

PREVENTION OF FOREIGNERS ENTRY INTO INDONESIAN TERRITORIAL AREA ILLEGALLY

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Abstract

The objectives to be achieved in this study are to determine the causes and efforts to prevent foreigners from entering the Indonesian territorial area illegally. The research method used in this study is normative juridical (normative legal research method). Efforts that can be made to overcome the illegal entry and exit of foreigners include: First, cooperation with immigration in improving the performance of immigration intelligence. Second, create an online foreign national reporting system. Currently, the Directorate General of Immigration has created an online foreign national reporting system or <https://apoa.imigration.go.id/>. Third, provide a maximum criminal penalty where if reviewed from the regulatory arrangements above, namely for a maximum of one year, this penalty is considered too light even though the state losses incurred are quite large. This is the reason that many foreigners go through back channels to enter Indonesia.

Keywords : Foreigners, Illegal, Immigration, Indonesia.

INTRODUCTION

The constitutional basis governing Immigration has been stated in the preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI). Regarding the contents of the provisions in the Preamble to the 1945 Constitution, there is relevance to the issue of immigration which is part of the realization of the implementation of the enforcement of sovereignty over the territory of Indonesia in order to maintain order in the life of the nation and state towards a just and prosperous society (Lisa, 2017).

The system of Law Number 6 of 2011 concerning Immigration regulates various possible crimes and violations of immigration administration committed by both Indonesian citizens (WNI) and foreign citizens (WNA) and reaches corporations as sponsors of the existence and activities of foreigners so that there are no more foreigners who freely commit crimes in the field of immigration and corporations that provide fictitious guarantees to foreigners entering Indonesia. This mechanism also applies to Indonesian citizens who hope to have a passport with fictitious data or have more than one passport, and this can be prosecuted by the Immigration Law (Abdul et al., 2023).

Basically, regulations related to Immigration lead to administrative provisions where in reality there are also criminal legal regulations. Specifically, the mechanism is contained in Article 113 of Law Number 6 of 2011 which explicitly states that "Any person who intentionally enters or exits the Territory of Indonesia without being examined by an Immigration Officer at an Immigration Checkpoint as referred to in Article 9 paragraph 1 shall be subject to a maximum imprisonment of 1 year and/or a fine of Rp. 100,000,000 (One Hundred Million Rupiah).

The mechanism in the administrative law provisions for criminal acts is in accordance with Prins' opinion, that "almost every new regulation based on state administrative law ends *in cauda venenum* with a number of criminal provisions (Adisapoetra, 1983)." This mechanism will certainly be confusing because there is a lack of clarity in the norms between administrative and criminal handling.

Based on the case contained in the decision number 492/Pid.Sus/2020/PN. Rhl where the case involved Md. Moyzzam Ali, a Bangladeshi citizen who committed an Immigration crime. Moyzzam Ali violated Article 113 of the Immigration Law Number 6 of 2011 concerning Immigration which was contained in the public prosecutor's indictment. Based on this error, Moyzzam Ali was sentenced to five months with a fine of Rp. 100,000,000 subsidiary to 1 month in prison in lieu of a fine.

Furthermore, in the case contained in the decision number 70/Pid.Sus/2022/PN, the decision states that Quinto Jimmy Baga, Espora Rex Tamano, Quindoza Jowin Privado, Nietes Earl Michael Melitante and Macalino Christian Davocol were proven legally and convincingly guilty of committing a crime by intentionally entering Indonesian territory without being checked by an Immigration Officer at the Immigration checkpoint, for these actions the defendants were sentenced to a fine of Rp. 100,000,000 each with the provision that if it is not paid, it will be replaced with a prison sentence of 6 months.

Based on the various things that have been put forward, the formulation of the research problem is the factors that cause foreigners to enter Indonesian territorial areas illegally and the efforts of the Directorate General of Immigration to prevent the illegal entry of foreigners.

RESEARCH METHODS

Regarding the type of research, namely normative legal research (normative legal research method), by adjusting the title and problems to be discussed in this research and in order to provide very useful results, this research is conducted with normative legal research (normative legal research method). The normative legal research method is a library legal

research conducted by examining library materials or secondary data alone (Soekanto & Mahmudji, 2003).

RESULT AND DISCUSSION

A. Factors Causing Foreigners to Enter Indonesian Territorial Areas Illegally

1. Border Rat Road

Migration is a form of human movement that reflects social, economic, and political dynamics, where individuals or groups move from one place to another without limitations of distance or nature, either voluntarily or involuntarily. This process is triggered by differences between places that include economic, social, cultural, and environmental factors, with the economic theory of migration emphasizing that individuals tend to move to locations with better job opportunities. In the context of cross-border, illegal migration often occurs, especially through unofficial channels or "rat trails," which show legal and administrative challenges for those who do not have official documents. Factors such as economic crises and political instability encourage individuals to violate regulations in order to meet basic needs, while the governments of host countries face challenges in managing illegal migration that can worsen the social and economic situation in border areas. Therefore, migration reflects the complexity of the interaction between push and pull factors, as well as the challenges faced by both migrants and the countries involved (Kareth, 2022). This issue becomes complex and complicated when these cross-border travelers are not equipped with official documents so that they are considered illegal *cross - border*. The phenomenon of illegal border crossings is a problem that is often encountered in Indonesia, especially in Indonesia's border areas with neighboring countries.

The phenomenon of illegal cross-border *is* a complex problem related to social, economic, and political factors. Migrants often enter Indonesia through official channels and unsupervised "rat trails", reflecting weaknesses in border control. The case of a Bangladeshi citizen who does not have an official stamp in his passport shows the need for increased supervision at ports and entry points. Economic instability in the country of origin encourages individuals to seek alternative illegal routes, so the government needs to strengthen regulations and cooperation between institutions and countries to handle illegal migration more effectively and humanely (Rhl., 2022). The defendant Espora Tamano Rex, in essence explained that the defendant is a citizen of the Philippines where the defendant entered Indonesian territory not through the Immigration checkpoint but entered Indonesia through Batam waters because his work contract had expired so the defendant would return to his country, the Philippines.

Based on the decision Number 70/Pid.Sus/2022/PN and Number 492/Pid.Sus/2020/PN.Rhl, it shows that foreigners who enter Indonesia illegally are due to backdoors so that they can easily enter Indonesia without going through the official Immigration Checkpoint . This mechanism shows that there are still many backdoors that can be used as opportunities by foreigners to enter Indonesia.

Rat trails that are easily found by foreigners to enter Indonesia are one of the reasons for the ease of illegal access that can harm Indonesia (Fatharossy, 2018). Therefore, the Indonesian government needs to make efforts to overcome the problem of rat trails that can be used by a group of people.

The existence of back roads made by certain individuals is an action based on the economic crisis, as well as the declining level of welfare in society. These individuals will certainly be promised by foreign immigrants with wages that can be said to be quite large for these individuals. Foreign immigrants prefer not to pay Immigration fees because the requirements of the country are said to be quite expensive, foreign immigrants prefer back roads as an effort to get more affordable prices. so that the level of security, and increasing poverty rates as well

as globalization and access to information facilitate cases of opportunities for smuggling illegal immigrants on back roads on the Indonesian border.

2. Border Security

Illegal immigration contributes to the rise of transnational crimes at the border, such as human smuggling and drug trafficking. When illegal immigrants enter without official channels, they create opportunities for criminal networks to exploit weaknesses in surveillance. Therefore, it is important for countries to implement effective security control systems, including increasing the number of officers, utilizing technology, and building international cooperation. Investment in training law enforcement officers can strengthen the handling of illegal migration issues and improve regional stability, while protecting national sovereignty and security (Amrullah et al., 2023). In reality, many foreigners enter Indonesia illegally through border areas. As stated in decision Number 492/Pid.Sus/2020/PN.Rhl where Bangladeshi citizens were able to enter through the Batam back alley because there were no Immigration officers conducting checks.

In fact, border guarding is carried out by several state apparatuses, including the following:

a. Directorate General of Immigration

Guarding the country's gates is the duty of immigration officers as part of an effort to maintain the country's sovereignty, so in order to maximize immigration duties, the Directorate General of Immigration is improving facilities and infrastructure according to needs and providing special allowances for officers and immigration officials at border crossing posts, places Immigration Inspection (TPI), and Immigration offices in the region which is close to the borders of other countries. Immigration services include:

- 1) Publishing Republic of Indonesia passport ;
- 2) Border Passes for Indonesian citizens living in border areas ;
- 3) Issuance of Exit Signs and Entry Signs at Immigration Checkpoints ;
- 4) Immigration Residence Permit for foreigners;
- 5) Immigration Certificate for foreigners who will apply for citizenship to become Indonesian citizens ;
- 6) APEC/ABTC KPP for Indonesian citizens.

In practice, immigration officers have the authority to ensure or check that all travel documents owned by Foreign Citizens who cross the border or enter the Republic of Indonesia are truly valid and still valid documents. In addition, immigration officers also have the authority to ensure that the information provided is in accordance with the actual situation. In addition to having the authority to check travel documents, immigration officers also have the authority to monitor the presence of Foreigners who are in the Territory of Indonesia.

b. Republic of Indonesia Police

The Republic of Indonesia Police carries out various types of surveillance assignments to ensure security in border areas, such as:

- 1) *Problem oriented policing* (POP)
- 2) *Community policing*
- 3) *Partnership policing*
- 4) *International policing*

National Police plays a role in handling cross-border problems, with the practice of eliminating the causes of crime (early detection, and prevention) rather than arresting perpetrators of crime (criminal acts). Through problem-based police / POP supervision, policing, association supervision, and international policing methods, the national police can conduct cross-border surveillance. Forming border committees with the Philippines, Papua New Guinea and Thailand, such as the General Border Committee (GBC) and

JIMBC (Joint Border Committee of Indonesia and Malaysia) or JBC (Joint Border Committee) of Australia.

c. Army of the Republic of Indonesia

Based on the approval of Commission I of the DPR, the 2017 government revenue and expenditure budget for improving facilities and infrastructure in border areas will be allocated to related organizations in accordance with the unit plan. The Department of Defense and the TNI The development of strategic outer islands such as Natuna, Morotai, Biak, Merauke, Saumlaki and Selaru is a top priority for development that is expected to improve border security and defense of the Republic of Indonesia.

The development of physical infrastructure in border areas serves to improve the economy and public welfare, in line with the Theory of Economic Development which emphasizes the importance of accessibility in trade. The cooperation of the Indonesian government with the Philippines, New Zealand, and Brunei Darussalam for joint patrols reflects the National Security Theory, which highlights collaboration between countries in facing the threat of illegal immigration. Strengthening patrols by the Indonesian National Armed Forces refers to the Law Enforcement Theory, which emphasizes the need for a strong presence to prevent violations of the law. In addition, *the Border Crossing Agreement* reflects the Theory of International Cooperation, which is important for managing borders effectively. Overall, this holistic approach is needed to address the complex problem of illegal immigration while improving public welfare and maintaining national security.

The Indonesian Navy helped send some of its warships to guard Indonesia's territorial waters. Indonesian Air Force aircraft also participated and securing border areas and increasing territorial airspace of the Unitary State of the Republic of Indonesia in the skies of the outermost islands bordering other countries such as Natuna, Tarakan, Morotai, Biak, Merauke, and Kupan .

d. Republic of Indonesia Maritime Security Agency

In accordance with the duties and vision, the mission of the Republic of Indonesia Maritime Security Agency is that this institution guards the borders of Indonesian maritime territory by:

- 1) Enforcing law enforcement in Indonesian waters and within Indonesian jurisdiction ;
- 2) Realizing security and safety in Indonesian waters and areas under Indonesian jurisdiction using information systems/early warning systems and coast guard diplomacy guided by national and international regulations ;
- 3) Providing search and rescue assistance in Indonesian waters and Indonesian jurisdictional areas ;
- 4) Carrying out guarding, supervision, prevention and prosecution of violations of the law in Indonesian waters and Indonesian jurisdictional areas.

Indonesia has various institutions that have the authority to guard borders, such as the Police, the Indonesian National Army, the Directorate General of Immigration, and the Republic of Indonesia Maritime Security Agency, In carrying out its duties as a border control agency, of course, every state apparatus carries out its main duties and functions in accordance with the authority that has been given. However, in reality, in several border areas, there are still security cases that have not been implemented optimally.

3. Not yet optimal *Border Governance*

Integrated border management is necessary paying attention to other aspects outside the security aspect, an integrated approach as a characteristic of *border governance* is at least in line with the construction of thinking built by Brunet-Jailly. Brunet-Jailly's idea of *border*

governance is multidimensional, covering, among others, social, economic, religious, linguistic, entity and cultural aspects adopted by the local community.

According to *Brunet-Jailly*, border governance must encompass four interrelated dimensions that are particularly relevant in understanding the dynamics of illegal border crossings. First, market forces and trade flows play a significant role in influencing migration behavior and the potential for smuggling, where economic inequities on one side of the border can encourage individuals to cross illegally in search of better opportunities. Second, policies at different levels of government create the framework that governs interactions at the border; horizontal and vertical relationships between government institutions determine how immigration and border security policies are implemented, thus influencing the effectiveness of controls on illegal border crossings.

Third, the political influence of border communities plays a crucial role, where local actors can advocate for their needs and interests in border management. The voices of local communities are often ignored in decision-making processes, even though they have in-depth knowledge of the social and economic dynamics occurring in the area. Finally, the distinctive culture of border communities influences how identities and inter-group relations function in the area. When borders separate groups with similar cultural and historical backgrounds, tensions can arise that exacerbate irregular migration. Considering these four dimensions, we can see that effective border governance must integrate economic, political, and cultural aspects to address the problem of irregular border crossings holistically.

Brunet-Jailly's theorization in the author's perspective can be said to be an integrated method and approach because it tries to see border issues from various aspects, namely: (1) economy by considering market forces and trade flows; (2) government policies internally and externally; (3) political factors of communities in border areas; and (4) the unique culture of communities in border areas. The cultural aspect is of particular concern, considering that it is used as the basis and philosophy of life of indigenous communities that are borderless.

4. Legal Sanctions Are Still Light

The illegal entry of foreign nationals into the Indonesian border is due to the lack of implementation of severe sanctions which results in no deterrent effect for illegal crossers. In the case of Bangladeshi citizens who entered illegally, The punishment imposed is only a five-month prison sentence. This mechanism certainly makes foreign citizens underestimate the laws in Indonesia so that the practice of illegal entry of foreign citizens is still often carried out.

In other cases, foreign citizens from the Philippines only received a fine of Rp. 100,000,000 which is quite light and there is no criminal law that burdens this, making foreign citizens underestimate the existing law.

Cost and benefit theory proposed by *Gary Becker* offers an important perspective in understanding the rationality of individual behavior in the context of criminal law. According to this theory, optimal criminal law policy seeks to maximize the effectiveness of law enforcement by considering the costs and benefits generated. In this case, the allocation of resources to combat crime must be done carefully, so that each unit of resources used has the maximum impact on reducing crime rates.

Becker argues that if criminal sanctions are designed to be sufficiently severe, individuals will be more likely to consider the risk of arrest as a factor in their decision-making. In other words, high sanctions serve as a *deterrent effect*, motivating offenders to refrain from criminal activity in order to avoid adverse consequences. Therefore, effective sanctions should focus not only on punishment but also on how punishment affects criminal behavior.

The link between this theory and border security policies, for example, shows how strengthening patrols and stricter law enforcement can function as preventive measures. With the strengthening of sanctions and more intensive supervision, it is hoped that the potential for

violations, including illegal crossings, can be minimized. Overall, the *cost and benefit theory* provides an analytical basis for formulating more effective policies in law enforcement, by focusing on the balance between implementation costs and benefits obtained from reducing crime (Barnes, 1999).

If analyzed with the phenomenon in this study, it is clear that crime still exists because the law is too light. If the law is severe, it will allow someone to avoid the crime. However, in fact, there are still many illegal foreign citizens who enter without going through inspection at immigration checkpoints.

B. The Role and Function of the Directorate General of Immigration to Prevent Illegal Entry of Foreigners

Based on the two decisions contained in Decision Number 492/Pid.Sus/2020/PN.Rhl and Decision Number 70/Pid.Sus/2022/PN, it can be described that there are still foreigners who can illegally enter the territorial territory of Indonesia in an illegal manner. In fact, the government through the Directorate General of Immigration has made a policy based on the selective principle where granting permits to foreigners entering Indonesia is limited to people who can provide benefits to the country for the welfare of the community (Pakasi et al., 2022).

Both decisions, namely Decision Number 70/Pid.Sus/2022/PN and Decision Number 492/Pid.Sus/2020/PN.Rhl, revealed that there are still loopholes in the Indonesian immigration system, which allow foreigners to enter the country illegally. In this context, the National Security Theory emphasizes the importance of border surveillance as a crucial step to maintain state sovereignty. However, the fact that foreign individuals can enter without going through the Immigration gate shows that existing surveillance is not functioning effectively. This indicates that the policy that should protect the country is actually unable to prevent illegal access, creating risks to national security.

In Decision Number 492/Pid.Sus/2020/PN.Rhl, it was revealed that a Bangladeshi citizen could use a back channel in Batam to enter Indonesia with the intention of marrying a partner. This reflects the failure of the implementation of the selective policy implemented by the Directorate General of Immigration. Becker's Rationality Theory states that individuals tend to break the law when they assess the risk of arrest as low. In this case, the lack of supervision in certain channels signals that illegal actions will not have serious consequences. Therefore, to improve the effectiveness of immigration policy, a more comprehensive approach is needed, integrating intelligence-based supervision and stricter law enforcement, so that illegal channels such as in Batam can be closed and state sovereignty can be maintained properly.

The essence of immigration as the guard or front door for implementing immigration supervision activities based on immigration security and intelligence. Matters regarding the traffic of people entering or leaving the territory of Indonesia and its supervision in order to maintain the sovereignty of the state. Immigration supervision can be carried out if there is a concept of security and intelligence (Nugroho, 2018). In this mechanism, if analyzed based on the two decisions above, it explains that immigration in the supervision mechanism cannot run optimally. This can be seen that the young number of foreigners who enter through backdoors in order to seek profit in the State of Indonesia without contributing and harming the State of Indonesia.

State intelligence must be reliable, professional, impartial, and impartial because they are the first line of defense in early detection and early warning of the national security system from all threats, both real and imagined. The Directorate General of Immigration is a state institution tasked with maintaining state sovereignty, enforcing the law, and carrying out intelligence tasks.

The movement of people in and out of Indonesia has been regulated in Law No. 6 of 2011 on Immigration. However, the problem that emerged later was that many immigrants who entered illegally and took refuge behind refugee or asylum seeker status could not be guaranteed to obtain status from UNHCR so that the law in Indonesia was ignored.

The economic impact is the entry or exit of people without being equipped with travel documents in economic terms of course the visa applied by imposing entry fees for foreigners is reduced for the country's foreign exchange. Then the foreign exchange is used for the implementation of development both for physical and non-physical.

In response to this, some preventive measures that can be taken include:

1. Migration cooperation in improving migration intelligence performance

Intelligence serves as an important tool in maintaining national security and sovereignty through comprehensive information analysis and surveillance. National Security Theory emphasizes that effective surveillance at the country's borders and entry points is key to protecting against external threats, including illegal immigration. In this context, immigration intelligence serves not only to deal with violations of the law, but also to predict and prevent potential future threats.

Immigration intelligence activities that include document checks, permit issuance, and surveillance at checkpoints reflect a systematic approach to immigration management. Risk Management Theory can be applied here, which states that risk identification and assessment are the first steps in effective decision making. By analyzing available information, immigration authorities can anticipate and mitigate risks associated with the influx of foreign nationals. In addition, intelligence activities also include elements of inter-agency collaboration, which is important in creating a more holistic security system. In many cases, information obtained from various entities, such as the police and other intelligence agencies, can improve the effectiveness of immigration surveillance. Integrated Systems Theory supports this view, where the integration of various elements in a security system can result in a faster and more accurate response to potential threats.

This immigration intelligence operation has two objectives: first, to provide accurate and clear information to the leadership about the problem so that they can decide what to do next, and second, to offer advice and guidance on how to implement the disclosure of the background, mode, network of perpetrators, and other necessary information. Third, avoidance of enemy intelligence interference and prevention of misuse of travel documents to enter and exit Indonesian territory so that the community is always safe and secure.

The urgency of the role of immigration intelligence is one of the considerations for the Directorate General of Immigration in building cooperation efforts where this mechanism is to avoid various circumstances that provide space for foreigners to enter Indonesia illegally easily.

2. Creating an Online Foreign Citizen Reporting System

Anticipatory efforts against crimes committed by foreigners through data integration at the Directorate General of Immigration reflect the application of Risk Management Theory in the context of immigration. This theory focuses on identifying, assessing, and reducing risks associated with the presence of foreign individuals in a country. By collecting and analyzing data through the immigration information system, immigration authorities can be more proactive in detecting potential threats and taking appropriate preventive measures.

The implementation of an online foreign national reporting system demonstrates how information technology can be used to improve transparency and accountability in immigration control. Information System Theory underlines the importance of accurate and up-to-date data in decision-making. By facilitating the recording of the presence and actions of foreigners, this system allows immigration authorities to respond quickly to potentially problematic situations.

In addition, data integration also supports the National Security Theory, which emphasizes that effective surveillance at borders and within society is essential to protecting national sovereignty. With an integrated system, information on foreign nationals' activities can be compiled and analyzed, allowing authorities to identify suspicious patterns and trends. This will strengthen early detection and prevention measures, reducing the risk of crimes involving foreigners.

Immigration as a leading sector places the community as the center and integrates well through a communicative community with Immigration, RT/RW, and local police (Seskoaria, 2018). By creating a hotline or social media community or cyberspace to report all information or information related to foreigners in their environment who are suspected or considered suspicious which functions as an early prevention against all possibilities. The existence of a communicative community will facilitate the formation of an early warning system for officers, both Immigration, military, police and intelligence agents who need information about certain individuals or groups who are considered dangerous to a conducive situation (Nugroho, 2018).

3. Provides maximum criminal penalties

The existence of immigration regulations is a very important instrument in upholding the legal sovereignty of a country within the territorial territory of the country concerned and every foreign citizen who will enter or leave the territory of a country must be subject to the law and the country as well as the citizens themselves (Syakir, 2020). The existence of immigration regulations is certainly inseparable from the implementation of the immigration function itself which must be carried out in accordance with applicable laws and regulations, namely based on Law Number 6 of 2011 concerning immigration which is hereinafter abbreviated as the Immigration Law. Immigration according to article 1 paragraph 1 of Law no. 6 of 2011 concerning Immigration is a matter of the traffic of people leaving or entering the territory of the Republic of Indonesia and supervision of foreigners in the territory of the Republic of Indonesia. In carrying out its duties, migration has an important role in terms of traffic for people who will leave or enter the territory of Indonesia, including issuing visas and passports, granting immigration permits and carrying out supervision concerning the existence and activities of foreigners (Vidyawati, 2021).

Article 113 of the Immigration Law outlines the punishment for people who intentionally enter or leave Indonesian territory without being checked by an Immigration Officer at an Immigration Checkpoint, which can be punished with a maximum prison sentence of 1 (one) year and/or a maximum fine of IDR 100,000,000 (one hundred million rupiah).

Violations in both decisions that have been reviewed can be seen that the punishment imposed is quite light, namely 4 months imprisonment. This emphasizes the lightness of the punishment obtained so that it does not cause a deterrent effect. If viewed from the regulatory arrangements above, namely for a maximum of one year, this sentence is considered too light even though the state losses incurred are quite large. This is the reason that many foreigners go through back channels to be able to enter Indonesia.

Immigration Law is a set of guidelines that regulate the order of people who travel within the territory of Indonesia and supervision of foreigners (Santoso, 2015). In this case, the target of immigration supervision is foreigners who enter or leave the jurisdiction of Indonesia, so they are required to provide information on arrival or departure in the form of personal identification, immigration permit documents in the form of visas which will be administratively checked for validity (Dirhamsyah, 2020). There needs to be firm enforcement of immigration law for foreigners who do not comply with the rules of their existence in Indonesia in order to realize the sovereignty and dignity of the nation (Muhlisa & Roisah, 2020).

The prevention mechanism implemented by the Directorate General of Immigration can be understood through the Theory of the Rule of Law, which emphasizes that governance must

be run based on clear and normative laws. In this context, the Directorate General of Immigration functions as an institution that ensures that immigration policies are implemented in accordance with applicable legal principles, so that their actions reflect the principles of justice and legal compliance. This theory emphasizes the importance of integrity and transparency in the implementation of government duties, where every action of immigration officials must be legally accountable.

Furthermore, the Law Enforcement Theory divides law enforcement into two categories: based on subjects and objects. From the perspective of the subject, law enforcement involves all parties involved in the legal relationship. In this case, synergy between the Directorate General of Immigration and other institutions, such as the police and educational institutions, is crucial. This synergy allows law enforcement to run efficiently, because no institution can carry out its duties effectively without the support of other institutions. With this collaboration, efforts to prevent the illegal entry of foreign nationals can be carried out more comprehensively, including legal education, the application of sanctions, and the judicial process.

From the object's perspective, law enforcement includes the values of justice and norms contained in society. Law enforcement is not only about implementing formal regulations, but must also consider local values and social justice. In the context of immigration, this means that actions taken against foreign nationals who violate the law must consider aspects of humanity and social justice. Thus, the Directorate General of Immigration must be able to balance between strict law enforcement and fair treatment of individuals, so that immigration policies are not only effective but also just.

Overall, the application of these theories shows that prevention efforts carried out by the Directorate General of Immigration must be holistic and integrated, involving various parties and considering the values of justice in society. With this approach, it is hoped that the law enforcement mechanism can run effectively, minimize the presence of illegal foreigners, and support the creation of a government based on law.

In this mechanism, law enforcement must be in line with formal written rules where so far the law that emphasizes the mistakes of foreign citizens who enter illegally is still very light so that there needs to be maximum enforcement accompanied by regulations that can guarantee this practice does not happen again. Effective immigration supervision is supported by an appropriate criminalization mechanism. The theory of punishment applied aims to prevent foreigners from entering illegally through the threat of clear criminal penalties. Criminalization also functions as a tool for enforcing immigration law to demonstrate the state's firmness in maintaining its territorial sovereignty. Supervision and enforcement in border areas and the application of penalties for violators are part of a comprehensive policy in maintaining national security.

For example, in cases of human smuggling or transnational terrorism, immigration control not only assists in the process of arresting the perpetrators, but also ensures that the punishment applied has a deterrent effect. They work together with other law enforcement officers to compile strong evidence, so that the criminal process can run according to the principles of justice.

Thus, criminal and criminal law theories play an important role in supporting immigration supervision, especially in terms of preventing and prosecuting the illegal entry of foreigners into Indonesia.

CONCLUSIONS

Foreigners who enter Indonesia illegally due to the existence of border backdoors so they can easily enter Indonesia without going through inspection at the border. Official

Immigration Checkpoint. This mechanism shows that there are still many backdoors that can make it easy for foreigners to enter Indonesia.

Indonesia has various institutions that have the authority to guard the border, such as the Police, the Indonesian National Army, the Directorate General of Immigration, and the Maritime Security Agency of the Republic of Indonesia, in practice these border control institutions carry out their respective duties and functions. However, in reality the border area is still vulnerable where it can be concluded that the authorities have not been optimal in maintaining national security, especially border security which has not been optimal.

Not yet optimal *Border Governance* where border management should be integrated by considering other aspects outside the security aspect. The government needs to see the border issue from various aspects where this will minimize foreigners entering considering that there is synergy between the regional and central governments in maintaining border security. In addition, the light punishment given means there is no deterrent effect for the perpetrators so that this practice continues.

Improving the performance of immigration intelligence through immigration synergy with external parties. The urgency of the role of immigration intelligence is one of the considerations for the Directorate General of Immigration in building synergy efforts to ensure better border security and minimize the illegal entry of foreigners.

Create an online foreign national reporting system. Currently, the Directorate General of Immigration has created an online foreign national reporting system or <https://apoa.immigration.go.id/>, with the aim of making it easier for all parties to record the whereabouts and actions of these foreigners.

Giving the maximum criminal penalty where if reviewed from the regulation above, which is a maximum of one year, this penalty is considered too light even though the state losses incurred are quite large. This is the reason why many foreigners go through back channels to enter Indonesia.

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