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Juridical Analysis Of The Authority Of Immigration Officers At Immigration Checkpoints In Granting Exit Permits For Indonesian Citizens As An Effort To Prevent Human Trafficking (A Research Study At The Batam Center Immigration Checkpoint)

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ABSTRAK

This study aims to analyse, from a legal perspective, the authority of immigration officers at Immigration Checkpoints (TPI) in granting exit permits to Indonesian citizens (WNI) to prevent the crime of human trafficking (TPPO). The focus of this research is on the implementation of the authority of immigration officers at Batam Centre TPI, one of Indonesia's main exit points and a region vulnerable to human trafficking. The research method used is a qualitative approach with field studies in the form of observation, interviews, and analysis of relevant legislative documents. The research results show that immigration officials' authority is regulated in Law Number 6 of 2011 concerning Immigration and Minister of Law and Human Rights Regulation Number 44 of 2015. Immigration officials have the right to postpone or deny exit permits if there are indications of human trafficking risks. This authority has been implemented through document checks, interviews, and the Immigration Management Information System (SIMKIM). However, there are still obstacles such as limited human resources, suboptimal information technology integration, and limited inter-agency coordination. This study recommends enhancing human resource capacity, developing and integrating better information technology systems, and strengthening coordination among relevant agencies to reinforce TIP prevention by issuing exit permits at TPI Batam Centre. Thus, it is hoped that immigration officials' authority can be effectively implemented to protect Indonesian citizens from the risks of human trafficking.

Keywords: Authority of Immigration Officers, Exit Permit, Criminal Act of Human Trafficking, Immigration Checkpoint, Batam Centre ICP.

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INTRODUCTION

Immigration is a pivotal mechanism for the state to uphold territorial integrity while safeguarding its citizens against the perils of transnational criminal activities. According to Jean Bodin's theory of sovereignty, the state possesses the supreme authority to govern the ingress and egress of individuals within its borders (Bodin, 1992). In contemporary applications, this notion is reflected in immigration policies that fulfil a dual function: enabling population movement while safeguarding against potential legal infractions, such as human trafficking (TPPO) (Sulistyowati, 2020).

As an archipelagic nation characterised by a multitude of international crossing points, Indonesia encounters significant challenges in its efforts to combat trafficking in persons. The Trafficking in Persons Report (U.S. Department of State, 2023) indicates that Indonesia continues to be classified as a nation of origin, transit, and destination for human trafficking. Batam City, situated near Singapore and

Malaysia, presents a susceptible pathway for Trafficking in Persons (TIP) owing to the significant volume of individuals traversing the Batam Centre Immigration Checkpoint (TPI) (Ministry of Law and Human Rights, 2022).

The methods employed in human trafficking are becoming progressively varied and intricate. Syndicates frequently employ authentic travel documents or tourist visas to transport victims overseas under the pretence of tourism, while the underlying intention is exploitation (UNODC, 2021). Individuals are frequently lured with the prospect of lucrative employment, yet they ultimately discover themselves ensnared in conditions of forced labour, sexual exploitation, or contemporary forms of slavery (ILO, 2019). This scenario illustrates that the immigration control framework continues to encounter challenges in identifying potential victims of human trafficking.

Immigration authorities serve as the nation's primary "gatekeepers." According to Law No. 6 of 2011 on Immigration and Minister of Law and Human Rights Regulation No. 44 of 2015, immigration officers possess the right to perform inspections, conduct interviews, and potentially deny or postpone leave permits if there are substantial indications of a risk of human trafficking. Additionally, Minister of Law and Human Rights Regulation No. 50 of 2016 underscores the significance of immigration supervision in averting non-procedural departures (Directorate General of Immigration, 2016).

Nonetheless, the execution of this power persists in encountering challenges. The substantial number of border crossings, constrained human resources, and inadequate integration of information systems among agencies frequently diminish the efficacy of oversight (Rahmawati, 2020). Moreover, the constitutional right of individuals to travel internationally, as enshrined in Article 28E paragraph (1) of the 1945 Constitution, necessitates that all preventive measures be executed meticulously and by the law (Asshiddiqie, 2010). This presents a conflict between upholding citizens' human rights and the state's duty to safeguard its populace against human trafficking.

It is essential to evaluate the authority of immigration officers at the Batam Centre TPI in issuing exit permits to Indonesian residents, considering both legal and practical aspects. This analysis aims to elucidate the efficacy of immigration policy as a mechanism for combating human trafficking and to furnish the government with recommendations for enhancing inter-agency collaboration, augmenting officer capabilities, and maximising immigration technology utilisation. This research provides a theoretical advancement in immigration law and a practical enhancement in safeguarding Indonesian citizens at the border.

RESEARCH METHOD

This study utilises a qualitative methodology incorporating both normative and empirical legal methods. The normative legal approach was employed to analyse the legal provisions governing the authority of immigration officials in issuing exit permits to Indonesian citizens (WNI), specifically those outlined in Law Number 6 of 2011 on Immigration, Law Number 21 of 2007 on the Eradication of Human Trafficking Crimes, and associated implementing regulations. An empirical methodology was employed to investigate the execution of immigration officers' power at the Batam Centre Immigration Checkpoint (TPI) via field observations and interviews with pertinent stakeholders.

Research Location

The study was conducted at the Batam Centre Immigration Checkpoint (TPI) in Batam City, Riau Islands Province. This is a significant international port characterised by substantial pedestrian traffic and a possible conduit for human trafficking.

Data Sources

1. Primary data was obtained through in-depth interviews with immigration officials assigned to the Batam Centre TPI and relevant parties such as the police and the Indonesian Migrant Workers Protection Agency (BP2MI).
2. Secondary data was obtained from literature review, including laws and regulations, official documents, annual reports from the Directorate General of Immigration, court decisions, and relevant previous research.

Data Collection Techniques

1. Data collection techniques were conducted through:
2. Literature review: Review positive legal provisions and academic documents related to immigration and the prevention of human trafficking.
3. Field observation, by directly observing the immigration inspection process at the Batam Centre TPI.
4. Semi-structured interviews, conducted with immigration officials, law enforcement officers, and related parties to obtain in-depth data on the implementation of authority to prevent human trafficking

Data Analysis

The collected data were analysed qualitatively through three stages:

1. Data reduction, namely the selection and simplification of information from interviews, observations, and legal documents.
2. Data presentation, organising data into descriptive forms for easy understanding.
3. Concluding, by linking empirical findings in the field with Jean Bodin's theory of sovereignty, Lawrence M. Friedman's theory of legal systems, and Max Weber's theory of legal-rational authority as the basis for legal analysis.

Using this method, the research is expected to provide a comprehensive overview of the authority of immigration officials in granting exit permits to Indonesian citizens at the Batam Centre TPI and the effectiveness of its implementation in preventing human trafficking.

RESEARCH RESULT

1. Legal Regulations Regarding the Authority of Immigration Officials

By Law No. 6 of 2011 concerning Immigration, every Indonesian citizen travelling abroad must undergo an immigration inspection at the Batam Centre for Human Trafficking (TPI). Immigration officials are authorised to validate documents and deny exit permits in case of legal violations, as stipulated in Article 68 of this law. Additionally, the function of immigration supervision as a component of the state's safeguarding of its citizens is underscored in Article 1, point 23.

Immigration is one of the primary prevention efforts against human trafficking (TPPO), as outlined in Law No. 21 of 2007. Immigration officials are granted administrative authority to postpone the departure of Indonesian citizens suspected of being victims of human trafficking. Ministerial Regulation No. 44 of 2015, which specifies immigration inspection procedures, and Ministerial Regulation No. 50 of 2016, which stipulates immigration supervision, are the implementing regulations. Consequently, the

Batam Centre TPI's immigration authorities possess a robust legal basis to prevent human trafficking by utilising the exit permit mechanism.

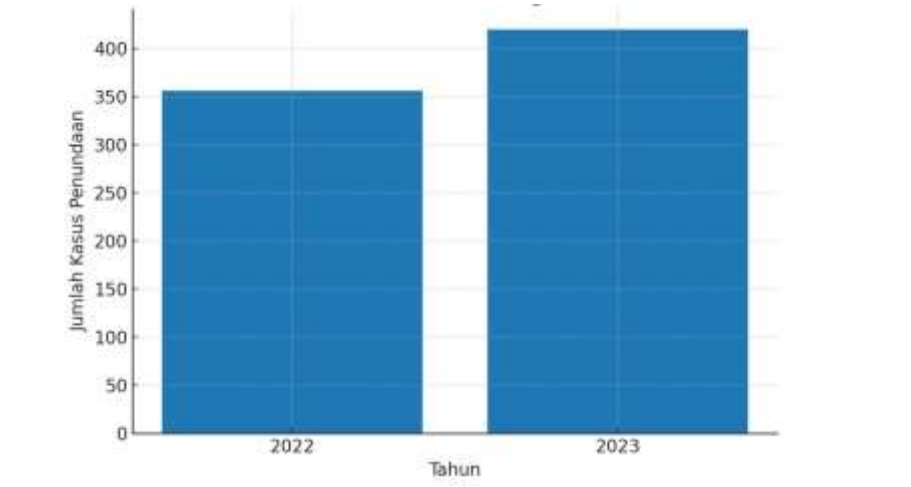
2. Implementation of Immigration Officers' Authority at the Batam Centre TPI

The results of the observation show that immigration officials at TPI Batam Center carry out their authority through several stages, namely:

a. Administrative checks: Verification of employment documents, passports, visas, and tickets.
b. Field interviews: To confirm that passenger comments are consistent, officials pose quick questions.
c. Passenger profiling analyses a passenger's background, departure location, and travel habits.
d. Using biometric and SIMKIM systems: To determine if passenger information corresponds with the immigration database.

According to information provided by the Batam Class I Special Immigration Office (TPI) (2022–2023), the number of passengers travelling through the facility daily is 8,000, with the number of passengers exceeding 12,000 during weekends and national holidays. The departure of 356 Indonesian residents who were suspected of being potential victims of human trafficking in 2022 and over 400 cases in 2023 was delayed by immigration officials. This number represents the total number of immigrants who were delayed.

The most typical immigration issues involve prospective non-procedural migrant workers working in Malaysia or Singapore on tourist visas. Additionally, instances of fraudulent travel documents, the use of passports belonging to other individuals, and conflicting departure information were discovered during the investigation.



Graph 1. Data on the Number of Passengers, Cases of Delayed Exit Permits, and Human Trafficking Trends

3. Obstacles and Challenges in Implementation

In practice, immigration officials encounter various challenges, such as:

1. The screening process is constrained by the high volume of passengers, with only 1–2 minutes allotted per passenger.
2. Insufficient human resources, both in terms of investigative talents and quantity.
3. Human trafficking methods that are becoming increasingly sophisticated, such as the use of student or visitor visas to conceal work purposes.
4. Suboptimal early detection results from limited data integration among immigration, the Indonesian Migrant Workers Protection Agency (BP2MI), the police, and port authorities.
5. 5The constitutional right of Indonesian citizens to travel abroad (Article 28E of the 1945 Constitution) presents a dilemma, as it restricts officials' discretion in denying departure.

4. Efforts and Solutions

To address these challenges, immigration officials, along with relevant agencies, have taken corrective measures, such as:

a. Training on human trafficking detection for immigration officers, in collaboration with the IOM and the Indonesian Migrant Workers Protection Agency (BP2MI).
b. Implement biometric technology and an early warning system at the Batam Centre TPI to improve identification accuracy.
c. Strengthen cross-agency coordination, for example, by conducting joint operations between immigration, BP2MI, and the police to monitor migrant worker departures.
d. Developing integrated standard operating procedures (SOPs) for handling Indonesian citizens suspected of being victims of human trafficking, including referrals to shelters or protection agencies.

DISCUSSION

1. Legal Regulations on the Authority of Immigration Officials

The research findings indicate that the jurisdiction of immigration officers is explicitly stated in Law No. 6 of 2011 concerning Immigration, and it is further strengthened by Law No. 21 of 2007 for the Eradication of Human Trafficking. If there is evidence that a person is being trafficked, immigration officials have the legal authority to either delay or refuse to allow them to leave the country. According to Jean Bodin's theory of sovereignty, the state possesses the topmost jurisdiction to limit the movement of individuals to ensure security and order (Bodin, 1992); this is consistent with the statement above.

According to Lawrence M. Friedman, the efficacy of the legal system is determined by the structure, substance, and culture of the legal system. These studies provide more support for Friedman's viewpoint. According to Friedman (1975), the existence of the Directorate General of Immigration represents the legal structure, while the substance is the regulations that are now in place, and the legal culture is exemplified by the awareness of officials in the exercise of their authority. Since this is the case, having regulations that are easy to understand is an essential foundation for the legitimate and accountable exercise of authority by immigration officers.

Previous research conducted by Suryanto (2019) on the function of immigration at Soekarno-Hatta Airport indicated a similar finding: regulations confer legitimacy, but their application requires technological support and coordination. This suggests that a solid legal foundation is insufficient if it is not backed up by consistent practice.

2. Implementation of Authority at TPI Batam Centre

Research data indicates that exit permit delays increased from 356 in 2022 to 420 in 2023. Despite the high volume of crossings (approximately 8,000 passengers per day), this figure demonstrates the efficacy of immigration officials' authority in identifying potential victims of human trafficking.

According to Max Weber's legal-rational authority perspective, immigration officials' authority is exerted through formal regulations, administrative procedures, and a transparent bureaucratic framework (Weber, 1978). Refusing to depart is not a personal decision but a component of the state's institutional mandate. This is why each instance of delayed departure is meticulously documented and administratively reconciled.

Nevertheless, field research suggests that despite the implementation of document review, interviews, and profiling mechanisms, there are still instances of human trafficking victims being able to navigate official channels with valid documents. This illustrates that syndicates' methods are becoming more intricate and necessitate that officers possess more advanced investigative abilities.

Rahmawati's (2020) research on the prevention of human trafficking at ports revealed that syndicates frequently exploit the vulnerabilities in early detection systems and limited officer competence. This condition is also observed at the TPI Batam Centre, indicating that the implementation of authority is not optimal.

3. Obstacles and Solutions in Preventing Human Trafficking

The primary impediments to the enforcement of immigration authorities' power are: (1) elevated passenger volumes, which constrain inspection duration; (2) insufficient human resources; (3) progressively advanced techniques in human trafficking (TPPO); and (4) inadequate inter-agency collaboration. These challenges align with Prasetyo's (2021) results, emphasising inadequate cooperation in border regions.

The implemented solutions, including early detection training, biometric utilisation, early warning systems, and collaborative operations with the Indonesian Migrant Workers Association (BP2MI) and law enforcement, represent commendable advancements. Friedman's legal system theory posits that these remedies enhance the legal framework (officer competencies), legal content (application of rules), and legal culture (knowledge of human trafficking prevention).

A dilemma emerges from a human rights standpoint, as Article 28E of the 1945 Constitution ensures the freedom of the Indonesian people to travel. Nonetheless, the limitations enacted by immigration authorities are justifiable provided they seek to safeguard nationals from exploitation, in alignment with the tenets of human rights protection under international law (ICCPR, 1966).

4. Assumptions and Implications

Based on the notion that the authority of immigration authorities to give exit permits to Indonesian residents is an essential weapon for the state to prevent human trafficking (TPPO), this research is based on the assumption that this authority is available. The effectiveness of this power is contingent not only on the existence of well-defined regulations but also on the availability of human resources, technological assistance, and cooperation between different government agencies. As a result of the enormous number of passengers that travel through the Batam Centre TPI, it is presumed that even with efficient screening methods, not all possible TPO victims can be identified completely. Additionally, it is believed that a significant factor in determining the efficacy of preventative operations

is the level of collaboration between Immigration, the Indonesian Migrant Workers Association (BP2MI), the Police, and the port authorities. In addition, the constitutional freedom of Indonesian residents to travel outside of the country continues to be a normative restriction, which means that immigration authorities are required to use discretion and reasonable restraint while delaying departures.

This research has several consequences, which can be broken down into many categories. Theoretically, this research contributes to advancing the study of immigration law by highlighting the role of Immigration not only as an administrative instrument but also as an instrument for protecting human rights. More specifically, the research findings highlight the significance of enhancing the capacity of law enforcement officers using early detection training, implementing biometric technologies, and improving cooperation between different agencies. The policy consequences include developing more integrated technical regulations, raising funding for strengthening infrastructure, and harmonising standard operating procedures (SOPs) amongst different authorities. The social repercussions, on the other hand, include enhanced protection for Indonesian nationals, particularly prospective migrant workers, which reduces the likelihood that they may be exploited in different countries. Therefore, not only does this research contribute to the development of legal theory, but it also gives practical input for forming laws intended to safeguard citizens.

CONCLUSION

1. The legal provisions governing the authority of Immigration Officers at the Batam Center Immigration Checkpoint to issue exit permits to Indonesian citizens to prevent human trafficking are derived from Law Number 6 of 2011 concerning Immigration, Law Number 21 of 2007 concerning the Eradication of Human Trafficking, and Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. These laws provide the normative foundation for officers to conduct inspections, document verification, and profiling Indonesian citizens planning to travel abroad. The application of Jean Bodin's Theory of Sovereignty is reflected in these provisions, which grant the state the entire authority to regulate the entry and exit of its citizens to safeguard national interests and prevent human trafficking.
2. The Batam Centre Immigration Checkpoint grants Immigration Officers the authority to analyse the departure destinations of Indonesian citizens suspected of non-procedural departures. This is accomplished through travel document examinations, interviews, and profiling, as well as prompt coordination with relevant agencies if indications of human trafficking are discovered. This process reflects Max Weber's Theory of Legal-Rational Authority, in which official actions are founded on written rules, standard procedures, and systematic professional judgment. This ensures that decisions to grant or deny exit permits are objective and legally accountable.
3. The Batam Centre TPI faces obstacles in preventing non-procedural departures of Indonesian migrant workers, including weak inter-agency coordination, limited human resources and technology, and differing legal procedures and perceptions between the Indonesian Migrant Workers Protection Agency (BP2MI), the Police, and Immigration. Potential solutions include the establishment of integrated command posts, the harmonisation of regulations, the integration of cross-agency information systems, and the enhancement of officer capacity through specialised training programs on human trafficking. To guarantee the effective and sustainable enforcement of authority, this form of coordination must fortify the structure, substance, and culture of law, as per Lawrence M. Friedman's Legal System Theory.

REFERENCES

Asshiddiqie, J. (2010). *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Sinar Grafika.
Bodin, J. (1992). *On Sovereignty*. Cambridge: Cambridge University Press.

Direktorat Jenderal Imigrasi. (2016). *Peraturan Menteri Hukum dan HAM Nomor 50 Tahun 2016 tentang Pengawasan Keimigrasian*. Jakarta.
Direktorat Jenderal Imigrasi. (2022). *Laporan Tahunan Direktorat Jenderal Imigrasi 2021–2022*. Jakarta.
Direktorat Jenderal Imigrasi. (2023). *Pedoman Penanganan WNI Rentan TPPO di Tempat Pemeriksaan Imigrasi*. Jakarta.
Friedman, L. M. (1975). *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation.
International Labour Organization. (2019). *Global Report on Forced Labour*. Geneva: ILO.
International Organization for Migration. (2020). *Counter-Trafficking Data Collaborative Annual Report*. Geneva: IOM.
Kantor Imigrasi Kelas I Khusus TPI Batam. (2023). *Laporan Kinerja Tahunan 2022–2023*. Batam.
Kementerian Hukum dan HAM RI. (2022). *Laporan Tahunan Direktorat Jenderal Imigrasi*. Jakarta.
Komnas Perempuan. (2021). *Catatan Tahunan Kekerasan terhadap Perempuan*. Jakarta.
Kusuma, R. (2018). Analisis Implementasi UU Keimigrasian dalam Pencegahan TPPO. *Jurnal Hukum IUS*, 6(2), 121–135.
Marzuki, P. M. (2019). *Penelitian Hukum*. Jakarta: Kencana.
Prasetyo, A. (2021). Koordinasi Antarinstansi dalam Pencegahan TPPO di Perbatasan. *Jurnal Hukum dan Masyarakat*, 15(2), 201–215.
Rahmawati, M. (2020). Analisis Yuridis Pencegahan Tindak Pidana Perdagangan Orang di Pelabuhan. *Jurnal Hukum dan HAM*, 12(2), 145–162.
Salim, H. S., & Nurbani, E. (2013). *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*. Jakarta: Raja Grafindo Persada.
Sulistyowati, E. (2020). Keimigrasian sebagai Instrumen Perlindungan Warga Negara. *Jurnal Ilmu Hukum*, 7(1), 55–70.
Suryanto, H. (2019). Peran Imigrasi dalam Pencegahan Perdagangan Orang di Bandara Internasional. *Jurnal Ilmiah Hukum*, 6(3), 88–97.
Syahrin, A. (2015). *Hukum Keimigrasian Indonesia dalam Kerangka Hak Asasi Manusia*. Jakarta: Rajawali Pers.
Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 tentang Keimigrasian.
Undang-Undang Republik Indonesia Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang.
Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.
Peraturan Menteri Hukum dan HAM Republik Indonesia Nomor 44 Tahun 2015 tentang Tata Cara Pemeriksaan Keimigrasian.
United Nations Office on Drugs and Crime. (2021). *Global Report on Trafficking in Persons*. Vienna: UNODC.
United Nations. (1966). *International Covenant on Civil and Political Rights (ICCPR)*. New York: UN.
U.S. Department of State. (2023). *Trafficking in Persons Report*. Washington DC: U.S. Government Printing Office.
Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press.
Wijayanto, A. (2017). Perdagangan Orang sebagai Kejahatan Transnasional. *Jurnal Kriminologi Indonesia*, 13(1), 45–60.
Wulandari, D. (2022). Optimalisasi Peran Imigrasi dalam Pencegahan TPPO. *Jurnal Lex Scientia*, 9(2), 211–227.
Yulianti, S. (2020). Hak Konstitusional WNI dalam Perspektif Pembatasan Keimigrasian. *Jurnal Konstitusi*, 17(4), 689–705.