

Optimization of Immigration Intelligence in Eradicating Criminal Acts of Terrorism in an Effort to Achieve State Sovereignty

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Abstract—The purpose of this study is to understand the role of immigration intelligence in eradicating criminal acts of terrorism. In some criminal cases, the involvement in several aspects of the immigration function is also indicated, namely the issuance of passports, border control, foreigners' surveillance, and the issuance of visas and residence permits. Immigration has an important role in the traffic of both Indonesian citizens and foreigners who come in and out the country and carry out activities in the territory of Indonesia, which has the potential to endanger the country. This study used a normative juridical approach by examining secondary data. The results indicate that to support the maintenance of stability and national interests, state sovereignty, public security and discipline, and vigilance against all negative impacts arising from the crossing of people between countries the presence and activities of foreigners in the territory of the Republic of Indonesia needs to get special motoring, such as foreigners' surveillance and immigration actions quickly, thoroughly, and coordinated, mainly to prevent the occurrence of criminal acts of terrorism. This is a serious threat to the security and property of the state. Therefore, immigration through the immigration office and immigration intelligence has an important role in eradicating crime in an effort to protect the country.

Keywords—immigration, national sovereignty, terrorism

I. INTRODUCTION

Indonesian geographical constellation is accessible for people to come in and out to Indonesian territory. The existence of some islands located in between two continents and oceans makes this territory easy to pass by illegal path. Indonesian citizens join terrorism groups in other countries, and vice versa for the foreigners. In some criminal acts of terrorism, the involvement in several aspects of the immigration function are also indicated, namely the issuance of passports, border control, foreigners' surveillance, and the issuance of visas and residence permits [1]. In the era of openness, the entry of foreigners is very possible to have a bad influence and impact on the state security and sovereignty [2]. Immigration has an important role in the traffic of both

Indonesian citizens and foreigners who come in and out and are active in Indonesian territory, which has the potential to threaten the state sovereignty [3]. The development of the threat of terrorism has led to crimes against humanity and civilization. This is a serious threat to the security and sovereignty of the state and even harms the welfare of the community. Therefore, it is necessary to make efforts to eradicate it from all elements. It is also stated by the United Nations that the criminal acts of terrorism have threatened world peace and urge every country to eradicate it through laws and regulations [4].

Immigration Supervision includes the enforcement of administrative immigration laws and its crimes. The mobility of people from one country to another from a certain point of view is indeed beneficial for the country concerned, but on the other hand, it can also have a negative impact that can endanger security or at least disrupt the stability of the country concerned. To avoid the actions of people who can disturb the security and discipline, the government issued a provision regarding Prevention and Deterrence. According to Article 24 paragraph (1) of Law Number 6 of 2011 concerning Immigration, it is stated that related to the Travel Document of the Republic of Indonesia, for those who will travel between countries must have a travel document, consisting of Passport and Travel Letter. The former is the document consisting of diplomatic passports, service passports, and ordinary passports, while the latter is the document consisting of a Letter or Passport for Indonesian citizens, for Foreigners and a cross-border travel letter or cross-border pass.

The definition of a passport itself is an official document issued by an authorized official from a country that contains the identity of the holder. The function of the Travel Document of the Republic of Indonesia is as an interstate travel document, proof of identity, and proof of citizenship of the Republic of Indonesia. Travel Document is an official document issued by the competent authority of a country, the United Nations, or other international organizations to travel between countries containing the identity of the holder. The forms of Travel

Documents of the Republic of Indonesia are Passports of the Republic of Indonesia and Travel Letters like Passports of the Republic of Indonesia. Passport strength rankings have different passport strengths. Passport is a document that must be carried when traveling abroad. The strength of a country's passport is an indication of the strength or weakness of the passport held by the owner of a certain nationality and determines the acceptance of other countries to it. The stronger the passport of a country, the more immigration facilities that can be obtained by the holder. On the other hand, the weaker the passport of a country, the fewer immigration facilities that can be obtained by the holder.

Each country has the authority to prevent and deter foreigners from entering or leaving its territory. Law Number 6 of 2011 concerning Immigration to regulate the presence of foreigners. This is for the sake of upholding state sovereignty. Sovereignty is the highest power in the state, in the context of immigration. State sovereignty refers to the jurisdiction of the state or area of legal authority, in this case immigration law. This is necessary to maintain the door of state sovereignty to avoid potential threats that enter from various entering path such as drugs, people smuggling, terrorism, and other potential threats. Immigration Supervision includes immigration law enforcement, both administrative and immigration crimes. The purpose of this study is to understand the role of immigration intelligence in efforts to eradicate criminal acts of terrorism. It examined the factors that hindered immigration intelligence in carrying out its functions and duties related to the prevention of criminal acts of terrorism.

II. METHODS

This study used a normative juridical approach by analyzing the norms in the regulations, and descriptive analytical specifications by describing the existing problems and then analyzing them.

III. DISCUSSION

A. *Immigration Intelligence*

Standard work on intelligence breaks the intelligence cycle into five components, namely planning intelligence gathering, gathering intelligence, processing intelligence into reports, analyzing information, and disseminating information. This cycle applies to counterterrorism. All the steps are there, but differences arise in the nature of some measures (particularly gathering), the addition of complementary measures, and the need to take into account the unusual nature of terrorism targets. Many of these differences require different approaches to collection and analysis, and thus sometimes have different policy implications [5]. There is a heated debate about whether immigration has anything to do with domestic and transnational terrorism [6]; how immigration flows affect terrorism rates and how they relate to security; whether migration and terrorism causally linked; and whether it is possible that immigration mechanisms contribute to terrorism [7].

Anti-terrorist laws should provide for changes in immigration law. International demands call for the prevention of abuse of asylum and refugee laws. Its legislative consequences are to introduce appropriate identification techniques (biometric procedures) and outright to expel and deport foreigners.

The development of increasingly massive intelligence has also spread to the field of immigration, which in this case requires intelligence activities to collect information in providing views on a particular case, especially those affecting Indonesian citizens and foreigners within the scope of immigration. Immigration Intelligence is a form of investigation activity by the Immigration party and its security in processing the presentation of information through analysis to determine an estimate of the current and future immigration situation. In the Immigration Intelligence itself, there are several forms, namely as an activity, organization, and product. Immigration Intelligence as an activity is a form of searching and processing the duty of the Directorate General of Immigration, which contains information (investigation), securing both out and in, and coordinating favorable situations (raising). The Directorate General of Immigration in realizing Indonesian security conducts immigration intelligence activities as a form of carrying out the main duty of the Directorate General of Immigration in realizing Indonesian security [8]. It is known that acts of terrorism on an international and domestic scale have been around for a long time. This is one of the challenges of Indonesian immigration, especially in the field of immigration intelligence, to be one-step ahead in countering radical flows or ideas that want to enter the country, by being strengthened in terms of immigration control through the system of prevention and deterrence as the duty of immigration [9].

One of the immigration functions is the supervisory function, in which that the supervision is essentially an act of assessing (testing) whether something has been conducted in accordance with the plan. With supervision, errors will be found which can then be corrected and prevented from reoccurring. This means that the focus of supervision lies in efforts to ensure that the implementation of a duty is in accordance with the plan, so supervisory activities are carried out during the activity process, not after the process ends. The supervisory function of immigration control is essentially that carrying out the duty of giving authority to the immigration agency as an extension of the state's arm in maintaining the sovereignty of the Republic of Indonesia in the flow of human movement in and out to the territory of the Immigration State [10]. Current immigration policies and systems play an important role in protecting citizens. Federal immigration agencies are a major component of domestic security [11].

Intelligence is a state tool to achieve a goal for state security. This is not the goal. Through processing information through early detection, then reporting to the authorities, decisions and policies are taken. The information processing process basically has the following objectives: to win the war, reduce radicalism and terrorism activities or victory over

something that is considered threatening. Intelligence activities can predict political, economic, and social behavior [12]. In the immigration provisions, there is a universal principle that every country has the authority in terms of allowing or prohibiting someone to enter a country. This principle is very important to maintain the sovereignty of the state within the territory of the country concerned. Indonesia as a sovereign country in accordance with the objectives stated in the Preamble to the 1945 Constitution has the aim of prospering citizen, so that this must be realized. The existence of protection of all the interests of the nation, participation in carrying out world order in relation to the international world, all aspects of immigration must be based on what has been outlined in the 1945 Constitution as the basic law for regulating the implementation of operational immigration duties [13]. In terms of the role of immigration which occupies a strategic position for the control and supervision of foreigners, this requires an optimal role in carrying out the mandate in terms of formulating immigration policies concerning foreigners which should be able to provide benefits to the Indonesian citizen. The traffic of people also causes problems, becoming a challenge that requires continuous improvement of capabilities so that they can adapt and anticipate very fast changes [14].

Efforts to address security issues always involve intelligence activities. Intelligence is an aspect that greatly determines the safety of the country from various threats, challenges, obstacles, and disturbances both from within and outside the country. Intelligence can be interpreted as information related to foreign entities, which are often considered as a threat or opponent, and institutions related to the collection of information [15]. The immigration function can be related to the aspect of state defense which places terrorism as a form that threatens state sovereignty. Indonesian legal politics has placed terrorism as an extraordinary crime, so that it requires steps that normatively reflect efforts to handle extraordinary crime. Immigration intelligence has an important role in relation to fighting terrorism through intelligence reports. The phenomenon of criminal acts of terrorism that has emerged recently has a close relevance to the duties and functions of the Ministry of Law and Human Rights, particularly the immigration function, considering the issue of foreign terrorist fighters (FTF) as the crucial theme at the global, regional and national levels. Various studies have shown that there is a close relationship between the movement of people (migration) and the possibility of acts of terrorism. In practice, the Directorate General of Immigration has collaborated with Interpol to examine people, especially Indonesian citizens, who are suspected of joining the FTF by means of tourism travel to certain countries as transit points. In line with the logic of the immigration intelligence function described earlier, another aspect that is closely related to the prevention of terrorism crimes is the entry clearance policy.

Related to this, Article 9 of Law 6/2011 stipulates that "(1) Everyone who enters or leaves the Indonesian Territory is obliged to go through an examination carried out by an Immigration Officer at an Immigration Checkpoint." Meanwhile, based on paragraph (2), "checks are carried out on

Travel Documents and/or valid personal identities." In this case, there is a safety clause if there is doubt about the validity of the Travel Document and/or a person's identity, namely by giving the Immigration Officer the authority to search the body and luggage, and it can also be continued with the Immigration investigation process. Related to this, Article 13 gives the authority to Immigration Officers to refuse foreigners who are involved in international crimes and transnational organized crimes, including terrorism crimes [1]. Immigration intelligence has the role of conducting early detection of any disturbances that contain potential vulnerabilities caused by foreigners who will enter or are even currently operating in the territory of Indonesia, in which that this will threaten the stability and security of the state. Detection is conducted by processing foreign data, and then analysis is carried out. The results of the analysis will produce accurate information that will be integrated into a system, namely the Immigration Information System. The results of the information in SIMKIM will be processed in a product called an intelligence product. Information can be obtained from people or government officials. Some of the steps taken are to establish a reporting system for foreigners about their whereabouts and activities. The next step is to form an intelligence community consisting of the state intelligence agency, the National Police and the relevant Ministries to exchange information. The last is to cooperate with Interpol so that it can detect passport holder data [2]. In the context of practice, there is an instrument that can be developed, called terrorism risk analysis in the immigration function based on Nine Parameters, namely nature of the hostile action, motivation, purpose, plans to commit violence, role of informants, network, relationship with extreme violent groups, media coverage, and relevance to the internet. At a certain level, these parameters can be developed in the implementation of the immigration intelligence function. This is urgent for the risk of terrorism threats to certain individuals who leave and enter the Indonesian Territory. Additionally, on a practical level, it can be applied in the context of immigration control [1].

B. Definition of Terrorism

Terrorism is not an ordinary crime. Besides being referred to as an extraordinary crime, terrorism is also a crime against humanity. Therefore, its prevention must also use extraordinary methods. This term is always synonymous with terror, violence, extremism, and intimidation so that it often has negative consequences for many people and can result in many victims [16]. On the other hand, the influence of globalization is inevitable and contributes to the emergence of a new threat [17].

Immigration has made regulations, one of which is an effort to fight terrorism. Terrorism as a form of cross-border crime is organized and even creates networks with other countries. In anticipating terrorism, that has an international network, immigration has the concept of deterrence. Prevention of entry bans into Indonesian territory is based on immigration reasons. In immigration, there is a selective policy, meaning that people who will enter the territory of Indonesia must be those who

bring benefits and do not interfere with state security. For immigration officials, they have a big responsibility and contribute to selective policies, in suppressing terrorism cases. The terrorist movement will use illegally both officially and illegally by making fake travel documents, so that there is a link between the cross-country movement of terrorists and state sovereignty at the entrance route based on the immigration policies applying in that country. Indonesia has ratified several international conventions related to terrorism [18]. Currently, acts of terrorism can be carried out by attacking access to information and information technology (cyber terrorism). The element of action is closely related to the expected result, namely the emergence of fear or mass victims, by forcing other parties to do something, for example providing a number of funds for group struggles, releasing prisoners, and canceling certain policies. Acts of terrorism are indiscriminately against ordinary citizens who are not directly related to the political goals to be achieved by acts of terrorism, even at state installations seen as legitimate targets. Terrorist groups no longer operate in isolation situations where the facts show that currently terrorism is difficult to separate from the development of transnational organized crime organizations in various forms, such as money laundering, illegal trade in drugs and firearms. It is an international crime because it is considered to threaten world peace and security, disturb people's consciences, and affect more than one country. The space and opportunities possessed by terrorist groups to carry out their actions are expanding. Terrorist groups in various parts of the world are carefully taking advantage of the conveniences offered by the rapid development of technology and communications to achieve their goals. Thus, in addition to using classical methods, current acts of terrorism have the potential to create greater damage and loss of life. In fact, it is possible to use weapons of mass destruction (WMD) such as chemical and biological weapons. Thus, it becomes a serious threat because it is difficult to determine when and where terrorist groups carry out their actions [19].

C. State Sovereignty

A country is said to be sovereign if it has the freedom to regulate everything in its territory with all its legal provisions and law enforcement. It is known as state jurisdiction, meaning that the authority of a state to establish and enforce laws made by the state itself, as a sovereign state, which certainly has the freedom to regulate internal and external problems. A particular state has the exclusive right to exercise their sovereign jurisdiction over their respective territories without interference from other parties [20]. The juridical aspect of state jurisdiction is the acceptance or even rejection of foreign nationals who will enter a country based on security, political, economic, and legal reasons of a country [21]. In the ASEAN scope, based on the results of several meetings, several agreements produced steps to take action against transnational crimes, terrorism crimes, including paying attention to those who provide financial support for terrorist activities. The meeting also produced a Plan of Action to Combat Transnational Crime to build cohesiveness as well as regional

strategies in overcoming and supervising transnational crimes and also increasing cooperation in conducting investigations, prosecuting and rehabilitating perpetrators. Establishing regional and sub-regional agreements on criminal justice includes MLA (Mutual Legal Assistance) [22].

IV. CONCLUSION

One of the functions of immigration in countering terrorism is immigration intelligence, with two other functions, namely, immigration control and border checks. In some cases of non-terrorism crimes, the involvement in several aspects of the immigration function are indicated. namely the issuance of passports, border control, supervision of foreigners, and the issuance of visas and residence permits. Immigration has an important role in the traffic of both Indonesian citizens and foreigners who leave and enter a particular county and engage in activities within the territory of Indonesia, which has the potential to threaten state sovereignty. The development of the threat of terrorism has led to crimes against humanity and civilization. This is a serious threat to the state security and sovereignty. Therefore, immigration through immigration officials and immigration intelligence has an important role in eradicating criminal acts of terrorism in an effort to maintain state sovereignty. There is a relationship between the duty of immigration intelligence and immigration officials who require immigration control report data and examine visa issuance and who is the guarantor and border inspection.

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