

***SELECTIVE IMMIGRATION POLICY IN MAINTAINING STATE SECURITY AND  
IMPROVING THE WELFARE OF THE NATION***

**(KEBIJAKAN SELEKTIF KEIMIGRASIAN DALAM MENJAGA KEAMANAN NEGARA  
DAN MENINGKATKAN KESEJAHTERAAN BANGSA)**

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***ABSTRACT***

*This writing aims to look at the role of selective immigration policies in Indonesia to maintain state security and improve the nation's welfare. The implementation of selective policy in Indonesia is the most important thing that cannot be ignored, the principle of selective policy looks at security and welfare approaches. Two of the functions of immigration are state security and facilitator of community welfare development. Currently, indicators of state security and the economy of a nation have become important aspects of the state. Considering that currently the movement of people between countries is becoming easier and global economic development is becoming more widespread, there will be an impact on these two factors. Selective immigration policy is a form of legal product from immigration related to regulating the entry of foreigners into Indonesia with an approach to the principle of benefits for the nation and state. This research method uses normative legal research methods with a descriptive qualitative approach.*

**Keywords:** *Selective Policy, State Security, Welfare*

***ABSTRAK***

Penulisan ini bertujuan melihat peran dari kebijakan selektif keimigrasian di Indonesia dalam rangka menjaga keamanan negara dan meningkatkan kesejahteraan bangsa. Penerapan kebijakan selektif di Indonesia merupakan hal terpenting yang tidak bisa diabaikan, prinsip kebijakan selektif melihat dengan pendekatan keamanan dan kesejahteraan. Dua dari catur fungsi keimigrasian adalah keamanan negara dan fasilitator pembangunan kesejahteraan masyarakat. Saat ini indikator keamanan negara dan ekonomi sebuah bangsa menjadi aspek penting dalam bernegara. Mengingat saat ini pergerakan lalu lintas orang antar negara semakin mudah dan perkembangan ekonomi global semakin luas dan akan ada suatu dampak terhadap dua faktor tersebut. Kebijakan selektif keimigrasian merupakan bentuk produk hukum dari keimigrasian terkait mengatur masuk nya orang asing di Indonesia dengan pendekatan asas manfaat bagi bangsa dan negara. Metode penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan kualitatif deskriptif.

**Kata kunci :** Kebijakan Selektif, Keamanan Negara, Kesejahteraan

## I. Introduction

The current progress in the development of information and communication technology is very broad and fast, in addition to that the world economic cycle is developing and expanding towards a country. All aspects of progress in life in the world today are very fast, and human mobility between countries is getting easier and the numbers are increasing. The impact of this development is the demands of various individuals, groups, and even countries to fulfill their needs and goals which cover various aspects. This causes international migration to occur which is based on various factors and this international migration is an integral part of increasingly widespread and rapid globalization which has an impact on all aspects of human life.<sup>1</sup> The current issue of migration is something that cannot be ignored considering that every migration movement will have an impact on a country. This activity must be immediately facilitated by the country considering that this migration is international. The state, through the directorate general of immigration, acts as a facilitator to provide access and facilities related to the demands of international migration flows using a security and welfare approach to ensure that international migration flows are in line with national interest objectives.<sup>2</sup>

Considering that the current regime prioritizes increasing economic potential and infrastructure, it cannot be separated from the involvement of other countries, this proves that the country also needs relationships with other countries where in these relationships there will be reciprocity and one of them is the entry of foreigners in Indonesia and this is the result of the issue of international migration between countries. This proves that international migration flows have an impact on the nation and state, and the influx of foreigners in Indonesia is also caused by investment, trade, technological exchange, and socio-cultural factors.<sup>3</sup> Apart from that, the impact of the ASEAN Economic Community is that many foreigners coming to Indonesia are becoming easier due to investment and economic factors in the ASEAN region. The rapid development of all aspects of human life makes interactions between countries increasingly increasing and vibrant. This migration issue continues to follow current trends and in the future, the traffic of people entering and leaving a country will become increasingly dense

The Indonesian government through the Ministry of Law and Human Rights provides a legal product implemented by the directorate general of immigration to meet the demands of current developments and international

<sup>1</sup> Elisabeth Dewi, "Migrasi Internasional Dan Politik Luar Negeri Indonesia," *Jurnal Ilmiah Hubungan Internasional UNPAR* 9, no. 1 (2013): 99452..

<sup>2</sup> Junior Perdana Sande, "Selective Policy Imigrasi Indonesia Terhadap Orang Asing Dari Negara Calling Visa," *Indonesian Perspective* 5, no. 1 (2020): 92.

<sup>3</sup> *Ibid.*

migration flows. The immigration law states that there is a policy regarding the entry of foreigners into Indonesia. Selective immigration policy is a legal product issued by the government as a form of response to challenges regarding policies in responding to the development of globalization which includes international migration flows. International migration activities must be responded to wisely and appropriately by the state. It is stated in the immigration law that one of the functions of immigration is to facilitate the development of community welfare. As a facilitator of community welfare development, it also needs to be balanced with regulations regarding the entry and exit of foreigners in Indonesia. These regulations were created to screen people who will be allowed to enter or refuse entry into Indonesia and provide legal certainty for foreigners in Indonesia.<sup>4</sup>

The principle of selective immigration policy in Indonesia is a provision that is basic and applies generally. Selective immigration policy is the embodiment of a form of sovereignty of a country that must be upheld and respected. Selective policy is a regulation that protects human rights, is a form of manifestation of state sovereignty, and protects national goals and interests. This selective policy means that only foreigners who are beneficial to the

Indonesian state will be allowed to enter. This selective policy also pays attention to whether foreigners are a danger to Indonesia or not, and this proves that selective policy also pays attention to state security factors. This selective policy is manifested in legal products such as granting visas, and residence permits, and the presence of a ban system that is integrated with Interpol. Considering that international migration flows do not always have a good impact on a country, there will always be both positive and negative impacts from an event that is globally related.

Currently, Indonesia is opening itself to investment from foreign countries and Indonesia has a unique attraction for foreign investors<sup>5</sup>. Apart from that, the potential for abundant natural resources is a special attraction for investors to manage Indonesia's natural resources which will become a high-value buying and selling power on the global market. Indonesia's abundance of natural wealth has made many foreign investors open their companies in Indonesia.<sup>6</sup>. Apart from that, what boosts the country's foreign exchange is the tourism sector, Indonesia's natural beauty is a very strong attraction for foreign tourists. With Indonesia's geographic position, which has a tropical climate, Indonesia's tourism sector is highly interesting, and its unique cultural

<sup>4</sup> *Ibid.*

<sup>5</sup> "Indonesia Masih Jadi Negara Tujuan Investasi," n.d., <https://kemenperin.go.id/artikel/10552/Indonesia-Masih-Jadi-Negara-Tujuan-Investasi..>

<sup>6</sup> "Keuntungan Berinvestasi Di Indonesia Bagi Investor Asing," n.d., <https://www.investindonesia.go.id/id/artikel-investasi/detail/keuntungan-berinvestasi-di-indonesia-bagi-investor-asing.>

diversity is the newest thing for foreign tourists and this is a factor attracting the high interest in visiting foreign tourists to Indonesia.<sup>7</sup>

Situations like this must be adjusted to regulations regarding the entry of foreigners into Indonesia to adapt to the current situation. The presence of this selective policy is to maintain state security and facilitate foreigners entering Indonesia to increase economic growth which will have an impact on the nation's welfare. This selective policy also aims to protect the security of the nation and state against interference from foreigners who will threaten the sovereignty of the country. This selective policy is present as a form of anticipation of the threat that the negative impact of international migration flows will always be present and renewable. such as terrorism, drugs, human trafficking, human smuggling. Considering that the selective immigration policy only allows foreigners who are beneficial to the Indonesian nation and state to enter and reside in Indonesia's sovereign territory, this proves that the selective immigration policy can prevent threats posed by foreigners early on. The increasing flow of people in the world entering and leaving a country can increase the number of cross-border crimes, such as drugs, terrorism, human trafficking and human smuggling, cyber crimes, perpetrators of crimes related to finance, etc.

<sup>7</sup> Adenisa Aulia Rahma, "Potensi Sumber Daya Alam Dalam Mengembangkan Sektor Pariwisata Di Indonesia," *Jurnal Nasional Pariwisata* 12, no. 1 (2020): 1.

This selective policy is implemented with the presence of legal and technological products to support immigration duties and functions to maintain state security and improve the nation's welfare. International migration flows must be in harmony with state, social, and cultural ideology in Indonesia and not threaten state sovereignty so that national interests and goals can be realized which aim to advance and raise the position of the Indonesian nation in the eyes world<sup>8</sup>. The manifestation of this selective immigration policy is facilities related to immigration products such as visas, residence permits, prevent and deter systems, and deportation. Without a selective immigration policy, the entry of foreigners into Indonesia will be free and will endanger sovereignty and human security.

## II. Research methods

The research used is normative legal research with a descriptive qualitative approach, namely research that describes, analyzes, explains, and connects with statutory regulations and literature studies related to the research discussion.

## III. Discussion

### 3.1 Selective Policy for Indonesian Immigration

<sup>8</sup> M. Alvi Syahrin, "Menakar Kedaulatan Negara Dalam Perspektif Keimigrasian (Assessing State 's Sovereignty from the Perspective of Immigration Affairs)," *Jurnal Penelitian Hukum De Jure* 18, no. 1 (2018): 46..

History records that Indonesia has long been a favorite for foreign entry. During the colonial era, Indonesia's wealth of natural resources, namely plantation commodities which had a high selling value on the world market, made Indonesian territory a struggle for European countries to control. When it was colonized by the Dutch East Indies Government, the immigration policy that was established was open-door politics (*opener politiek*).<sup>9</sup>

The selective immigration policy theory is one of the basic considerations for a country in carrying out its immigration function. Based on Part One of the Explanation of Immigration Law Number 6 of 2011, it explains that:

"Based on a selective policy that upholds the value of human rights, the entry of foreigners into Indonesian territory is regulated, as well as foreigners who obtain a residence permit in Indonesian territory must comply with their aims and objectives for being in Indonesia. "Based on the policy in question and to protect national interests, only foreigners who provide benefits and do not endanger security and public order are allowed to enter and reside in Indonesian territory."<sup>10</sup>

Entering the era of globalization in the early 2000s, the increasing trend of migration between countries was also felt by the State of Indonesia. In 2016, through the Presidential

Regulation of the Republic of Indonesia Number 21 of 2016 concerning Visa-Free Visits, Indonesia entered many new areas in the field of immigration where foreigners from 169 countries were given the freedom to enter without a visa for short visits or holidays. The number of foreigners entering Indonesia has increased significantly.

All sovereign countries must carry out inspection and supervision functions for every foreign citizen who wishes to enter their country's territory to uphold the country's sovereignty. Every foreign citizen who wishes to enter the territory of another country will be screened and sorted. Only foreigners who meet certain conditions will be allowed to enter a country's territory based on each country's immigration policy. The selection policy implemented selectively towards foreigners in the field of immigration is a theory or basic principle that applies universally in all countries, including Indonesia.

Examination and supervision of foreigners by the Indonesian Government is carried out based on the Indonesian immigration function. The function of Indonesian immigration is the function of the state government to provide immigration services, law enforcement, state security, and facilitate community welfare development (Article 1,

<sup>9</sup> *Politik pintu terbuka merupakan manifestasi kebijaksanaan imperialisme modern, menggantikan posisi cultuurstelsel yang merupakan manifestasi kebijaksanaan imperialisme tua* (Bey, 2004: 86)..

<sup>10</sup> Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration.

Republic of Indonesia Law Number 6 of 2011 concerning Immigration). This function will be applied to all foreign nationals (WNA) from the time the foreign citizen applies for permission to enter Indonesian territory, documents are checked at the immigration checkpoint (TPI), during their stay, activities, and residence in the territory of Indonesia, until the person concerned leaving the sovereign territory of the State of Indonesia. Specifically, the immigration function is carried out by the Directorate General of Immigration, Ministry of Law and Human Rights of the Republic of Indonesia, in coordination with relevant ministries and state institutions.

Indonesia's selective immigration policy towards foreign citizens is specifically stated in Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration. This law states that every foreigner who wishes to enter and obtain a residence permit in Indonesia must comply with the aims and objectives of being in Indonesia while still upholding human values and rights. Furthermore, Indonesia's selective immigration policy explains that only foreigners provide benefits and do not endanger security and order.

### 3.2 State Security

In national life, the defense aspect is a very essential factor in ensuring the survival of the country. Without being able to defend itself against threats from abroad and/or from within the country, a country will not be able to

maintain its existence. The Indonesian nation initiated immigration to protect Indonesia's sovereignty and security from foreign citizens who are irresponsible or violate Immigration Law Number 6 of 2011.

The influx of foreigners into Indonesian territory with various goals and interests has had various effects in all fields. The influence that occurs not only has a positive impact but also sometimes has a negative effect. One of the negative impacts that arises from the large number of foreigners entering Indonesian territory is the increase in immigration violations (Ichwan & Samiudin, 2019:2). Granting entry permits to foreign nationals from calling visa countries is based on the principle that these foreigners can have a positive impact on the country's foreign exchange earnings and will not threaten public security and order by the intent of implementing the selective policy which is the basis of the Indonesian Government's immigration policy. To minimize the negative impact of the arrival of foreigners, the supervisory function must be carried out optimally to uphold the sovereignty of the Indonesian State. Immigration supervision is a series of activities carried out to collect, process, and present immigration data and information on Indonesian citizens and foreigners to ensure compliance with regulatory

provisions.<sup>11</sup> legislation in the field of immigration (Article 1 point 2 of Government Regulation Number 4 of 2017 concerning Immigration Control Procedures). The immigration control system includes administrative supervision such as checking travel documents, letters, or other documents, photographing, taking fingerprints, and managing immigration data at immigration checkpoints, immigration offices, as well as representatives of the Republic of Indonesia abroad and the Directorate General of Immigration, as well as field supervision or operations, such as monitoring or investigating through interviews, observation and imaging, reconnaissance, wiretapping, use of information, and other activities (Ichwan & Samiudin, 2019:11-12) Administrative supervision for foreigners from calling visa countries is carried out more strictly and selectively. Meanwhile, the field supervision system for foreigners from various countries in Indonesia is carried out in the same way as the supervision of foreigners in general, namely through monitoring activities and monitoring operations. This field supervision is carried out strictly in places where foreigners are, such as hotels and guesthouses, busy centers, and entertainment venues (Ichwan & Samiudin, 2019:28). If proven to have violated the law, the foreigner may be subject to immigration

administration action. Immigration administrative measures are imposed on foreigners in Indonesian territory for carrying out dangerous activities that are suspected of disturbing public order or disrespecting and violating the laws and regulations in force in Indonesia (Wulandari & Andaryadi, 2019:5).<sup>12</sup>

The implementation of the selective policy towards state security in this regulation can be seen from the obligation for every foreigner who will enter Indonesian territory to equip themselves with a health certificate from an official authority in English, be in Indonesian territory by applicable policies, and fill out a statement. willing to follow all aspects or policies that have been implemented by Immigration. Limited Stay Permit holders are allowed to increase the validity period of their stay permit for the next 30 days.

According to the author, the issuance of this regulation is a step taken by the Directorate General of Immigration to further tighten the rules for foreign citizens who wish to enter Indonesian territory as a step to improve *policies* of state security so that Indonesian citizens continue to feel safe, peaceful and secure regarding the entry and exit of foreign nationals to Indonesia as well as tightening regulations in Indonesia so that undesirable things do not occur, referring to Law Number 6 of 2011.

<sup>11</sup> Syahrin, M. Alvi, *Menakar Kedaulatan Negara Dalam Perspektif Keimigrasian*, Maret 2018, Jakarta.

### 3.3 Nation's Welfare

The welfare of the nation is one of the main goals of the founding of the Republic of Indonesia. Prosperity is a state of prosperity and well-being which is defined as a state of having enough or no shortage, which not only has a physical or material dimension but also a spiritual dimension and conditions for fulfilling the material, spiritual, and social needs of citizens so that they can live a decent life and be able to develop themselves. so that it can carry out its social function.

As the author has stated previously, the implementation of selective policy is a mandate from Law Number 6 of 2011 concerning Immigration. The implementation of selective policies is an effort made by the Directorate General of Immigration which aims to limit only foreigners who bring benefits to being allowed to enter Indonesian territory. These benefits also have a positive impact on the nation's economic growth.<sup>13</sup>

The 7 Development Agendas listed in the 2020-2024 National Medium Term Development Plan (RPJMN) released by the National Development Agency (Bappenas), one of which requires an agenda that can strengthen political, legal and security stability (polhukam) and transformation. public service. Where the state is obliged to be present in protecting the

entire nation, providing a sense of security and quality public services to all citizens, and upholding state sovereignty. Apart from that, the government must also continue to strive to improve good and transparent governance that can be accessed by all citizens through:<sup>14</sup>

- a) Bureaucratic institutional reform for quality public services;
- b) Improve political rights and civil liberties;
- c) Improving the justice system, regulatory arrangements, and cyber security governance;
- d) Facilitate access to justice and anti-corruption systems;
- e) Facilitate access to services and protection for Indonesian citizens (WNI) abroad.

The authority of the Directorate General of Immigration to carry out duties and functions in the immigration sector is stated in Article 1 Number (6) of Law Number 6 of 2011 concerning Immigration. In this article, it is stated that: "The Directorate General of Immigration is the implementing element of the duties and functions of the Ministry of Law and Human Rights in the field of Immigration".

Meanwhile, in Article 1 Number (3) of Law Number 6 of 2011 concerning Immigration, it is stated that the Directorate General of Immigration as part of the Government of the Republic of Indonesia which carries out duties and functions in the field of

<sup>13</sup> Law Number 6 of 2011 concerning Immigration.

<sup>14</sup> Badan Pembangunan Nasional, *Rancangan Awal Rencana Pembangunan Jangka Menengah Nasional (RPJMN) 2020- 2024*, Maret 2019, Jakarta.



immigration, has four immigration functions. These four functions are providing immigration services, law enforcement, state security, and facilitating community welfare development.

If you look at the regulations in force before the enactment of Law Number 6 of 2011 concerning Immigration, there are new things that are immigration functions that must be carried out by the Directorate General of Immigration and are not listed in Law Number 9 of 1992 concerning Immigration. This function is the presence of the Directorate General of Immigration as a facilitator for community welfare development.

These four immigration functions are mutually binding and can influence each other. Apart from that, the implementation of these four functions can also be implemented at the same time. For example, the implementation of immigration services and law enforcement functions is carried out simultaneously when checking travel documents and entry permits for foreigners at the Immigration Checkpoint (TPI).

If all the points above can be implemented well, social welfare will be realized by the government's target, namely creating an independent, advanced, just, and prosperous Indonesian society through accelerating development in various fields by emphasizing the development of an economic structure.<sup>15</sup> which is firmly based on competitive

advantages in various regions supported by quality and competitive human resources.

As the author has said, the implementation of the optional policy is a mandate from the 2011 Immigration Law Number 6. The implementation of the optional policy is an effort by the Director General of Immigration to limit. only foreigners enter. bring benefits to the Indonesian region. These benefits include a favorable effect on the country's economic growth.

This selective policy is an implementation of the state's responsibility towards citizens and foreigners living in its territory during the pandemic. The state is responsible for the security of citizens against external disturbances, in this case, infectious viruses. Apart from that, he is also obliged to protect the rights of foreigners in the territory of the Unitary State of the Republic of Indonesia.

According to the Universal Declaration of Human Rights (UDHR), every foreigner who enters Indonesian territory cannot have their legal rights and obligations revoked. Foreigners who are under state jurisdiction do not have to implement all the rights contained in human rights documents, one of which is the right to participate in government, so the foreigner's country of residence must respect, fulfill, and protect only some of them. right

<sup>15</sup> Syahrin, M. Alvi, *Menakar Kedaulatan Negara Dalam Perspektif Keimigrasian*, Maret 2018, Jakarta

Even though there are strict restrictions on the entry of foreigners into Indonesian territory, the current immigration policy cannot be separated from the state's duty to protect the rights of foreigners who remain in Indonesian territory. This responsibility is manifested in the 2020 circular letter: IMI-GR.01.01-1102, which regulates residence permit services for immigrants in the new normal procedure, which aims to make it easier for foreigners to obtain a residence permit provided that the foreigner has a residence permit. unable to return to the country.

An understanding of the role and operations of immigration today can be seen not only from the perspective of immigration management during times of crisis, but also from immigration inspection practices throughout Indonesia. Indonesia has 182 Immigration Checkpoints (TPI) which are the entry and exit points of Indonesia's sovereign territory, consisting of 37 airports, 90 TPI port cities, 11 TPI international border crossing posts, and

Traditional cross-border postal services. TPI. According to TPI, Indonesian immigration rejected 2 foreigners entering Indonesian territory. Apart from that, the government has also temporarily closed several TPIs, namely. state border points, as a preventive measure to prevent people from entering and leaving Indonesian territory.

The explanation of Article 8 of the Immigration Law Number 2011 states that a

"valid and still valid travel document" is a travel document issued by an authorized official and valid for at least 6 (six) months before the deadline. The existence of this selective policy means regulating foreigners entering Indonesia, which includes entry, stay, and departure of foreigners. Based on this principle, permits can only be given to foreigners who benefit from Indonesia, permits to stay in Indonesia, and permits to leave after the foreigner fulfills his obligations in Indonesia.

Selective policies are implemented through the implementation of a document control system by Article 9 of the Immigration Law, which states:

- (1) Every person entering or leaving the territory of Indonesia is required to undergo an inspection carried out by Immigration. Officers at immigration checkpoints;
- (2) Supervision as intended in paragraph 1 of the Article includes checking valid travel documents and/or personal identity documents;
- (3) In the case of doubt about the validity of a person's travel documents and/or identity, the Immigration Office has the authority to search the body and luggage and can continue the immigration inspection.

The mission and role of immigration are essentially universal, namely carrying out the movement of people entering or leaving the country's territory. This is based on immigration

policy, namely state policy determined by the government according to the provisions of the law according to existing laws and regulations.

#### IV. Conclusion

The Selective Policy for Indonesian Immigration that has been established is an open door policy (*opener politiek*) that is the *prima donna* for the entry of foreign citizens. During the colonial era, Indonesia's wealth of natural resources, namely plantation commodities which had a high selling value on the world market, made up Indonesia's territory. Based on this, it opens the door as wide as possible for foreigners, which provides benefits and those who do not. Indonesia's immigration functions will be applied to foreign nationals (WNA) who are concerned with leaving the sovereign territory of the State of Indonesia. Only foreigners who meet certain conditions will be allowed into each country. Indonesia's selective immigration policy towards foreign citizens is specifically stated in Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration.

The implementation of Selective Policy is seen as using a security and community welfare approach which is the chess function of immigration. In maintaining state security, the implementation of *selective policy* is reviewed based on the obligation for foreigners entering Indonesian territory to equip themselves with a health certificate from the official authority and

fill out a statement of willingness to follow all policies that have been implemented by immigration. Then, in the welfare of the nation, there are four functions of immigration, namely providing immigration services, law enforcement, state security, and facilitator of state development. If these four interrelated functions can be implemented well, community welfare will be realized by government targets.

Selective policy, especially in immigration, is fully directed at avoiding the possibility of fraud or irregularities against people, both Indonesian citizens and foreigners, who are not by statutory regulations. Selective Policy includes supervision of Indonesian citizens and foreigners who apply for travel documents, leaving or entering Indonesian territory. Selective Policy To carry out Immigration supervision of the activities of foreigners in Indonesian territory, the Minister forms a team whose members consist of relevant government bodies or agencies, both central and regional, and the Minister or appointed Immigration official acts as head of the team to supervise foreigners who wish to enter and out of Indonesia. In essence, the team was formed so that immigration in Indonesia would be more selective and more prepared to maintain the upholding of Indonesian sovereignty.

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