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Fragmented Legal Pluralism and the Security–Rights Nexus: A Theoretical Lens on Governance and Legal Gaps in Rohingya Repatriation in Bangladesh

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ABSTRACT

This paper examines the Rohingya refugee crisis in Bangladesh through the theoretical lens of fragmented legal pluralism, utilizing a socio-legal methodology to analyse the critical intersection of national security and refugee rights. The central research question investigates how the deliberate legal and governance vacuums surrounding Rohingya repatriation generate volatile, pluralistic legal orders. By refusing to grant formal refugee status and denying access to formal justice, the state relies on the traditional ideology of legal centralism as a mechanism of demographic and political control. However, this socio-legal analysis demonstrates that the deliberate withdrawal of formal state law does not secure sovereignty; rather, it creates a dangerous regulatory void rapidly filled by unregulated non-state actors. Internally, informal camp leaders (Majhis) and armed factions dictate camp governance, breeding exploitation, radicalization, and severe domestic insecurity. Externally, however, this gap is further exacerbated by the dichotomy between state-focused repatriation diplomacy and the reality of fragmentation within Myanmar's territory, wherein the Arakan Army (AA) controls certain areas. Hence, the violation of basic refugee rights becomes a direct threat to national and regional security. In order to address this long-standing stalemate, the paper calls for an approach based on cosmopolitan and complementary pluralism. The first step towards addressing the problem requires the creation of a comprehensive national refugee law in Bangladesh that can reassert state authority, provide legal identity, and disrupt any normative networks involved in human trafficking and smuggling. At the same time, a diplomacy process involving de facto authorities in the region is indispensable.

Keywords: Rohingya Crisis; Fragmented Legal Pluralism, Socio-Legal Methodology, National Security, Refugee Rights, Statelessness, Governance Vacuum.

1. INTRODUCTION

The Rohingya refugee problem continues to be one of the most difficult and persistent cases of forced displacement in the twenty-first century. At present, more than a million people without citizenship live in the sprawling camps of Cox's Bazar in Bangladesh, trapped in an acute situation characterized by legal and administrative ambiguity (Sejan & Siddiq, 2025). The problem of Rohingya refugees is based on double exclusion: first, the deprivation of Rohingya citizenship carried out by Myanmar through the Citizenship Law of 1982, and secondly, Bangladesh's denial of refugee status for Rohingya people and the designation of the displaced persons as "Forcibly Displaced Myanmar Nationals" (Islam, 2025; Singh & Yadav, 2025). In fact, by depriving Rohingya

of any legal status, court access, and refugee rights, the state has unintentionally created conditions for "legal apartheid" (Islam, 2025). However, contrary to the intention of protecting sovereignty, the refusal of legal status led to the creation of a critical governance gap. This legal vacuum has been quickly filled by informal and armed non-state actors both in the camps and in Rakhine State (Rahman, 2022; Sejan & Siddiq, 2025).

Typically, state approaches to such crises have been founded on the assumption that the state operates according to the ideology of legal centralism, namely, the myth that the state has exclusive, uniform, and monopolistic control over its laws and governance (Griffiths, 1986; Tamanaha, 2021). However, the geopolitical and local conditions of the Rohingya crisis reveal the analytical and practical inadequacies of such an approach. Instead, the crisis should be analysed within the framework of the theory of "fragmented legal pluralism" – that is, the clash of many normative communities and de facto authorities that operate without a single hierarchical legal order (Berman, 2012; Tamanaha, 2008). Far from eliminating law, by repressing all formal legal channels, the state has instead fuelled the development of a volatile and unregulated pluralism in which quasi-judicial camp leaders (Majhis) and armed groups such as the Arakan Army (AA) and the Arakan Rohingya Salvation Army (ARSA) define the terms of justice and security (Aung, 2025; International Crisis Group, 2017).

Applying the socio-legal approach to this crisis will help us go beyond the limitations of traditional doctrinal analysis to consider "law in action." The application of concepts such as "legal consciousness," in consideration of the lives of the refugees, makes it clear that the lack of law creates vulnerabilities for the people, leading to their exploitation, human trafficking, and radicalization and ultimately posing a threat to the national security of Bangladesh (O'Donovan; Sejan & Siddiq, 2025). In order to understand this multifaceted situation, the main research question for this study is: How does the legal and governance vacuum in Rohingya repatriation manifest legal pluralism? While existing scholarship on the Rohingya crisis has largely focused on humanitarian governance, refugee protection, and regional security separately, the intersection between the legal vacuum and governance vacuum remains significantly underexplored in existing literature. This paper addresses that gap by applying the framework of fragmented legal pluralism to demonstrate how the simultaneous absence of formal legal recognition and effective governance structures creates competing authorities, informal systems of control, and broader security consequences within the Rohingya repatriation process.

In order to address this question systematically, this paper is organized in a logical flow of theoretical, methodological and empirical analysis. Firstly, the paper discusses the Theoretical Framework of the paper, whereby the paper traces the development of legal pluralism from the initial dismantling of legal centralism to the current theory of fragmented legal pluralism. Secondly, the Methodology chapter discusses the methodology used in the research process, including positionality, law in action and the crucial role played by analysing the absence of law. Thirdly, the paper presents its main Findings and Analysis in two major subsections, namely (1) the Security Implications of the Legal Vacuum in Rohingya Repatriation under Fragmented Legal Pluralism, that analyses the impact on society due to the lack of law and informality, and (2) the Security Consequences of the Governance Vacuum in Rohingya Repatriation under Fragmented Legal Pluralism, that discusses the gap between the two states and non-state actors in territorial fragmentation. Taking off from these insights, the paper then goes on to make recommendations on a Way Forward to Fill the Vacuum in Rohingya Repatriation by advocating for a cosmopolitan pluralist strategy that blends the elements of domestic law based on human rights with regional diplomacy. Finally, the Conclusion summarizes the results of the research and reiterates the fact that legal recognition is no threat to state security, but rather its necessity.

2. The Theory of Legal Pluralism

The legal sociologist George Gurvitch first used legal pluralism to denote co-existing legal orders (Gurvitch, 1935), and the term was soon adopted in an analytical sense to describe a situation in which people could choose from among more than one co-existing set of rules (Vanderlinden, 1971). Fundamentally, the theory aims to dismantle the ideology of legal centralism, the notion that law is and should be the law of the state, uniform for all persons, exclusive of all other law, and administered by a single set of state institutions. Theorists assert that this state-centric view is a myth, an ideal, a claim, and an illusion (Griffiths, 1986). Far from being a modern anomaly, legal pluralism is a common historical condition (Tamanaha, 2008). Throughout history, empires commonly effectuated rule by allowing native populations to live with their own laws, forcing them to pay a tribute (Machiavelli, 1513).

From its inception, the theory was plagued by a fundamental conceptual problem: the difficulty of defining "law" for the purposes of legal pluralism (Tamanaha, 2008). Scholars initially utilized the concept of the "semi-autonomous social field"—social arenas with the capacity to produce and enforce rules—to identify and delimit law (Moore, 1973). However, this drew criticism because calling all forms of non-state ordering "law" confounds the analysis and risks simply describing social life (Merry, 1988). The definitional crisis led some to conclude that the word "law" could better be abandoned altogether for purposes of theory formation and reconceptualized as normative pluralism (Griffiths, 2005). To resolve this, theorists recognized that law covers a continuum which runs from the clearest form of state law through to the vaguest forms of informal social control (Woodman, 1998). Thus, law is most coherently understood as a "folk concept," meaning it is simply what people within social groups have come to see and label as law over time and in different places (Tamanaha, 2001).

It is inevitable that interaction would occur between normative orders in the same social field. Research has shown that customary law is bound to change because of its use by the colonial administrative institution (Van Vollenhoven, 1909), while native bodies of law are said to exist due to continued collective recognition by the society and not formal recognition by the state (Hooker, 1975). In today's world, it is quite common for non-state legal systems to run side by side with the state, although it may be the case that they embody patriarchal values and fail to provide essential rights like due process (Waldorf, 2006). In summary, there are four main archetypes of state and non-state interaction: combative (where the goal is to undermine and defeat the other), competitive (autonomy is maintained without any challenge to state sovereignty), cooperative (collaboration towards common goals), and complementary (Swenson, 2018). In the complementary relationship, the non-state is subordinate since the state has both the legitimacy and capability to enforce its rules, making it unique in ensuring that all people are subject to the same law (Carothers, 1998).

2.1 The Concept of Fragmented Legal Pluralism

Based on the above theory, the idea of Fragmented Legal Pluralism describes the way in which globalization, multiple communities, and decentralization have broken down the legal order. The idea of constitutional pluralism was born out of attempts to understand how more than one constitutional order could exist together, especially in the case of integration within the European Union (Dayal, 2023). This is a globally fragmented phenomenon. Given that we inhabit a world of multiple and overlapping communities, it is no longer feasible to base a model of the law merely on territorial boundaries between state legal orders (Berman, 2012).

Such an intersection leads to an extremely high level of fragmentation at the institutional level. In the global dimension, the system of international law is characterized by internal pluralism, with a large number of independent tribunals and legal normative systems that are not related to each other and may intersect or contradict (Tamanaha, 2008). The global universality of international

law did not mean a neutral inclusion of all peoples, but on the contrary, it meant the normalization of certain socio-political organization forms (Pahuja, 2011). Such a fragmentation goes beyond the external framework, leading to the phenomenon of "internal legal pluralism," which presupposes different rules of regulation for different institutions in states, with almost no connection between them (Santos, 2002). As a result, the modern legal environment involves a huge number of decentralized institutions, each of which establishes, enforces, and applies laws according to their own legal goals and hierarchies (Tamanaha, 2021).

To navigate this fragmented landscape, disputing parties frequently engage in forum shopping (Galanter, 1974). Actors drive conflict by strategic resort to sources of normative ordering in an effort to advance their individual or collective goals (Tamanaha, 2008). These clashes often reveal stark power imbalances, such as human rights abuses associated with extractive industries that result in the forced displacement and destruction of the environment on which indigenous peoples depend (Burger, 2014). Because there is no external position from which one could make a definitive statement as to who is authorized to make decisions in any given case, a statement of authority is itself inevitably open to contest (Berman, 2012). Instead of unitary answers, cosmopolitan pluralism provides a "juris generative" model focusing on the creative interventions made by various communities drawing on a variety of normative sources (Cover, 1983). It favours procedural mechanisms and practices that aim to manage, without eliminating, the legal pluralism we see around us (Berman, 2012).

Finally, analysing fragmented pluralism requires decentring the traditional concept of the Rule of Law. In certain contexts, the invocation of the Rule of Law has actively extinguished, invisibilised, and silenced pre-existing local legal traditions (Rajah, 2012). Looking at the Rule of Law through a legal pluralist lens reveals it is not a neatly constituted and institutionalized system, but a living organism, pulsating and shaking, multidimensional and with sensitive nervous fibres (Zumbansen, 2016). Therefore, law in a hybrid world is not a static monolith, but an ongoing process of articulation, adaptation, rearticulation, absorption, resistance, and deployment that never ends (Berman, 2012).

3. METHODS

To effectively analyse the multifaceted legal and governance vacuums characterizing the Rohingya repatriation crisis, this paper adopts a comprehensive socio-legal methodology. As O'Donovan (2016) asserts, a work's methodology is not merely a supplementary luxury but its core approach, "method is the substance." In place of the narrow doctrinal approach to the field of study, which presupposes the importance and flawless transfer of the formal legal order, this approach takes into consideration a more flexible socio-legal approach. The key point is that law is not considered as an independent force, which imposes itself upon society. On the contrary, from an empirical point of view, law is a part of the social and political order, which influences, and is influenced by, larger social, political, and economic forces.

This study is primarily qualitative and socio-legal in nature, combining doctrinal and theoretical legal analysis with the systematic examination of secondary empirical materials. Rather than conducting field interviews or primary data collection, the paper analyses reports of international organizations, policy documents, NGO publications, security analyses, news reports, and existing case-based literature related to the Rohingya camps, repatriation processes, non-state actors, and governance practices in Bangladesh and Rakhine State. These materials are interpreted through the theoretical lens of fragmented legal pluralism and socio-legal analysis of "law in action."

The adoption of a perspective beyond the conventional "authority paradigm" of doctrinal research, which is centred mainly on the study of authoritative sources, internal logic, and the lineage of rules, will allow this paper to deconstruct the "false closures" behind state-centric legal analysis. The starting point of doctrinal research is generally rooted in the belief in legal monism and the idea that law is an autonomous tool for social intervention. But the complexity of the

Rohingya situation requires a consideration of "law in action," meaning the actual workings of legal norms in practice. Taking inspiration from the feminist legal theory's "the woman question," we can pose the following questions: What are the presuppositions of the law? Whose perspective is reflected in these presuppositions? Whose interests remain marginal and thus invisible? Using this framework, it becomes clear how the official classification adopted by the state serves to silently marginalize the interests and perspectives of this marginalized community. In the case of Bangladesh, this would be their designation of the Rohingya people as "Forcibly Displaced Myanmar Nationals."

One of the key aspects of this socio-legal methodology is the use of legal pluralism in order to redefine the relationship between law and society. Departing from the confines of the official state legal system, the socio-legal methodology seeks to trace the interaction between law and society. By using Moore's "semi-autonomous social field," this methodology enables the depiction of the different normative orders that govern the Rohingyas. This methodology creates the framework needed to study the interaction between the official laws of the states of Bangladesh and Myanmar, the territorial control of the Arakan Army, and the informal dispute settlement systems of the Majhis. As Tamanaha states, the concept of uniform monopoly law is no longer relevant; instead, the situation should be framed in order to observe the interacting normative orders.

Moreover, the analysis takes into account the socio-legal analysis of "legal consciousness." This field of analysis is concerned with the day-to-day lives of individuals who live with legal constructions. Legal consciousness demands a "law last" perspective. With respect to the case of the Rohingya, the "law last" perspective entails examining specifically the absence of law. Decentralizing legal institutions will show that it is actually the lack of formal refugee status and the use of informal dispute resolution that influence the daily experiences of the refugees.

Lastly, although this methodology makes use of knowledge from other fields such as sociology, international relations, and political science, it still retains its unique character as a legal endeavour. In recognizing the limitation of isolated disciplines as pointed out by Myrdal in that real-life issues cannot be simply categorized as "economic" or "sociological" but as complicated issues, this paper realizes the importance of holism. Nevertheless, one important stage of any socio-legal project is the stage of "returning to law." While the objective of exposing the fragmentation of the Rohingya's legal reality is not only sociological, the end result should not be left at that because the ultimate aim is social intervention. Through the empirical findings from the camps and borderlands, this methodology hopes to show how a comprehensive rights-based national refugee law must be made as an imperative.

4. RESULTS AND DISCUSSIONS

4.1 Security Implications of Legal Vacuum in Rohingya Repatriation under Fragmented Legal Pluralism

The theory of fragmented legal pluralism offers a key analytical perspective to comprehend the current crisis facing the Rohingya refugees in Bangladesh. Instead of enjoying the safety offered by the existence of overlapping normative communities, the Rohingyas are caught up in the cracks of the international and national legal systems, existing in a profound "legal vacuum" without any form of recognized refugee status or related legal protection (Sejan & Siddiq, 2025). Such a crisis demonstrates the potential dangers posed by the strategic use of legal fragments by states as a means of weaponizing statelessness.

However, when the fragmented pluralist approach is adopted, there is no automaticity between physical location and legal power or protection (Berman 2012). This is especially true of Bangladesh, where the state adopts jurisdictional labelling as a tool of legal centralism based on exclusion. Through labelling Rohingyas as “Forcibly Displaced Myanmar Nationals,” the state deliberately avoids categorizing the Rohingyas as refugees in line with international law (Islam, 2025). The motive behind such a strategy is the fear that legal categorization may result in their

integration and pose a threat to demographic stability (Sejan & Siddiq, 2025). As a result, the state has established a regime of "legal apartheid," denying Rohingyas access to criminal justice, legal work, freedom of movement and education (Islam, 2025). Such an approach is contrary to provisions in the Constitution of Bangladesh guaranteeing law protection in Article 31 and right to fair trial and freedom from cruel punishment in Article 35 (Sejan & Siddiq, 2025).

Where state law leaves a vacuum, legal pluralism mandates that the vacuum will be filled by other forms of normative orders. Since undocumented Rohingyas have no recourse to formal courts, and recourse to any form of judicial action is almost exclusively available through UNHCR or NGOs providing legal aid, they have no choice but to turn to informal, and unregulated mechanisms of dispute resolution (Sejan & Siddiq, 2025). These quasi-judicial powers have been conferred to non-state, untrained camp leaders called Majhis. Given that the process lacks procedural fairness, it often leads to arbitrariness and bias (Sejan & Siddiq, 2025). This is an extremely risky form of pluralism because it leaves refugees vulnerable while weakening the rule of law.

The problem of governance is making things worse in the light of serious national security issues. Stateless and undocumented people, Rohingyas face high risks of being exploited and trafficked into violence through human trafficking because they do not have legal identity (Singh & Yadav, 2025). Criminal acts and lawlessness have been rampant in the refugee camps because of lack of enforceable laws (Sejan & Siddiq, 2025). Moreover, overcrowding in the region where over one million people of Rohingyas live is causing social unrest as well as fears about the socio-economic effect that may emerge in the future (Ferdous & Emrah, 2025). It should be noted that the security threat comes from both internal disorder in the camp and external factors such as militant movements.

The history of this legal vacuum can be traced back to the fragmentation of international and domestic law. The Citizenship Law of Myanmar in 1982 denied the Rohingyas citizenship status and made them stateless (Singh & Yadav, 2025). State-sponsored statelessness and the violence suffered by the Rohingyas in Myanmar make their voluntary and dignified return unsafe (Islam & Mia, 2024). The legal exclusion in Myanmar and the unwillingness of Bangladesh to recognize Rohingyas legally trap them in their displacement situation without any chance of protection (Hasan, 2025). To further complicate the situation, there is the element of fragmented geopolitics. Powers in the region such as China, India, and Russia have vested interest in Myanmar that prevent them from applying tough diplomatic pressures on the Myanmar military regime and deny efforts to protect Rohingya citizenship rights (Tribune Report, 2025). Realpolitik solutions involve regional cooperation and diplomacy (Parvez, 2025), but these methods can jeopardize international laws, non-refoulement practices, and human rights when applied alone (Parvez, 2025).

The way out of this crisis lies in the application of the principles of cosmopolitan pluralism to link these separate legal systems. Legal reforms at the domestic level are vital for closing the protection gap. Bangladesh must introduce a refugee law that provides temporary but legal documentation to the Rohingyas, thus affording them legal identity and access to courts without suggesting any intention of settling there, which in turn would allow them access to education, healthcare, and employment, decreasing their vulnerability (Sejan & Siddiq, 2025). Setting up legal aid centres inside the camps, provided with gender sensitive dispute resolution procedures, would help establish the rule of law and prevent abuse (Sejan & Siddiq, 2025). On the international front, persistent multilateral efforts on the part of the global community to put pressure on Myanmar is necessary to end statelessness and ensure their safety to pave the way for their return (The Daily Star, 2025). The case clearly shows that Rohingya legal vacuum is not only a failure in policy-making, but also a complex human rights violation that increases Bangladesh's national security vulnerabilities. Thus, a solution can be found only through inclusion of human rights in security policy (Hasan, 2025; Faisal, 2025)

4.2 Security Consequences of Governance Vacuum in Rohingya Repatriation under Fragmented Legal Pluralism

The theory of fragmented legal pluralism argues that the traditional "ideology of legal centralism," which assumes that the state alone and uniformly administers laws, is an illusion. The case of Rohingya repatriation is a very clear example of this because there has been no attempt made by the state-centric diplomacy to reconcile with the highly fragmented situation at the grassroots level. In the case of repatriation of the Rohingyas, Bangladesh's message is often strategic, reflecting the state's interest to gain political visibility and legitimacy (Parvez, 2024; Transnational Institute, 2022), leading to policy theatricality as termed by researchers (Ticktin, 2011).

However, this theatrics crumbles when faced with the reality of the high degree of fragmentation of institutions and territories within Myanmar. Under fragmented pluralism, geographical determinants do not determine the unity of legal authority anymore. The government of Myanmar does not have a monopoly on normative and territorial ordering in Rakhine State, and Arakan Army (AA) is the actor that established its territorial dominance there (Aung, 2025; Islam, 2020; Henschke, 2025). The failure of Bangladesh to reconcile its diplomacy with such fragmented structure aggravates the governance problem. The ongoing diplomacy of Bangladesh, which pursues the repatriation of Rohingya refugees via state frameworks only and leads to the interim government's claim that Myanmar agreed to accept 180,000 Rohingyas back, ignores the Arakan Army, the current territorial ruler of Rohingya-populated areas with an exclusionist approach toward them (Al Jazeera, 2025; Transnational Institute, 2022; International Crisis Group, 2023; Walton & Lall, 2021; Aung, 2025). The mismatch between state-focused rhetoric and pluralistic realities led to the collapse of previous attempts at repatriation in 2018 and 2019 (UNHCR, 2020).
In addition, Myanmar's legal framework works to exploit this division to maintain its exclusionary policies. Based on the 1982 Citizenship Law and fuelled by ethno-nationalist state ideologies, the primary obstacle that stands in the way of sustainable repatriation is the refusal of citizenship status and the demolition of the Rohingyas' home (Southwick, 2015; Cheesman, 2017; Walton, 2008; UNHCR, 2020). The global protection of such exclusionary practices is due to the division of the international community, whereby China's support for the regime and the non-interference policies in the region make Bangladesh incapable of demanding political reforms (Riaz & Karim, 2018; Mollah, 2020; Beech, 2017).

On the other hand, a governance vacuum of great magnitude is evident within the refugee camps in Bangladesh, showing the problems associated with an unregulated form of legal pluralism. Due to poor state capacity and the lack of effective coordination between agencies, as well as the dwindling nature of humanitarian aid, the state has created a regulatory vacuum. Non-state actors will always fill this vacuum due to the nature of legal pluralism, and in this case, the influence of armed groups such as the Arakan Rohingya Salvation Army (ARSA) is increasing. There are growing fears about the potential for radicalization and the creation of illegal economies (International Crisis Group, 2017; Rahman, 2022).

This internal division exacerbates significantly national security threats. The presence of more than a million refugees in Bangladesh puts pressure on resources leading to environmental degradation and labor market competition. This increases tensions between refugees and the host population (Uddin, 2019; International Crisis Group, 2020). In the absence of international aid and legal measures, there is an increased threat of unrest (Rahman, 2022; Human Rights Watch, 2023). Living in a perpetual state of statelessness and having realized that no permanent solutions exist, refugees, particularly youth, are opting to flee to third countries (Amnesty International, 2021; UNHCR, 2023; Rahman, 2022).

Ultimately, the top-down administration system of Bangladesh fundamentally undermines the "cosmopolitan pluralism" that advocates the participative management of overlapping communities. The lack of participation of communities is therefore against the international

guidance on repatriation, which fails to address some important issues such as citizenship, land restitution, and legal protection (UNHCR, 2018; Slim, 2015; UNHCR, 2023). The governance gap continues at all levels from Myanmar's institutional failure, AA's governance by default, Bangladesh's administrative incapability, and exclusion of the refugees from the decision-making process. The resolution of this complex security problem necessitates the end of the myth of legal centralism. A sustainable solution to this problem requires rights-based repatriation that recognizes fragmented authorities, participative refugee involvement, and international monitoring of the issue (Ullah, 2017; Transnational Institute, 2022; UNHCR, 2018; Ticktin, 2011).

4.3 Way Forward to Fill the Vacuum in Rohingya Repatriation

The prolonged crisis of the Rohingya refugees is an example of how disastrous the idea of "legal centralism," or the monopolization of legal authority by the state, can be. While in Myanmar, it is embodied in the Citizenship Law of 1982, in Bangladesh, it is evident from the labelling of the refugees as "Forcibly Displaced Myanmar Nationals" (FDMN), thus strategically denying them their refugee status and implying resistance to their local integration. This mutual exclusion has resulted in a severe governance and legal vacuum, which violates the constitution of Bangladesh (Articles 31 and 35) as well as the international human rights standards, while aggravating security issues related to lawlessness, exploitation, and border vulnerabilities for militant attacks. The solution to the problem requires abandoning the myth of legal centralism and adopting an approach based on "cosmopolitan pluralism".

Internally, addressing the governance vacuum requires Bangladesh to move from a situation of unregulated and violent pluralism towards "complementary legal pluralism." As it stands, over a million stateless Rohingya depend on informal dispute settlement systems that maintain a cycle of violence and impunity. For Bangladesh to be able to exercise effective sovereignty and close the protection gap, it needs to introduce a comprehensive and holistic national refugee law for the country. Customized to address the challenges faced in Bangladesh, this law will allow the granting of temporary formal legal status along with documentation and access to basic rights such as education, healthcare, and formal justice without committing to permanent settlement. By creating formal in-camp legal aid centres and gender-specific dispute resolution forums, Bangladesh can regulate the informal justice sector. This practical approach to legal reform, which is both humanitarian and security-driven, converts the Rule of Law from a discriminatory tool to a stabilizing one for refugee security. Moreover, in order to improve camp governance, Bangladesh must abandon the purely administrative approach and include the Rohingya in decision-making to create trust.

Externally, the challenges involved in navigating the repatriation process include recognizing the highly fragmented nature of the territory and institutions within Myanmar. The use of traditional diplomatic approaches based solely on negotiations between states becomes outdated where the state in question does not exercise effective control over its territory. For a safe and rights-based repatriation process, Bangladesh must broaden its approach to diplomacy beyond the central government of Myanmar to include relevant non-state actors such as the Arakan Army (AA).

At the international level, the problem is compounded by the fractured nature of the geopolitical world where regional powers like China, India, and Russia provide protection to the Myanmar regime, thereby hindering international efforts to protect the rights of the Rohingyas. Although regional realpolitik usually emphasizes the importance of pragmatic approaches to cooperation and security, these approaches pose the risk of compromising international law itself in the absence of a rights-based approach. For a cosmopolitan response, therefore, it becomes imperative that a framework of regional cooperation is put in place which includes Bangladesh, Myanmar, China, India, and ASEAN.

In conclusion, the governance and legal void of the Rohingya community represents a multidimensional violation of human rights, which endangers national and regional security. The performance of policies and diplomatic acts should give way to monitoring systems to guarantee transparency and to break the vicious cycle of impunity. Through the combination of enforceable laws and reinforced security measures, together with a pluralistic approach in the realm of diplomacy, a sustainable process of repatriation could be attained.

5. CONCLUSIONS

The repatriation problem of the Rohingya people clearly shows the extent to which the state-centred approach of legal theory is limited and dangerous. As seen from the foregoing discussion, the answer to the research question posed at the beginning of this paper is that the lack of law in both Bangladesh and Myanmar does not mean the lack of law, but the development of very volatile and fragmented legal pluralism. The denial of citizenship to the Rohingya in Myanmar and the lack of refugee and judicial status in Bangladesh is an attempt by the respective states to use "legal centralism" as a weapon against this ethnic group.

Nevertheless, from the perspective of socio-legal theory, it becomes clear that any such vacuum will inevitably turn out to be counterproductive. This is especially true for the crucial point of the interaction between refugees' rights and national security. The vacuum created by the formal state has quickly been filled by a host of non-state actors that have operated completely unregulated. In the camps, justice is administered by untrained Majhis who do so unchecked, while armed groups such as ARSA take advantage of the lack of laws to create black markets and recruit. Outside of the camp, the inability of the central government of Myanmar to exert territorial control in areas controlled by the Arakan Army (AA) makes state-to-state diplomatic repatriation agreements essentially worthless. The violation of refugee rights, therefore, contributes directly to exploitation and instability at the borders.

In order to solve this intractable problem, it is imperative that the policy makers move beyond the theatricality of legal centralism and face the facts of fragmented legal pluralism. To progress constructively, it is important for them to move from the stage of unmanaged and adversarial pluralism to “complementary” and “cosmopolitan” pluralism. At the international level, this involves recognizing the fragmented structures of authority on the ground. The diplomatic approaches should not be limited to being top-down, but rather should be inclusive by involving non-state actors such as the AA.

On a domestic level, Bangladesh must realize that legality and security go hand in hand. The establishment of a temporary, national refugee law providing legitimacy, access to justice, and basic rights is a crucial step. It will not imply permanent integration; however, it will help reclaim sovereignty over the camps, abolish the dangerous informal norms regulating the lives of the Rohingya, and limit any abuses that foster insecurity. In conclusion, all vacuums can be filled through substituting the sanctioned statelessness with practical and rights-based legal instruments. Only an approach that combines the protection of refugees' rights with overall security measures can provide a sustainable solution and secure a safe return of the Rohingya.

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