providers understand the constitutional basis that guarantees the right to education for refugee children. This leads to fear and confusion regarding accepting them as students. Therefore, it is crucial to promote a more progressive interpretation of the constitution and uphold human rights values. State officials, particularly those in the fields of education and immigration, need to understand that the Indonesian constitution does not close the door to anyone seeking access to education, including refugee children in Indonesia.

Law Number 39 of 1999 concerning Human Rights (hereinafter referred to as the Human Rights Law) is an important milestone in strengthening the protection of basic human rights in the Indonesian national legal system. This law is a concrete manifestation of the state's commitment to the principles of human rights that are universal, inalienable, and cannot be reduced under any circumstances. As a national legal instrument, the Human Rights Law applies not only to Indonesian citizens but also to all persons within the jurisdiction of the Republic of Indonesia, including foreign citizens, stateless persons, and immigrant refugees.

Human Rights Law plays a strategic role in providing a strong legal basis for fulfilling the right to education for refugee and immigrant children. In this context, the approach used is not simply a citizenship-based approach, but rather a universal and non-discriminatory approach, the main characteristics of human rights law. This means that all children, regardless of their legal status and citizenship, have the right to education, and the state is obliged to respect, protect, and fulfill this right. Education as a Human Right in Law no. 39 of 1999

The right to education is expressly regulated in several provisions of the Human Rights Law. One of the most important provisions can be found in Article 12, which states, "Everyone has the right to protection of his or her person, family, honor, dignity, and property." Although this article is more general, it emphasizes the importance of respecting human dignity. Education is one of the primary means of building a person's dignity and self-esteem. Therefore, denying refugee children access to education can be categorized as a violation of human dignity, which is expressly protected by this article. Furthermore, Article 60 of the Human Rights Law explicitly states, "Every child has the right to receive education and instruction for the purpose of personal development in accordance with his or her interests, talents, and level of intelligence."

This provision provides a clear guarantee that children, regardless of status, have the right to education. There is no requirement that the child be an Indonesian citizen. Therefore, refugee children within Indonesian territory are also included in the "every child" category referred to in this article.

The Principle of Universality and Non-Discrimination in Human Rights Law

One of the basic principles of the Human Rights Law is the principle of universality. Article 1, number 1, explains that "Human rights are a set of rights inherent in the nature and existence of human beings as creatures of God Almighty and are His gifts that must be respected, upheld, and protected by the state, law, government, and every person for the sake of honor and protection of human dignity and honor." The phrase "inherent in the nature and existence of human beings" indicates that human rights are not dependent on citizenship status or certain legal documents. This means that refugee children, even though they do not have a definite legal status, still have the right to receive humane and non-discriminatory treatment, including in terms of obtaining an education.

Furthermore, Article 3 paragraph (1) of the Human Rights Law states, "Everyone is born free with the dignity and worth of a human being and has the right to recognition, guarantees, protection, and equal and fair legal treatment in legal and governmental life." Meanwhile, Article 3 paragraph (2) states, "Everyone has the right to protection of human rights and basic freedoms, without any discrimination." These two paragraphs emphasize that there should be no distinction in legal treatment, including in access to education. In other words, the state cannot refuse or prevent refugee children from obtaining an education simply because they are not Indonesian citizens or because their immigration status is not permanent.

The Human Rights Law also contains principles for the active fulfillment of rights by the state. States are not only prohibited from violating human rights, but also have an obligation to respect, protect, and fulfill these rights. In the context of education, this means that states must respect the educational rights of refugee children by not creating administrative or legal barriers that prevent them from attending school. States must protect refugee children from discriminatory acts, both from society and educational institutions. States must fulfill these rights by providing access to appropriate education, both formal and non-formal, according to the child's capacity.

Children's Rights in the National Human Rights Framework

The Human Rights Law also identifies children as a group requiring special protection. In addition to Article 60, mentioned above, several other provisions strengthen children's legal standing, including: Article 64, which states that:

"Protection, advancement, enforcement and fulfillment of children's human rights are the responsibility and obligation of the government and society."

Article 65, which states:

"Every child has the right to live, grow and develop and has the right to protection from violence and discrimination."

By paying attention to these articles, it is clear that children, including those from immigrant refugee groups, must receive guarantees from the state to be able to grow and develop, and one important aspect of that growth is education.

Legal Implications for the Fulfillment of Refugee Children's Right to Education

Through the Human Rights Law, the state is explicitly charged with the responsibility to provide protection and access to education for all children, regardless of their legal status or origin. In the context of refugee children, the legal implications of the Human Rights Law include:

States Are Not Allowed to Discriminate Against Children Based on Immigration Status

The provisions of the Human Rights Law do not mention any restrictions on rights based on a person's legal status. Therefore, refugee children must receive equal treatment with other children when it comes to access to education.

States are required to provide access to education for refugee children.

The Human Rights Law places the state as an active party in fulfilling rights. Therefore, the state is obligated to provide the facilities, infrastructure, and mechanisms for accepting refugee children into educational institutions.

Violations of Refugee Children's Right to Education Can Be Categorized as Human Rights Violations

If a country or educational institution refuses to accept refugee children on the grounds of legal status, this can be categorized as a form of discrimination that violates the provisions of the Human Rights Law.

The Need for Affirmative Policies from the Government

The government can, and is even obliged to, implement affirmative action policies to address the inequalities and access difficulties experienced by refugee children. This embodies the principle of substantial justice as mandated by the Human Rights Law.

Law Number 23 of 2002 concerning Child Protection, as amended by Law Number 35 of 2014 (hereinafter referred to as the Child Protection Law), is the legal umbrella that specifically regulates the protection and fulfillment of children's rights in Indonesia. This law explicitly regulates various aspects of child protection, including the right to education, without distinction of citizenship status. Therefore, the Child Protection Law serves as a crucial national legal basis for guaranteeing the right to education for refugee and immigrant children residing in Indonesia.

The Role and Responsibilities of the East Java Regional Office of the Directorate General of Immigration in Ensuring the Fulfillment of Educational Rights

In the era of globalization and increasing geopolitical instability, the phenomenon of international migration has become increasingly complex and significant. One of the most challenging forms of migration for countries worldwide is the arrival of refugees and asylum seekers, individuals fleeing their home countries due to war, conflict, violence, or serious threats to their lives and freedom. Indonesia, although not a signatory to the 1951 Refugee Convention and its 1967 Protocol, remains a transit country with a relatively high population density for refugees from various conflict-affected countries, such as Afghanistan, Myanmar, Somalia, Sudan, and Syria.

In this context, immigration institutions in Indonesia, including the Regional Offices of the Directorate General of Immigration at the provincial level, play a crucial role. Immigration functions extend beyond monitoring the movement of foreigners to encompass human rights protection, particularly for vulnerable groups such as refugee women and children. A human rights-based approach is key to handling refugees fairly, humanely, and in accordance with the principles of international law, although this has not yet been fully adopted through ratification of conventions.

Refugees, as defined by the UNHCR and adopted in Presidential Regulation No. 125 of 2016 concerning the Management of Refugees from Abroad, are foreigners who are in Indonesian territory due to a real threat to their life and freedom. This definition positions refugees as a group legally entitled to special protection needs, including in terms of fulfilling basic rights such as housing, health services, and education. In this regard, the right to education for refugee children is not only a social policy issue, but also a legal and humanitarian issue.

Under Indonesian national law, the right to education is guaranteed by various instruments, including the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999 concerning Human Rights, the Child Protection Law and the National Education System Law. While most of these regulations identify "citizens" as the primary legal subject, the principles of non-discrimination and respect for human dignity provide a strong foundation that all children, including refugee children, should have equal access to education.

Thus, the Directorate General of Immigration, including the Immigration Offices at the provincial level, such as East Java, is responsible for not only managing the presence of refugees administratively but also ensuring that refugees, especially children, do not experience violations of their basic rights while in Indonesian territory. This aligns with the principle of the best interest of the child, which underpins all policies and actions involving children, as reflected in the UN Convention on the Rights of the Child, ratified by Indonesia through Presidential Decree No. 36 of 1990.

A humanistic and inclusive approach from immigration agencies is crucial to ensuring that the handling of refugees in Indonesia is not merely repressive but also upholds the values of justice and humanity. Therefore, this study will examine the role and responsibilities of the East Java Regional Office of the Directorate General of Immigration in depth within the framework of fulfilling the educational rights of refugee children, as a form of the state's responsibility to human rights and a reflection of Indonesia's moral commitment to the international community.

The Regional Office of the Directorate General of Immigration (Kanwil Imigrasi) is a vertical technical implementation unit of the Directorate General of Immigration of the Ministry of Law and Human Rights of the Republic of Indonesia which is responsible for implementing immigration policies at the provincial level. Based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 29 of 2015 concerning the Organization and Work Procedures of the Regional Office of the Ministry of Law and Human Rights, the main task of the Kanwil Imigrasi is to carry out some of the duties and functions of the Directorate General of Immigration within the scope of the provincial administrative area.

In its implementation, the duties and functions of the Regional Immigration Office encompass aspects of service, supervision, law enforcement, and human rights protection related to the movement and presence of foreigners in Indonesia. This includes immigration services such as issuing passports,

visas, and residence permits, as well as monitoring the presence of foreigners, including refugees and asylum seekers. Therefore, the Regional Immigration Office is at the forefront of ensuring that all immigration policies and actions in the region align with national legal principles and respect the basic rights of individuals, especially vulnerable groups such as refugee children.

In the context of the presence of immigrant refugees in East Java, the Regional Immigration Office is responsible not only for identifying and recording their presence but also for ensuring that refugees are handled humanely. This is in line with the provisions of Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad, which places the Directorate General of Immigration as the coordinator in the refugee handling process involving various parties, including local governments, international agencies such as UNHCR and IOM, and civil society organizations.

More specifically, in fulfilling the right to education for refugee children, the Regional Immigration Office acts as a facilitator, connecting refugee communities with relevant government institutions, such as the Department of Education, the Department of Social Affairs, and the Ministry of Religious Affairs. Although the Regional Immigration Office is not an educational institution, its strategic position within the immigration administration process gives it the authority to influence refugee children's access to basic education services.

This coordinating function is crucial, particularly in addressing technical issues that often hinder refugees from obtaining basic rights, such as the lack of official documents required for school enrollment, unclear legal status, and resistance from local communities. In situations like these, the active role of the Regional Immigration Office is crucial to provide legal clarification, promote affirmative action policies, and ensure that refugee children are not discriminated against.

By understanding the duties and functions of the Regional Immigration Office comprehensively, it can be concluded that this institution not only has administrative responsibilities, but also moral and humanitarian responsibilities to ensure that the existence of refugees, especially children, is treated fairly and with dignity in accordance with the principles of national law and human rights.

In the context of handling refugees and asylum seekers in Indonesia, particularly in fulfilling basic rights such as education, inter-institutional coordination is key. Within this framework, the East Java Regional Office of the Directorate General of Immigration holds a strategic position within the cross-sectoral coordination system. As a vertical institution of the Directorate General of Immigration at the central level, the East Java Regional Office of Immigration not only performs administrative functions but also serves as a liaison between the central government, regional governments, international institutions, and civil society organizations involved in refugee issues.

The East Java Immigration Office's involvement in the coordination chain for refugee handling is regulated by Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad. This Presidential Regulation explicitly names the Directorate General of Immigration as the agency responsible for coordinating refugee data collection, temporary placement, and supervision. Therefore, at the regional level, the East Java Immigration Office acts as the technical and operational coordinator, interacting directly with refugees and the various parties involved in their care.

4. CONCLUSION

Based on the data analysis, it can be concluded that legal regulations regarding the fulfillment of educational rights for immigrant refugee children from a national human rights law perspective have generally guaranteed that every child has the right to education without discrimination, as stated in the 1945 Constitution of the Republic of Indonesia Articles 28C and 28I, Law No. 39 of 1999 concerning Human Rights, Law No. 23 of 2002 in conjunction with Law No. 35 of 2014 concerning Child Protection, and Law No. 20 of 2003 concerning the National Education System. Although some regulations explicitly emphasize the legal subject as a "citizen", the principle of non-discrimination and the principle of universality of human rights provide a strong basis that refugee children should also receive the right to education while in Indonesia. In the context of refugees, Presidential Regulation No.

125 of 2016 places Immigration as the coordinator for refugee handling, although it has not yet regulated in detail about access to education.

The role and responsibility of the East Java Regional Office of the Directorate General of Immigration in ensuring the fulfillment of educational rights for refugee children is coordinative and facilitative. The Immigration Office is not a direct provider of educational services, but it plays a strategic role in facilitating collaboration between refugees, UNHCR, IOM, local governments, and educational institutions. Through data collection, communication with schools, and support for community education, the Regional Office plays an active role in supporting the fulfillment of refugee children's educational rights. However, in practice, various challenges remain, such as the lack of clear technical regulations, limited identification documents for refugee children, limited understanding at the technical implementation level, and low public awareness. Nevertheless, there are good practices in several regions, such as Malang and Surabaya, which demonstrate that a collaborative approach can be an effective solution.

REFERENCES

- Angraini, D. P. (2022). Solusi Pemenuhan Kesejahteraan Pengungsi Selama Proses Resettlement dari Perspektif Hukum Indonesia. *Jurnal Ilmiah Kajian Keimigrasian*, 5(1), 1–15. <https://doi.org/10.52617/jikk.v5i1.260>
- Asti, N. R., Lestari, S., Pemenuhan, R. ;, Pendidikan, H., Bagi, A., Suaka, P., & Rahayu, S. L. (2019). Pemenuhan Hak Pendidikan Anak Bagi Pencari Suaka Yang Transit Di Indonesia Sembari Menunggu Status Pengungsi (Ditinjau Dari The United Nations Convention On The Right Of Childs 1989). In *Belli Ac Pacis* (Vol. 5, Issue 1). [https://Suaka.Or.Id/2014/07/23/Perkembangan-Baskoro,M.I.,Astuti,P.,&Puspoayu,E.S.\(2021\).PerindunganHukumBagiPengungsiAnakRohingnyaTanpaPendampingDiIndonesia](https://Suaka.Or.Id/2014/07/23/Perkembangan-Baskoro,M.I.,Astuti,P.,&Puspoayu,E.S.(2021).PerindunganHukumBagiPengungsiAnakRohingnyaTanpaPendampingDiIndonesia)
- Bulandaryanti, A. A., Paseki, D. J., & Pandeirroot, P. A. E. (N.D.). *Pemenuhan Hak Pendidikan Anak Pengungsi Di Indonesia Dalam Perspektif Hukum Internasional Dan Penerapannya Di Indonesia 1*.
- Dwi Hasya, A. (2023). Pengungsi Anak: Diantara Pemenuhan Hak Pendidikan dan Tanggung Jawab Negara. *Uti Possidetis: Journal of International Law*, 4(2), 285–307. <https://doi.org/10.22437/up.v4i2.20650>
- Hamdani, F., & Fauzia, A. (2021). Eksistensi Prinsip Non-Refoulement sebagai Dasar Perlindungan Bagi Pengungsi di Indonesia Saat Pandemi Covid-19. *Jurnal Hukum Lex Generalis*, 2(1), 1–13. <https://doi.org/10.56370/jhlg.v2i1.1>
- Hidayat, T. (2022). Eksklusi Sosial di Bidang Pendidikan Pada Anak-Anak Pengungsi di Indonesia. *Jurnal Sosiologi Andalas*, 8(1), 87–98. <https://doi.org/10.25077/jsa.8.1.87-98.2022>
- Kharima, N., Haryadi, P., Pengembangan Insani Dompert Dhuafa, L., & Syarif Hidayatullah, U. (2024). Dynamics Of Alternative Education For Refugees: A Case Study Of The School For Refugee Program. In *Society And Humanity* (Vol. 02, Issue 01).
- Kumala Sari, I. (2023). Penanganan Perlindungan Hak Pengungsi Anak Dari Timur Tengah Dalam Rumah Detensi Imigrasi Jakarta, Semarang, Surabaya. *Journal Of International Relations Diponegoro*, 9(2), 210–217. <https://Doi.Org/10.14710/Jirud.V9i2.41567>
- Nethania, E. (2023). *Pemenuhan Hak Pendidikan Anak Bagi Pengungsi Dan Pencari Suaka Di Indonesia (Tinjauan Berdasarkan Konvensi Hak Anak Tahun 1989)*.
- Pahkeviannur, M. rizal. (2022). Penelitian Kualitatif: Metode Penelitian Kualitatif. *Jurnal EQUILIBRIUM*.
- Rini, D. S., Justitia, D., & Setiawaty, D. (2016). Kompetensi kepribadian guru BK (Survei pada Guru Bimbingan dan Konseling Sekolah Menengah Pertama dan Sederajat Se-Kecamatan Citeureup). *Insight: jurnal bimbingan konseling*. <https://doi.org/10.21009/insight.051.05>
- Regy Ineke Ridart. (2021). Analisis Pemenuhan Hak Pendidikan Anak Bagi Pengungsi dan Pencari Suaka: Studi Kasus Pencari Suaka dan Pengungsi di Eks Gedung Kodim Kalideres. *Jurnal Indonesia Sosial Sains*, 2(4), 592–604. <https://doi.org/10.36418/jiss.v2i4.240>

- Renaldy William Tendeau, Max Karel Sondakh, & Caecilia J.J. Waha. (2023). *Perlindungan Hukum Pengungsi Di Indonesia Pasca Peraturan Presiden No.125 Tahun 2016*.
- Rossdiana, R. A. (2022). Masa Depan Di Perbatasan : Pendekatan Humanitarian Pendidikan Pengungsi Anak Di Indonesia. *Jurnal Hubungan Internasional*, 15(1), 53–73. <https://doi.org/10.20473/Jhi.V15i1.33711>
- Rozak, A. (2019). Perlindungan Hak Atas Pendidikan Bagi Pengungsi Internal: Studi Kasus Pendidikan Anak Korban Kekerasan Terhadap Warga Syiah Sampang. *Jurist-Diction*, 2(6), 1887. <https://doi.org/10.20473/Jd.V2i6.15917>
- Shahrullah, R. S., Susetyo, H., Sudirman, L., & Sahputra, R. (2023). Efektivitas Pelaksanaan Pemberian Pendidikan Formal Bagi Anak-Anak Pengungsi Luar Negeri Di Kota Batam. *Jurnal Hukum & Pembangunan*, 53(1). <https://doi.org/10.21143/jhp.vol53.no1.1529>
- Sujuti, S. R. (2022). Meningkatkan kompetensi profesional guru bk dalam menyusun program melalui bimbingan dan pelatihan dengan metode workshop di mgbk. *manajerial: Jurnal Inovasi Manajemen Dan Supervisi Pendidikan*. <https://doi.org/10.51878/manajerial.v2i2.1300>
- Sulistiyowati, M. D. R. (2018). Pengelolaan MGBK Dalam Meningkatkan Profesionalisme Guru Bimbingan Dan Konseling SMA/MA. *Media Manajemen Pendidikan*. <https://doi.org/10.30738/mmp.v1i2.3120>
- Sutanto, I. I., & Hadi, S. (2024). Perlindungan Hukum Terhadap Pengungsi Rohingya Di Indonesia. In *Jurnal Hukum Progresif* (Vol. 7, Issue 11).
- Widya Noventari, Yudi Ariana, Raharjo, & Anis Suryaningsih. (2022). Kajian Urgensi Pendidikan Hak Asasi Manusia Dalam Dinamika Masyarakat Multikultural Di Indonesia.