ASSESSING POLICIES AND SYSTEMS FOR MANAGING THE DEPORTATION OF FOREIGN NATIONALS IN INDONESIA: A CASE STUDY AT THE BATAM IMMIGRATION OFFICE

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Abstract

This study aimed to conduct a comprehensive evaluation of the policies and systems for handling the deportation of foreign nationals in Indonesia, with a particular focus on the Batam Immigration Checkpoint. The Batam Immigration Checkpoint is a strategically important location due to its proximity to neighbouring countries and its role as a major entry and exit point for foreign visitors. This research aims to comprehensively evaluate the existing policies, operational procedures, and human rights compliance regarding the deportation of foreign nationals in Indonesia. It will assess the effectiveness of current regulations, scrutinize immigration authorities' handling of cases, identify gaps and challenges, analyse adherence to international conventions, and ultimately provide recommendations to enhance efficiency, transparency, and human rights protections within the deportation system. The overarching goal is to streamline and strengthen deportation mechanisms while upholding fundamental rights and dignity throughout the process. By conducting a comprehensive evaluation and analysis, this research aims to contribute to the body of knowledge on immigration policies and practices, while also informing policymakers and stakeholders on potential areas for reform and improvement.

Keywords: Deportation, Immigration, Policy Evaluation, Transnational Crimes, Systemic Improvement.

INTRODUCTION

The deportation of foreign nationals has emerged as a critical issue for many countries, including Indonesia. As a rapidly developing nation with a strategic location, Indonesia has witnessed a significant influx of foreign visitors and migrants, both legal and illegal (Adepoju, 1995; Maksum et al., 2020; Yazid & Septiyana, 2021). The presence of undocumented immigrants, individuals overstaying their visas, and those involved in transnational crimes has presented substantial challenges for Indonesian immigration authorities (Missbach, 2015; Paoletti, 2021). To address these challenges, the Indonesian government has resorted to deportation as a primary measure for dealing with foreign nationals who violate immigration laws or engage in illegal activities (Dauvergne, 2022). However, the deportation process is complex and multifaceted, involving a myriad of legal considerations, human rights implications, and the need for international cooperation (Kanstroom, 2021). The effectiveness of Indonesia's deportation policies and practices has been the subject of ongoing debate and scrutiny, with concerns raised regarding transparency, legal representation, and potential human rights violations (Amnesty International, 2022; Human Rights Watch, 2021). Furthermore, the COVID-19 pandemic has exacerbated the challenges faced by immigration authorities, as travel restrictions and health protocols have complicated the logistics and processes involved in deportation (Kerwin et al., 2022; Migration, 2021). In light of these evolving challenges, there is an urgent need to evaluate and optimize the existing policies and systems for handling the deportation of foreign nationals in Indonesia, particularly at strategically important checkpoints like Batam.

The effectiveness of Indonesia's policies and systems for handling the deportation of foreign nationals has been a subject of ongoing debate and scrutiny. Reports of human rights violations, inadequate legal protections, and inefficient processes have raised concerns among stakeholders, including international organizations, civil society groups, and foreign governments (Amnesty International, 2022).

Furthermore, the global COVID-19 pandemic has exacerbated the challenges faced by immigration authorities, as travel restrictions and health protocols have added additional layers of complexity to the deportation process (International Organization for Migration, 2021). In light of these challenges, there is an urgent need to evaluate the existing policies and systems in place to ensure their effectiveness, efficiency, and adherence to international standards.

This research aims to conduct a comprehensive evaluation of the policies and systems for handling the deportation of foreign nationals in Indonesia, with a particular focus on the Batam Immigration Checkpoint. The Batam Immigration Checkpoint is a strategically important location due to its proximity to neighboring countries and its role as a major entry and exit point for foreign visitors (Batam Immigration Office, 2023).

This research aims to comprehensively evaluate the existing policies, operational procedures, and human rights compliance regarding the deportation of foreign nationals in Indonesia. It will assess the effectiveness of current regulations, scrutinize immigration authorities' handling of cases, identify gaps and challenges, analyze adherence to international conventions, and ultimately provide recommendations to enhance efficiency, transparency, and human rights protections within the deportation system. The overarching goal is to streamline and strengthen deportation mechanisms while upholding fundamental rights and dignity throughout the process.

By conducting a comprehensive evaluation and analysis, this research aims to contribute to the body of knowledge on immigration policies and practices, while also informing policymakers and stakeholders on potential areas for reform and improvement.

The deportation of foreign nationals has emerged as a critical issue across various national contexts, prompting extensive scholarly inquiry into its legal frameworks, human rights implications, and socioeconomic impacts. Several studies have examined the precarious nature of citizenship and the concept of "deportability" as a means of state control over mobility (Enriquez & Millán, 2021; Punathil, 2022). Researchers have also explored the spatial and geographical dimensions of deportation regimes, including the role of borders, territoriality, and the production of (im) mobilities (Anne Drangsland, 2020; Campos-Delgado, 2021; Nordling & Persdotter, 2021; Sahin Mencutek, 2023; Weber et al., 2020).

A significant body of literature has focused on the legal and policy aspects of deportation, critiquing existing frameworks and practices. Studies have highlighted concerns regarding transparency, due process, access to legal representation, and potential human rights violations during deportation proceedings (Cleton & Chauvin, 2020; Vrăbiescu, 2021). The intersection of immigration enforcement and criminal justice systems has also been scrutinized, with scholars examining the criminalization of migration and the use of detention as a form of social defense (Campesi & Fabini, 2020; Vrăbiescu, 2021). The impact of deportation policies on mental health, family dynamics, and community well-being has been extensively documented. Research has linked deportation fears and experiences with increased risks of psychological

distress, substance abuse, and externalizing problems among individuals and families, including U.S. citizens (Asad, 2020; Pinedo, 2020; Pinedo & Valdez, 2020; Roche et al., 2020; Song, 2021). The separation of families and the disruption of social support systems have been identified as significant consequences of deportation (Lopez et al., 2022; Martinez-Aranda, 2020; Ojeda et al., 2020).

Moreover, scholars have examined the intersections of immigration enforcement with various social domains, such as healthcare access (Asif & Kienzler, 2022), educational outcomes (Farzana et al., 2020; Kirksey et al., 2020), economic opportunities (Kuka et al., 2020), and disaster vulnerability (Méndez et al., 2020). The COVID-19 pandemic has further exacerbated the challenges faced by migrants and immigration authorities, prompting discussions on pandemic responses and the transformation of migration dynamics (Libal et al., 2021; Rocha et al., 2021; Shrader et al., 2021; Tosh, 2021).

Research has also explored the role of civil society, community resistance, and solidarity movements in advocating for the rights of migrants and challenging oppressive immigration policies (Buckingham et al., 2021). Additionally, studies have investigated the potential discriminatory practices in asylum decision-making processes and the implementation of immigration policies (Garvik & Valenta, 2021; Schneider et al., 2020).

The broader geopolitical and development implications of migration and return have also garnered attention. (Riaño, 2023) investigated the role of migrant entrepreneurs as agents of development, while (Battistella, 2018) proposed a conceptual and policy framework for return migration. Furthermore, studies have explored the nexus between deportation and the right to respect for private and family life (Abrao et al., 2021), as well as the impact of deportation policies on specific communities (Benavides et al., 2021; Méndez et al., 2020).

Several studies have delved into the historical context and ethical considerations surrounding migration and displacement. (Micheletti et al., 2020) shed light on the genetic consequences of the transatlantic slave trade in the Americas, while (Düvell et al., 2010) discuss the ethical issues in conducting research on irregular migration.

The intersection of immigration enforcement with various social issues has also been explored. (Segrave, 2021) examines how perpetrators of family violence weaponize borders against victims in temporary migration contexts. (Bendixsen, 2020) investigates the "care/security nexus of the humanitarian border" in assisted return policies. (Smith et al., 2021) discuss efforts to disrupt the "traffic stop-to-deportation pipeline" through policy interventions.

Furthermore, researchers have examined the multifaceted impacts of deportation on individuals, families, and communities. (Ojeda et al., 2020) explore the perspectives of deported fathers on the impacts of family separation on children and families. (Benavides et al., 2021) analyze the interplay between immigration law enforcement, social support, and health outcomes for Latino immigrant families. (Patler & Gonzalez, 2021) discuss the compounded vulnerability experienced by mixed-immigration-status families due to detention, leading to system avoidance.

In sum, this body of literature illuminates the far-reaching negative consequences of immigration enforcement policies and practices on migrants, including impacts on mental health, family life, human rights, access to services, economic well-being, and

human development. It analyzes these issues through various disciplinary lenses and across different national contexts, while also highlighting the broader geopolitical, historical, and ethical dimensions of migration and displacement.

METHODS

This study employed a mixed-methods approach, combining quantitative and qualitative techniques to comprehensively evaluate the policies and systems for handling the deportation of foreign nationals in Indonesia, with a specific focus on the Batam Immigration Office. The quantitative component involved analysing statistical data on deportation cases, while the qualitative component entailed document analysis and semi-structured interviews with key stakeholders.

The study employed a mixed-methods approach, combining quantitative data from the statistical records maintained by the Batam Immigration Office, which provided detailed information on deportation cases, nationalities of deported individuals, reasons for deportation, and other relevant metrics, with qualitative data obtained through document analysis of relevant legal documents, regulations, policy papers, and reports from government agencies, international organizations, and civil society groups to understand the existing legal frameworks, policies, and procedures governing the deportation process in Indonesia, aiming to paint a comprehensive picture of the deportation landscape by identifying patterns, trends, and statistics related to deportation cases while providing a deeper understanding of the legal and policy frameworks that shape the deportation process, enabling a thorough evaluation of the policies and systems for handling the deportation of foreign nationals in Indonesia, with a particular emphasis on the practices and experiences at the Batam Immigration Office.

The study utilized both quantitative and qualitative methods to thoroughly examine the deportation policies and systems for foreign nationals in Indonesia, specifically at the Batam Immigration Checkpoint. Quantitative data from the Batam Immigration Office records were analyzed using descriptive statistics, including frequency distributions and central tendency measures, to uncover patterns, trends, and insights related to deportation cases. Simultaneously, legal documents, policies, and reports were analyzed through content analysis to identify key themes, concepts, and provisions regarding the deportation process, legal frameworks, and human rights adherence. Interview transcripts were examined using thematic analysis, following Braun and Clarke (2006), involving coding and identifying recurring themes and patterns. By triangulating these data sources, the study ensured the validity and reliability of the findings, offering a comprehensive understanding of the deportation procedures at the Batam Immigration Checkpoint.

RESULT & DISCUSSION

Analysis of the Main Causes of Deportation at the Batam Immigration Checkpoint

The quantitative data reveals that the primary reasons for deportation of foreign nationals from the Batam Immigration Checkpoint in 2023 were illegal fishing (85 cases), overstay violations (67 cases), narcotics-related offenses (19 cases), and love scams (85 cases). These findings align with the broader trend of transnational crimes involving foreign nationals in Indonesia, as highlighted in previous studies (Adepoju,

1995; Maksum et al., 2020; Missbach, 2015; Yazid & Septiyana, 2021). The prevalence of illegal fishing cases can be attributed to Batam's strategic location and proximity to major fishing grounds in the region. The influx of foreign fishing vessels, often operating without proper licenses or engaging in illegal fishing practices, has prompted heightened enforcement measures by Indonesian authorities. Similarly, the high number of overstay violations underscores the challenges in managing and monitoring the movement of foreign visitors and migrant workers. Notably, the data also reveals a significant number of cases involving love scams, which could be linked to the rise of online romance scams targeting Indonesian victims. This emerging trend highlights the need for increased public awareness and collaboration with international law enforcement agencies to combat these transnational cybercrime networks.

Evaluation of Immigration Policies and Regulations Related to Deportation Handling

Indonesia's immigration policies and regulations have undergone several revisions in recent years to address evolving challenges related to illegal migration and transnational crimes. The Immigration Law No. 6/2011 and its subsequent amendments provide a legal framework for the deportation of foreign nationals who violate immigration laws or engage in illegal activities (Immigration Law No. 6/2011, 2011). However, the implementation of these policies has faced criticism from human rights organizations and international bodies. Some of the concerns raised include the lack of transparency in deportation procedures, inadequate legal representation for detainees, and potential violations of international human rights principles (Amnesty International, 2022; Human Rights Watch, 2021).

Evaluation of the Deportation Handling System and Processes at the Batam Immigration Office

The Batam Immigration Office plays a crucial role in managing the entry and exit of foreign nationals in the region. The data analysis revealed that a significant portion of deportation cases (92 cases) were processed through the Batam Center Immigration Office, reflecting the strategic importance of this checkpoint.

Based on interviews with immigration officials and observations of the deportation handling process, it was evident that the Batam Immigration Checkpoint has established standard operating procedures for handling deportation cases. These procedures include the initial screening and identification of individuals, documentation of violations, coordination with relevant law enforcement agencies, and the facilitation of deportation processes.

However, concerns were raised regarding the potential overcrowding of detention facilities, limited access to legal representation for detainees, and the need for more comprehensive training programs for immigration officers to ensure adherence to human rights principles during the deportation process.

Recommendations for Optimizing the Deportation Handling System

To address identified challenges and enhance the effectiveness of the deportation handling system at the Batam Immigration Checkpoint, several recommendations are proposed:

First, it is essential to strengthen legal frameworks and policies by conducting a comprehensive review of existing immigration laws to align them with international

human rights standards and best practices in deportation handling. This includes ensuring due process, access to legal representation, and the humane treatment of detainees. Second, enhancing inter-agency coordination and international cooperation is crucial. Closer collaboration between immigration authorities, law enforcement agencies, and relevant stakeholders at national and international levels can facilitate information sharing, joint operations, and coordinated efforts to combat transnational crimes involving foreign nationals.

Third, investing in infrastructure and resources is necessary to develop and maintain detention facilities that meet international standards. This includes providing essential services for detainees, such as healthcare and interpretation services. Fourth, implementing comprehensive training programs for immigration officers and personnel involved in the deportation process is vital. These programs should cover relevant legal frameworks, human rights principles, cultural sensitivity, and effective communication strategies. Fifth, promoting transparency and accountability through mechanisms for regular monitoring and evaluation of deportation practices is recommended. This includes establishing independent oversight and grievance redressal systems to enhance public trust in the immigration system.

Lastly, collaborating with civil society organizations, human rights groups, and other stakeholders is important to foster dialogue, solicit feedback, and incorporate diverse perspectives in the formulation and implementation of deportation policies and practices.

By implementing these recommendations, the Indonesian government can enhance the efficiency, transparency, and human rights-based approach in handling the deportation of foreign nationals, while maintaining a balance between national security interests and international obligations.

CONCLUSION

This study aimed to evaluate the policies and systems for handling the deportation of foreign nationals in Indonesia, with a specific focus on the Batam Immigration Checkpoint. The findings shed light on the complexities and challenges involved in managing the influx of foreign nationals and addressing issues related to transnational crimes, overstay violations, and illegal migration.

The quantitative data analysis revealed that illegal fishing, overstay violations, narcotics-related offenses, and love scams were the primary causes of deportation at the Batam Immigration Checkpoint in 2023. The prevalence of these offenses underscores the need for targeted enforcement measures and international cooperation to combat transnational crimes effectively.

The evaluation of immigration policies and regulations highlighted the existing legal framework provided by the Immigration Law No. 6/2011 and its amendments. However, concerns were raised regarding transparency, legal representation, and potential human rights violations during the deportation process, as highlighted by various human rights organizations.

The assessment of the deportation handling system and processes at the Batam Immigration Checkpoint revealed established standard operating procedures. Nevertheless, challenges such as overcrowding in detention facilities, limited access

to legal representation, and the need for comprehensive training programs for immigration officers were identified.

The findings contribute to the broader discourse on immigration policies, deportation practices, and the intersection of national security interests and human rights principles. The study underscores the theoretical implications of balancing state sovereignty and international obligations, while also highlighting the practical challenges faced by immigration authorities in managing complex transnational issues.

The recommendations provided offer practical insights for policymakers, immigration authorities, and stakeholders in optimizing the deportation handling system. Implementing these recommendations can enhance efficiency, transparency, and adherence to human rights standards, while fostering closer inter-agency coordination and international cooperation.

While this study provides valuable insights, it is essential to acknowledge its limitations. The Research Limitations and Suggestions for Future Research.

While this study provides valuable insights into the deportation practices at the Batam Immigration Checkpoint in Indonesia, it is essential to acknowledge its limitations and propose suggestions for future research.

Firstly, the focus on a single immigration checkpoint may not fully capture the nuances and variations in deportation practices across Indonesia's diverse regions. To address this limitation, future research could expand the scope to include other immigration checkpoints and compare practices across different geographical locations, providing a more comprehensive understanding of the deportation landscape in Indonesia.

Secondly, the study primarily relied on quantitative data and stakeholder interviews. To gain a deeper understanding of the experiences and perspectives of deported individuals, future research could incorporate more extensive qualitative methods, such as ethnographic observations and in-depth interviews. This approach would complement the existing quantitative data and provide a more holistic view of the deportation process and its impact on individuals.

Thirdly, as immigration policies and practices are subject to change over time, conducting longitudinal studies could track these changes and assess the effectiveness of implemented reforms and recommendations. Such research would provide valuable insights for continuous improvement and adaptation of deportation handling systems to meet emerging challenges.

Furthermore, the literature review highlights the existing scholarship on deportation and migration, incorporating citation sentences from 50 references. It identifies the diverse aspects and challenges associated with deportation, including legal frameworks, human rights considerations, the role of international organizations, ethical and methodological issues, country-specific experiences, the impact on individuals and families, and the recent challenges posed by the COVID-19 pandemic. However, it also reveals a research gap in the context of Indonesia, which the proposed study aims to address.

By conducting a comprehensive evaluation of the policies and systems for handling the deportation of foreign nationals in Indonesia, with a specific focus on the Batam Immigration Checkpoint, this research seeks to contribute to the existing body of

knowledge. It aims to provide insights into the effectiveness of Indonesia's deportation policies and practices, the challenges faced by immigration authorities, and the potential areas for reform. Moreover, by examining the compliance of deportation practices with international human rights standards and proposing recommendations for improvement, this study seeks to inform policy discussions and promote a more humane and rights-based approach to deportation in Indonesia.

Addressing the limitations and expanding the scope of future research will contribute to a more comprehensive understanding of the deportation landscape in Indonesia and ultimately inform the development of more effective, humane, and human rights-based policies and practices.

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