

Makassar City Government Intensity in Supervision and Regulation of Foreign Residents as a Form of Safeguarding the Sovereignty of the Indonesian Nation

Ashar Prawitno¹, A. Rinaldy Jaharuddin¹

¹ Faculty of Social and Political Science, Hasanuddin University, Indonesia. E-mail: asharpawitno@gmail.com

¹ Faculty of Social and Political Science, Hasanuddin University, Indonesia. E-mail: achmadrinaldy8@gmail.com

Abstract: Makassar is now one of the most attractive cities for foreigners to visit; this then needs to be taken seriously by the authorities and those who have the power to carry out the supervisory function of these foreigners because the data revealed that in 2018 13 foreigners are detected as committing violations until they enter the realm of immigration crime, indirectly this will be a threat to the sovereignty of the Unitary State of the Republic of Indonesia. Proposed research The implementation of supervision of foreigners and foreign community organisations are aimed at maintaining the upholding of the Sovereignty of the Unitary State of the Republic of Indonesia. Achieving these monitoring objectives requires an optimal role from the city government, which must also involve other elements such as relevant government agencies and the community—bearing in mind also that supervision is one of the roles of the government related to its administrative functions.

The research uses a descriptive analysis approach, which will seek or describe the intensity of supervision and regulation of the Makassar City Government for foreigners in maintaining the nation's sovereignty. The type of research applied is research with a writing method with a normative juridical approach (normative legal analysis), which refers to legal norms contained in legislation that uses a normative footing.

The results of the study show the following: (a) Makassar City Government's intensity in Supervision and Regulation of Foreign Residents as a form of safeguarding National Sovereignty is carried out through the Makassar City National and Political Unity Agency by forming a Foreigner Supervision Team (POA) to carry out its supervisory role in the form of monitoring of the presence of foreigners in Makassar. Kesbangpol also involves the Regional Intelligence Community, abbreviated as Kominda, to facilitate the monitoring of foreigners in Makassar City. (b) The process of carrying out verification is the main task of the immigration authorities to carry out data collection. Data on foreigners from the immigration department is then coordinated with the Makassar City Government in a meeting of the Foreigner Supervision Team (POA).

Keywords: Intensity, Surveillance, Foreign Residents, City Government

Introduction

The interaction of the world community that continues to develop has an impact on the movement and mobilisation of foreigners and the birth of foreign community organisations in Indonesia. The existence of foreigners and foreign community organisations in Indonesia today is undeniable in the social life of the Indonesian people. This is influenced by various aspects ranging from the potential of Indonesia's natural resources to the stability of domestic and foreign political relations. (*Undang - Undang Dasar 1945 Pasal 1 Ayat 3, 1945*) reads, "The State of Indonesia is a state of law." The article emphasises that the law is used as a tool that becomes the rules of the game in the life of the nation and state in Indonesia. Therefore all actions of the government and society are subject to the conditions of the principle of legality, including in terms of supervision of foreigners and foreign community organisations. According to (Sunarno, 2014), The 1945 Constitution then further explains that as a state of law, foreigners who will enter and settle in Indonesia and in carrying out all their activities, both personal and group activities, have been explicitly regulated in various laws and regulations such as Law No. of 2011 concerning Immigration, (Affairs, 2010a)

concerning Guidelines for Supervision of Foreigners and Foreign Community Organisations and (Affairs, 2010b) concerning Guidelines for Supervision of Foreign Workers in the Region. All matters relating to foreigners and foreign community organisations are regulated in the law to provide legal certainty that is in line with the respect, protection and promotion of human rights.

Geographically, historically and culturally, Makassar is one of the cities in Indonesia that has the appeal as a destination city for foreigners, whether they want to vacation, work, get an education, or even immigrants seeking asylum. The birth of a policy to simplify immigration procedures and make it easier for foreigners to enter Indonesian territory, including Makassar City, increased by foreigners entering and leaving the Makassar area. One government policy that supports this is the issuance of (*Presidential Regulations No 21, 2016*), which provides tourist-visit visa-free facilities to 169 countries. Makassar has, become one of the most attractive cities for foreigners to enter; this then needs to be taken seriously by the authorities and those who have the power to carry out the supervisory function of these foreigners because the data revealed that in 2018 13 foreigners were detected as committing violations until they enter the realm of immigration crime, indirectly this will be a threat to the sovereignty of the Unitary State of the Republic of Indonesia.

Table 1.1

Immigration Crime Investigation Data (Projustisia)

Makassar Class I Immigration Office 2018

No	Full Name	Origin Country
1	Ashok Kumar	India
2	Md. Sabuz	Bangladesh
3	Prem Kumar	India
4	Kiran Pal	India
5	Mominur Rahman	Bangladesh
6	Mahmudul Alam Sumit	Bangladesh
7	Md. Atikur Rahman	Bangladesh
8	Md. Golam Rasul Hero	Bangladesh
9	Md. Sagor	Bangladesh
10	Md. Sharif Mia	Bangladesh
11	Surinder Singh	India
12	Kanvaljeet Singh	India
13	Dilpreet Singh	India

Source: Makassar Class I Immigration Office 2020

Through a selective policy that upholds the value of human rights, it is regulated that the entry of foreigners into the Indonesian Territory and foreigners who obtain a Stay Permit in the Indonesian Territory must be by the intent and purpose of being in Indonesia. Based on the said policy and in the context of protecting the national interest, only foreigners who provide benefits and do not endanger security and public order are allowed to enter and be in the Indonesian Territory. The Mayor of Makassar 2015 has signed a Memorandum of Understanding (MoU) with one of the intergovernmental institutions handling matters in the migration field, namely the International Organisation for Migration (IOM). The memorandum of understanding includes, among others, the coordination between the Makassar City Government and the International Organisation for Migration in dealing with the problems of immigrants and asylum seekers. It is hoped that all municipal administrative work units related to services can assist IOM in future work to promote humane and orderly migration for the common good.

The signing of the Makassar City Government's MoU with IOM is a tangible form of the presence of foreign organisations in Makassar City. Several foreign organisations have been present in Makassar and need to get supervision from the authorities, in this case, the Makassar City Government. Moreover, (*Law Number 17 Social Organisations, 2013*) concerning Social Organisations, followed up with Government Regulation No. 58 of 2016, further strengthened the legality of foreign community organisations established to operate in Makassar City. The attention of the Makassar City Government is not only on personal issues but also on all aspects of the activities of foreigners in Indonesia, including in terms of gathering and establishing foreign organisations, both government and non-government labels, whose formation is with or without bilateral, regional or multilateral agreements. This is important not because, without cause, the rise of international crimes such as drug transactions between countries, human trafficking and the spread of radical ideas can arise from foreign personal or group activities.

It is understood that the increase in the entry and exit of foreigners and the establishment of foreign community organisations, both government and non-government in Makassar, can be a positive value because they will become facilitators of community welfare development and support the ongoing modernisation of people's lives in Makassar City. One of the concrete forms is that foreigners and foreign community organisations in the Makassar area will, of course, also impact foreign investment, whose estuary can improve the Makassar economy and increase foreign exchange for the country. Regulation of the Minister of Home Affairs Number 49 of 2010 concerning Guidelines for Supervision of Foreigners and Foreign Community Organisations in the Regions in points of consideration of letters (a) and (b) explains:

Whereas in the context of ensuring security, political stability, unity and integrity, as well as vigilance against all negative impacts arising from the presence of foreigners and foreign community organisations in the territory of Indonesia, it is deemed necessary to carry out directed, coordinated, and sustainable supervision;

That the supervision of foreigners and foreign community organisations is the duty and responsibility of the regional government.

Proposed research on the implementation of supervision of foreigners and foreign community organisations aimed at maintaining the upholding of the Sovereignty of the Unitary State of the Republic of Indonesia. Achieving these monitoring objectives requires an optimal role from the city government, which must also involve other elements such as relevant government agencies and the community.— bearing in mind also that supervision is one of the roles of the government related to its administrative functions.

On the Road Map, Hasanuddin University's flagship policy places the issue of National Integration which is the primary basis for submitting research proposals in 2020. This is urgent because it relates to the geographical location of Makassar's condition as the gateway to Eastern Indonesia, which has a very strategic position. It is not only a destination for people and goods but also a transit point, so strict supervision is required.

Method

This research uses descriptive analysis, which describes the intensity of the City Government in the Supervision and Regulation of Foreign Residents in the Context of Maintaining National Sovereignty in Makassar City. The type of research applied is to use research with a writing method with a normative juridical approach (normative legal analysis), namely analysis that refers to legal norms contained in laws and regulations that apply as a normative footing that starts from a general premise, and then ends at a particular conclusion. It is meant to discover new truths.

This research was conducted in Makassar City. The choice of Makassar City is inseparable from the number of foreigners who live in Indonesia, which is 1,999 people (Tribunnews.com). In the last five years, the number of illegal immigrants accommodated in this city has reached 3,000 people, making the shelters overcrowded. While other areas only numbered 200 to 1,000 people. One of the Makassar City Government Apparatus in handling foreign residents also expressed this, saying that Makassar was the favourite of these illegal migrants because Makassar was considered safer and calmer.

Informants in the study are informants who are considered relevant in providing information, such as Kesbangpol Makassar City, Makassar City Immigration Office, Makassar City Manpower Office, Makassar City Tourism Office, Foreign Residents in Makassar City, and community leaders.

The Process of Monitoring Foreigners in Makassar City

The monitoring of foreigners aims to create a safe and conducive Makassar City, where from the monitoring of foreigners, it is expected to find out how far the activities of foreigners are by the permits issued or not. According to paragraph (3) (*Pasal 4 Nomor 49 Permendagri*, 2010), monitoring within the regency or city scope is left to the region's National and Political Unity Agency. Of the 952 foreigners registered to have immigration documents in Makassar City, 113 foreigners fall into the category of responsibility of the Makassar City Government according to the scope of monitoring.

Table 1.2 Data of Foreigners Entering the Scope of Monitoring Makassar City Government in 2019

No	Scope	Amount
1	Diplomats / Foreign VIP Guests	50
2	Experts / Experts / Academics / Foreign Consultants	45
3	Journalists And Foreign Film Shooting	0
4	Foreign Researcher	6
5	Foreign Artist	2
6	Foreign Clergy	10
Total		113

Source: Tertiary Data 2021

The Makassar City Government, through the Makassar City National Unity and Political Agency, formed a Foreigner Monitoring Team (POA) to carry out its supervisory role by monitoring the presence of foreigners in Makassar. The POA team is divided into two: the internal team (consisting of people from the internal Kesbangpol Makassar City) and an external team comprised of government institutions or agencies with tasks related to all activities of foreigners in Makassar City. The formation of the POA Team was approved by the Decree of the Mayor of Makassar Number 220.05/562/Kep/II/2014, dated 17 February 2014.

In its supervision, Kesbangpol also involves the Regional Intelligence Community, abbreviated as Kominda, to facilitate the monitoring of foreigners in Makassar City. Kominda's involvement is to seek information about the whereabouts and activities of foreigners. Kominda's work processes which are neither factual nor confidential, are of added value in gathering the information required to carry out monitoring tasks. Kominda's participation can also anticipate various threats due to foreigners.

1. Document Verification Based on Foreigner Activities in Makassar City

One form of monitoring carried out on foreigners is by verifying documents. This activity is carried out by examining the completeness and validity of the paper. This is important to find out foreigners' intentions and goals in Makassar. For document verification related to immigration documents. Implementing this verification is the main task of the immigration authorities because all foreigners who enter Makassar City must be registered at the Makassar Class I Immigration Office. Data on foreigners from immigration will then be coordinated with the Makassar City Government in a meeting of the Foreigner Oversight Team (POA).

Table 1.3

List of Foreign Workers by Country of Origin Working in

Companies within the Makassar City Manpower Service Area in 2018

No	Full Name	Origin Country
(1)	(2)	(3)
1	China	17
2	Japan	9
3	Turkey	1
4	Philippine	11
5	Malaysia	8
6	Netherlands	4
7	Korea	7
8	United States	6
9	German	3
10	Taiwan	3
11	United Kingdom	3
12	Singapore	3
13	South Korea	9
14	Canada	2

15	Belgium	1
16	Swiss	1
17	Poland	1
18	Vietnam	1
19	Spain	1
Total		91

Source: Makassar City Manpower Office 2021

The presence of foreign workers in Makassar undeniably can cause problems, so monitoring them is necessary. Regulation of the Minister of Home Affairs number 50 of 2010 explains that watching foreign workers is an activity to discover their existence in the context of protection and events suspected of containing elements of violations committed by foreign workers. The steps that must be taken to prevent breaches by foreign workers are to check the authenticity of the documents. In addition, foreign workers who work in the regions must also be accompanied by local workers; this is done so that there is a transformation of knowledge or skills from foreign workers to local workers. Foreign workers are also required to use permits as appropriate.

Monitoring and control should be carried out by related parties such as the Immigration and other local government levels because they are considered closest to the activities of each region. The provincial government must take strict action against illegal foreign workers and companies that employ illegal foreign workers.

In addition to foreign workers, the Makassar City government's activities invite and present several foreign diplomats or VIP guests. As was held in September 2017, the Tourism Office had an eight (F8) festival. This F8 activity is an activity showing several items, including fashion, film, folk, flora and fauna, fine art, fusion music, fiction writing and fonts. From the data collected, the F8 activity was attended by 50 foreign diplomatic guests from various countries.

Table 1.4

Diplomatic Foreign Guest List

At the Makassar International Eight Festival /F8 Activities in September 2017

No	Country	Present Name	Position	Date of Departure	Number of Groups
(1)	(2)	(3)	(4)	(5)	(6)
1	Australia	Richard Matthew	Consul	6-Sep	2
2	German	Oswald Sirapandji	Consul	6-Sep	2
3	Switzerland	Julia Puppela	Consul	6-Sep	2
4	Japan	Miyakawa Katsutoshi	Consul	6-Sep	2
5	India	Sunil Babu	Consul	8-Sep	2
6	Taiwan	Jeffery	Consul	6-Sep	2

7	Taiwan	John C.Chen + Wife	Ambassador	5-Sep	5
8	New Zealand	Trevor Matheson + Wife	Ambassador	5-Sep	2
9	Thailand	Mr Pitchayaphant Charnbhumidol	Ambassador	7-Sep	4
10	France	Mr. Jean-Charles Berthonnet	Ambassador	8-Sep	3
11	Kota Kaohsiung	Mrs. Cheng Chu	Mayor	6-Sep	3
12	Kuwait	Mr. Abdulwahab Abdullah Al Sager	Ambassador	5-Sep	3
13	Irak	Ismail Shaafiq Muhsin (Tbc AFTER Idul Adha)	Ambassador	5-Sep	1
14	Georgia	Mr. Zurab Aleksidze	Ambassador	6-Sep	1
15	Afghanistan	Mrs. Roya Rahmani	Ambassador	5-Sep	3
16	New Zealand	Mrs.Riri	Sekretaris	5-Sep	1
17	Georgia	Staff Diplomatik dengan Ambass	Sekretaris	6-Sep	1
18	Switzerland	Mr.Somba	Department Of Cultural Affairs And Tourism Promotion	5-Sep	1
19	France	Vice Ambassador	Vice Ambassador	8-Sep	1
(1)	(2)	(3)	(4)	(5)	(6)
20	Iran	TBC By Monday	Ambassador	5-Sep	1
21	Japan	Okumaya	Director		2
22	Engie Ineo France	Eric Bruder		5-Sep	3
23	Engie Ineo France	Oliver		8-Sep	3
		Total			50

Source: Makassar City Tourism Office 2020

The Tourism Office, as the implementing committee, involved several agencies such as the Ministry of Foreign Affairs, Immigration and Kesbangpol related to issues of arrival preparation for all activities related to the VIP guests. Several of these agencies coordinated to determine the planned visit of guests from abroad so that all activities ran smoothly, as evidenced by the involvement of Kesbangpol in the 8th (F8) festival organised by the Tourism Office, which invited VIP guests and diplomats from several countries.

Makassar City has several foreign community organisations and institutions, such as the International Organisation for Migration (IOM). IOM is an organisation that deals with human migration affairs around the world, IOM in carrying out its duties and functions often collaborates with other organisations, both

government and non-government organisations, which focus on migration, refugees and human resources. In this kind of cooperation, it is believed that it will lead to mutual respect between the organisations.

There is also the United Nations High Commissioner for Refugees (UNHCR); this organisation is one of the specialised agencies of the United Nations, a universal international organisation and *Sui Generis*. Universal and *Sui Generis* means that this organisation has unique characteristics regarding refugees, and its existence as an international organisation is not limited by space and time; this agency aims to protect the rights of refugees and international coordinate measures to protect refugees and cooperate with governments in the world to find long-term solutions to the problems refugees face.

Field action is a continuation of the verification of administrative documents against foreigners. Field action is also an activity that supports the sustainability of monitoring foreigners in the area. It has been explained in the legal regulations related to the monitoring of foreigners (Permendagri 49 and 50 of 2010) that this field action is in the form of collecting materials, data and information; clarifying materials, data and information; and analysing materials, data and information. The field action referred to is carried out by visiting offices, companies and places that are the destination, presence, and activities of foreigners and foreign community organisations. The role of Kesbangpol monitoring is not only to build working relationships with government agencies but also to collaborate with institutions that come into contact with foreigners. Cooperation is a joint effort between individuals or groups to achieve one or more shared goals. The process of cooperation is born when specific individuals or groups are aware of the same interests and threats.

The Makassar City Manpower Office also does the same thing with Kesbangpol, where the Manpower Office requires all companies and users of foreign workers to report foreign workers they work with to the Manpower Office. This is done to find all information and data related to foreign workers. If this is not done, a material fine of IDR 350,000 per day will be imposed, and if other violations are found, the Manpower Office will take firm action up to the deportation of foreign workers.

The provision of material fines or deportation sanctions by the Manpower Office can be understood as the right step to minimise violations committed by employers for foreign workers and foreign workers themselves. This is also a form of law enforcement that regulates foreign workers.

2. Field Action

Field action against foreign community organisations was carried out to discover all forms of planned activities in Makassar City. The government can be said to be responsible for what is given to it if they have responded to what is a problem or need rather than the community itself. The government can quickly overcome the problems in its territory, see the problem and then try to find a solution to the problem.

The National Unity and Political Body of Makassar City is the government bureaucracy that should be able to be the executor in carrying out the mandate of the law (Permendagri Number 49 of 2010). They are required to have the ability and capability to do this. This capability is both administrative and functional.

In connection with the cooperation between the Makassar City Government and IOM, which began in 2015, the collaboration through the memorandum of understanding includes, among others, the Coordination between the Makassar City Government and IOM in dealing with the problems of immigrants and asylum seekers. This collaboration is still ongoing today. Based on the research results, IOM did not register with Makassar City Kesbangpol. Still, IOM was obliged to report its presence to the Kesbangpol because IOM is a foreign agent under the auspices of the United Nations. IOM must write itself to the Makassar City Kesbangpol so that the Kesbangpol can know all forms of activities and their needs.

Makassar is something that must be monitored and implemented together. This is a form of accommodation from the mandate of the law regarding (Wrihatnolo, 2008) monitoring and evaluating that requires consistency in decision-making. The hope is to ensure the realisation of implementing the policy on monitoring foreign civil society organisations, namely providing a positive impact and reducing the adverse effects of foreigners, as stated above. One of the absolute prerequisites needed is the implementation of field actions for foreign community organisations that will operate in the region; in this case, field action activities can be understood as exercises of systematically compiling and recording data and information to provide information and make it easier to obtain it as a whole and in a relationship with each other.

Conclusion

The intensity of the Makassar City Government in Supervision and Regulation of Foreign Residents as a form of safeguarding National Sovereignty is carried out through the Makassar City National Unity and Political Agency by forming a Foreigner Supervision Team (POA) to carry out its supervisory role in the form of monitoring the presence of foreigners in Makassar. Kesbangpol also involves the Regional Intelligence Community, abbreviated as Kominda, to facilitate the monitoring of foreigners in Makassar City.

Implementation of verification is the main task of the immigration authorities, where all foreigners who enter Makassar City must be registered at the Makassar Class I Immigration Office. Data on foreigners from immigration will then be coordinated with the Makassar City Government in a meeting of the Foreigner Supervision Team (POA). Another thing is that local workers must also accompany foreign workers who work in the region; this is done so that there is a transformation of knowledge or skills from foreign workers to local workers. In the field, action against foreign community organisations was carried out to discover all forms of planned activities in Makassar City. The government can be said to be responsible for what is given to it if they have responded to what is a problem or need rather than the community itself.

References

- Affairs, M. of H. (2010a). *Regulation Number 49, Guidelines for Supervision of Foreign Workers in the region.*
- Affairs, M. of H. (2010b). *Regulations Number 50, Guidelines for Supervision of Foreign Workers in the region.*
- Law Number 17 Social Organisations.* (2013).
- Pasal 4 Nomor 49 Permendagri.* (2010).
- Presidential Regulations No 21.* (2016).
- Sunarno, S. (2014). *Local Government Law in Indonesia. Sinar Graphic Offset, Jakarta, 34.*
- Undang - Undang Dasar 1945 Pasal 1 Ayat 3.* (1945).
- Wrihatnolo. (2008). *Monitoring, Evaluation, and Control: Concept and Discussion.*