

## IMMIGRATION INTELLIGENCE OPTIMIZATION RELATED TO INVESTIGATION OF FOREIGN CASES WITHOUT IMMIGRATION DOCUMENTS IN THE WORKING AREA OF IMMIGRATION OFFICE CLASS I TPI BANDUNG

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**Abstract :** Many of the foreigners have activities either for work or tourism in the Bandung area and its surroundings, this of course has an impact on the security and order that exists in the area, because the more activities carried out, the impact caused by these activities will also increase. So it needs a preventive effort through intelligence activities, namely intelligence investigations. The implementation of intelligence investigations in the form of an intelligence cycle at the Class I Immigration Office TPI Bandung which has not been implemented optimally, so that it does not produce an intelligence product. This research focuses on the implementation of intelligence investigations which focuses on intelligence cycle activities and looks through the factors that influence law enforcement. This is what makes the formulation of the problem in this study related to the implementation of the intelligence function in immigration intelligence investigations related to foreigners without immigration documents and efforts to optimize immigration intelligence investigations based on factors that influence law enforcement. The research method used is normative-empirical based on intelligence cycle theory and law enforcement. So the authors draw conclusions based on the results of interviews, field observations, and literature studies, namely intelligence investigation activities in the form of intelligence cycles at the Immigration Office Class I TPI Bandung have been carried out but not optimal, as well as optimization efforts in view of the factors influencing law enforcement which are carried out by increasing means and facilities either through Human Resources or other supporting equipment, as well as forming derivative regulations namely implementing guidelines related to immigration intelligence investigations to support the implementation of intelligence activities.

**Keyword :** *Intelligence Investigation, Intelligence Cycle, Law Enforcement*

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### 1. Introduction

The State of Indonesia is an archipelago that stretches from Sabang to Merauke and consists of thousands of small and large islands. Social problems and crimes will arise by themselves due to the diversity that is owned by Indonesia, this can occur when the different characteristics in each location unite as a nation.

The development of the times in all aspects of people's lives, this also increases the mobility of human travel from one location to another. This has a negative and positive

impact on the Indonesian state, especially the city of Bandung. These negative impacts can be in the form of:

1. Transnational Organized Crime
2. Money Laundering
3. Scamming
4. People Smuggling
5. Human Trafficking

Because of this, it is necessary to have early efforts and strategies to control threats, obstacles, disturbances and challenges for the Indonesian state. This is necessary as an effort to estimate the possibility that will occur considering the information and data collected in the field.

In the basic concept of International Law, it gives authority and rights to all countries so that they can exercise jurisdiction over individuals and any activities that occur under their jurisdiction on the basis of state sovereignty, as in the UN Convention on the United Nations Convention on the Law of the Sea (UNCLOS). , the Paris Convention of 1919, the Havana Convention of 1928 and the Geneva Convention of 1958. Therefore, each country has the authority to formulate issues relating to cross-border traffic and acts occurring within their jurisdiction. Control of cross-border traffic that involves individuals within the jurisdiction of a country regarding the immigration components that apply in each country, which are both general and unique to the values and needs of each country. Implementation of order and law enforcement, security and public order, as well as the implementation of protection, protection and service to the community determines the internal security of a country.

They are also required to carry out their activities in Indonesia with a valid residence permit and travel documents. The form of travel document that they must have is a passport, where the document is used as self-identification that must be owned by all foreigners who work or do not work in Indonesia and must still be valid for their passport. Their stay permits for activities in Indonesia must also be in accordance with their designation in all aspects of the activities they carry out in the Indonesian Territory.

People move from one location to another, increasing the negatives and positives for the Indonesian nation. The negative impact resulting from people moving can pose a threat and crime in the area. Therefore it is necessary to have early detection of the activities of these people through intelligence activities carried out through an investigative process. Investigation is a process to find information, information and data needed.

This activity is termed "Intelligence Operations" carried out by the assigned Immigration Officer. Immigration Intelligence Activities need to be carried out to take preventive action if a Foreigner who has activities in Indonesia wants to take actions that can harm the nation and the state, this activity aims to support law enforcement in a preventive manner.

Preventive efforts that can be carried out by the Intelligence and Immigration Enforcement Section itself are by coordinating with related agencies as a form of consolidation to prevent threats from the activities of foreigners while in Indonesian territory, especially the city of Bandung and its surroundings. This form of consolidation is like efforts to carry out the activities of the Alien Monitoring Team or what we are more familiar with as "Timpora". With this activity as a form of preventive efforts by carrying out prevention together with other relevant agencies.

Therefore, there is a need for early efforts to detect things that will have a negative impact on the Indonesian state, it is necessary to search for information about what activities and routines foreigners carry out while living in Indonesia, especially the Bandung City area through the Intelligence function. The city of Bandung is one of the cities with the highest

and largest density in Indonesia, there are many tourist destinations, industrial areas, schools, universities and is a stopover city for foreigners because it is close to the capital of Indonesia.

## **2. Literature Review**

### **a) Immigration**

According to Law Number 6 of 2011 concerning Immigration, immigration is a matter of the traffic of people entering or leaving Indonesian Territory and its supervision in order to uphold state sovereignty. Humans are social creatures who are natural to always interact with other humans. Therefore, thanks to the development of an increasingly sophisticated era, human movements move very quickly because human mobility is getting easier from time to time. When this human mobility has crossed international boundaries, which means passing the movement across the boundaries of other countries, then this behavior has been included in the realm of immigration.

By developing an immigration policy, the government will be able to carry out its own immigration role, here the government issues Law Number 6 of 2011 concerning Immigration. Immigration has a function which is part of the state government which is responsible for encouraging (facilitating) community welfare development, providing services to the community, law enforcement, and maintaining national security.

### **b) Immigration Intelligence Investigation**

According to Article 1 point 30 of Law Number 6 of 2011 concerning Immigration, it is explained that immigration intelligence is an active investigation of immigration and immigration security in terms of efforts to present information through analysis of information and data obtained to be able to provide an estimate of the situation that will be faced or is being faced. The intelligence function itself is very important because it is a prevention effort before the occurrence of a violation, vulnerability and threat to a country, especially in the field of immigration.

The function of immigration intelligence itself is carried out by Immigration Officers. To carry out the immigration intelligence function, the immigration officer himself has the authority to obtain information from relevant government agencies and the public, visit places or buildings where foreigners are suspected to be, as well as carry out intelligence operations and safeguard data and information and safeguard implementation in the implementation Duty.

### **c) Intelligence Cycle**

Collecting and analyzing are the 2 (two) main activities carried out by intelligence. Both activities must be seen in a larger context to relate them to the goals of decision makers and decision makers, as well as the use of intelligence products. This is accomplished through the intelligence cycle, which is the process by which data is collected, analyzed, translated into intelligence products, and then sent to policy makers. In Wahyu Y. Wahyu Saronto's book entitled Intelligence Theory and Network Development explains the intelligence cycle or it can also be called the Intelligence Wheel (RPI), is a method of converting raw data into intelligence products that can be used by people to make choices or make informed decisions.

### **d) Travel Documents**

#### **a. Passport**

A passport is an identification for someone when they are in a location that is not their place of origin, for Indonesian citizens I am abroad must have a passport as a substitute for an ID card. So for Foreigners themselves here what becomes Immigration Documents is their Passport issued by their country. The passport here, apart from being an immigration document, is also useful as a foreigner's identity

while abroad. Whether it's an ordinary passport, service passport, or diplomatic passport.

b. Residence Permit

According to Article 1 number 21 of Law Number 6 of 2011 concerning Immigration, it is explained that what is meant by a residence permit is a permit granted to foreigners to enter Indonesian territory by Immigration Officers or foreign service employees. For foreigners who carry out activities and are in Indonesia, they are required to have a residence permit, a residence permit is given to them in proportion to the visa they have.

### 3. Research Method

The type of research used is normative-empirical. Normative-empirical studies look at how positive legal provisions (law) and written regulations are embodied in (factual) actions for every legal event that occurs in society. According to Abdulkadir what is meant by normative-empirical research is research that uses legal case studies in the form of legal behavior products.

### 4. Discussion

Implementation of the Intelligence Cycle in Investigating Cases of Foreigners Without Immigration Documents

The Intelligence Cycle or commonly known as the Intelligence Cycle (RPI) is an activity that is usually carried out by the Intelligence department, be it the Immigration agency or other agencies that have an Intelligence section in it. In the Intelligence Rotation Wheel (RPI), which is divided into 4 stages, namely Planning, Collection, Processing, Presentation or Distribution of Intelligence Reports.

According to Intelligence Expert named Yohanes W. Saronto, steps are needed in carrying out a process to produce good intelligence products, this functions as a process in developing basic information into intelligence products for users and stakeholders in making decisions or actions both for now or the future.

The Intelligence Rotation Wheel (RPI) needs to be implemented as well as possible to support all forms of intelligence activity itself. So that in every implementation it can be carried out effectively and efficiently, not wasting the budget provided by the state. Based on the results of an interview with the Head of the Immigration Intelligence Subsection at the Class I Immigration Office, TPI Bandung, explained that the Intelligence Rotation Wheel (RPI) needs to be implemented as well as possible so that the expected results can be realized.

At the TPI Bandung Class I Immigration Office itself in carrying out 4 activities that exist in the Intelligence Rotation Wheel (RPI), namely:

a) Planning

Planning is the first stage in the process of producing an intelligence product. This planning stage is an identification activity from the data that has been collected either through informants or internally. At the TPI Bandung Class I Immigration Office itself related to planning carried out based on the results of field observations conducted at the Intelligence and Enforcement Section, where in planning before carrying out intelligence activities it is usually necessary to obtain information first from informants in the field.

In the planning itself after obtaining information from the informant, then proceed to the profiling stage and identify the data owned before proceeding to the collection stage.

Usually an information data will be used if information is entered from 2 sources at once, and indicates that the information can be continued.

The information obtained must be through 2 or more sources, according to the statement from the Field Officer, this is useful so that the intelligence activities that will be carried out are planned and mature, so as not to waste the budget provided by the state. After obtaining information regarding which locations the intelligence activity will be carried out, after that, a target analysis is carried out first regarding companies, restaurants, inns, schools, or other locations that will be targeted as targets for carrying out intelligence activities.

b) Collecting

After planning, the second stage is by carrying out information gathering activities. Information Gathering is an intelligence activity carried out to obtain analysis of an intelligence product. At this stage, carrying out investigative activities, the purpose of the investigation is to find and collect information and information material that is deemed necessary, and in accordance with what is directed by the authorized leadership. In collecting information materials, various activities can be carried out, either openly or privately, according to the conditions of the target.

In gathering the required information materials, there are several forms of activity such as:

- a. Research
- b. Interview
- c. Interrogation
- d. Elicitation
- e. Observation
- f. Surveillance
- g. Tracking
- h. Infiltration
- i. Tapping

Information collection is carried out in order to obtain sources that can be accounted for so that sources and information must be obtained from trusted sources. In Mark M. Lowenthal's book, *Intelligence: From Secrets to Policy*, it is also explained that at the stage of gathering information, you must have strong roots, in the sense that gathering information should not be simple, but must be maximized so that the following stages can run well.

The collection of information is usually carried out by a field agent, but it is different from that at the Class I Immigration Office TPI Bandung, to obtain information, namely through Field Officers or Immigration Officers who are in the Immigration Intelligence and Enforcement Section by coordinating with informants in the field, Community Regional Intelligence in which there are several related agencies such as the State Intelligence Agency, the National Unity and Political Agency, the Strategic Intelligence Agency, and the Police Security Intelligence.

c) Processing

After the Collection stage is carried out then carry out Information Processing activities. Information processing is an activity in which the results of information and data obtained in the field are sorted so that analysis can be carried out first, because the data obtained in the field may not necessarily be used as an intelligence product. This applies after the information collection was carried out by the Advance Team, because



the information previously obtained through external and internal parties may not match the facts in the field.

d) Dissemination

After the Information Processing stage is carried out, then to the final stage, namely the Presentation of Information to both users and stakeholders. The presentation stage is an activity in which to provide an intelligence product in accordance with what is desired or ordered, both the way and form of presentation is carried out according to its urgency, level of confidentiality, speed, accuracy and security of an intelligence product. The things that must be considered before giving the presentation are:

- a. Is an intelligence product in accordance with the wishes required?
- b. Is the intelligence product only useful at a later date?
- c. Is the intelligence product only useful for superiors, sides or subordinates?

As for the Presentation of Information in the form of intelligence products in the Immigration Intelligence and Enforcement Section according to Field Officer Ridho Bahar Harahap, the presentation was carried out in the Immigration Intelligence and Enforcement Section of the Immigration Office Class I TPI Bandung in the form of a text arrangement reported via the WhatsApp platform, as for the delivery formally in the form of an Intelligence Daily Report and Intelligence Estimate (KIRKA) file typed using Microsoft Word and then the file can be sent via the WhatsApp platform, email or letter.

## Efforts to Optimize Immigration Intelligence Investigations Based on Factors Influencing Law Enforcement

a) Act Factor

The regulations governing State Intelligence itself are regulated in Law Number 17 of 2011, where in Article 7 which explains the scope of state intelligence, one of which is as a law enforcer. Law enforcement intelligence functions as an assistance effort in law enforcement in the country, so that there are preventive measures in its implementation. For immigration itself related to the implementation of intelligence it has been regulated in Permenkumham Number 8 of 2022 concerning Immigration Intelligence where there is no article or understanding which explains that Permenkumham Number 8 of 2022 concerning Immigration Intelligence as law enforcement intelligence compared to Law Number 17 of 2011 concerning Intelligence Countries in which law enforcement intelligence is explained.

1. Regulation

The problem that often arises from a law is that there are no derivative implementing regulations that are used to find out how the correct implementation is related to a law or regulation that regulates a matter. Likewise with Permenkumham Number 8 of 2022 concerning Immigration Intelligence which in Article 13 explains that the Director General of Immigration stipulates a guideline for implementing Immigration Intelligence investigations, and also in Article 26 which explains that the Director General of Immigration stipulates a guideline for implementing Immigration Intelligence Operations.

2. Adhere to Principles and Clarity

Compliance with the law is the existence of a consistency in a legal system, as it relates to Intelligence itself if you look at Law Number 17 of 2011 concerning State Intelligence where Article 6 explains that the function of state intelligence is Investigation, Security and Fundraising. Whereas in Permenkumham Number 8 of

2022 concerning Immigration Intelligence the function of Immigration Intelligence is only Immigration Intelligence Investigation and Immigration Security.

b) Facilities Factor

1. Equipment

For its own supporting facilities at the Class I Immigration Office TPI Bandung itself has adequate facilities and budget. Such as equipment to carry out intelligence operations, namely operational vehicles (black/red plates), online motorcycle taxi jackets and helmets, civilian clothes, handy talkies, hidden camcorders, tape recorders, company name cards, fake identity cards. However, the use of additional wiretapping devices such as tape recorders and hidden cameras is considered less effective and efficient according to field staff at the Intelligence and Immigration Section, because of this the choice of using personal cellphones which incidentally are not office inventory items is still the main choice in every intelligence investigation operation (under/open cover).

2. Human Resource

Based on the findings of an interview with the Head of the Intelligence and Enforcement Section of Immigration (Inteldakim) Mangatur Hadi at the Immigration Office Class I TPI Bandung, there has also been no specific training related to intelligence for implementing officers, which is deemed necessary to increase early vigilance as an entry-point to improve capabilities themselves, especially in the field of intelligence so that they can be in accordance with what is expected by the community in carrying out the tasks carried out.

Training for officers of the Immigration Intelligence and Enforcement Section at the Class I Immigration Office at TPI Bandung is needed to improve the soft skills and hard skills of implementing officers, both tactical training from the Police and strategic from the TNI. Training like this can also increase collaboration between agencies, which can add networking for officers who carry out the training. Because later when the training is carried out, it will not only be from the Immigration agency who will take part, but there will be other ministries/institutions that will also send their employees to take part in the training.

3. The number of personnel in the Immigration Intelligence and Enforcement Section

In the Intelligence and Enforcement Section of the Immigration Office Class I TPI Bandung, it has 23 members consisting of 6 BAP officers, 4 administrative officers, and 13 field officers to carry out intelligence and surveillance operations. However, due to the limited number of personnel in the Intelligence and Enforcement Section, to assist in the course of intelligence and oversight activities, all officers and structural officials are included in an Oversight Warrant if necessary.

4. Finance

In the implementation of active intelligence which has the characteristics of being closed, full of secrecy, undercover, infiltration and other activities that must be carried out quickly and precisely. Because the times have also resulted in increasingly sophisticated technology, sources of information can be easily accessed anytime and anywhere, so that intelligence activities are not just a matter of field activities. Intelligence is also used as the spearhead for a unit in terms of securing things so that things that will be and are being faced can be resolved.

## 5. Conclusion

Based on the results of interviews, field observations, document analysis, and literature review conducted by the author, it can be concluded from the first problem formulation, namely the Immigration Intelligence and Enforcement Section of the Immigration Office Class I TPI Bandung has carried out the intelligence cycle in investigating cases of foreigners without documents immigration well, but in practice it is still said to be not optimal. This is based on the implementation carried out by the Immigration Intelligence and Enforcement Section which has carried out 2 of the 4 stages that should have been carried out optimally. Where in the implementation of Planning, Collection, Processing and Presentation which are the stages of the intelligence cycle, the Immigration Intelligence and Enforcement Section has carried out the Planning and Collection stages properly, these two stages are always carried out before the implementation of intelligence operations. However, the Processing and Serving stage has not been carried out optimally. This is because sometimes from the results of Intelligence Operations carried out by officers, the intelligence products produced sometimes cannot be found or are still only limited to the leadership's attention, so that at the Presentation stage they are not carried out properly. So that the implementation of the intelligence cycle in the Immigration Intelligence and Enforcement Section of the Immigration Office Class I TPI Bandung is not optimal in its implementation.

Optimization efforts carried out by the Immigration Intelligence and Enforcement Section of the Immigration Office Class I TPI Bandung in conducting Immigration Intelligence Investigations based on 2 law enforcement factors according to Soerjono Soekanto, namely with discretion exercised by the Leaders in the Immigration Intelligence and Enforcement Section either through the Head of the Intelligence and Enforcement Section or The Head of the Intelligence Subsection for the implementation of immigration intelligence investigations that do not yet have derivative regulations for the regulations, so that the implementation is always planned and measurable. And also in terms of facilities always keep abreast of the times, such as the existence of online motorcycle taxi suits to carry out secret intelligence operations, or adding vehicles and safe houses at certain points. As well as planning to provide intelligence Education and Training (DIKLAT) to employees.

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