

Cooperation Initiatives between the Directorate General of Immigration and the Australian Government on Airports in Indonesia

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ABSTRACT

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This study is to examine the nature of collaboration between the Department of Home Affairs Australia (DHA) and the Directorate General of Immigration Indonesia (DGI) to protect their borders and intercept unauthorized arrivals, and to identify current challenges of postings of Airline Liaison Officers (ALO) at airports in Indonesia. This study employs the qualitative research method methodology using the document analysis and observation at Jakarta and Bali airports by collecting sources of data from public organizational reports, official documents, books, online publications, or journal articles. The data is analyzed by using the five indicators by O'Leary & Vij: power, communication, perceived legitimacy, trust, and information exchange. The study shows the collaboration between DHA and DGI in posting of ALOs at airports in Indonesia has been running for more than a decade as the extraterritorial immigration control despite legal challenges, sovereignty, non-refoulment principles, human rights violations, and authority overlap. This paper recommends both countries to ratify new arrangements about posting of ALOs subject to the national sovereignty, data sharing, use of technology, Indonesian legislations, and involvement in operation protocols. Further study about extraterritorial immigration control by postings of ALOs in Indonesia can be discussed from the perspectives of national sovereignty, border integrity, and intelligence service.

A. INTRODUCTION

Indonesia is one of Australia's neighboring countries that has a strategic location in the Asia-Pacific region. This invites more people from mostly the Middle East countries to transit in Indonesia and continues their journey to Australia. The situation reflects complexities for both Australia and Indonesia dealing with significant numbers of illegal migrants. Many of these travelers are refugees, asylum seekers, and irregular migrants who wish to enter Australia as their destination country (Hugo, Tan, & Napitupulu, 2017). Although Australia is a signatory country to the 1951 Geneva Convention that obliges it to receive any refugees or asylum seekers (Karlsen, 2016), it has raised its security concerns since the 9/11 attacks in the US (Wilson & Weber, 2008). Indonesia effectively becomes a transit area in which the duties of the Directorate General of Immigration (DGI) are

extremely challenging due to the rapid dynamics of the strategical circumference (Santoso, 2015). Australia shares borders with Indonesia were regulating the borders is an integral part of protecting the community and becomes a serious concern to address.

In the previous study of sovereignty and jurisdiction (Pratama, 2013), it is explained the first informal cooperation on this matter between Australia and Indonesia started in 1999 due to the Australian Government's lack of capability in tackling the many illegal entry cases that came via Indonesia. As part of this relationship, in 2000, Australia began posting its Airlines Liaison Officers (ALO) in Ngurah Rai Airport, Bali. ALO system is a specific collaborative arrangement between the Australian Department of Home Affairs (DHA) and DGI Indonesia. In exchange for this, Indonesia allows Australian immigration officials postings in

two of its major airports at Soekarno-Hatta Jakarta and Ngurah Rai Bali (Koc-Menard, 2006). According to the Indonesian Immigration Law No.6 of 2011, while a border is widely known as the outer line of an area, the border is considered as an inland immigration control where people arrive or depart the country through an international airport (Imigrasi, 2011). This situation infers challenges that hinder the collaboration from the perspectives of both parties in terms of policy instruments.

An issue like people smuggling is a threat to Indonesia because it can lead to other crimes. The collaboration between Australia and Indonesia by posting officers at the Indonesian airports is mutually beneficial for both parties, for they desire to solve regional immigration issues (Pratama, 2013). Considering its large area, and limited human resources and technological facilities, Indonesia needs to work with other countries to implement its border surveillance strategies. The posting of ALOs at airports in Indonesia is an arrangement considered essential to overcoming immigration issues and dealing with Transnational Organised Crime (TOC) in particular.

Even though postings of ALOs at Soekarno-Hatta and Ngurah Rai airports are considerably effective at curbing TOC, Pratama (2013) suggests that its officers should not have access beyond the check-in areas. ALO's request for access to boarding areas should not be granted due to authority potential trespass which is not in Indonesia's interests. When immigration document fraud is detected, reports are not immediately sent to Indonesia's Directorate General of Immigration (DGI), but first sent to Australia. As a result, Indonesia's position in this collaboration with Australia is considerably unequal.

To address the issues, this research is to examine the nature of collaboration between the DHA and DGI to protect both Australia and Indonesia's border security, and the current challenges involved. This study focuses on the following questions: To what extent DHA and DGI collaborate in protecting their borders? What are the challenges and issues emerging from the current approach to collaboration? As border security is a complex issue, this partnership can be analyzed by using the five indicators of collaborative public management identified by (O'Leary & Vij, 2012). The indicators include power, communication, perceived legitimacy, trust, and information exchange, reveal the challenges created by postings of ALOs in Indonesia. The study shows the

Department of Home Affairs Australia and the Directorate General of Immigration Indonesia in protecting borders by appointing Airline Liaison Officers have been running for more than a decade as the extraterritorial immigration control. Although as at the Soekarno-Hatta Jakarta and Ngurah Rai Bali airports have helped Australia to screen and prevent undocumented people from coming to their country, and increase the capability of Indonesian immigration officers, this relationship has some significant flaws. A balanced perspective that considers the costs and benefits to both nations is required to create a truly meaningful collaboration and to tackle this problem. This paper recommends both countries to ratify new arrangements about posting of ALOs subject to the national sovereignty, data sharing, use of technology, Indonesian legislations, and involvement in operation protocols. Further study about extraterritorial immigration control by postings of ALOs in Indonesia can be discussed from the perspectives of national sovereignty, border integrity, and intelligence service.

B. THEORETICAL FRAMEWORK

Collaborative public management literature

Currently, public organizations seek ways to achieve goals by establishing an organization that can work across agency boundaries. With growing prospects and potentials of collaborative public management, the public sector is expected to be more effective and efficient at solving problems and meeting the nation's needs. This has become imperative given that some problems are hard to be tackled by a single agency or government alone. Public managers shall carry out their work in a collaborative environment, working in conjunction with other world governments facing similar or connected challenges (McGuire, 2006). Collaboration is better perceived as a dynamic process rather than merely a static circumstance. Thus, 'collaborative', in this context, also means to work together in realizing the same goals.

O'Leary and Vij (2012) mention there are differences between collaboration, coordination, and cooperation in terms of their meanings and definitions. Cooperation and coordination do not capture the dynamic, evolutionary characteristics of collaboration (Gray, 1989). Therefore, collaboration is better perceived as a dynamic process rather than merely a static circumstance. Collaboration is a collective activity undertaken by two or more

institutions working together with a common purpose of raising public value rather than operating individually (Bardach, 1998). In other words, collaborative public management aims to simplify the procedures required for multi-organizational activities which cannot be simply managed by a single organization (Agranoff & McGuire, 2003). Thus, 'collaborative', in this context, also means to work together in realizing the same goals.

Frequently, collaborations mean working across borders, and in multi-sector and multi-player connections, with reciprocal goals that can include participants other than those from the government sector (Agranoff & McGuire, 2003). Furthermore, it may suit a collaboration between two or more government entities from different countries to solve difficult issues. For instance, about complex or wicked problems like terrorism, government organizations from two or more countries work together to solve such issues. Benefits of collaboration include client satisfaction (Milward & Provan, 2003), increased organizational performance (Meier & O'Toole Jr, 2003), increased value of the public service (Bardach, 1998), and improved economic policy-making (Agranoff & McGuire, 2003). Collaborative public management emerges based on five imperatives (Pratama, 2013): (1) when issues have grown so big that a single organization cannot handle them alone; (2) when outsourcing can improve risk management and assist with financial costs; (3) when public officials are required to perform public services more effectively; (4) when new technologies are needed to assist governments to better share integrative and interoperable information; and (5) when societies' members require greater participation in their own governance.

Whilst collaborations depend on individual leaders' actions in performing their roles, in a public management context, governments must be accountable to satisfy society's requirements for goods and service delivery (McGuire, 2006). Leaders in public organizations play a significant role in collaborative public management, even though these collaborations can become a burden to their daily administration practices (O'Leary & Vij, 2012). The first indicator is power in collaboration which may occur when one party has greater authority. Therefore, the legal mandate can increase authority which, in turn, also increases the likelihood for collaboration to succeed (Agranoff, 2006).

Communication as the second one requires collaborating parties to ensure that their relationship lines are inclusive, transparent, and in order where these forms can be realized through governance mechanisms. Third, legitimacy is an action that is believed to be acceptable and allowed based on laws or norms that all activities in the collaboration should be based on the laws that exist respectively for both parties. The indicator of trust is crucial for establishing and maintaining collaboration. Trust can be generated from collaborators' commitment, honest negotiation, and fairness. Parties collaborating on information technology should comprehend how to extract the maximum potential from information technology as indicator five, but also must be attentive to its challenges. (Bingham, 2008) claims collaboration in public management requires better concepts, visions, processes, outcomes, collaborative structures, and interrelation among theories from different disciplines.

Border Security and Externalization

Territorial sovereignty means that countries must enact regulations and laws that oblige international travelers to pass through an official state's 'gates' or fulfill their immigration procedures (Koslowski, 2011). In securing its territory, each nation has its own mechanisms and policies to determine who is, and who is not, lawfully eligible to enter the country. It is also discussed some policies implemented by the United States Government to protect its border security. Many resources are used to fund border system innovations and technologies to screen visitors at official entry points and to deter illegal migration at cross-borders. Further, border security has extended at territorial of another before they reach borders.

In previous studies, the externalization has two categories: physical borders and biopolitics (Hyndman, 2012) where this territory securitization has been broadened as buffer zones (Casas, Cobarrubias, & Pickles, 2010), archipelagos (Bialasiewicz, 2012), limboscaples (Ferrer-Gallardo & Albet-Mas, 2016), borderscapes (Brambilla, 2015; Neilson, 2010). This bordering requires extraterritorial management which includes comprehensive policies, agreements, practices, and roles of actors (Watkins, 2017a). Before known as the externalization, 'remote control' was first introduced by Zolberg (1997) a visa grant is approved at the embassy and consulates and, upon arrival, visitors

present before border officers at points of entry. In the form of institutions, remote control is to control the migration or movement of people in the territorial of another or offshore (overseas) to screen, monitor, prohibit or allow visitors to enter the destination country (FitzGerald, 2019). In this sense, as pre-empting actions, Watkins (2017b) argues Australia has applied the border security to stop asylum seekers by the territorial buffer zone in countries in Southeast Asia, the border externalizations in some countries in the Middle East, South Asia, and North Africa. This confirms the border security has been employed in different types of territorial securitization to deter unauthorized migration from outside its territory like Australia's border security.

Border Security at Airports in Indonesia

Based on the Indonesian Immigration Law No. 6 of 2011, borders can be areas that are on boundaries with neighboring countries, or other places designated, under the Indonesian law, as the immigration control where people embark and disembark. According to the Minister's Regulation No.17 of 2016, the physical borders as points of entry and exit of Indonesia include 29 airport immigration control, 7 border crossing stations and 88 seaports, where border security is a major concern for the national security by selecting visitors upon arrival. Legal issues can arise due to its international migration complexity which is related to state sovereignty and its relationships with other countries. Indonesian border lines are determined by the Indonesian Constitution (1945) that outlines Indonesia's jurisdiction area including its rights (Lasabuda, 2013). Pratama (2013) explains that a country has a protective jurisdiction principle whereby it has its own state security and jurisdiction about crime. A country has full authority to manage the protection in its regions based on a modern sovereignty concept. Modern sovereignty is implicitly defined as the state authority to extend its jurisdiction, as far as is necessary, by international law and without conflict with another country's jurisdiction. This denotes the immigration control at points of entry in Indonesia become the first place where immigration clearance is performed to visitors by immigration officers.

Referring to the Minister's Regulation No.44 of 2015 about Immigration Clearance Procedures, at points of entry, every visitor is screened, and their travel documents and visa are verified by also

identifying their names in the Enhanced Cekal System or movement alert list. This immigration clearance aims to select eligible visitors who can enter Indonesia, based on Indonesian immigration selective policy. In the case where there is uncertainty about traveler's documents or for immigration reasons, immigration officers refuse entry immediately to their home country or last ports where they depart. About borders security, the Indonesian immigration agency has initiated strategic cooperation with Australia. For example, Soekarno-Hatta (Jakarta) and Ngurah Rai (Bali) airports are the two busiest immigration control in Indonesia. Based on the agreement between Australia's Department of Immigration and Citizenship (DIAC), which is currently known as the Department of Home Affairs (DHA), with DGI, Australian Airline Liaison Officers (ALO) have been posted in both airports since 2000 and 2003 to identify document fraud by visitors before entering Australia (Pratama, 2013). In brief, this posting is to screen travelers who come to Australia to ensure they are traveling lawfully. The existence of ALOs in these two airports has decreased immigration law breaches. To ensure successful collaboration, both collaborating parties need to maintain their roles and duties based on the relevant rules to achieve the collaboration's goals.

Collaborative public management is an approach taken to solve complex issues that cannot be tackled by a single organization alone. Having realized that border security is a complex issue that requires international assistance, the Australian Government, through DHA, initiated a collaboration with the Directorate General of Immigration (DGI) Indonesia. The DGI is a strategic partner for DHA because many illegal entries to Australia embark from within Indonesia's borders. Scholars in this study provide different perspectives on border security. Koslowski (2011) argues that the Government of the USA needs to focus its efforts on law enforcement measures to prevent illegal migrant workers from entering rather than spending money on developing real or virtual fences at borders. Wilson and Weber (2008) believe that Australian surveillance systems and the practices implemented to protect national security conflict with its human rights and social justice responsibilities. Pratama (2013) suggests that the collaboration between DHA and DGI is crucial in overcoming immigration problems and dealing with transnational organized crime.

C. METHOD

Denzin and Lincoln (2008) mention qualitative methods use philosophical science that is interpretative. This research describes how public managers undertake their roles in collaborative public management practice. This study is conducted with the qualitative research methodology using the document analysis approach and observation at Jakarta and Bali airports in July and November 2019 to figure out the practices of collaboration and fill the literature gaps in research.

Research sources are both from primary and secondary data where the primary data are obtained from public organizational reports and official document which are available in the organization's libraries or online, for example, data from DHA and DGI official websites. Secondary data is collected from books, online publications, or journal articles. Data analysis is linking features and academic references regarding collaborative public management, border security, and Indonesian and Australian borders. The analysis section evaluates public managers' roles and challenges in the collaborative immigration scheme between DHA and DGI. The relevant factors include power in collaboration, communication, perceived legitimacy, trust, and information technology.

D. RESEARCH FINDING AND DISCUSSION

To tackle illegal migrants, asylum seeker entry and other border issues, Australia's border control is a mobility securitization that neglects human rights and social justice and is framed as a security and enforcement issue. The advanced technological capacity of the database, with the addition of human policing, has yielded intensive surveillance and pre-emptive praxis performed at and beyond Australia's boundary. There is a material impact of Australia's human rights violations when the system fails to acknowledge people in order to protect its border (Taylor, 2008). Overall, Australia's surveillance technologies and praxis, situated in a security and control paradigm, weakens its adherence to its human rights and social justice obligations.

The Nature of Collaboration between DHA and DGI

As people's movement across national boundaries increases, many countries are currently

facing similar issues and focusing on how to enforce their border security. Also, globalization has added a new dimension in a country's security with the emergence of international crimes which include human trafficking, prostitution, cyber-crime, financial and banking crimes, money laundering, and drug offenses (Jazuli, 2018). Hirsch (2017) describes the Australian government has implemented policies, initiated regional cooperation, adopted strategies to stop people smuggling, and human trafficking. The Australian border authority has the strategic plan and agenda towards border enforcement agenda referring to the Bali Process. Australia has encouraged Indonesia and other neighboring countries to cooperate with the Australian border agency in sharing data and information to intercept asylum seekers and undocumented people entering Australia. Particularly relevant to the challenges is the fact that Indonesia is a strategic location for transit travelers wishing to enter Australia.

In the previous study about Airline Liaison Officers Australia in Indonesia (Pratama, 2013), it explains Australia initiated a collaboration with Indonesia as its strategic counterpart in the Asia-Pacific region with regards to immigration issues. In 1999, this collaboration between the Department of Home Affairs Australia (DHA) and Directorate General of Immigration Indonesia (DGI) was first initiated in response to the many illegal entry cases to Australia from Indonesia because Australia unauthorized arrivals, for example, undocumented migrants. It is also described ALOs for the first time, was appointed in Bali at the Ngurah Rai Airport in 2000 with an additional posting at the Soekarno-Hatta Jakarta Airport in 2002. ALOs postings and the partnership it entails are one of the collaboration types between DHA and DGI. This part of collaboration is part of the extraterritorial immigration control where Glasius (2018) argues the externalization adopted by western countries intercepts unauthorized arrivals of persons before arriving at their borders. In Indonesia, the Australian Government established a further code called the Indonesia-Australia ALOs Operating Protocol that outlines the special arrangements with Indonesia. Taylor (2008) as cited in Ryan and Mitsilegas (2010) writes there are 16 airports in Jakarta, Johannesburg, and Kuala Lumpur where ALOs are posted to identify false travel documents and visas, and this can also stop illegal migrants, undocumented person, human trafficking. This

demonstrates ALOs postings are crucial for its detection of the many unlawful visitors to Australia who departs from airports in Indonesia.

Wilson and Weber (2008) claim by establishing multiple points of cooperation in locations throughout the Asia Pacific region, Australia is seeking to implement its own strategic immigration plan that included collaborations with its Asian neighbors. It is mentioned the Australian Government has provided training for Indonesian immigration officers and allocated AU\$6.4 million to improve Australia's border movement alert system in Indonesia. Under this, the Australian officials have provided document fraud examination training for local airline crews in Indonesia, to help increase their awareness of fraudulent documents and skills in dealing with these issues. This training can be considered a capacity-building endeavor that is in high demand by developing countries. This training can also be considered a collaborative public management form between two countries (O'Leary & Vij, 2012). This program has good impacts on host countries where ALOs will be stationed as a long-term and sustainable cooperation.

According to the code of conduct (IATA, 2002), before ALOs are posted in another country, relevant Australian Government authorities are responsible for ensuring that the pertinent authorities in that country approve the posting. This code of conduct requires them to provide information to local police, immigration institutions, and other government organizations as necessary. In the 8th Agreed Meeting Indonesia-Australia Ministerial Forum on 29 June 2006, Australia requested that the DGI grant ALOs for unrestricted access to work at prohibited areas for public and boarding gates as the last examination point before embarkation at relevant airports. This request refers to the need for improving activities of detection and prevention for passenger's boarding pass swap and document forgery and determining eligible passengers. In the Code of Conduct, the ALO's roles include providing suggestions to airline employees about travelers' documentation. However, they are not authorized to prevent passengers from flying, nor can they arrest any detected criminal. If ALOs attempt to extend their authority beyond these roles, their safety is not guaranteed by the Australian Government. In cases where ALOs accept asylum seekers' applications, these applications must be directed to United Nations High Commissioner for Refugees (UNHCR); to the appropriate diplomatic

mission(s); or an appropriate local non-governmental organization (NGO). ALOs must seek advice from the head of their diplomatic mission in cases where their activities may affect bilateral interests or their primary responsibility as a liaison officer.

As outlined in the Indonesian-Australian operating protocols, I also have duties as described in the IATA Code of Conduct. However, ALOs in Indonesia have an additional role as it is to provide training programs for immigration officers at airports and airline staff about the passenger's departure process to Australia and the fraud document examination. ALOs are not authorized to undertake some actions, such as issuing and canceling visas, refuse passengers or force airline companies to allow passengers to board airplanes. also do not have any authority to take any legal action in cases where there is an undocumented passenger or document fraud. The bilateral treaty between the DHA and DGI forbids ALO to cancel or change passenger's travel documents and they do not assist the deportation order process or moving passengers to or from Indonesia.

During the observation for this study, it finds the task of immigration clearance at airports in Indonesia is performed under four sections, which are under the authority of the Head of Immigration Clearance Division. Concerning the ALOs and Indonesian Immigration Officers collaborations at both Soekarno-Hatta and Ngurah Rai airports, Australia has a working relationship with airline companies and local government authorities. ALOs, cooperate with the Head of Immigration Clearance Division in terms of information sharing about people's alert list data. These data lists contain details of people who are considered potential immigration offenses, breaches of visa, or falsified travel documents. In conducting the immigration clearance at airports, the four section chiefs are supported by integrated systems such as the Enhanced "Cekal" System (ECS) as people's movement alert list, the Passengers' Movement System (PMS), the Border Control Management (BCM) system; and automated border control called Auto gates. Wilson and Weber (2008) argue that with the enhanced border movement and alert system, public managers at immigration control at airports have supported the strategic partnership with Australia to maintain the national security and border protection.

Territorial sovereignty means that countries must enact regulations and laws that oblige

international travelers to pass through an official state's 'gates' or fulfill their immigration procedures (Koslowski, 2011). In securing its territory, each nation has its mechanisms and policies to determine who is, and who is not, lawfully eligible to enter the country. It also discusses some policies implemented by the United States Government to protect its border security. Adamson (2006) describes the movement of people may raise national and international security issues. Filomeno (2017) claims an immigration inspection on entry and exit travelers which is conducted at physical borders accounts for the territorial jurisdiction including regulations, law enforcement, and code of conduct. Many resources are used to fund border system innovations and technologies to screen visitors at official entry points and to deter illegal migration at cross-borders.

It is analyzed that also play a very important role to detect and deter travelers who might threaten Australia's sovereignty by using Australian risk-based border management technology. It shows this multi-layered technology begins with Australia's visa application process administered by their Embassy or Consulates. As Czaika and Haas (2013) explain, immigration policy shall respond to issues and trends of migration referring to a national framework in completing missions subject to immigration law, procedures, and measures. When travelers are verified at airport check-in counters, travelers proceed to an immigration clearance in host countries and go through a further immigration examination on arrival at Australian airports. The collaboration between Australian and Indonesia in immigration issues at airports has revealed fundamental aspects for both countries in combating transnational organized crime. However, the DGI has not comprehensively addressed the strategic issues in protecting the border at points of entry and exit across Indonesia. The Indonesian immigration agency does not respond to the ALOs bilateral treaty, IATA ALOs code of conduct, Indonesia-Australia ALOs Operating Protocol with overlapping authority, national sovereignty, and further border protection programs by the DGI.

Issues and Concerns about Posting of ALOs

Australia initiating collaborations with neighboring countries, like Indonesia, where it has become the strategic location as a transit country. This means that even more people will continue to

enter Australia. Based on the collaborative public management concept, the Australian Government has tried to circumvent traditional border protection practices by attempting to build more innovative national security connections (Christensen & Læg Reid, 2007). The collaboration between DGI and DHA is an implementation of screening 'low risk' travelers which is believed to be an effective way to deter undocumented visitors to the country. Morris, George, Haseley, Parker, and Sherman (2014) argue that when inspecting passengers, a risk-based decision-making process is employed according to an assessment procedure about risk identification, segmentation, and allocation. Further, under the 'non-refoulment' principle, the refugees and asylum seekers cannot be returned to dangerous places (Wilson & Weber, 2008). Indonesia, in particular, is considered a buffer zone for immigrants to Australia and a 'last port of call' that becomes the first fence to screen unwanted people to Australia (Pratama, 2013). Australia has managed the regional and international cooperation with transit and origin countries where they depart but Australia must consider the principles of non-refoulment, national sovereignty, and international laws.

Despite the limitation of their roles in Indonesia's airports, the posting of ALOs, at both the Soekarno-Hatta Jakarta and Ngurah Rai Bali airports, has resulted in effective outcomes in advising to airline companies about undocumented or unlawful passengers not to board the passengers to Australia. However, in case of document fraud or other undocumented passengers, Indonesian immigration officers at airports have the authority to take further action based on the Indonesian Immigration Law No.6 of 2011 like a removal order. Immigration control consists of interrelated facets such as the immigration policy, border integrity, and security aspects to create strong borders for Indonesia (Authors, 2019). This confirms that ALOs have effectively supported Indonesian immigration officers in removing illegal entrants to Australia. In contrast, the discussion about drawbacks hinders the collaborative public management and make the praxis in the field less agree-able. These pitfalls of public manager's roles in the collaboration between DHA and DGI are analyzed based on five indicators (O'Leary & Vij, 2012). Posting of ALOs at airports in Indonesia is effective and beneficial to Indonesia in promoting the national security and immigration policy, but public managers find difficulties to support this collaboration.

1. Power in collaborations

O'Leary and Vrij (2012) argue that power differences in collaborations may cause challenges. When one party holds most of the authority in a relationship, the other party can feel frustrated by the lack of credit given to their expertise and experience. By posting ALOs in overseas airports, Australia can be seen as having 'exceptional power' in its collaborative relationship with Indonesia (Feeley & Simon, 1994). ALOs do not have the relevant jurisdiction in their work in Indonesian airports. For example, in performing their duties, ALOs are not authorized to make any decisions regarding passengers' embarkation status, but they can advise airline staff. Johnson et al. (2011) emphasize every country applies a selective control policy including physical border and national security where it is not limited to the service delivery. This circumstance shows that Australian immigration officers do not have legal or statutory powers in the restricted areas of Indonesian airports. Rather, the airline staff is the decision-makers concerning allowing or disallowing, passengers to board flights.

Although ALOs are prohibited to undertake any legal action or use their power in Soekarno-Hatta or Ngurah Rai airports, Australia has expanded its control through its use of the Regional Movement Alert system, and this power exists because of Australia's economic authority over APEC countries who are beholden to them for financial support. This power includes the cross-border management relationship they have with Indonesia. In contrast, Indonesia has not been afforded the same opportunity to post its immigration officers in Australian airports. Whilst Indonesian immigration representatives are present in 14 countries, including in two states and one territory in Australia, the Indonesian immigration officers are not posted at their airports. Rather, they must reside in the Indonesian consulates or embassies, away from relevant transit areas. Tjondro (2016) highlights the fact that Australia has been given great power by Indonesia about border protection. According to Article 19, the Foreign Minister's Decree 2004, Indonesian consular officials undertake the service of regular passport, emergency passport and visa grant, foreign resident identity, and other immigration roles. Indonesian officials are not assessing passenger details in the same way that ALO screens passenger's details in Indonesia. This indicates the power imbalance in

this circumstance is an obstacle for the public managers from the Indonesian and Australian immigration authorities. Power in collaboration may occur when one party has greater authority as the legal mandate can increase authority which, in turn, also increases the likelihood for collaboration to succeed (Agranoff, 2006). This condition triggers a power overlap among agencies that relates to rights, obligations, prohibitions, and sovereignty.

2. Communication

In good collaborations, communication lines must be inclusive, clear, and ongoing (O'Leary & Vrij, 2012). Careful consideration of issues relevant to both parties, and regular discussions, help collaborators to critically evaluate each other's opinion, recognize their similar interests, and develop a base of shared knowledge. Through clear communication, collaborating institutions are better able to facilitate an open-ended process of organizing crucial personnel who can implement their abilities and experiences to suit local contexts and issues (Tsoukas, 2005). Communication is one of the key aspects of maintaining long-term cooperation in terms of perspectives, values, and knowledge.

Referring to the interview result, the Head of Immigration Clearance Division at the Soekarno-Hatta Airport Immigration Office, claims that ALOs frequently build communication for information about the Document Examination Alert Notice (DEAN) and ALO interdiction alert or report. ALO every three months send reports about their alert lists to the DGI in return, as required under the collaboration protocols. Indonesia has no obligations to share any intelligence information based on the protocol. The operating protocol dictates that such reports must be presented by Australia to Indonesia's crucial collaborative institutions that include DGI, DHA, and the airline companies in return for their access to many of the restricted areas in Indonesian airports. Monthly reports providing for Indonesia with knowledge of relevant criminal activities are an essential part of the collaboration between agencies to set up strategic actions. Because Australia does not provide Indonesia with regular security reports, there is not much information available about ALO activities in immigration control at Soekarno-Hatta Jakarta and Ngurah Rai Bali airports. Koc-Menard (2006) explains another communication problem relates to unwillingness of Indonesian immigration authority

to share their immigration intelligence information with other countries who are willing to share their own immigration intelligence. As Cristofoli, Meneguzzo, and Riccucci (2017) suggest public networks lead to their success by informal and 'soft' approaches, activities of public managers who involved in a collaboration, and indicators of collaboration performance. This point is similar to Australia which is unlikely to share any information with Indonesia. However, this lack of trust is not an effective foundation for a good collaboration because this circumstance is due to the control enforced by Indonesia's national privacy law. Consequently, the data about passengers may not appear in the alert system and this is detrimental to the security for both countries.

3. Perceived legitimacy

Franzi (2017) describes the Advanced Passenger Processing (APP) system is supported by an extensive network of airline liaison officers employees to screen passengers during check-in and boarding. Technically, this process is undertaken when a passenger goes through the airline's check-in counter, and all of his/her data is verified in the movement alert system (Pardede, 2008). When there is a query about a passenger's data, embarkation can be denied by Indonesian officials at that very moment. Sovereign borders and immigration policies as the basic concept, border security is related to the inspection of people and their documents by border authorities (Chambers, 2015). By intercepting refugees and asylum seekers in the territory of another before they reach the border, this may be considered human rights violations under the Articles about the Responsibility of States for Internationally Wrongful Acts (Dastyari & Hirsch, 2019). As a result of this check-in procedure, Indonesia believes that Australia should not require any further access to its restricted immigration areas and may reconsider any factors relating to border integrity and human rights.

However, the Australian Government considers that the passenger processing at the check-in counters should be enhanced to better capture potential offenders. In the 8th Indonesia-Australia Ministerial Meeting of 2006 in Bali, ministers from both countries agreed that there remains a threat to MANPADS (Man-Portable Air Defence System) by criminals using other people's access documentation when they are in sterile or restricted areas of civil aviation ports in the Asia-Pacific. The

Australian Government argues that Indonesia should give their ALOs more access to these sterile areas and boarding gates for the final pre-embarkation examination. In contrast, Mitsilegas (2019) mentions challenges in rule of law in the practices of extraterritorial immigration control such as measurement based on the limited transparency and democracy or called ex-ante, and ex-post gaps in legal standards and human rights which causes authority bias in the immigration issue, security aspects, and military operations. This, they suggest, will improve document forgery detection, and ensure that the person is a genuine passenger. Such practices have already been implemented by ALOs in Singapore, Kuala Lumpur, Bangkok, and Hong Kong.

Nevertheless, based on the Indonesian Immigration Law No.6 of 2011, immigration areas are restricted places that can only be accessed by passengers, and airline staff who depart or arrive in Indonesia's territory and authorized officials and ALOs are not considered as one of these categories. This extraterritorial immigration control by posting ALOs has become a dispute for host countries because it relates to sovereign rights of their territory under the international law practices, protection for those escaping from countries (refuges), and human rights implications (Baxewanos, 2016). The immigration control at airports comprises the moral law of public authority, rule of law, and perspectives which refer to sovereignty, border integrity, and international law (Authors, 2019). According to Indonesia's immigration principles, enforcing these immigration areas counts as an implementation of its state sovereignty. That is why Australia's request to access Indonesia's immigration area cannot be granted because every country has sovereignty in the framework of territorial borders.

4. Trust

Many researchers believe that trust is influential in creating strong connections and maintaining robust collaborations (Bardach, 1998). Trust is created in collaborations by open and frank discussions, and not taking advantage of people or groups (Cummings & Bromiley, 1996). In relation to the DHA and DGI's collaboration, ALOs are not Australian Immigration Officers with technical skills, rather they are merely ALOs as regular staff members without this specialty training who have been recruited for the job. They are only three days to one week of training before their postings that

usually last for only a four-month period. Therefore, they do not have the experience to properly deal with people departing and arriving in Australia. In contrast, Indonesia only recruits trained immigration officers to perform this work at their airports.

In the observation at Jakarta and Bali airports, it informs the Australian Government's request for access to airport sterile areas has become an issue of foreign intervention into Indonesia's jurisdiction. Indonesia is worried about ALOs to misuse of this authority if their access is extended into restricted areas. Another of Indonesia's suspicions relating to ALOs posting is that Australia could use these postings to place its spies in Indonesia. Bardach (1998) explains trust is crucial for establishing and maintaining collaboration. Trust can be generated from collaborators' commitment, honest negotiation, and fairness (Cummings & Bromiley, 1996). Collaboration is not limited to a partnership itself, but it includes a clear framework with respect to each organization by sharing the burden and responsibility, the participation of all parties, resources, and supervision (Geddes, 2012). This situation makes the DGI decline ALOs proposal on the grounds of its potential threat to Indonesian sovereignty principles.

Koc-Menard (2006) defines, unlike other countries, Indonesia is not willing to commit itself to more open access to its security information because of the limitations imposed by its domestic privacy legislation. As a result, the Australian Government believes this circumstance has resulted in terrorists and other high-risk people not appearing in the MAL database. Safety and trustworthiness of people, economy, and infrastructure is the key point of security aspects and defense (Prokkola, 2012). For example, in the 2002 Bali bombing case, Australian security agencies did not have a list of potential terrorists and so their ability to analyze relevant terrorist groups active in Southeast Asia was compromised. In an attempt to tackle this problem, the ALO has provided training in document examination to Indonesia's Immigration Officers and airline staff.

5. Information Technology

Good collaborations break down barriers of distance and cultural differences in their ability to connect parties in their scale, scope, and formation where technology also makes the collaboration become more effective. Collaborating parties must

each fully comprehend the requirements, roles, and nature of the technology that forms the foundation of the working partnership (O'Leary & Vij, 2012). This equal comprehension of the technical aspects of an agreement leads to a stronger collaboration between the parties. Australia's APP system is a significant investment in exclusionary technologies and transnational networks that are implemented to protect national economies. But this comes at a cost to governments who must give up some of their authority and knowledge in order to manage such border security systems effectively. Therefore, if this sharing of technology occurs in an efficient and open manner, it will better meet the goals of a more secure and protected Australia.

Wilson and Weber (2008) describe the Australian Government introduced a policy comprising of three essential parts: Advance Passenger Processing (APP), Movement Alert List (MAL), and Regional Movement Alert List (RMAL). APP is used to deter unlawful travelers from using Australian border surveillance technologies. Under this process, travelers must be cleared by the 'high risk' travelers' database compilation, asylum seekers biometric identification, and biometric passports, which collects evidence to enforce mobility securitization. Through this processing mechanism, a traveler's checking and screening have begun even before they arrive in Australia. MAL is a passenger database computer containing travel document details of those who are classified as being of 'immigration concern' because they have a previous immigration record or existing intelligence information status. RMAL is a regional operational system designed in conjunction with the Asia-Pacific Economic Cooperation (APEC) to detect and locate lost, stolen, and unlawful passports, using a real-time database in collaboration with cooperating nation-states.

Koc-Menard (2006) argues although APP is applied to sixteen overseas airports, the reasons why certain passengers cannot board airplanes are not always explained properly to relevant airline staff. Also, information from MAL is limited and so airline staff only know of passengers who can board when they are at the check-in processing counter. Much of the MAL information remains confidential and is only known by ALOs and DHA staff. This selective information sharing is aimed to minimize the dangers of intelligence source leakages and to protect passengers' private information from third parties.

The posting of ALOs has not improved the technological facilities needed by Indonesian Immigration because equipment provided by DHA, such as immigration examination instruments, is only for use by ALO personnel. To improve immigration clearance at its airports, Indonesia needs more assistance with technology and training for its immigration officers. Therefore, a new agreement between DHA and DGI should be negotiated. This new agreement should provide for more effective border security management with the provision of new equipment and training in Indonesian immigration control at airports.

D. CONCLUSION AND RECOMMENDATION

Conclusions

The increase of human movement across countries has brought adversity to many nations. The resulting dilemma is how nations can best protect their border security. Moreover, the global movement issue has also caused some problems including new international crimes such as human trafficking, people smuggling, prostitution, cyber-crime, finance, banking, money laundering, and illegal drugs. The study concludes the collaboration between the Department of Home Affairs Australia and the Directorate General of Immigration Indonesia in protecting borders by appointing Airline Liaison Officers has been running for more than a decade as the extraterritorial immigration control. Posting of Australian ALOs in Jakarta and Bali airports in identifying false travel documents and unlawful visas has been extended to stopping illegal migrants, undocumented persons, and irregular movement by air from entering Australia. This strategic cooperation is initiated through the bilateral treaty or joint-statement, and the ALOs operation protocols which contain roles, responsibilities, and prohibitions. This bilateral border security and protection partnership generate mutual benefits for both countries where the Indonesian immigration officers have been provided with some skills development programs about the immigration clearance process and document fraud examination.

Although ALOs at the Soekarno-Hatta Jakarta and Ngurah Rai Bali airports have been beneficial to Indonesian in increasing the examination capability of Indonesian immigration officers at airports, and Australia in screening and preventing

undocumented people from coming to their country, this relationship has inevitably caused detrimental effects. There are some pitfalls and challenges in the collaboration despite the benefits received by Indonesia considering indicators of power, communication, perceived legitimacy, trust, and information exchange. The indicator of power shows that ALOs have no statutory power due to their limited jurisdiction; rather, the airline staff is decision-makers in allowing and banning passengers to board the planes. On the other hand, Indonesia considers that with the posting of ALOs, Australia has expanded its control to other countries' jurisdictions through the RMAL system. The communication aspect reveals that ALOs have not carried out their role to make monthly reports to the DGI which is also less likely to share the immigration intelligence information with Australia and makes data about unauthorized arrivals not appear in the MAL. Perceived legitimacy illustrates the demand of the Australian The government on requesting access to restricted areas in both airports to have a better chance to arrest potential immigration law offenders. In response, the DGI enforces the Indonesian Immigration Law No.6 of 2011 which allows only airline staff who depart or arrive in Indonesia's territory and related authorities to have such access, but not for ALOs. The indicator of trust identifies the DGI has different perspectives because ALOs are not immigration officers with limited skills due to their short period of training. Also, the Australian Government's proposal to access restricted areas of airports has become a problem of foreign intervention into Indonesia's jurisdiction. The information technology indicator reveals that the collaboration between the DHA and DGI does not improve the essential technology use for Indonesia because the device is only operated by ALOs. The five indicators of good collaboration reveal the deficiencies in the current collaborative arrangements between Australia and Indonesia. These inadequacies are especially apparent with respect to the lack of trust in the relationship.

Recommendation

This paper recommends both countries to ratify new arrangements about posting of ALOs subject to the national sovereignty, data sharing, use of technology, Indonesian legislations, and involvement in operation protocols. Both parties are recommended to make a greater effort to understand each equal roles and rights. The parties

also need to be more open to each other's needs in the relationships and be willing to provide important information that will ultimately benefit both parties. More information sharing about alert interdictions and people of interest, either electronically or manually. A new arrangement could be made between the DHA and the DGI to assist both parties in their respective roles and clearly delineate the jurisdictional authority of each member. A Memorandum of Understanding (MoU) is advised to respond postings of ALOs at airports in Indonesia and involve relevant public managers, for instance, the Head of Immigration Office, the Head of Immigration Control Division, the Head of Immigration Clearance Section and Australian ALOs. Such an arrangement would especially assist to improve trust between the parties that will ultimately benefit both nations. Further study about extraterritorial immigration control by postings of ALOs in Indonesia can be discussed from the perspectives of national sovereignty, border integrity, and intelligence service.

REFERENCES

- Adamson, F. B. (2006). Crossing borders: international migration and national security. *International Security*, 31(1), 165-199.
- Agranoff, R. (2006). Inside collaborative networks: Ten lessons for public managers. *Public Administration Review*, 66, 56-65.
- Agranoff, R., & McGuire, M. (2003). *Collaborative public management: New strategies for local governments*: Georgetown University Press.
- Arifin, R., & Bawono, S. K. (2019). The Quality of Government of Immigration Control at Airports: Principles, Perspectives and Practices. *PEOPLE: International Journal of Social Sciences*, 5(3).
- Arifin, R., Nurkumalawati, I., & Briando, B. (2019). The Theoretical Perspectives of Immigration Controls: Immigration Clearance Process, Selective Policy and Security Approach at Airports in Indonesia In *Second International Conference on Multidisciplinary Academic Research* Sydney: Asia Pacific Institute of Advanced Research
- Bardach, E. (1998). *Getting agencies to work together: The practice and theory of managerial craftsmanship*: Brookings Institution Press.
- Baxewanos, F. (2016). Relinking power and responsibility in extraterritorial immigration control: the case of immigration liaison officers Fabiane Baxewanos. In T. Gammeltoft-Hansen & J. Vedsted-Hansen (Eds.), *Human Rights and the Dark Side of Globalisation* (pp. 207-228). London: Routledge.
- Bialasiewicz, L. (2012). Off-shoring and outsourcing the borders of Europe: Libya and EU border work in the Mediterranean. *Geopolitics*, 17(4), 843-866.
- Bingham, L. B. (2008). Lateral Thinking for Collaborative Public Management.
- Brambilla, C. (2015). Exploring the critical potential of the borderscapes concept. *Geopolitics*, 20(1), 14-34.
- Casas, M., Cobarrubias, S., & Pickles, J. (2010). Stretching borders beyond sovereign territories? Mapping EU and Spain's border externalization policies. *Geopolítica (s)*, 2(1), 71-90.
- Chambers, P. (2015). The embrace of border security: Maritime jurisdiction, national sovereignty, and the geopolitics of operation sovereign borders. 20(2), 404-437.
- Christensen, T., & Lægreid, P. (2007). The whole-of-government approach to public sector reform. *Public Administration Review*, 67(6), 1059-1066.
- Cristofoli, D., Meneguzzo, M., & Riccucci, N. (2017). Collaborative administration: the management of successful networks. In: Taylor & Francis.
- Cummings, L. L., & Bromiley, P. (1996). The organizational trust inventory (OTI). *Trust in organizations: Frontiers of theory and research*, 302(330), 39-52.
- Czaika, M., & Haas, D. (2013). The effectiveness of immigration policies. *Population Development Review*, 39(3), 487-508.
- Dastyari, A., & Hirsch, A. (2019). The Ring of Steel: Extraterritorial Migration Controls in Indonesia and Libya and the Complicity of Australia and Italy. *Human Rights Law Review*, 19(3), 435-465.
- Denzin, N. K., & Lincoln, Y. S. (2008). *The landscape of qualitative research* (Vol. 1): Sage.

- Feeley, M., & Simon, J. (1994). Actuarial Justice: The Emerging New Criminal Law. In D. Nelken (Ed.), *The Futures of Criminology*. London: Sage.
- Ferrer-Gallardo, X., & Albet-Mas, A. (2016). EU-Limboscapes: Ceuta and the proliferation of migrant detention spaces across the European Union. *European Urban and Regional Studies*, 23(3), 527-530.
- Filomeno, F. A. (2017). *Theories of Local Immigration Policy: Cham* : Springer International Publishing : Imprint: Palgrave Macmillan.
- FitzGerald, D. S. (2019). Remote control of migration: theorising territoriality, shared coercion, and deterrence. *Journal of Ethnic and Migration Studies*, 1-19.
- Franzi, J. (2017). Australian Advanced Passenger Processing In: Department of Immigration and Border Protection.
- Geddes, L. (2012). In search of collaborative public management: the prolific and other priority offender programme. *Public Management Review*, 14(7), 947-966.
- Glasius, M. (2018). Extraterritorial authoritarian practices: A framework. *Globalizations*, 15(2), 179-197.
- Gray, B. (1989). Collaborating: Finding common ground for multiparty problems.
- Hirsch, A. L. (2017). The borders beyond the border: Australia's extraterritorial migration controls. *Refugee Survey Quarterly*, 36(3), 48-80.
- Hugo, G., Tan, G., & Napitupulu, C. J. (2017). Indonesia as a transit country in irregular migration to Australia. *A long way to go: Irregular migration patterns, processes, drivers and decision-making*, 167-191.
- Hyndman, J. (2012). The geopolitics of migration and mobility. *Geopolitics*, 17(2), 243-255.
- IATA. (2002). *A Code of Conduct for Immigration Liaison Officers*. Montreal: International Air Transport Association.
- Undang-Undang Keimigrasian Indonesia, 6 C.F.R. (2011).
- Indonesia-Australia Joint Ministerial Statement (2006) In. Bali: The Eighth Indonesia-Australia Ministerial Forum.
- Jazuli, A. (2018). Eksistensi Tenaga Kerja Asing di Indonesia dalam Perspektif Hukum Keimigrasian. *JKH*, 12(1), 89-105.
- Johnson, C., Jones, R., Paasi, A., Amoores, L., Mountz, A., Salter, M., & Rumford, C. (2011). Interventions on rethinking 'the border' in border studies. *Political Geography*, 30(2), 61-69.
- Karlsen, E. (2016). Refugee resettlement to Australia: what are the facts?
- Keputusan Menteri Luar Negeri Republik Indonesia tentang Organisasi dan Tata Kerja Perwakilan Republik Indonesia di Luar Negeri Ministry of Foreign Affairs, Pub. L. No. SK.06/A/OT/VI/2004/01 (2004).
- Koc-Menard, S. (2006). Australia's Intelligence and Passenger Assessment Programs. *International Journal of Intelligence and CounterIntelligence*, 19(2), 218-236.
- Koslowski, R. (2011). The evolution of border controls as a mechanism to prevent illegal immigration. *Migration Policy Institute, Washington, DC*.
- Lasabuda, R. (2013). Pembangunan wilayah pesisir dan lautan dalam perspektif Negara Kepulauan Republik Indonesia. *Jurnal Ilmiah Platax*, 1(2), 92-101.
- McGuire, M. (2006). Collaborative public management: Assessing what we know and how we know it. *Public Administration Review*, 66, 33-43.
- Meier, K. J., & O'Toole Jr, L. J. (2003). Public management and educational performance: The impact of managerial networking. *Public Administration Review*, 63(6), 689-699.
- Milward, H. B., & Provan, K. (2003). Managing the hollow state Collaboration and contracting. *Public Management Review*, 5(1), 1-18.
- Mitsilegas, V. (2019). Extraterritorial immigration control, preventive justice and the rule of law in turbulent times: lessons from the anti-smuggling crusade. In *Constitutionalising the External Dimensions of EU Migration Policies in Times of Crisis*: Edward Elgar Publishing.
- Morris, S., George, D., Haseley, A., Parker, N., & Sherman, B. (2014). *Smart Borders Increasing security without sacrificing mobility*. Retrieved from UK:
- Neilson, B. (2010). Borderscape: Between

- Governance and Sovereignty-Remaking the Borderscape to Australia's North. *Local-Global: Identity, Security, Community*, 8, 124.
- O'Leary, R., & Vij, N. (2012). Collaborative public management: Where have we been and where are we going? *The American Review of Public Administration*, 42(5), 507-522.
- Pardede, T. (2008). *Kelemahan Sistem Pemeriksaan Lintas Batas Keimigrasian di Tempat Pemeriksaan Imigrasi*. Universitas Indonesia. Program Pascasarjana,
- Pratama, D. Y. (2013). *The Role of Australian Airlines Liaison Officers Assessed from a State Sovereignty and Jurisdiction Enforcement Based on Immigration Perspectives*. (Bachelor). Immigration Academy, Depok.
- Prokkola, E.-K. (2012). Technologies of Border Management: Performances and Calculation of Finnish/Schengen Border Security. *Geopolitics*, 18(1), 1-18. doi:10.1080/14650045.2012.685791
- Ryan, B., & Mitsilegas, V. (2010). *Extraterritorial immigration control: Legal challenges*: Brill.
- Santoso, M. I. (2015). Applying interactive planning on public service leadership in the directorate general of immigration Indonesia. 169, 400-410.
- Taylor, S. (2008). Offshore barriers to asylum seeker movement: the exercise of power without responsibility? *FORCED MIGRATION, HUMAN RIGHTS AND SECURITY*, J. McAdam, ed, 93-127.
- Tjondro, H. (2016). *Potret Imigrasi Negara Sahabat*. Jakarta: Direktorat Jenderal Imigrasi.
- Tsoukas, H. (2005). *Complex knowledge: Studies in organizational epistemology*: Oxford University Press.
- Watkins, J. (2017a). Australia's irregular migration information campaigns: Border externalization, spatial imaginaries, and extraterritorial subjugation. *Territory, Politics, Governance*, 5(3), 282-303.
- Watkins, J. (2017b). Bordering borderscapes: Australia's use of humanitarian aid and border security support to immobilise asylum seekers. *Geopolitics*, 22(4), 958-983.
- Wilson, D., & Weber, L. (2008). Surveillance, risk and preemption on the Australian border. *Surveillance & Society*, 15(2), 124-141.
- Zolberg, A. (1997). The great wall against China: responses to the first immigration crisis, 1885-1925. *Migration, migration history, history: Old paradigms and new perspectives*, 291-316.