

The Effectiveness of International Mediation as an Instrument for Human Rights Protection in Resolving Cross-Border Disputes Related to Refugee Flows

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Abstract. *The flow of refugees across borders often triggers complex disputes that intersect with state sovereignty and humanitarian responsibility. This study aims to analyze the effectiveness of international mediation as an instrument for protecting human rights (HAM) in resolving these disputes. Using empirical legal research methods, this study evaluates the role of international mediators in bridging the interests of donor countries, transit countries, and destination countries while still prioritizing the principle of non-refoulement. The results of the study indicate that international mediation has a strategic legal position as a non-judicial dispute resolution mechanism as stipulated in the United Nations Charter, and has proven effective in breaking the deadlock in communication between countries regarding refugee flows through a flexible, confidential, and voluntary approach. Mediation can serve as a diplomatic bridge that encourages technical collaboration, while integrating human rights standards, including the principle of non-refoulement as a boundary of state sovereignty, through a strategy of humanitarian incentives and a narrative of shared responsibility. In the Indonesian context, the effectiveness of mediation is strengthened by the support of national regulations and synergy between the government, the community, and international institutions such as the United Nations High Commissioner for Refugees, although it still faces obstacles such as the unequal bargaining position of refugees, weak implementation of agreements, and legal uncertainty. Therefore, mediation needs to be strengthened by increasing the capacity of mediators and mechanisms for legalizing the results of agreements in order to provide stronger legal certainty for the protection of refugees.*

Keywords: *Human Rights; International Mediation; Refugees.*

1. Introduction

The phenomenon of cross-border population movement, particularly refugee flows, can no longer be understood solely as a humanitarian consequence. Instead, it has evolved into a multidimensional issue at the intersection of global politics, international security, and migration governance (Achnisundani et al., 2025). In recent decades, the intensification of armed conflicts such as the Syrian Civil War, the political crisis in Afghanistan, and instability in various regions of Africa and the Middle East have driven a significant surge in the number of global refugees. Furthermore, climate crises such as extreme droughts, floods, and sea-level rise have further expanded the category of "refugee" into environmental-based displacement, which has not yet been fully accommodated within the international legal regime (Bararah & Rohmah, 2024). According to the United Nations High Commissioner for Refugees, the number of refugees and displaced persons globally continues to increase annually, reflecting the international community's failure to comprehensively address the root causes (UNHCR, 2022).

By the end of June 2025, the number of forcibly displaced people worldwide reached approximately 117.3 million people forced to flee their homes due to persecution, armed conflict, violence, and human rights violations. This figure represents a decrease of approximately 5.9 million people, or nearly 5%, compared to the end of 2024, largely due to increased repatriation in countries such as Afghanistan, Syria, and Sudan (UNHCR, 2025). Geographically, the majority of refugees come from countries experiencing prolonged conflict and political instability, including Afghanistan, the Democratic Republic of the Congo, Sudan, Syria, Ukraine, Palestine, and Venezuela. Meanwhile, the main host countries are still predominantly developing regions, with Iran hosting the largest number of refugees, at nearly 3.5 million, followed by Turkey with over 2.9 million (UNHCR, 2025).

In the context of these cross-border disputes, the protection of human rights is often relegated to a subordinate position to the interests of state sovereignty (Rizki & Muquita, 2023). Receiving countries tend to prioritize territorial control and domestic stability over their international obligations, resulting in various exclusionary practices such as pushbacks, administrative detention without a clear legal basis, and forced returns (refoulement) (Taufik et al., 2025). In fact, the principle of non-refoulement, as stipulated in the 1951 Convention on the Status of Refugees, expressly prohibits states from returning individuals to territories where their safety and freedom are threatened. However, in practice, the implementation of this norm is often hampered by the absence of effective enforcement mechanisms within the international legal system (Wicaksono et al., 2016). The absence of a supranational authority with coercive power over sovereign states leads to more voluntary compliance, thus opening up space for

states to justify violations under the pretext of national security. As a result, what can be called a "normative-implementative gap" has emerged, where high standards of human rights protection do not align with realities on the ground (Mardiyanto, 2024).

To break this deadlock, international mediation has increasingly emerged as a dispute resolution mechanism that is not only flexible but also adaptive to the complexity of cross-border refugee issues (Siregar et al., 2024). Unlike formal litigation approaches through forums such as the International Court of Justice, which tend to produce declarative and win-lose-oriented decisions, mediation offers a more inclusive space for dialogue, where political, humanitarian, and security interests can be simultaneously negotiated (Astary, 2022). This approach allows disputing countries to avoid escalating diplomatic conflict while building confidence in the negotiation process. In the context of the refugee crisis, mediation is no longer limited to technical issues of burden-sharing but has evolved into a strategic instrument for integrating human rights norms into practical political agreements (Nugraha & Bangas, 2024). Through the facilitation of international actors such as the United Nations High Commissioner for Refugees, the mediation process can encourage countries to agree on minimum protection mechanisms, access to asylum, and non-refoulement guarantees in a more operational manner.

In the global literature, numerous studies on refugees and dispute resolution have been conducted, but they still leave significant gaps. Previous research by Putri & Achsin (2023) made important contributions regarding the UNHCR's role in operational refugee management, but failed to address high-level mediation mechanisms in diplomatic disputes between countries regarding the burden of refugee responsibility. Furthermore, the security perspective offered by Audi et al. (2025) views refugee flows as a threat to national stability, leading to border tightening policies without offering collaborative solutions. Although Akbar (2025) has examined the effectiveness of international mediation in cross-border disputes, his study focused on territorial aspects and regional peace without integrating human rights protection standards as a key variable in the mediation process. This demonstrates a gap between conflict resolution theory and the practice of protecting individual rights on the ground.

Therefore, this research aims to fill this research gap by synthesizing international mediation not merely as a tool for peace diplomacy but as a concrete instrument for human rights protection. The novelty of this research lies in its in-depth analysis of how human rights values can be internalized in cross-border dispute mediation agreements to guarantee the rights of refugees, often overlooked in state security narratives. Thus, this research provides new theoretical and

practical contributions, viewing mediation as a humane middle ground amidst the global humanitarian crisis.

Based on the problem identification outlined above, the research problem is systematically formulated to evaluate the position and mechanisms of international mediation within the international legal framework as an instrument for resolving cross-border disputes triggered by refugee flows. Furthermore, this research will examine the extent to which the mediation process is able to integrate human rights protection standards and the principle of non-refoulement amidst the strong dominance of sovereignty interests and national security narratives of the disputing states. Finally, the analysis focuses on identifying the inhibiting and supporting factors that influence the effectiveness of international mediation, ensuring that solutions are not merely political compromises between states but also concretely guarantee the protection of the fundamental rights of refugees on the ground.

2. Research Methods

This study uses an empirical legal research method with a socio-legal research approach to examine the effectiveness of international mediation not only as an abstract norm, but also as an instrument implemented in real practice (Qomar et al., 2017). The main focus of this approach is to examine the interaction between international legal instruments on human rights and the actual actions of disputing countries in handling refugee flows. Thus, researchers can uncover the gap between what should be done (*das sollen*) according to international agreements and what actually happens (*das sein*) in the mediation process on the ground. Primary data collection techniques were carried out through written correspondence and sending open-ended questionnaires to key informants who have authority and competence in their fields (Juliardi et al., 2023). These informants included representatives of international organizations such as UNHCR and IOM, diplomats or mediation practitioners, and international legal experts involved in resolving refugee disputes. This technique was chosen to provide space for informants to develop more in-depth, systematic, and factual data-based answers from their institutions, while also overcoming geographical and bureaucratic constraints that often arise in direct face-to-face meetings. Furthermore, the data obtained through the correspondence was validated and strengthened through document studies of various secondary legal literature, such as texts of mediation agreements, annual reports on human rights protection, and related scientific journals. All data was processed qualitatively through the stages of data reduction, presentation, and inductive drawing of conclusions.

3. Results and Discussion

3.1. The Position and Mechanism of International Mediation as an Instrument for Resolving Disputes Regarding Refugee Flows

International law serves as both a moral compass and a legal foundation, providing full legitimacy to the mediation process in cross-border disputes. Under Article 2 paragraph (3) and Article 33 of the United Nations Charter, every member state has a legal obligation to resolve its international disputes peacefully in such a way that international peace, security, and justice are not endangered. This obligation transforms mediation from being optional to a diplomatic imperative before disputes escalate into open conflict, particularly in sensitive issues such as refugee flows that involve multiple sovereignties (Basuki, 2003).

In practice, international law provides a framework that protects the integrity of the mediation process through the principles of state sovereignty and non-intervention. Although mediation involves a third party, the law ensures that the presence of a mediator is not considered illegal interference in a state's domestic affairs, but rather a voluntary facilitation effort. This is particularly crucial in refugee issues, where states are often defensive about their border policies. The law guarantees that mediation outcomes remain based on consensus among the parties, allowing states to feel secure in engaging in dialogue without fear of losing control of their sovereign rights (Dewanta, 2018).

The legitimacy of mediators, particularly those acting under a UN mandate or regional organization, stems directly from international legal instruments. This mandate provides "soft legal power," allowing mediators to enter conflict zones and speak with the highest state authorities. Without a clear legal basis, mediation efforts are easily dismissed as political interference. International law provides mediators with the formal authority to propose a negotiating agenda that aligns state security interests with universal global humanitarian protection standards (Barbosa & Kuster, 2019).

Furthermore, international law sets parameters or "guardrails" for negotiations to prevent violations of important norms. In refugee disputes, despite the flexibility of mediation, the process remains bound by *jus cogens*, or inviolable international legal norms, such as the prohibition of torture and the principle of non-refoulement. The law ensures that agreements reached at the mediation table must not sacrifice fundamental individual rights for the sake of mere political interests. Therefore, international law serves as a safeguard to ensure that mediation remains within the framework of human rights protection (Aljundi et al., 2025).

Based on the results of document and correspondence data studies, international mediation occupies a central position in the international legal architecture as a method of peaceful dispute resolution mandated by Article 33 of the United Nations Charter. Legally, mediation is non-judicial, meaning it exists outside formal judicial channels but has equal legitimacy in fostering global peace. In the context of refugee influx disputes, mediation is a highly relevant instrument because such disputes are rarely clear-cut. International law provides space for mediation to act as a diplomatic bridge when normative legal instruments fail to address the complexities of state sovereignty.

Within the international legal framework, mediation occupies a strategic position as an Alternative Dispute Resolution (ADR) Mechanism that prioritizes voluntarism and flexibility. Unlike the confrontational nature of litigation, mediation allows disputing countries to formulate solutions through negotiations facilitated by a neutral third party without feeling like they are losing their sovereignty. Its non-rigid nature allows parties to explore unique technical solutions, such as refugee quota arrangements or cross-border financial support, that are often not accommodated in formal, win-lose court decisions.

Furthermore, mediation gains its legal force and legitimacy through an international mandate, particularly when conducted under the auspices of the United Nations (UN). This mandate authorizes mediators to enter the highly confidential diplomatic space to bridge the tension between states' international obligations, such as the principle of non-refoulement, and the sovereign interests of host states. Thus, mediation serves as a balancing instrument, ensuring that while states have the right to regulate their borders, refugees' fundamental right not to be returned to dangerous territories is protected through voluntary, mutually agreed-upon agreements.

This mediation mechanism operates through the intervention of a neutral and impartial third party, in most cases carried out by an international organization such as the UNHCR or a regional special envoy. The mediator does not have the authority to impose his or her will or issue binding legal decisions like a judge in an international court. Instead, the mediator's role is to facilitate dialogue, repair broken channels of communication between countries of origin, transit, and destination, and help the parties identify common interests beyond their rigid political positions. This is particularly important in refugee crises, where nationalistic emotions and security concerns often hinder rational negotiation.

Empirically, data shows that countries tend to prefer mediation over international litigation due to its confidential and informal nature. In sensitive cross-border disputes, countries often fear losing face or being negatively perceived by the international public if the case is heard in open court. Mediation provides a "safe

space" where diplomats can openly discuss their national security concerns and economic burdens without fear of immediate legal consequences. This confidentiality is key, allowing countries to explore compromise solutions that they might never have raised in a public forum.

The flexibility of the mediation mechanism also allows parties to formulate highly specific technical solutions related to border management and refugee resettlement. Unlike rigid court decisions that often focus solely on who broke the law, mediation allows for creative agreements, such as burden-sharing schemes involving financial incentives or infrastructure support. In this way, mediation can address refugee issues not only from a legal perspective but also through a practical, readily applicable crisis management approach.

Furthermore, international mediation serves to mitigate fears of interference with state sovereignty. One reason why countries are reluctant to submit to international courts is because of the perceived potential for binding decisions to infringe on national sovereignty. However, in mediation, every decision is the result of voluntary consensus. The mediator works by aligning international protection standards with a country's domestic policies, so that countries do not feel "directed" by external parties, but rather "collaborating" to achieve regional stability that also benefits their own national interests.

Finally, mediation's position as an instrument for human rights protection lies in its power to foster sustained voluntary compliance. Because mediated agreements emerge from an inclusive and mutually agreed-upon process of dialogue, states' compliance with refugee protection tends to be higher than if they were compelled by sanctions. This mechanism ensures that humanitarian principles are respected not out of fear of punishment, but out of an awareness that long-term stability can only be achieved if the fundamental rights of refugees are guaranteed within the framework of dispute resolution.

3.2. Integration of Human Rights Standards and the Principle of Non-Refoulement in the Mediation Process Amidst Sovereignty Interests

The integration of human rights standards into mediation processes often faces a sharp clash between universal norms and the sectoral egos of state sovereignty. The principle of non-refoulement has evolved into *jus cogens*, or absolutely binding customary international law, leaving no room for states to ignore the safety of refugees even if they have not ratified the 1951 Convention (Arwana & Arifin, 2019). However, at the negotiating table, mediators are often confronted with sovereignty claims, where states feel they have the prerogative to safeguard their national security and territorial integrity from the pressures of human flows perceived as burdensome. This situation requires mediators to act not only as political facilitators but also as guardians of norms, ensuring that refugees' right

to life is not used as a bargaining chip in the pursuit of regional stability (Gaol et al., 2017).

The challenge for international mediation in this context is how to incorporate human rights protection obligations into agreements without appearing to interfere with the domestic rights of host states. While states have the right to regulate borders and access, this right is not absolute and must be exercised in accordance with international humanitarian obligations (Septia Renanda et al., 2025). Effective mediation seeks to shift states' perceptions from viewing refugees as a threat to seeing them as a shared responsibility. In this way, the principle of non-refoulement is integrated not as a legal imposition, but as part of a voluntarily agreed-upon technical-strategic solution to prevent the escalation of a humanitarian crisis that could ultimately undermine a country's national stability (Ariantad et al., 2020).

Based on responses to an open-ended questionnaire from practitioners, it was revealed that the integration of human rights standards into the mediation process often relies on a "humanitarian incentive" approach as a pragmatic diplomatic strategy. In this mechanism, the mediator acts as a skilled negotiator, convincing the receiving state that adherence to the principle of non-refoulement is not merely a moral obligation but also a strategic step toward attracting funding and technical assistance from the international community. This positive transactional approach aims to alleviate the economic burden on host countries, ensuring that refugee protection is no longer viewed as a purely financial burden but as part of a win-win development cooperation scheme.

The principle of non-refoulement serves as an international constitutional limit on state sovereignty, affirming that a state's prerogative over its territory is not absolute and unlimited. Legally, sovereignty grants a state full authority to regulate who may enter and remain within its territory, but this sovereignty automatically ceases when state administrative actions risk returning individuals to situations that threaten their lives or freedom. In other words, international law positions the protection of human life as a higher law, requiring states to suspend forced expulsions or returns in order to respect fundamental human rights.

In international mediation processes, this limit on sovereignty serves as a central point used by mediators to guide humane agreements. Mediators play a role in convincing disputing states that true sovereignty is not realized through the neglect of human rights, but rather through a state's ability to manage its borders in accordance with universal humanitarian obligations. By placing non-refoulement as a boundary of sovereignty, mediation is no longer merely a tool of political reconciliation between states, but is transformed into a legal shield that

ensures that the outcome of cross-border negotiations will never sacrifice the safety of refugees on the altar of narrow national security interests.

Although Indonesia has not formally ratified the 1951 Refugee Convention or its 1967 Protocol, the obligation to comply with the principle of non-refoulement remains firmly embedded as a constitutional and international responsibility. This is because the principle has been transformed into a universally recognized norm of customary international law. In practice, Indonesia has internalized these values through various national legal instruments, one of which is Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad. This step demonstrates that although Indonesia is not administratively bound by the 1951 Convention, morally and sociologically, Indonesia recognizes that the protection of refugees is an integral part of just and civilized humanitarian values.

As a non-derogable norm, the principle of non-refoulement is an absolute rule that cannot be deviated from under any circumstances, including in situations of national emergency or security threats. This absolute nature is rooted in the protection of the most fundamental rights, namely the right to life and the prohibition against torture and inhumane treatment. In the context of international mediation, this means that any agreement reached at the negotiating table must not contain clauses that allow for the forced return of refugees to territories where they face persecution. Adherence to this norm is a measure of a country's legitimacy in the eyes of the international community, where the protection of human life must always be placed above practical political interests.

Furthermore, the non-negotiable status of non-refoulement provides a strong moral mandate for international mediators to pressure disputing states to prioritize humanitarian concerns. In cross-border disputes, this principle serves as a "legal anchor" ensuring that the mediation process does not simply end with sharing economic or security burdens, but also guarantees the safety of asylum seekers. By viewing non-refoulement as an *erga omnes* obligation (an obligation to the entire international community), Indonesia and other countries in the region are compelled to develop more humane collaborative mechanisms to address refugee flows, without having to wait for formal ratification of international instruments.

In practice, effective international mediation must be oriented toward humanitarian values, also known as Human Rights-Based Mediation. In this mechanism, the mediator bears the moral and legal responsibility to ensure that any points of agreement reached do not betray the principle of non-refoulement. The mediation process should not be merely a "transactional" negotiation between countries, but rather should center on the victims (victim-centered

approach), namely the refugees themselves. This means that basic rights such as access to safety, health, and protection from violence must be a fixed variable that cannot be compromised in order to achieve diplomatic peace between the disputing countries.

The urgency of mediation is also clearly evident in the context of protection in social conflicts, as is the case with the handling of Rohingya refugees in Indonesia. In this situation, mediation is not only conducted at the intergovernmental (G-to-G) level, but is also necessary at the grassroots level to resolve friction between refugees and local residents. The mediator must have the ability to balance urgent humanitarian concerns with local community concerns about security and economic resources. Through inclusive dialogue, mediation seeks to reduce xenophobia and build mutual understanding, so that the presence of refugees does not trigger social instability that could actually worsen human rights protection in the region. As an alternative mechanism amidst the limitations of formal legal instruments, mediation offers the flexibility to produce solutions that go beyond temporary protection. In regions where legal certainty often overlaps with strict security policies, mediation can be a gateway to long-term solutions that respect human dignity, such as resettlement schemes or controlled local integration. Thus, mediation serves as a pragmatic tool that fills the legal vacuum, transforming the refugee crisis from a confrontational one into an opportunity for international collaboration that ensures a more dignified future for refugees.

3.3. Analysis of Inhibiting and Supporting Factors of the Effectiveness of Mediation in Guaranteeing the Fundamental Rights of Refugees

An analysis of mediation's role in ensuring the fundamental rights of refugees demonstrates its great potential as a humane dispute resolution mechanism, but it faces significant structural and social barriers. Mediation offers a dialogical approach that maintains good relationships and is more efficient than litigation. The following is an analysis of factors inhibiting and supporting the effectiveness of mediation in the context of refugee rights:

Factors Inhibiting Mediation Effectiveness (Barriers)

- Imbalance of Power

In the dynamics of refugee dispute resolution, imbalanced bargaining power is a major structural barrier that distorts the principle of equality in mediation. Refugees are often trapped in a state of multiple vulnerabilities, where limited local language proficiency and limited understanding of the host country's legal system make it difficult for them to articulate their fundamental interests on an equal footing with local authorities or communities. This asymmetrical situation risks transforming mediation from an emancipatory dialogical space into a means

of legitimizing the will of the more powerful party, resulting in agreements that tend to be exploitative rather than distributive to refugee rights.

- Weak Enforcement of Agreements

The effectiveness of mediation is often hampered by the lack of an imperative enforcement mechanism, which in turn undermines legal certainty for refugees. Unlike court decisions, which are legally binding and can be enforced by state officials, mediation outcomes depend heavily on the good faith of the parties. In the context of conflicts between refugees and local residents who are more socio-politically established, the absence of firm legal sanctions for parties who violate agreements makes the protection of refugee rights fragile and vulnerable to repeated violations without any real redress.

- Limited Authority of Mediators

Mediators in refugee cases often face an authority dilemma, where their mandate is limited to superficial aspects of conflict resolution without addressing the substance of fundamental human rights. The limited competence of mediators in understanding the complexities of international legal instruments—such as the 1951 Convention or the principle of non-refoulement—leads to solutions offered often being partial and failing to address the root causes of the legal problems faced by refugees. Without in-depth specialization, mediators risk ignoring international protection standards in favor of pursuing pragmatic peace agreements at the expense of fundamental principles of justice.

- Socio-Cultural Barriers & Hoaxes

The toxic external environment resulting from the proliferation of disinformation and xenophobic sentiment on social media is a significant confounding factor in the mediation process. Negative narratives that frame refugees as an economic burden or a national security threat build psychological barriers among local communities, thus blocking the empathy necessary for consensus. Mass sentiment provoked by hoaxes creates intense social pressure on the parties to compromise, ultimately resulting in the mediation process often reaching a dead end due to strong public resistance to the social integration of refugees.

- Legal Uncertainty

Weak synchronization between national mediation regulations and refugee protection protocols creates legal uncertainty that hinders the operationalization of mediation in the field. The lack of specific technical guidelines regarding the involvement of non-citizen legal subjects in local mediation procedures often leaves law enforcement and practitioners hesitant to make strategic decisions. This condition is exacerbated by the limited facilities and infrastructure for representative mediation, which collectively reduces the level of trust of the

parties in mediation as a credible and dignified dispute resolution method for the protection of refugee rights.

Factors Supporting Mediation Effectiveness (Supporters)

- Involvement of Community Leaders and Social Mediators

The involvement of community leaders in mediation aligns with the spirit of Article 12 of Presidential Regulation 125/2016, which emphasizes coordination between the central and regional governments in handling refugees. Community leaders serve as catalysts to mitigate potential social conflict in shelters. By integrating local moral authority into the formal framework, the mediation process gains strong sociological legitimacy, enabling the Presidential Regulation's mandate to maintain public order in the refugee community to be achieved through a persuasive approach that is more acceptable to local residents.

- Local Wisdom-Based Approach

The deliberative approach based on local wisdom is a manifestation of Article 13 of Presidential Regulation 125/2016, which regulates temporary shelters, taking into account local community conditions. By prioritizing social harmony over legal confrontation, mediation creates a conducive environment for refugees to coexist with local residents without triggering social jealousy. This demonstrates that mediation serves as a bridge between the state's humanitarian obligations and respect for local social norms, which are the foundation of stability in refugee areas.

- Flexibility and Voluntary Action

Flexibility in mediation allows for the addressing of urgent refugee issues—such as basic needs and healthcare—which are generally regulated in Article 26 of Presidential Regulation 125/2016. The voluntary nature of mediation provides space for the parties to negotiate the fulfillment of these rights without being hampered by rigid bureaucracy. Within a closed setting, the mediator can facilitate a dialogue that adapts local standard operating procedures (SOPs) to the refugee's emergency situation, ensuring that fundamental rights are met pragmatically and humanely.

- Results Have Legal Force (Peace Deed)

Refugee management is often mired in administrative uncertainty, but through a court-confirmed peace deed resulting from mediation, refugees' rights receive concrete legal protection. This strengthens the implementation of the oversight function mandated in Presidential Regulation 125/2016. With the peace agreement, the obligations agreed upon by the parties have an enforceable basis,

thus guaranteeing the protection of fundamental rights that are not merely advisory but legally binding.

- Cooperation with UNHCR and International Institutions

This synergy is a direct manifestation of Article 2 paragraph (1) of Presidential Decree 125/2016, which emphasizes that refugee management is carried out through cooperation between the Government and the United Nations through the High Commissioner for Refugees (UNHCR). UNHCR's presence in the mediation process provides technical guarantees and internationally recognized standards. This collaboration ensures that any agreements reached in mediation do not conflict with the principle of non-refoulement and remain

4. Conclusion

This study concludes that international mediation holds a highly strategic legal position as a non-judicial dispute resolution procedure as mandated by Article 33 of the UN Charter. In practice, this mechanism has proven effective in breaking the communication deadlock between countries of origin, transit, and destination regarding refugee flows through a flexible, confidential, and voluntary approach. The informal nature of mediation provides space for disputing countries to formulate technical solutions to border management without feeling that their national sovereignty is threatened by the coercive intervention of international courts. Thus, mediation functions as a diplomatic bridge capable of transforming a confrontational crisis into a more productive space for technical collaboration. Furthermore, the integration of Human Rights (HAM) standards and the principle of non-refoulement in mediation was successfully carried out by placing these norms as absolute limits of state sovereignty. Through the strategy of "humanitarian incentives" and the narrative of "shared responsibility", mediators were able to insert obligations to protect the right to life of refugees into the draft political agreement. This confirms that the principle of non-refoulement remains binding and non-derogable as customary international law, even by countries that have not ratified the 1951 Convention. Mediation demonstrates that refugee protection does not have to conflict with national security but can be harmoniously pursued through carefully designed agreements. The effectiveness of mediation in guaranteeing the fundamental rights of refugees in Indonesia is a manifestation of the discourse between human rights idealism and the pragmatism of national law enforcement. This study concludes that mediation has great potential as an emancipatory protection instrument due to its flexible nature, based on local wisdom (deliberation), and legal support under Presidential Regulation No. 125 of 2016. Synergy between domestic authorities, community leaders, and international institutions such as UNHCR is a key pillar in creating harmonious solutions for refugees and local communities. However, this

effectiveness remains significantly hampered by structural constraints, particularly related to the unequal bargaining power of refugees, weak implementation of agreements, and the threat of social disinformation. Legal uncertainty in integrating mediation outcomes into the public legal system often leaves refugees' fundamental rights in a fragile position. Therefore, mediation cannot stand alone; it requires strengthening the mediator's competence in international law issues and a consistent homologation mechanism (peace deed) to transform consensual agreements into enforceable and certain legal guarantees for refugees.

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