The Urgency of Immigration Intelligence in Anticipating Illegal Immigrants

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Article	Abstract
Keywords: Illegal Immigrants; Intelligence; Immigration **Article History** Received: Dec 16, 2022; Reviewed: Mar 07, 2023; Accepted: Mar 09, 2023; Published: Apr 02, 2023;	The arrival of illegal immigrants to an area is a threat to state sovereignty. This situation is certainly dangerous, considering that everyone who will enter the territory of a country must know the origin and destination. In dealing with these illegal immigrants, immigration has an important function in preventing and controlling illegal immigrants. This research will examine the position and role of immigration intelligence in overcoming the problem of illegal immigrants in Indonesia. The research method used in this study is normative juridical with a statutory, case, and conceptual approach. The results of the study found that immigration intelligence has an important role in maintaining national stability and overcoming national threats from the problem of illegal immigrants. Immigration Intelligence can act as a deterrent and controller for illegal immigrants. Currently, immigration intelligence has various programs in dealing with the problem of illegal immigrants, such as establishing a foreigner reporting system (APOA), forming an intelligence community consisting of law enforcement officials and government institutions, and cooperation with Interpol.

Introduction

Indonesia is a country that is very rich in natural resources, both biological and mining resources, cultural wealth, tourist destinations, and so on, which attracts various countries to come to visit and collaborate in various fields (Risdiarto, 2017). On the one hand, this situation is very beneficial for economic growth and improvement, but on the other hand, it is also a threat to various crimes as mentioned above (Nugroho, 2018).

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The stipulation of Presidential Regulation Number 21 of 2016 regarding Visa Free Visits to enter the territory of Indonesia for 169 countries is expected to increase the country's foreign exchange. This policy is in order to improve relations between the Republic of Indonesia and other countries by providing convenience for foreigners, the government of a special administrative region of a country, and certain entities which is carried out in the form of exemption from the obligation to have a visit visa by considering the principles of reciprocity and benefits (Hamidi, Christian 2015). Also the government's efforts to improve the country's economy, namely foreign tourists, will have implications for increasing the country's foreign exchange, especially in the tourism sector, which means increasing state income and the occurrence of economic growth as well as increasing people's welfare.

The number of visits by foreigners to Indonesia based on data from the Republic of Indonesia's National Statistics Agency, through the main entry gate in June 2022 reached 345.44 thousand visits, a sharp increase of 1,973.96 percent compared to conditions in June 2021. When compared to the previous month, the number of visits by foreigners in June 2022 also experienced an increase, namely by 62.69%. From January to June 2022, the number of foreign tourist visits to Indonesia through the main entrance reached 743.21 thousand visits, an increase of 929.66% compared to the number of foreign tourist visits in the same period in 2021 (Badan Pusat Statistik RI, 2022). The increase in the number of foreigners coming to Indonesian territory not only has a positive impact but also has a negative impact, which can potentially increase the issue of immigration violations and crimes in various parts of Indonesia, such as organized transnational crime, smuggling (illegal fishing, women 's trafficking), natural wealth theft, patent theft, money laundering, fish theft, cybercrime, document falsification and drug trafficking, human trafficking and so on (Ariadno, 2012).

The potential vulnerability to the stability and sovereignty of the state caused by foreigners in Indonesia is caused by one of the factors, namely the growth of illegal immigrant movements (irregular migrants) which needs to be watched out for (Nainggolan, 2010). Illegal immigrants in Indonesia are foreigners who enter and are in the jurisdiction of the Republic of Indonesia without going through legal by applicable laws and regulations as regulated in Law Number 6 of 2011 concerning Immigration (Dhiba, 2019).

The factors driving the growth of illegal immigrant movements to Indonesia are, among others: the existence of security and political conflicts, prolonged conflicts

triggered by ethnic differences, violations of human rights, economic crises caused by war (low welfare), and the interest of agents smugglers (Missbach, Palmer, 2018). Based on this regulation, the Indonesian government is obliged to accommodate and protect refugees from abroad who are affected by conflicts in their country.

Furthermore, which is a pull factor for illegal immigrants to Indonesia Indonesia's strategic geographical position as a liaison between the Central Asia and Middle East regions with Australia in the movement of migration flows causes Indonesia to become a transit area that many immigrants pass through. What needs to be watched out for is the illegal entrance (rat route) on both sea and land routes, considering that the territory of Indonesia is a large archipelagic country and the existing crossings have not been optimally maintained (Saputri Gumay, et.al., 2018).

Immigration is essentially not only a gatekeeper, immigration has a very strategic role as the front guard, regarding the traffic of people entering or leaving the territory of Indonesia and supervision in the context of maintaining the sovereignty of the Unitary State of the Republic of Indonesia. This raises the consequence of evaluating the improvement of immigration control in Indonesia. From the description above, it is necessary to take strategic steps to anticipate threats and disturbances that may be caused by foreigners, especially illegal immigrants by strengthening the immigration intelligence function.

So far, the immigration intelligence function has focused more on institutional internal control. This research will first examine how immigration intelligence is regulated in Indonesia. Then, it examines the role of immigration intelligence in anticipating potential vulnerabilities posed by illegal immigrants. This research is expected to provide information regarding the existence of immigration intelligence in Indonesia and the authority it has over the national threat of illegal immigrants.

Method

The research method used in this study is normative juridical with a statutory, case, and conceptual approach. Through the normative juridical research method, the researcher conducted a conceptual analysis and elaboration of immigration intelligence (Suteki & Taufani, 2018). This analysis is based on related regulations, such as Law Number 6 of 11 concerning Immigration, Regulation of the Minister of Law and Human Rights Number 8 of 2022 Concerning Immigration Intelligence, and so on. This

research uses a literature study by tracing legal materials through books and scientific journals.

Discussion

1. Potential Vulnerabilities Generated by Illegal Immigrant

Definition of Foreigner is a person who is not an Indonesian citizen. And Every Foreigner who enters the Indonesian territory is required to have a valid and valid visa, unless otherwise stipulated based on the laws and regulations and international agreements. Foreigners who enter the territory of Indonesia not in accordance with the provisions of the legislation are called Illegal Immigrants (Abil, et.al., 2022). Illegal immigrants who are known to be in Indonesia will be subject to immigration actions, except for Illegal immigrants seeking asylum/refugees/certain reasons for deportation/coordinated with international organizations to determine their status.

Regulation of the Director General of Immigration Number IMI-0352.GR.02.07 of 2016. Article 1 point 1 of this Regulation of the Director General means illegal immigrants are foreigners who enter and/or are in the territory of Indonesia not following the provisions of the legislation. Actions committed by foreigners who are included in the criteria for illegal immigrants above are criminal acts, where the criminal threat has been stated in Law Number 6 of 2011. The criteria for actions that include illegal immigrants are (Syahrin, 2018):

a. Enter illegally;
b. Do not have documents or do not comply with immigration procedures;
c. Do not have a valid passport, visa, and/or residence permit;
d. Not through the immigration checkpoint at the airport or seaports;
e. Passing through Indonesian waters using a motorboat, due to damage, logistical limitations or having an accident, was then stranded on the beach and arrested by the security forces.

Based on data from United Nations High Commissioner For Refugees (UNCHR) as of December 2020 the number of refugees and asylum seekers who have been registered by UNHCR Indonesia and have been accommodated in the *Rudenim* or Detention Room (Immigration Detention Center)/Ditjenim/ Community of Houses throughout Indonesia amounted to 13,743, consisting of 10,121 (refugees) and 3,622 (Asylum Seekers). The total number is dominated by adults as much as 73% (28% female and 72% male), while 27% of the total number is filled by children. And 72% of refugees in Indonesia come from three countries, namely Afghanistan (55%), Somalia

(10%), and Myanmar (7%) (United Nations High Commisioner For Refugees (UNCHR), 2022).

It was recorded that the number of *Rudenim* throughout Indonesia was only 13, while as of January 31, 2017, refugees scattered throughout Indonesia who occupied the *Rudenim* were 2177 people. And the Assistant Deputy for the Coordination of Transnational Crime and Extraordinary Crimes at the Coordinating Ministry for Political, Legal, and Security Affairs Brigadier General Chairul Anwa said that only 1 Rudenim had adequate capacity, namely the *Rudenim* in Jayapura. Amount *Rudenim* in Indonesia which is not proportional to the number of refugees who enter causes an increase in the number of independent immigrants. Independent immigrants are difficult to record because they can move around.

The handling of refugees from abroad has been regulated in Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad. In addition to the effectiveness of handling coordination in the field and respecting human rights for refugees, the aspect of supervision of foreigners, especially illegal immigrants, should also be the focus of the regulation of this Presidential Regulation because it concerns the security, sovereignty, and stability of the state (Anom Danujaya, Wahyningsih 2019).

Potential vulnerabilities to state stability caused by illegal immigrants include, among others, people smuggling. Human smuggling is one of the transnational organized crimes that have the potential to increase the potential for criminal acts in the country and disrupt the stability of state security. Illegal immigrants were recorded with people smuggling for the 2010-2013 period in Indonesia, namely, in 2010 as many as 1,172, 2011 as many as 2,309, 2012 as many as 2,919, and 2013 as many as 3,654 (Schloenhardt, 2014). People Smuggling results in an increasing number of illegal immigrants. The reasons often given by immigrants who are smuggled are to get a job or improve their economic status, hope for a better life, and a sense of security from conflict in their country (Kristin, Dewi, 2017).

The pattern of illegal migration that occurs in Indonesia, especially in the border islands of Indonesia, ultimately has implications for the emergence of security problems in the form of crimes that cross national borders (transnational crime), as well as transnational organized crime (Fathun, Tanri, 2022). Transnational crime is a crime committed across the territorial boundaries of a country. Meanwhile, transnational organized crime is a crime committed by an organized criminal group by

crossing national borders to obtain material benefits, power and high social status for the interests of the group (Shalihah, Nur, 2021).

Examples include drug smuggling, data on drug smuggling cases from 2007 to 2013 showed an increasing trend; 2007 (3 cases), 2008 (41 cases), 2009 (88 cases), 2010 (158 cases), 2011 (146 cases), 2012 (132 cases), and 2013 (217 cases). For 2013, the Directorate General of Customs and Excise noted that from 217 cases, with a value of Rp. 488.73 billion, 550 kilograms of drugs were seized. The head of the National Narcotics Agency, Komjen Pol. Drs. Heru Winarko, SH stated that 80% of narcotics smuggling into Indonesia goes through the sea route. The narcotics are smuggled by illegal immigrants. In addition to people smuggling and narcotics smuggling, the potential vulnerability to state stability caused by illegal immigrants is the dissemination of understanding and recruitment of members of terrorist groups.

2. Immigration Intelligence and Functions

State intelligence is part of the national security and defense system which is the front line in the context of early detection and warning of all forms and threats, both potential and actual, and required state intelligence personnel who are reliable, professional, objective, and neutral (Nugroho, 2018). Act and behave based on facts and data that put aside personal and group interests.

According to Article 1 Number 1 of Law Number 17 of 2011 concerning State Intelligence, intelligence is defined as knowledge, organization, and activities related to the formulation of policies, national strategies, and decision making based on analysis of information and facts collected through certain work methods for early detection and warning in the context of preventing, deterring, and overcoming any threats to national security.

In terms of intelligence, intelligence is every effort and effort to be able to collect all data and information from the opposing party to find elements of ability and incompetence to overcome and overcome every threat, obstacle, and challenge both in war and peace (Sindiawaty, Marvel, 2019). Intelligence is offensive, that is, it leads to organized activities from one party to another by gathering all the necessary data and information. The data and information collected include all activities of the opponent including their capabilities and incapacity as well as other factors related to geography, demographics, social, political, and economic conditions, up to the targets obtained (Suryokumoro, 2020).

While the definition of intelligence according to the English dictionary "Oxford dictionary" is information that is valued for its timeliness and relevance, not detail and accuracy, in contrast to "data", which is accurate information, or "facts" which are verified information. Intelligence is sometimes called "active data" or "active intelligence", this information is usually about a party's plans, decisions, and activities, that are important to follow up on or considered valuable from the point of view of the intelligence gathering organization. In intelligence services and other related services, intelligence is active data, coupled with the processes and results of the collection and analysis of that data, which is formed by a cohesive network (Homby, 1984). From the definitions and opinions about intelligence above, they have something in common, namely that the accuracy of the data and information is very important to be processed and analyzed with certain methods which then the results are followed up as material for making certain policies or decisions.

By its nature, intelligence is offensive, namely organized activity from one party to another by collecting all data and information, recording, recording, and collecting all data and information for each person who is granted the necessary immigration permit (Kusdarini, et.al., 2021). Immigration intelligence does not stand alone but is an interrelated unit, namely immigration traffic, immigration residence permits, immigration control and enforcement, immigration cooperation, and immigration information technology systems. Intelligence activities start from the underlying factors, why it is necessary to do who is the target or subject or object. Furthermore, other factors to consider are: Where the intelligence targets are located; When should be implemented.

In this context, the intelligence referred to is immigration intelligence, which is only related to verified information and data related to foreigners (WNI) and Indonesian citizens with the limits and scope of tasks and functions of immigration intelligence. According to Article 1 Number 30 of Law no. 6 Year 2011 Regarding Immigration, what is referred to as "Immigration Intelligence is an immigration investigation and immigration security activity in the context of the process of presenting information through analysis in order to determine an estimate of the immigration situation faced or that will be faced".

Regarding the duties and functions of immigration intelligence, it is divided into several targets of the scope of immigration security, namely: (1). That immigration officers must have the ability to identify any nature of threats to state sovereignty; (2).

The elements of each threat, whether coming from outside or within the country, must be properly identified, such as elements of threats to state ideology, politics, socio-economics, culture, science and technology to national defense, so that these threats can be anticipated with the right "formula".; (3). Immigration officers are also required to have high competence in the development/mode of increasingly "sophisticated" modern crimes committed by individuals or groups, well-organized syndicates or other forms of activity that have the potential to result in immigration crime. or immigration intelligence crimes.

The impact and mitigation of threats must also be well identified by each immigration officer, especially the immigration intelligence party so that it can be mapped or predicted the impacts that arise both tactically and strategically for a certain period, so that actions can be applied or taken with certain systems or formulas to overcome these threats.

3. The Role of Immigration Intelligence in Anticipating the Potential Vulnerability Resulting from Illegal Immigrant

Immigration is the front gate or guards for the implementation of immigration control activities based on immigration security and intelligence. This is about the traffic of people entering or leaving the territory of Indonesia and its supervision to maintain the upholding of state sovereignty (Jotam Kalalo, Samingun, 2021). Immigration supervision can be carried out if there is a concept of security and intelligence. In addition to functioning as an apparatus for guarding state sovereignty, immigration functions as an immigration service apparatus, law enforcement apparatus, state security apparatus, and a facilitating community welfare development apparatus or what is known as the chess immigration function. To realize a universal national security and defense system, the chess of the immigration function must be carried out based on the concepts of security and immigration intelligence.

Immigration adheres to a selective policy, meaning that only foreigners who can provide benefits are allowed to enter Indonesia. The immigration intelligence function is currently under the authority of the Directorate of Immigration Intelligence. In this agency, it is hoped that intelligence-based immigration supervision can be a pioneer in making immigration a state gate guard institution.

The Directorate General of Immigration is the first and last institution in handling the exit or entry of foreign and domestic/Indonesian objects/people, which are its duties and obligations in the context of supporting national security in the field

of immigration, namely: defending, protecting, and securing potential harmful to national stability that is within the jurisdiction of the Republic of Indonesia; overcoming, preventing every form of threat and disaster that may arise as a result of the entry and exit of foreign and Indonesian objects/people and the culture of foreigners in the jurisdiction of the Republic of Indonesia.

Immigration intelligence activities are an effort to anticipate or prevent the occurrence of organized transnational crimes/crimes carried out by foreigners within the jurisdiction of the Republic of Indonesia by seeking early detection of all activities that are reasonably suspected or suspected to threaten/create instability. This effort is carried out by collecting all data and information, recording, recording, and collecting all data and information for each person who is granted the necessary immigration permit.

The description is explained in Article 74 Paragraph (2) of Law Number 6 of 2011 which states that in order to carry out the function of immigration intelligence, immigration officers carry out immigration investigations and Immigration security and are authorized. The collection of data and intelligence information is carried out in two ways, namely, openly byroutinely collecting information and records, recording the data of each person who has been granted an immigration permit. Closed, namely by immigration security or counterintelligence.

Immigration intelligence actions are openly carried out routinely by collecting information and also investigations related to intelligence. This is also known as open intelligence which can be seen from Article 72 of Law Number 6 0f 2011. This open intelligence act, for example, can be carried out with open propaganda. Furthermore, immigration action in secret can be carried out with long-term or short-term espionage.

The flow of illegal immigrants has increased the potential for vulnerability to state stability and has increased the number of local crimes or transnational crimes such as people smuggling, human trafficking, smuggling of illegal drugs/narcotics, weapons smuggling, dissemination of understanding and recruitment of terrorist organizations, and other transnational organized crimes and the settlement or workings of immigration intelligence in preventing and handling potential threats of entry and exit of foreigners into Indonesian territory include Inter-Agency Coordination, as example Immigration intelligence coordinates with other parties such as the State Intelligence Agency (BIN), the Police, state code, the Prosecutor's Office, Interpol, the Indonesian national army and other state intelligence parties, as well as

the wider community by exchanging information related to the data of foreigners and Indonesian citizens.

The second is examination and search, an example includes the inspection of valid travel documents and/or identity conducted by immigration officials. Immigration Checkpoints spread throughout Indonesia (conventional and traditional), consisting of 93 seaports, 29 airports, 40 land border crossing posts, 24 water border crossing posts, and 7 cross-border posts other. Also taking photos and fingerprints.

The third is data collection, processing, and presentation as example is all data will be integrated at the Directorate General of Immigration through the Immigration Information System (SIMKIM), through which prevention or prevention measures can be taken. The last is monitoring and reporting, as example is upervision of the presence and activities of foreigners in the territory of Indonesia. Through an online foreigner reporting system to make it easier for all parties to report the presence and activities of the foreigner so that it is easily accessible, namely https://apoa.imigration. go.id/.

Conclusion

Immigration Intelligence has the role of providing early detection of any disturbances that may occur caused by foreigners, both those who will enter Indonesian territory and foreigners who are and have activities in Indonesian territory that can disrupt security and order (foreign supervision), where interference This can affect/threat the stability of the country. In anticipating all possibilities Immigration has made concrete steps, first,establishing a foreigner reporting system (APOA) that involves all elements of society and entertainment associations, factory/t four work associations, hotels, restaurants, or other tourist attractions to report the presence of and activities of foreigners. Second,establishing an intelligence community whose members consist of the State Intelligence Agency, Indonesian national army, Indonesian police, and ministries/institutions that administer State intelligence at the central and regional levels (Kominpus and Kominda) as a forum for exchanging information between members regarding the presence and activities of foreigners. Third,cooperating with Interpol (Immigration will have or be connected to Interpol data so that data from all countries). Migration Intelligence (Immigration) also cooperates with the Indonesian National Police by signing the use of application whose function is to detect lost or stolen passport holder data as well as fugitives sought by a country.

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