

Indonesia's Efforts as a Transit Country in Handling Irregular Migration through the Bali Process

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ABSTRACT

Migration, or the movement of people from their country of origin to another country, is not a new phenomenon in human life. Transnational crime occurs not only due to free trade factors and weak law enforcement but also due to the geographical conditions of the country itself. This research aims to analyse and determine Indonesia's efforts to handle irregular migration as an implementation of the Bali Process. This research uses a type of qualitative research that is descriptive analysis. The data collection techniques used in this research are secondary documents and internet-based techniques. The results of the research show that Indonesia's efforts to deal with irregular migration can be carried out with preventive and repressive efforts as stated in Article 89, paragraphs 1, 2, and 3. Cooperation between Indonesia and Australia to deal with irregular migration in the Bali Process has resulted in several equal partnerships in an MOU. Efforts to handle and protect irregular migration in the Bali process are carried out by taking into account the policies of each country with a comprehensive regional approach in accordance with the principles of Burden sharing and collective responsibility. Cooperation between Australia and Indonesia uses the basic assumptions contained in the theory of institutional liberalism put forward by Robert Keohane and Joseph Nye, in the form of: 1. Trust in Cooperation, 2. International regime, 3. Complex dependency, and 4. Interdependence.

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1. Introduction

Migration, or the movement of human beings from their home country to another country, is not a new phenomenon in human life. For centuries, long before the state was formed, humans have travelled in search of a better life elsewhere. Globalisation has increased the factors that encourage

immigrants to seek fortune abroad, which can give rise to positive and negative aspects in every country, both developed and developing countries (Akbar, 2017).

The conflicts that have taken place in several countries to date have caused a group of people living in the country to experience fear, worry and feel uncomfortable to be in the country. As a result of their discomfort, they have to seek refuge (asylum) and flee to certain countries to survive until the conflict that occurs in their country ends. The rise of conflicts that occur in Islamic countries, especially in the Middle East, Africa and South Asia, has made some people decide to leave or flee their countries in search of safety and decent life as well as protection in other countries (Azura & Munir, 2023).

The issue of international migration has become the main concern of the world community in recent years. This is due to the increase in immigrant flows due to ongoing socio-economic problems in the home countries of immigrants, which include high unemployment, poverty, hunger, and prolonged conflicts in the home countries. So, many residents move to other countries to find a more decent life. Indonesia is a strategic archipelagic country in the world crossing. This condition has long been a pulling factor for thousands of people from conflict countries to continue to enter Indonesian territory and make it a transit area before heading to Australia (Saragih & Pramita, 2020).

Transnational crime occurs not only due to the factor of free trade and weak law enforcement, but also the geographical situation of the country itself. Indonesia has become a country with the potential for transnational crimes in the practice of people *smuggling* in the world, which has increased in recent years. Indonesia is often used as a transit country by illegal immigrants, and Australia is a *destination country*. Australia has become a destination country for illegal immigrants because Australia ratified the Refugee Convention (Dhafasha et al., 2021).

Australia is one of the signatories to the 1951 Refugee Convention and the 1967 Protocol, which seeks to provide international protection for refugees or asylum seekers, and this strengthens asylum seekers to immigrate to Australia. Growing up in Australia's multiethnic community makes it easier for asylum seekers to adapt. In addition, there is a belief among asylum seekers that it is easier to obtain refugee status in Australia than in other countries and that they are trying to come to Australia in a variety of ways. A number of these asylum seekers tried to come directly to Australia using wooden boats illegally as boat people (Akbar, 2017).

The relationship between the Indonesian and Australian governments has been established for a long time in various aspects such as politics, economy, society, and culture. The initial contact between these two regions occurred through trade and maritime interactions during the colonial period. However, bilateral relations between the Government of Indonesia and Australia have experienced ups and downs due to disruption since the treatment of *Operation Sovereign Border* was held on September 18, 2013. The Indonesian government feels aggrieved and has repeatedly raised its objections to the policy of handling asylum seekers. This policy is considered to be more concerned with the interests of the Australian Government and ignores the national interests of the Government of Indonesia. The cooperation was implemented between the Governments of Indonesia and Australia in 2000, which was outlined in the form of a *Regional Cooperation Agreement*. However, in 2013, the Australian Prime Minister issued a *turn-back for the boat policy*, which resulted in the breakdown of cooperation in providing information related to human

smuggling between Indonesian law enforcement and the Australian Government (Kristin & Dewi, 2021).

The Government of Indonesia has an interest in maintaining the integrity of security in its territory and invites the Australian Government to cooperate in countering all existing security threats. Furthermore, the Australian Government also has the same interest in this. The Australian government sees bilateral relations with Indonesia, especially in the security and foreign policy sectors, as almost as important as the United States. Indonesia and Australia have a very sensitive, intense and unstable bilateral relationship. Repeated crises have tested bilateral relations between the two countries. The source of this instability is the problem of *illegal fishing, people smuggling*, and terrorism. From Australia's geopolitical perspective, Indonesia is a key partner in countering all regional threats (Ariani & Elistania, 2019). Terrorism, piracy, and smuggling networks must go through the northern route where the policy of the Government of Indonesia plays an important role for the Australian Government in filtering all forms of security threats.

The Australian government initiated the multilateral meeting of the Bali Process in 2002, which was attended by 45 members, including the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the United Nations Office of Drugs and Crime (UNODC). The countries are Bangladesh, Afghanistan, Malaysia, Maldives, Indonesia, Pakistan, New Zealand, Thailand, Australia and Sri Lanka. The meeting marks the Australian Government's seriousness in tackling the growing influx of illegal immigrants. As a continuation, in March 2011, the Regional Cooperation Framework (RCF) was approved, which binds members to carry out active activities to eradicate smuggling and trafficking in persons (illegal immigrants) and transnational crime (Sofyan, 2020).

The existence of *the Bali Process* as a form of regional cooperation in the Asia Pacific is highly expected to follow up on the issue of irregular migration. Initially, *the Bali Process* was formed with the aim of addressing problems in *people smuggling, trafficking in persons* and other forms of *transnational crime* in the Asia Pacific region. However, as time went by and seeing issues related to irregular migration which are currently growing, *the Bali Process* then added an agenda and focused on dealing with the problem of *irregular migration*. In 2010, in the *Bali Process*, UNHCR proposed the formation of *the Regional Cooperation Framework* with the aim of providing practical arrangements for responding to and effectively regulating refugees and *irregular migration* in the Asia Pacific region (Ismail & Burhanuddin, 2019). This cooperation framework assists member countries in developing responses and supporting in dealing with such movements.

Irregular migration mostly comes from conflict and relatively poor areas in the Middle East, South Asia, and Africa, seeking refuge in other countries. One of the countries that the refugees are heading to is Australia. The increase in the number of *irregular migrations*, such as human smuggling and human trafficking, has had a negative impact on Asia Pacific countries, especially for transit countries such as Indonesia. Indonesia's strategic geographical position as a link between the Central Asian and Middle Eastern regions with Australia in the movement of migration flows causes Indonesia to become a transit area that these immigrants widely travel.

Along with the entry of *irregular migration* followed by the entry of other issues such as infectious diseases, smuggling of goods, narcotics and humans, even related to terrorist groups. As

countries where transit and destinations for *irregular migration*, the Governments of Indonesia and Australia have made considerable efforts in the *Bali Process*. In addition to being the initiators of the establishment of the *Bali Process*, the Governments of Indonesia and Australia have also increased their commitment to *irregular migration* through *the Bali Process*, the two countries cooperate and are committed to solving the problem of smuggling and human trafficking.

The current immigration problem is not only dominated by one specific country, but because of its natural nature and immigration will involve every Indonesian country because of its distinctive geographical location. This is one of the main routes of human movement towards Australia, which has a higher level of welfare and more decent life opportunities. Although Indonesia has a policy in handling immigrants in determining the status of refugees, the Indonesian Government cannot determine it on its own because it does not have a legal framework and status determination. After all, Indonesia is not a party to the 1951 UN Convention on Refugee Status or the 1967 protocol. Thus, UNHCR is an organization that directly processes refugee status requests that have been in Indonesia.

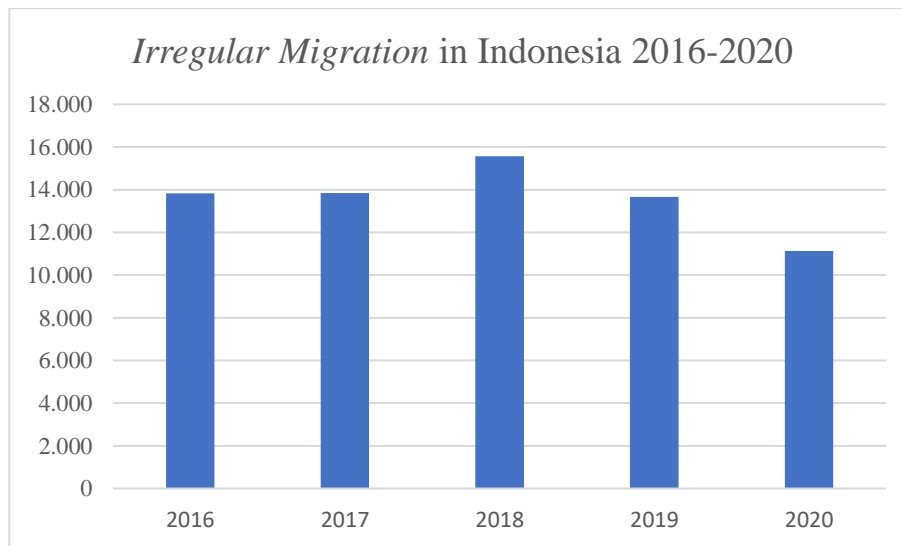


Figure 1 Phenomenon of Irregular Migration in Indonesia in 2016-2020

Source: Unhcr(2016-2020)

Based on the data reported by UNHCR in Figure 1.1 above, it can be known that the phenomenon of Irregular Migration entered Indonesia in 2016-2020, where in 2016, there were 13,829 people. Furthermore, in 2017, there were 13,840 people, as many as 15,562 people in 2018, as many as 13,657 people in 2019, and as many as 11,131 people in 2020 who entered Indonesian territory. Data shows that there are fluctuations in the number of irregular migrations entering the territory of Indonesia; most of the irregular migrations come from Afghanistan, Somalia, Myanmar, Iraq and Sudan. These countries are sequentially the 5 (five) largest countries with the largest number of Irregular Migration consisting of refugees and asylum seekers to Indonesia.

Cooperation between the Governments of Indonesia and Australia through the Bali Process and Indonesia's participation in the Working Group on Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, is an important step in addressing human trafficking. Through this collaboration, law enforcement training can be carried out to improve the ability of law enforcement officials to overcome human trafficking cases (Dewi et al., 2023). The prevention efforts carried out by the Ministry of Education and Culture aim to increase public awareness, increase understanding and provide knowledge and skills to them to protect themselves and others.

The uncontrolled situation of *irregular migrations*, the absence of a clear determination of refugee status, and the dangerous risks faced by immigrants by crossing the ocean using boats that threaten the lives of hundreds or even thousands of immigrants, especially in Indonesia, which is one of the countries most affected by irregular *migration* movements should certainly act as a proactive country in an effort to make the Bali Process cooperation effective. This was known at the Eighth *Bali Process* Ministerial Conference, the Ministers acknowledged regional and global developments that increase the risk of regional instability and the occurrence of irregular migration, including the ongoing impact of COVID-19, conflict, misuse of technology, human trafficking for online fraud, and natural and humanitarian disasters, including those related to climate. The Adelaide 2023 partnership strategy has been updated to revive the agile, relevant, and responsive Bali Process 20 years after its inception (The Bali Process, 2023).

As transit countries and destinations for irregular migration, the Governments of Indonesia and Australia have a considerable role in the *Bali Process*. In addition to being the initiators of the *Bali Process*, the Governments of Indonesia and Australia have also increased their commitment to *Irregular Migration*. Through *the Bali Process*, the two countries cooperate and are committed to solving the problem of smuggling and human trafficking. On March 15, 2012, the two countries held the *Indonesia-Australia Foreign and Defence Ministers Dialogue* in Canberra. In this meeting, it can be seen that the Governments of Indonesia and Australia have worked together through the *Bali Process* and will always prioritise the *Bali Process* approach to overcome *Irregular Migration*.

Research conducted by Sudirman et al. (2022) stated that the existence of this regulation could make the number of immigrants, asylum seekers and victims of *the practice of people smuggling* accumulate in Indonesian territory. Ismail & Burhanuddin (2019) revealed that the Government of Indonesia plays an active role as much as possible in implementing the Bali Process cooperation framework, where there are still challenges and obstacles faced. Research by Rafiki (2017) also shows that the cooperation between the Governments of Indonesia and Australia to overcome irregular migration within the framework of the Bali Process has resulted in several equal partnership cooperations in an MOU. Cooperation between countries of origin, transit and destinations to stop illegal migration, human smuggling, human trafficking and related transnational crimes.

This research is important to carry out in order to find out Indonesia's efforts in handling irregular migration. The researcher wants to conduct research more deeply related to the handling of irregular migration with the research title "Indonesia's Efforts as a Transit Country in Handling Irregular Migration Through the Bali Process."

2. Materials and Methods

The research method used is a qualitative research method used for the purpose of increasing understanding of phenomena, activities and social processes. This research focuses on a descriptive approach to analysis (Sugiyono, 2019). Therefore, this study will focus on describing the efforts of Indonesia as a transit country in handling *irregular migration* through *the Bali Process* to prevent negative impacts on Indonesia and other Asia Pacific countries. With qualitative research methods, the data produced will be in the form of words, images or objects and verbal data.

The type of research used is to use case studies which are types of research with the investigation of one or more 'examples' of something consisting of cases in a study. The case can be something related to before and after the implementation of *irregular migration* in the *Bali Process*, such as the temporary shelter policy for immigrants in Law Number 6 of 2011 Article 83 related to the detention of foreigners without permission to enter Indonesian territory, the Government of the Republic of Indonesia implements a selective policy and problems in people smuggling, trafficking in persons, and forms of *other transnational crimes* in the Asia Pacific region before and after the enactment of *irregular migration* through *the Bali Process*. In addition, case studies are very aptly used for "how" questions. There are six pieces of evidence in the case study, namely (1) documentation, (2) interviews, (3) archival recordings, (4) direct observation, (5) actor observation, and (6) physical devices. Here the researcher is allowed to select one, some or all of the sources of evidence (Yin R. K, 2009).

Data Collection Techniques

The data collection techniques used in this study are secondary document-based techniques and the internet. Secondary documents are documents obtained by people who were not present at the scene, but they received information by interviewing eyewitnesses or by reading primary data (Bailey, 1994). The use of the internet is to gather factual information about a topic or information on a particular event that seeks to support research. Through the internet, we can also access government websites to get quick access to official statements and transcripts of press interviews.

This data collection technique was chosen because of the limitations of researchers in conducting interviews and direct observations in the field. The data analysis method used is by triangulation of sources. Source triangulation is used to test the credibility of virgins by checking data obtained from several data sources that have been obtained which are then described and categorized as which views are the same, different and specific so as to produce a conclusion.

3. Result and Discussion

Indonesia's Efforts in Handling Irregular Migration as an Implementation of the Bali Process Policies in Indonesia in Dealing with Irregular Migration

Issues related to humanity are some of the most serious issues discussed, especially related to the problem of refugees and asylum seekers from conflict countries that are currently flooding and spreading to various countries in the world. *The United Nations Convention Relating to the Status of Refugees* 1951 reveals that a refugee is a person who cannot or will not return to his or her home

country due to fear of a situation that threatens the safety of life in issues such as race, religion, nationality, membership in social groups or political issues (Ismail & Burhanuddin, 2019).

The policy implemented by Indonesian immigrants is called a selective policy, meaning immigrants who are not threatening security are allowed to enter and visit the Republic of Indonesia. The Indonesian government has made efforts to prevent and solve problems related to international migration crimes. However, several policies have not been implemented, such as the role of immigration in the area of immigrant entry and exit and the control of the presence of immigrants in Indonesia. Immigrants are required to comply with the rules contained in the Selective Immigration guidelines and laws in Indonesia. This means that carrying out the immigration function has an important role in maintaining sovereignty and security in Indonesia (Rasji et al., 2024).

Based on the policy and for the protection of national interests, only foreigners provide benefits and are not threatened. Security and public order are allowed to enter and remain in Indonesian territory. In essence, this selective basis requires that only certain foreigners who can enter can be: (Abdillah et al., 2023)

1. Foreigners who have certain positive benefits who are allowed to enter and stay in Indonesia;
2. Foreigners who do not pose a dangerous effect and comply with the order are allowed to enter the country;
3. Foreigners must comply with the rules that apply in the country;
4. Foreigners who enter and are in the country must have their activities in accordance with their purpose.

One of the factors causing the increase in illegal immigrant cases in Indonesia every year is Indonesia's geographical condition as an archipelagic country, which has many small islands that are close to other countries. *Illegal migration* is defined as an attempt to enter an area without permission. Illegal immigrants can also mean that they stay in an area beyond the time limit for which a valid residence permit is valid or violated or do not meet the requirements to enter an area legally. There are three basic forms of illegal immigrants, which are as follows: (Junef, 2020)

1. Crossing the border illegally.
2. Crossing a border in a way that is ostensibly official (in an official way), using a forged document or using an official document belonging to a person to whom it is not his/her right or by using a remit document for an illegal purpose.
3. Stay after the expiration of official status as an official immigrant.

According to Law Number 6 of 2011 concerning immigration, the Explanation of Article 98 paragraphs 1 and 2, where the Deterrence Authority is a manifestation of the implementation of state sovereignty to maintain security and public order, which is carried out based on immigration reasons. The official authorised in this provision is the head of a government agency. Immigration efforts against law enforcement against immigration crimes are as follows: (Hendrawan et al., 2022)

1. Immigration Supervision: Immigration supervision is not only when entering and exiting Indonesian territory but also while in the territory of the Republic of Indonesia, including its activities. Supervision is an activity that determines what is being done, namely the

implementation and needs to take action for its implementation. In supervision as an administrative act of immigration against foreigners, law and human rights are given special powers that no other body has. Article 69 of Immigration Law Number 6 of 2011 states that in order to carry out Immigration supervision of foreigners' activities in the Indonesian Territory, the Minister establishes a foreigner supervision team whose members consist of relevant government agencies or agencies, both at the central and regional levels.

2. Immigration Measures: This immigration action is carried out to enforce immigration supervision of foreigners in the territory of the Republic of Indonesia who carry out activities that are contrary to applicable laws and regulations. Article 75, paragraphs 1 and 2 in Law Number 6 of 2011 concerning immigration, Immigration Officials are authorised to take immigration administrative action against foreigners in Indonesian territory who carry out dangerous activities and should be suspected of endangering security and public order or disrespecting or disobeying laws and regulations which may include: (Hendrawan et al., 2022)
 - a. Immigration administrative actions, as referred to in paragraph 1, in the form of:
 - 1) List of precautions;
 - 2) Application, modification or residence permit;
 - 3) Not allowed to be anywhere in Indonesian Territory;
 - 4) The need to live in certain regions of the Indonesian Territory;
 - 5) Charging for drinks;
 - 6) Removal from Indonesia
 - b. Immigration administrative actions in the form of deportation can also be carried out against foreigners who are in Indonesian territory because they are trying to avoid threats and the execution of punishment in the country.
3. Immigration Quarantine; Immigration quarantine was replaced with Immigration Detention Houses based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.05IL.02.01 of 2006 concerning Immigration Detention Houses. Article 83, paragraphs 1 and 2 in Law number 6 of 2011 concerning Immigration is that the Immigration Officer is authorised to place a foreigner in an immigration detention house or immigration detention room if the foreigner, including:
 - a. Being in Indonesian territory without having a valid residence permit or having an invalid residence permit.
 - b. Being in Indonesian territory without having a valid travel document
 - c. Subject to immigration administrative action in the form of cancellation of residence permits for committing acts that are contrary to laws and regulations or disturbing security and public order.
 - d. Waiting for the implementation of Deportation.
 - e. Waiting for departure out of Indonesian territory because they were refused an entry card.

According to the researcher, Indonesia's policy in dealing with irregular migration is very important because Indonesia is the host and one of the initiators in the Bali process. Indonesia has a great responsibility in addressing regional issues related to human smuggling, human trafficking, and illegal migration. Thus, Indonesia not only strengthens its own security but also contributes to regional stability and security.

Preventive and Repressive Efforts in Handling Irregular Migration Cases in Indonesia

Illegal immigrants are exploitative, which is an elaboration between the willingness of victims to be smuggled juxtaposed with syndicates who want to make profits with this desire. In addition, criminal acts can occur because there are asylum seekers who do not have access to legal channels to avoid prosecution and seek asylum abroad. The crime of human trafficking and cross-border human smuggling is closely related to the traffic of people either as perpetrators or victims. The basic concept is the transfer of humans from one place to another for profit. The handling of victims of human trafficking and human smuggling is a preventive and repressive effort in order to prevent the occurrence of human trafficking and human smuggling crimes (Bondi et al., 2023).

Law Number 6 of 2011 concerning Immigration regulates preventive and repressive efforts in handling cases of *Irregular Migration* in Indonesia, which are listed in Article 89, paragraphs 1, 2 and 3; (Sumolang, 2020)

1. The Minister or Immigration Officer who is appointed to carry out preventive and repressive efforts in order to prevent the occurrence of human trafficking and human smuggling.
2. Preventive efforts as intended in paragraph (1) shall be carried out by:
 - a. Exchange of information with other countries and related agencies in the country, including modus operandi, supervision and security of Travel Documents, as well as the legitimacy and validity of documents.
 - b. Technical cooperation and training with other countries include humane treatment of victims, security and quality of travel documents, detection of fake documents, exchange of information, as well as monitoring and detection of human smuggling by conventional and non-conventional means.
 - c. Provide legal counselling to the public that human trafficking and human smuggling are criminal offences so that people do not become victims.
 - d. Guarantee that the issued travel or identity documents are of good quality so that they are not easily misused, forged, altered, imitated, or illegally issued.
 - e. Ensure the integrity and security of travel documents issued or issued by or on behalf of the country to prevent the unlawful creation of such documents in terms of their issuance and use.
4. Repressive efforts, as referred to in paragraph 1, are carried out by:
 - a. Immigration Investigation of Perpetrators of Human Trafficking and Human Smuggling.
 - b. Immigration administrative actions of perpetrators of criminal acts against human trafficking and human smuggling.
 - c. Cooperation in the field of investigation with other law enforcement agencies.

Furthermore, the criminal provisions of Article 120 and Article 126, Letter B of the Immigration Law have a cumulative nature, which means that the punishment given to a person (perpetrator) is double the violation that has been committed, such as criminal punishment, fines and imprisonment. This cumulative punishment occurs when one person commits two or more criminal acts at the same time. Criminal sanctions related to cases of illegal immigrants in the field of immigration according to the criminal provisions regulated in Law Number 6 of 2011 are as follows: (Alfarizi & Syahada, 2019)

1. Article 120 contains sanctions: Human Smuggling Cases are subject to imprisonment for a minimum of 5 (five) years, a maximum of 15 (fifteen) years, and a fine of at least Rp.500,000,000.00 (five hundred million rupiahs), and a maximum of Rp.1,500,000,000.00 (one billion five hundred million rupiahs).

2. Article 126 letter b contains sanctions: Using the Travel Document of the Republic of Indonesia of another person or who has been revoked or declared void to enter or exit Indonesian territory without rights shall be sentenced to a maximum of 5 (five) years in prison and a maximum fine of Rp.500,000,000.00 (five hundred million rupiah).
3. Article 130 contains sanctions: Any person who deliberately and unlawfully possesses a Travel Document or other Immigration Document belonging to another person shall be sentenced to imprisonment for a maximum of 2 (two) years and a maximum fine of Rp.200,000,000.00 (two hundred million rupiahs).

According to researchers, preventive and repressive efforts in handling migration cases in Indonesia are very important to be overcome effectively. Preventive efforts include counselling and educating the public about the dangers and consequences of illegal migration, as well as increased cooperation with countries of origin and destinations of migrants to address the root causes of irregular migration. In addition, the government has also strengthened surveillance at the country's borders and entrances to prevent the entry of illegal migrants. On the other hand, repressive efforts are carried out with strict law enforcement against smuggling and human trafficking perpetrators, as well as sanctions for those involved. This combination of preventive and repressive measures is expected to reduce cases of irregular migration and protect the rights of migrants.

Bali Process as a Form of International Cooperation in Handling Irregular Migration Cases in Indonesia

Every country has the right to its territory. The rights owned by this state are full sovereignty for the state, which ultimately gives birth to the arrangement that the state has the right to refuse foreign parties to enter its territory. The state also has the right to provide conditions for foreigners to enter its sovereign territory. This sovereignty is necessary to maintain the security of a country as well as the social stability and order of the country. All of these rights are then enshrined in an immigration regulation. If the immigrant does not meet the requirements and processes in carrying out immigration, then this condition is considered illegal immigration or illegal immigration. In Indonesia, this regulation is outlined in the immigration law (Manurung & Ridollah, 2021).

In Indonesia, regulations regarding immigration are regulated in Law No. 6 of 2011 concerning Immigration, Law No. 12 concerning citizenship, Law No. 5 of 2009, Law No. 14 of 2009, and Law No. 15, which refers to the ratification of international protocols related to the handling of immigrants. The implementation of immigrant handling is a step that requires the cooperation of various parties to ensure that the process runs properly and fulfils human rights without disturbing the country's sovereignty.

The Bali Process is a regional cooperation forum formed with the aim of increasing cooperation and increasing regional awareness of the problem of human smuggling and transnational crime. *The Bali Process* is a forum for policy dialogue, information exchange and practical cooperation to help the region in facing these challenges. *The Bali Process's* strategy for working together, including in organising and implementing future programs, is directed by the ministers. *The Bali Process*, chaired by Indonesia and Australia, has more than 48 members, including the *United Nations High Commissioner for Refugees* (UNHCR), the *International Organization for Migration* (IOM), and the *United Nations Office of Drugs and Crimes* (UNODC), as well as other observer countries and international agencies (Ismail & Burhanuddin, 2019).

Bali Process has its head office, The *Regional Support Office* (RSO). The RSO was established to support and strengthen cooperation and to protect migrants and international migrants, including victims of human trafficking and smuggling. Cooperation in *the Bali Process* aims to achieve several important goals in the context of irregular migration and human trafficking in the region. The main objectives of *the Bali Process* in this international cooperation include: (Dewi et al., 2023)

1. Exchange of Information encourages the exchange of information between member states on irregular migration, including smuggling and trafficking of persons. This exchange of information aims to enhance a shared understanding of trends, patterns, and practices related to illegal migration and human trafficking.
2. Law Enforcement Cooperation, increasing cooperation in law enforcement to tackle human smuggling and human trafficking. This includes collaboration in the investigation, arrest, and prosecution of perpetrators of crimes, as well as the repatriation of victims to their countries of origin.
3. Border and Visa System Cooperation, increasing cooperation in the development of effective border and visa systems to detect and prevent irregular human movement. This includes cooperation in the use of technology and border policies aimed at reducing the risk of illegal migration and human trafficking.
4. Public Awareness Enhancement, rallying support and raising public awareness about crimes related to irregular migration, such as human smuggling and human trafficking. This is through information and education campaigns to increase understanding of the risks and negative impacts of illegal migration and human trafficking.
5. The drafting of the National Law encourages member states to adopt national laws that criminalize smuggling and human trafficking. This move aims to strengthen the legal framework for dealing with this crime at the national level.
6. Victim Protection, increasing the protection of victims of human trafficking, especially women and children. This involves efforts to provide shelter, rehabilitation services, and psychosocial support for victims, as well as improve their access to the justice system.
7. Root-cause treatment discusses and addresses the root causes of irregular migration, such as political instability, poverty, conflict, and human rights violations. It involves cooperation in prevention and recovery efforts, including through development programs and partnerships, to create better economic and social opportunities for communities.
8. Asylum Management: providing assistance and support to member states in managing asylum in accordance with the principles of the Refugee Convention. This includes cooperation in capacity building, information exchange, and the fulfilment of asylum seekers rights.

Cooperation between Indonesia and Australia to tackle irregular migration in the Bali Process has resulted in several equal partnership cooperation in an MOU. As agreed at the Bali Procces meeting in 2002, cooperation between countries of origin, transit and the goal of stopping illegal migration, the issues of human smuggling, human trafficking and related transnational crimes have been discussed together. These efforts were strengthened in the Lombok Agreement in 2006, including with the cooperation of naval patrols, especially between Indonesia and Australia. In

2012, the two countries again made an agreement to increase joint patrols in waters that are traffic for irregular migrants (Rafiki, 2017).

According to Australian authorities, the decision will also reduce the intake of Australian refugees and asylum seekers from Indonesia registered with UNHCR before July 1 with a more limited number of places. Previously, Indonesia and Australia have collaborated in handling asylum seekers within the framework of *the Bali Process*, which includes cooperation in handling illegal immigrants and asylum seekers. Indonesia views and responds to the refugee issue as a universal human rights issue. As an active member of the United Nations (UN), Indonesia has the responsibility to uphold and uphold human rights, not only for Indonesian citizens but also for the world community as the embodiment of the Indonesian nation's goals, as stated in paragraph 4 of the preamble to the 1945 Constitution (Akase et al., 2023).

Based on data reported by UNHCR related to the problem of *irregular migration*, Indonesia found that in 2016, there were 13,829 people; in 2017, there were 13,840 people; in 2018 there were 15,562 people in 2018; and as many as 13,657 people in 2019, and as many as 11,131 people in 2020 entered Indonesian territory. This has resulted in Indonesia continuing to make every effort to stem this *irregular migration* problem. One of them is collaborating with Australia. There are factors that cause cases of *irregular migration*, such as Indonesia's strategic geographical location and being a country with a wider sea area, high poverty rates, lack of knowledge of Indonesian citizens related to human trafficking and human smuggling crimes, and lack of a legal umbrella that regulates human trafficking and smuggling in Indonesia. This cooperation at least provides advantages for Indonesia in handling *irregular migration* cases to get assistance from foreign countries. The cooperation between Indonesia and Australia actually had a significant impact, which then made human trafficking cases in Indonesia vulnerable in 2016-2019, decreasing every year.

Efforts to handle and protect *irregular migration* in the *Bali process* are carried out by paying attention to the policies of each country with a comprehensive regional approach in accordance with the principles of *Burden sharing and collective responsibility*. In addition to using these principles, this forum also emphasizes state cooperation with international organizations, the business/private sector, and civil society in handling the issue of *irregular migration*. The principle of *burden sharing* means that the member countries of the *Bali Process forum* cannot throw the burden on other countries because the burden obtained by the members of the *Bali Process* is equal. Meanwhile, *collective responsibility* means shared responsibility between the country of origin, transit and destination of irregular migrants. *The Bali Process*, in this case, emphasizes that the state must cooperate with international organizations, the business/private sector, and the role of civil society, which has an important role in handling *irregular migration* because they are better able to monitor when such cases occur (Aplugi et al., 2023).

The Lombok Treaty is a basic reference for the two countries in establishing various security cooperation covering many fields, such as defence cooperation, law enforcement, counter-terrorism, maritime security, and emergency response (Marini, 2018). In analyzing the cooperation between Australia and Indonesia, it can be seen using the basic assumptions contained in the theory of institutional liberalism put forward by Robert Keohane and Joseph Nye, which are as follows:

1. Trust in Cooperation; Australia and Indonesia's cooperation through the *Bali Process* shows their belief that working together is better than acting alone in handling *the problem of*

irregular migration. Both countries believe that through regional cooperation, better results can be achieved in addressing this complex challenge.

2. International Regime; *The Bali Process* as a regional forum is an example of an international regime that regulates cooperation between countries in handling irregular migration. Australia and Indonesia, as active members of this forum, follow the rules and norms set by the *Bali Process* to achieve common goals in addressing this issue.
3. Complex Dependency; Australia's and Indonesia's dependence on each other in terms of regional security and economic stability has prompted the two to work together through the *Bali Process* to address the problem of irregular migration. Both recognize that the stability of one country can affect the stability of another and that regional cooperation is necessary to achieve common goals.
4. Interdependence; Cooperation between Australia and Indonesia through the *Bali Process* also reflects the understanding that the actions of one country can have an impact on other countries on the issue. Therefore, both strive to achieve a mutually beneficial solution through good cooperation in this forum.

One of the efforts to overcome human smuggling is to prevent it by strengthening information programs to increase public awareness of human smuggling crimes. To overcome the problem of smuggling people, various efforts and cooperation are needed by the authorities by involving community participation. The form of cooperation of law enforcement officials by arresting smugglers can at least reduce the crime rate for now, but it is possible that this transnational crime, if not handled immediately, can become a flow of movement and displacement that can be used by any party, especially countries that have political interests with Indonesia. Efforts to combat human smuggling in Indonesia involve various steps taken by the government, law enforcement agencies, and non-governmental organizations. The efforts to overcome people smuggling carried out in Indonesia are as follows: (Junef, 2020)

1. Through border controls aimed at limiting the movement of illegal immigrants and smugglers.
2. Through deportation and the ratification of policies in Indonesia in its implementation, deportation cannot be carried out if there is no refugee status granted by UNHCR, so a policy endorsement from the government regarding the status of these immigrants is needed.
3. Through inspections and reviews of work sites, conducting raids and strict sanctions against human smuggling agents.

The Bali Process, as a form of international cooperation in handling irregular migration cases in Indonesia, can be associated with the theory of constitutional liberalism, which emphasizes the importance of the rule of law, democracy and human rights in international relations. As a regional forum that brings together countries to discuss and cooperate in addressing the problem of irregular migration, *the Bali Process* reflects the principles of constitutional liberalism by championing the protection of migrant rights and joint efforts to achieve a just and sustainable solution. Through the *Bali Process*, Indonesia as the host country and an active member of the forum, plays a role in promoting the values of constitutional liberalism by supporting the establishment of international legal rules that regulate the protection of migrants, increasing transparency in the migration process and increasing international cooperation in handling

irregular migration cases involving Indonesia as a transit country. Thus, *the Bali Process* can be seen as a concrete manifestation of the principles of constitutional liberalism in an effort to create a more just and humane international system in dealing with migration issues.

From the explanation above, the researcher concludes that the Bali Process is a very important form of international cooperation in handling cases of irregular migration in Indonesia because, through this forum, Indonesia and other countries can share information, experiences, and strategies to overcome this problem comprehensively. Through the Bali Process, member states are working together to strengthen border surveillance systems, increase law enforcement capacity, and improve protection mechanisms for migrants. This cooperation also includes the formulation of more effective joint policies and harmonization of rules that can minimize loopholes for illegal migration. With the Bali Process, Indonesia is not only able to deal with the problem of irregular migration more effectively but also strengthens its position in international cooperation in the Asia-Pacific region.

Obstacles and Challenges in Handling Irregular Migration Cases in Indonesia

Indonesia is not a country that has ratified the convention and protocol; Indonesia remains committed to providing protection to refugees and asylum seekers as reflected in international provisions in general until the issuance of Presidential Regulation No. 125 of 2016, which made Indonesia have guidelines for handling refugees and asylum seekers. This can be considered that the Indonesian government's policy is supportive of the success of the policy carried out by Australia. In this case, Australia's efforts to carry out *burden shifting* to Indonesia can avoid violations of international obligations such as the Refugee Convention. On the other hand, Indonesia's status as not ratifying the 1951 Refugee Convention and the 1967 Protocol causes Indonesia to have no authority to provide refugee status claims or called *Refugee Status Determination (RSD)* (Iki et al., 2024). The inhibiting factors in efforts to overcome irregular migration in Indonesia are as follows: (Rafiki, 2017)

1. Australia's attitude is outlined in its foreign policy towards *irregular migration* which rejects the entry of refugees into its country. Australia's *securitization of migration* makes it more difficult for asylum seekers who want to reach their destination country. As a consequence, they use the services of human smuggling networks so that transnational crime is growing. Some irresponsible parties will take advantage of the refugees' situation and try to smuggle them into Australian territory. Australia's policies towards asylum seekers have further complicated efforts to cooperate in tackling *irregular migration*, which is the goal of the *Bali Process*. Australia's stance tends to impose unilateral policies that are not always in line with multilateral efforts.
2. The case of wiretapping carried out by Australia against Indonesian officials and interests. The issue of immigrants is often a hindrance in the relationship between Indonesia and Australia. Various events have disrupted bilateral relations between the two countries and made it increasingly difficult to continue to cooperate to overcome *irregular migration*. Mistrust between the two countries hampers coordination and joint efforts to address the problem of illegal migration.

3. The growing conflict in the Middle East. The growing conflict in the Middle East and South Asia has led to an increase in the number of refugees and migrants trying to seek refuge in other countries, including Indonesia. Indonesia faces major challenges in dealing with the increasing number of refugees. Limited resources and infrastructure to manage refugees are significant obstacles. As long as the conflicts in the Middle East and South Asia are not resolved, migration flows will not decrease. Efforts to combat irregular migration will always face major challenges as long as the situation in the countries of origin of migrants is unstable. So, in this case, there are several challenges in handling irregular migration cases in Indonesia, which are as follows:

1. Limited resources; Indonesia has limited human, financial, and technical resources for managing and monitoring the movement of illegal migrants. This makes it difficult for the government to identify and handle cases of irregular migration effectively.
2. Regulatory Complexity; Complex and multi-layered regulations related to migration in Indonesia often confuse and complicate the process of handling irregular migration cases. Coordination between government agencies and a poor understanding of regulations can be obstacles.
3. High demand for foreign workers; Indonesia's high demand for foreign workers can encourage the emergence of illegal migration practices. Efforts to overcome this must be in accordance with the workforce's needs and applicable regulations.
4. Uncertainty of legal status; Migrants who enter illegally often face uncertainty of legal status, which can leave them vulnerable to exploitation, abuse, and violence.
5. Regional and International Cooperation; Given that migration is a cross-border issue, strong regional and international cooperation is urgently needed. Challenges related to coordination between countries in handling cases of illegal migration are also an important factor in handling irregular migration cases in Indonesia.

In handling Irregular Migration cases, Indonesia faces various obstacles and complex challenges. One of the main obstacles in handling irregular migration cases is the limitation of resources, both in terms of budget and manpower, which makes surveillance at the border and law enforcement less than optimal. Another challenge is the high level of corruption which can disrupt the law enforcement process and facilitate the passage of illegal migration. In addition, Indonesia also has to deal with smuggling syndicates that are increasingly sophisticated and organized. The lack of cooperation between countries in sharing information and experiences is also an obstacle, coupled with the difficulty of identifying and assisting victims of human trafficking. All of these obstacles and challenges require a coordinated and comprehensive approach to be addressed effectively.

4. Conclusion

Indonesia plays an important role in tackling illegal migration and transnational crimes such as smuggling and human trafficking in the Asia-Pacific region through the Bali Process. Although Indonesia has not ratified the 1951 Refugee Convention, it still provides protection to refugees and asylum seekers based on humanitarian principles. Selective immigration policies are implemented to ensure security and regulatory compliance. Geographical factors and high poverty rates contribute to the increase in cases of illegal migration. Law enforcement efforts, such as

surveillance, immigration measures, and immigration quarantines, are part of Indonesia's strategy to address this issue. Preventive and repressive are the main approaches: community counseling, increased international cooperation, border control, and law enforcement against traffickers and human smuggling. Through the Bali Process, Indonesia is working with other countries to share information and strategies, improve border surveillance, law enforcement capacity, and protection for migrants. This cooperation strengthens Indonesia's position in tackling illegal migration and supporting regional stability. However, Indonesia faces obstacles such as limited resources, high levels of corruption, sophisticated smuggling syndicates, and a lack of international cooperation in information sharing. To address this, a coordinated and comprehensive approach is needed.

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