



Implementation of Immigration Functions in Border Areas Based on Human Security Perspective

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ABSTRACT:

Indonesia's border areas with other countries are prone to various threats, both traditional threats such as territorial disputes or military attacks and non-traditional threats focusing on individual security, known as human security. The high number of human trafficking cases through border areas indicates the need to enhance the functions of personnel assigned to these areas. In this context, Immigration has a significant responsibility to prevent transnational crimes such as the non-procedural dispatch of Indonesian migrant workers and other forms of human trafficking. This research aims to analyze the role of immigration functions in enhancing human security in border areas. This descriptive research is based on literature studies related to border issues and potential crimes, as well as the role of immigration in addressing these problems. Through the four immigration functions—immigration services, law enforcement, state security, and facilitator of community welfare development—it is hoped to improve human security for communities in border areas. The findings indicate that strengthening these functions can significantly reduce human trafficking cases and enhance the welfare and security of border communities. This research provides important contributions to the development of public policies related to border management and the prevention of transnational crimes.

Keywords: Border, The functions of immigration, Trafficking in Persons, Human Security.

INTRODUCTION

Indonesia is an archipelagic country that has a fairly wide coverage area and borders several neighboring countries. Not only borders the ocean area, but there are also several regions in Indonesia that are directly adjacent to other countries. Geographically, Indonesia is bordered by the sea and land areas of Malaysia, Papua New Guinea, Timor Leste and Singapore. While its air borders follow the country's sovereign boundaries on land and sea. The territory of Indonesia itself is specifically discussed in Law of the Republic of Indonesia Number 43 of 2008 concerning State Territory. In the Law, several explanations are mentioned related to the State region and borders in Indonesia.

State borders can be seen from several aspects, namely geographical, legal and political. Geographical boundaries include the area of a country consisting of oceans, land, and air above it. Legally, the territorial boundaries of a country determine the scope of enactment of the laws of a country. While politically, the country's territorial boundaries are the scope of a country's highest power over the territory and everything in the region (Hanita, 2006). State borders are also defined as a geographical space that is the object of power struggles by certain countries with the intention of expanding the boundaries of their country. As part of the history and existence of the country, the history of border areas cannot be separated from the history of the birth and end of various countries (Tirtosudarmo, 2002).

The geographical condition of Indonesia, which is directly adjacent to several countries, requires strict supervision related to state sovereignty and supervision in border areas. Based on several events that have occurred, Indonesia has lost some of its territory due to disputes or territorial struggles with neighboring countries. Some islands that were once part of Indonesian territory such as Sipadan Island and Ligitan Island have now separated from Indonesian territory and are recognized as part of Malaysian territory. In addition, territorial disputes between Indonesia and Malaysia also occurred when fighting over the Ambalat block area located between the Sulawesi Sea and the Makassar Strait. Although the Ambalat block area is currently still recognized as Indonesian territory, its proximity to Sabah, Malaysia is a threat in itself.

Threats that arise in border areas are not only related to geographical conditions or territorial coverage of the Unitary State of the Republic of Indonesia. Another thing that also grabs attention is the events that occur in the border area itself related to the traffic of people or goods leaving or entering through the Indonesian border area. Although the intensity of tension between Indonesia and Malaysia is quite high related to the territorial struggle that has occurred, it does not stop the mobility of local people to continue to cross the border areas of the two countries.

Some activities that occur in border areas are generally caused by economic, health, social and cultural factors. Crossings carried out by people in the West Kalimantan region, especially Jagoi Babang District to Malaysian territory are considered reasonable because basically the people in the two border areas are still one cluster and have similar family and cultural relationships. People in the region also prefer to go to Bau, Malaysia for medical purposes because of the closer distance and more adequate costs and facilities. In addition, in relation to economic activities, local people tend to work in Sarawak due to the lack of employment opportunities in the country. To meet their daily needs, they also buy more goods from the territory of Malaysia because of easier access and cheaper prices compared to those from Indonesia itself. (Suwaringingsih, 2018).

The high activity in the border region is not without problems. The ease of access provided to cross border areas is often a loophole for criminal activities that lead to transnational crime.

One of the findings that still occurs frequently in border areas is people smuggling (human trafficking) that aims to send Indonesian Migrant Workers (PMI) but without being equipped with applicable required documents. These Non-Procedural PMIs can consist of several categories, namely Illegal entry And illegal stay. Illegal entry is if they enter the territory of a country without going through the Immigration Checkpoint (TPI) at the State Cross Border Post (PLBN). Illegal stay means that a person has a valid immigration document but it has expired. This situation is also referred to as over stay (Santoso, 2022).

The problem that arises related to the traffic of people in the border area is one of the duties and responsibilities that need to be considered by the government because it has involved an issue related to human security or human security. Part of the government that carries out duties and functions in border areas, one of which is Immigration. This is inseparable from the Immigration Function which is considered important to ensure the security and feasibility of every community crossing the border area. Based on this description, this article is prepared to further analyze the potential crimes that arise in border areas and their relation to immigration functions in border areas based on theory human security.

RESEARCH METHODS

This article was compiled using descriptive qualitative research methods based on literature studies. Data are obtained based on literature studies through legal regulations and the results of previous research that are in line with the problems in this arithcle. The writing of this article uses theory human security or human security as one of the references for Immigration officers acting in carrying out duties and work related to people or humans.

Theory human security is a development of the concept of security. Basically, the concept of security is related to the guarantee of a sense of security both including the nation, state, individuals, groups, ethnicities, and the environment. The understanding of security was initially closely related to traditional national security. According to Buzan and Hansen (2009), securing the country is the best step to protect other objects including the values and interests of its people. Over time, human security or human security began to be known as a new form of security. Concept human security focuses on security risks that view individuals as their main object so that if an individual faces a threat, his or her international security will also be affected (Burgess & Gräns, 2012:101). Hence, the concept of human security It has a lot to do with state security or national security although the main focus is on the security of individuals and society.

RESULTS AND DISCUSSION

Potential Crimes Arising in Indonesia's Border Areas

Border areas in Indonesia are one of the locations that are quite vulnerable to national security threats. Its location is quite far from the center of government making the border area less noticed. Infrastructure development in the area is also inadequate so that people lack access to reach public facilities provided by the government. This has an impact on the tendency of border communities to travel to neighboring countries in order to meet their daily needs. Some even choose to seek treatment in neighboring countries because access to the treatment location is easier than going to the hospital in the local area.

Traffic in border areas is not only used by the surrounding community but by some irresponsible parties that encourage transnational crime. Some cases that are quite popular in border areas are drug smuggling, people smuggling, goods smuggling, terrorism, and fish theft or illegal fishing. Based on data from the West Kalimantan Regional Police, in 2022 there were 53 case findings in border areas related to fish, animal and plant quarantine, customs, protection of Indonesian Migrant Workers, narcotics, and human trafficking (rri.co.id, 2023).

One area that is often a drug smuggling route is Riau's border with Malaysia. Geographically, Riau Province is on a strategic path because it is directly adjacent to several countries such as Singapore, Thailand, and Malaysia. The narcotics smuggled through the base come from China, then distributed through Malaysia and enter through unofficial ports along the coast of Sumatra Island in Riau Province (Prayuda, et al, 2020).

In addition to narcotics smuggling, human trafficking is a crime that often occurs involving border areas in Indonesia. Indonesia itself has long been declared a human trafficking country in international human trafficking cases. The human shipments were destined for several countries in Southeast Asia, the Middle East, Japan, Australia and North America. They were employed as domestic servants, sex workers, and other forms of forced labor. This border area becomes a transit area to be sent to international human trafficking (Widayatun, 2008).

Human trafficking cases in Indonesia, especially in border areas, are very diverse. Some of them are victims of fraud from promises given by dealers. On average, people who become victims of human trafficking are recruited as Indonesian Migrant Workers (PMI) and promised to be given jobs in the destination country. However, in reality the work provided was not in accordance with the original agreement. For example, prostitution cases that occur in Singapore and Malaysia originate from Indonesia. The recruitment of workers was carried out in Batam with the lure of becoming shop assistants and restaurants in Singapore and Malaysia. Upon arrival in the destination country they are employed as commercial sex workers. Not only were they forced to do work that was not in accordance with the agreement, the documents owned by the victims were deliberately forged by the dealers. This causes these victims not to dare to report for fear of being questioned with their documents with the risk of detention in the destination country and the potential for deportation (Widayatun, 2008).

These cases are a threat to human security. Victims get bad behavior, threats, even violence. They have no sense of security for themselves, either economically, personally, or freedom from fear.

Role and Function of Immigration in Border Areas

The country's borders are one of the focuses that until now have become a concern for the Government of Indonesia. Until now, Indonesia has 18 State Cross Border Posts (PLBN) which is an improvement in the function of Cross Border Check Posts (PPLB) spread across several border areas. When added with the traditional Cross-Border Post, the total number of PLB in Indonesia is 79 including PLB on land and sea. This Cross-Border Post is a checkpoint and service that includes entry and exit of people and goods from and outside the territory of Indonesia. In relation to the function of supervision and law enforcement, Immigration is one of the agencies that has the authority to guard border areas related to the traffic or entry and exit of someone through national borders. Based on Article 33 paragraph 1 and Article 60 paragraph 2 of UNCLOS and Article 61 of UNCLOS, the powers and obligations of the immigration function are mentioned. Broadly speaking, the articles explain the authority of Immigration in terms of supervision and law enforcement (along with other functions such as customs, fiscal, health, and sanitation).

In Law Number 6 of 2011 concerning Immigration, it is also explained that, "The function of Immigration is part of the affairs of the state government in providing Immigration services, law enforcement, state security, and facilitators of community welfare development". In terms of state security, Indonesia implements a selective policy which means that only foreigners who are beneficial and do not harm the country are allowed to enter Indonesian territory. This policy is closely related to the duties and functions of Immigration in border areas. Immigration officers have full authority to grant entry permits or refuse foreign nationals who want to enter Indonesian territory if the person is considered to be a threat to state security. This is also in line with the theory of absolute sovereignty which means that Immigration has full authority to make such refusal without the need to provide an explanation of the reason for the refusal of foreigners to enter the territory of the Indonesian state.

In the perspective of law enforcement, Immigration Officers also have the right to delay the departure of Indonesian citizens who want to leave the territory of the Republic of Indonesia if suspicion is found. When in the field officers find indications that someone who will cross the border area has the potential to be a victim of human trafficking, the Immigration officer has the right to delay the departure of that person. The law enforcement function also occurs when the Immigration officer discovers the fact that the person who will cross in the border area does not have a valid immigration document, namely a valid Cross Border Pass or Passport. Immigration officers have the right to refuse people who are not equipped with these documents to leave or enter Indonesian territory. This is in line with the theory of human security where Immigration

officers in performing their duties and functions prioritize the security of the individuals they face.

The last immigration function is a development facilitator. This means that Immigration Officers can grant permits for border crossers who have purposes such as fulfilling daily living needs, working, or carrying out other economic activities. It is not uncommon for people on the Indonesian border to own land in neighboring countries so they travel across border areas to work their land. In addition, there are also trade activities around the border area. So that the intensity of crossings in border areas can often occur for economic purposes. This is in line with the theory of human security, namely to achieve security in the economic field.

Several problems in the field related to the implementation of duties and functions of Immigration at the border are often encountered. In Indonesia's border areas with other countries, there are still a number of violations. In general, such violations are related to patterns of illegal migration flows. This means that crossers exit or enter Indonesian territory unofficially such as exiting or entering Indonesian territory without going through official immigration checkpoints or without using valid travel documents. The large number of unofficial rat walks is one of the causes of this violation. In addition to increasing violations related to immigration functions, the number of loopholes related to access in and out of Indonesian territory can be a factor that causes an increase in transnational crimes such as people smuggling, thus encouraging the emergence of Non-Procedural Migrant Workers.

This Non-Procedural PMI delivery poses several risks related to human security. These losses include exploitation carried out by employers such as longer working hours, fraud by PMI dealers, inappropriate salaries or even no salary at all, and not obtaining guarantees of protection from the country of origin because they do not go through the proper procedures. In addition, there is also the potential to experience physical and sexual violence, especially for female Non-Procedural PMI (Santoso, 2022). Based on human security theory, these Non-Procedural PMIs have not been exempt from various security categories. They still have fears of various threats of crime such as physical violence, discrimination against women, sexual harassment, etc. This shows that these Non-Procedural PMIs have not been free from fear or freedom of fear.

CONCLUSION

Indonesia's border areas have a very wide scope, not only geographically but also related to social and juridical aspects. Immigration has an important role in carrying out immigration functions related to security and law enforcement functions. In implementing its functions, Immigration officers need to continue to prioritize the principle of selective policy so as to minimize potential losses that may be caused. In addition to the Immigration function, the role of the Government is expected to remain present in the management of border areas so that it

can bring prosperity in border areas and maintain and improve state security. When viewed from a social aspect, border areas do need more attention from the Government. The development of border areas also needs to continue to be carried out so that people in border areas can see and know the presence of the Government's role in their lives. Often found Indonesian citizens in border areas actually prefer to travel to neighboring countries to find a more decent livelihood, such as working or to buy daily necessities due to the lack of ease of access in the area they live in. The high intensity of traffic in and out through border areas poses a threat to human security because it increases the potential for transnational crimes such as human trafficking. This is one of the issues that need to be considered to be fought together. Immigration plays a role in protecting Indonesian citizens through a process of inspection in border areas to ensure that crossers are guaranteed safety and are not part of victims or transnational crime syndicates.

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