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A CRITICAL ASSESSMENT ON THE INDONESIAN FREE VISA POLICY: A NEOREALIST PERSPECTIVE

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Abstrak

Tulisan ini membahas penerapan kebijakan bebas visa di Indonesia dari pendekatan kedaulatan dengan menggunakan perspektif kedaulatan yang bersifat interdependensi dan domestik. Dengan menggunakan kedua pendekatan kedaulatan tersebut, tulisan ini secara kritis melakukan analisis terhadap implementasi kebijakan bebas visa di Indonesia. Dari perspektif kedaulatan interdependensi yang dielaborasi dengan variabel asas manfaat ekonomi, asas resiprokal dan pendekatan keamanan diketahui bahwa kebijakan bebas visa di Indonesia belum didasarkan atas formulasi kebijakan yang rasional dan obyektif, sehingga berdampak terhadap potensi gangguan terhadap keamanan dan ketertiban. Kemudian dari perspektif kedaulatan domestik diketahui bahwa meskipun secara eksplisit kinerja penegakan hukum dan pengawasan keimigrasian telah secara efektif tergelar, namun kinerja kontrol imigrasi tersebut bekerja dalam tataran represif bukan pada level pencegahan. Di bagian akhir, tulisan ini memberikan rekomendasi penelitian tindak lanjut yang dapat menjelaskan strategi penguatan kapabilitas negara dalam penerapan kebijakan bebas visa secara lebih mendetail serta metode pengukuran persepsi publik terhadap kinerja kontrol imigrasi.

Kata kunci:

Kebijakan Bebas Visa, Pariwisata, Kedaulatan Interdependensi, kedaulatan domestik

Abstract

This paper discusses the implementation of free visa policy in Indonesia from a neorealist perspective. By utilizing the perspective of interdependence sovereignty and domestic sovereignty, this paper critically assesses the implementation of the free visa policy in Indonesia. From the interdependence sovereignty perspective, which elaborates the economic benefits, reciprocal and security approaches the paper finds that the free visa policy in Indonesia has yet to formulate a rational and objective policy that would lead to potential security – order threat. On the other hand, from the domestic sovereignty perspective the paper finds that although the state performs its immigration control capabilities effectively, however the said immigration control measures are implemented at a rather repressive level, instead of at the ideal prevention level. In the end, the paper suggests further research that fills the gap from findings on the specific methods to enhance the state's capability in managing challenges posed by the free visa policy in more detail, as well as providing a method to measure public perception on the performance of immigration control.

Keywords:

Free Visa Policy, Tourism, Independence Sovereignty, Domestic Sovereignty

INTRODUCTION

In the history of immigration policies in Indonesia, the handover of immigration tasks and functions from the Dutch East Indies colonial government to the Indonesian government on January 26, 1950 marked a shift of immigration politics. Previously, immigration was seen as a tool to sustain colonialism through the open-door immigration policy (*opendoor politiek*). However, after the handover of immigration tasks and functions to Indonesia, immigration politics was transformed to a selective immigration policy, a policy on immigration based on national interests and pivoting towards balance on the principle of benefit and security factors (Santoso et. al., 2005). This is in line with the opinion stated by President Soekarno when he opened the First All-Indonesian Conference on Heads of Immigration Offices in the Bina Graha Building at the Presidential Palace Complex in Jakarta on May 7, 1953:

There is indeed a huge difference between our immigration politics with the immigration politics of the Dutch era, Americans, Australians, and others. If immigration in Australia, America, or in the Dutch era have opendeur politiek, which tries to absorb as many people as possible for their countries' needs, then Indonesian immigration limits it as few as possible, only for those needed by (our) country (Santoso et. al, 2005).

In the perspective of immigration, visa is one of preventive measure methods seen as effective to deter unwanted foreign citizens from entering a state's territory. This is done by screening on the data and profile of foreign citizens including destinations, sponsors, and residences during their stay in their destination country, which is done carefully by officials in the diplomatic representatives of the country (Zolberg, 2008). As a result, visa is the first layer of administrative supervisions as part of immigration control capabilities before a foreign citizen enters a country.

In their further development, nation-states open their entry access to their country without visa mechanisms under several rationales. The most common rationale is to ease the way for tourists to enter a country who would bring positive effects towards their economy. Despite so, policies to eliminate visa obligations, which directly eliminates a step in immigration supervision, should be complemented by security considerations, as well as principles of benefits and reciprocity which brings benefits for the country giving free visa facilities (look for example Miller, 1999)¹

In this regard, tourism is one of the sectors which have been relied by many countries since the rise of global economy after World War II, in addition to the rising volume of interstate migration strengthened by the development of information technology and transportation as the catalyst for the rising attention of countries around the world towards tourism sector. Regarding the development of tourism sector, since the 1980s, Indonesia has been implementing progressive free visa policies for tourists from several countries. Free visa regime in Indonesia has been implemented since 1967 as a method for integration in the Southeast Asian region within the body of Association of Southeast Asian Nations (ASEAN) as part of a change in Indonesian foreign policy to make it more open towards foreign policies in Southeast Asia (Djafar, 2004). In its later development, free visa policies in Indonesia have been rapidly expanding. The table below shows a background on the expansion of free visa policy in Indonesia from 2011 to 2016.

Table 1. Countries Given Short Term Free Visa Policies

Year	Number of Countries	Legal Base
2011	15	Presidential Act 43/2011
2015	45	Presidential Act 69/2015
2015	90	Presidential Act 104/2015
2016	169	Presidential Act 21/2016

Source: (Kemenpar, 2018)

From the description above, it can be seen that the Indonesian government, with the domination of tourism sector since 2011, has moved towards liberalization of free visa policy implementation in order to increase the number of tourists to Indonesia. At the most recent addition of countries being given free visa facilities in 2016, 169 countries enjoy free visa facilities to visit Indonesia for purposes of tourism, social-culture visits, and business.

Indonesia decided to add the list of free visa countries in 2016 with some policy rationales: first, it is based on Indonesia's target to receive 20 million foreign tourists in 2019 (UNWTO, 2018). In this regard, Indonesia is interested by the results of a study conducted by the United Nations World Tourism Organization² and the World Travel and Tourism Council (WTTC) during the 4th T20 Ministers Meeting³ in 2012, which resulted in recommendations including opening free visa regimes as wide as possible which would drive the increase of foreign tourists in a year by 5-25% within 3 years (UNWTO, 2018).

The second reason is to increase the *Travel and Tourism Competitive Index (TTCI)*, a ranking system measuring competitiveness of Indonesian tourism vis-à-vis other countries. Although the UNWTO (2018) found a positive correlating indication between number of foreign tourists and implementation of free visa policies, however at the same time it warns that the pillar of free visa policy should not be the most dominant component in policies for tourism expansion. In addition, UNWTO (2018) stated that free visa policies are only one of instruments from the whole tourism policy macrosystem to increase tourism growth in a country:

Research over the years has underlined the importance of visa free policies to successful national tourism development strategies. However, a visa free policy in isolation is no guarantee for tourism growth. Rather, such policies should be seen as part of an overall national effort.

By considering those factors, this paper argues that expansion of free visa policy is highly influenced by economic rationales. The logic of adding the number of countries is done by economic assumption in order to increase national revenue as well as raising Indonesian competitiveness among international tourism. This paper argues that the addition of free visa countries is not complemented by the strengthening of immigration policy formulation based on selective policies by balancing principles of benefits, reciprocity and approach on security.

As a result, by using a neorealist approach – especially the aspect of sovereignty, this paper provides a critical assessment on the implementation of free visa policies in Indonesia from the lens of international relations (IR) combined with some conceptual literature on international migration. This is done considering the writer's understanding that as of now, discourse on the role of state in doing exercise of immigration control in Indonesia based on IR perspective or the concept of international migration is still very minimal (see for example Hollifield, 2012; Weiner, 2006). In addition, various studies previously done on that matter used Western countries as practice setting, such as the United States, the United Kingdom, the European Union, Canada and Australia.

Based on scientific approaches, a majority of the studies that have been done on free visa policies are parts of political science compartment (immigration). The framework for analysis being used is by questioning the state's capability and role in regulating border control, especially in the era of globalization, where the volume of trade,

investment, and tourism has been rapidly increasing in pressuring the existence of nation-states' sovereignty itself. (see for example Adamson, 2006; Freeman, 2005; Hollifield, 2012; Hollifield & Wong, 2000; Weiner, 2006; Zolberg, 1994).

As a neorealist, Myron Weiner (2006) for example, deems the role of state capability in immigration control as very important in protecting the state's legitimacy. This is done by establishing rules of entry and national rules to deter illegal immigrants, human trafficking, as well as asylum seekers trying to enter a state's territory. Weiner (2006) explained that the existence of a state's sovereignty can be protected if a country can protect its capability in implementing immigration control – through rules of entry and rules of exit. According to Weiner (2006), immigration control is the dependent variable in an anarchic structure. However, Weiner's writing did not elaborate on how states would implement and increase its immigration control capability (Hollifield, 2012)

Besides studying the existence of state sovereignty, some other studies are also focusing on a country's decision-making process on immigration. A study done by Gary Freeman (2005) on the economy politics of immigration, described several predictions of immigration policies as a result of clash of interests in influencing the output of immigration policies with the economic parameters of cost and benefit. According to Freeman (2005), "political economy assumes that states can manage immigration policy for a variety of purposes. How the costs and benefits are calculated, and thus which policy options will be adopted, depends on the characteristics of the political process". Here, Freeman (2005) concentrated more on the domestic politics of a state, observed from the aspect of political economy, and gave less attention to immigration control capability.

Regarding research on international migration in international relations, Fiona B. Adamson (2006) did an extensive enough research based on a neorealist approach, by linking the concept of sovereignty with national security. In this field of study, Fiona believed that the system of balance of power formed by international migration was multipolar – with all countries roughly facing the same challenges. With that situation, according to the neorealist logic the state's capability in regulating dynamics of international migrations should be strengthened (Adamson, 2006). Further, Adamson (2006) added that the strengthening of state capability is not only based on the traditional concept of neorealism based on states as a unitary actor, but what must be done by nation-states is building cooperation with other nation-states to strengthen border control capabilities. Despite so, Adamson's (2006) research was concentrated on a middle-range analysis setting.

In addition, from several research aspects about free visa policies in Indonesia, several writers have previously done studies regarding the effect of free visa implementation policies towards the potential of disturbances and threats to security (see for example Fathun, 2017; Setiadi & Afrizal, 2019) However, there has been no author writing about the context of state's role, especially the government in doing attempts to strengthen free visa policies which will benefit the Indonesian economy at one side, and also strengthening state capability on the other side to minimize negative effects of implementations of free visa policies in Indonesia based on security perspective.

Then, by paying attention to several previous literature studies, this paper is made to do a critical assessment on free visa policies in Indonesia through the context of immigration control capability based on a neorealist perspective – especially the concept of sovereignty. Using concepts of interdependence and domestic sovereignty conceptualised by Stephen H. Krasner (1999, 2001), this paper strengthens the neorealism hypothesis which views the central role of the state in ensuring the legitimacy of a state's sovereignty by using its immigration control capacity through the form of traffic management and immigration supervision in Indonesia based on a selective policy as the axis of immigration politics in Indonesia. The research problem proposed in this research is, first, how the conceptualization of sovereignty, as proposed by Krasner (1999, 2001) analyses free visa policies in Indonesia? And second, how far are the benefits of the utilization of Krasner's concept of sovereignty in the context of free visa policies in Indonesia?

ANALYTICAL FRAMEWORK

Based on several previous research, generally the concept of immigration and neorealist theory in international relations meet in the intersection of the concept of sovereignty. And to strengthen its argumentation, this paper uses the concept of interdependence sovereignty and domestic sovereignty as stated by Stephen H. Krasner (Krasner 1999, 2001). According to Krasner's view "interdependence sovereignty refers to the ability of states to control movement across their borders" while domestic sovereignty is "the level of effective control a state exercises within its borders" (Krasner, 1999, 2001). As a neorealist, Krasner (1999, 2001) goes from an understanding of a concept of sovereignty developing in parallel with the constellation of globalization forces that according to some have eliminated the traditional concept of state sovereignty as an unitary actor in the anarchic structure of international politics.

Basically, Krasner realised that the position of a state is being challenged by the wave of globalization, but still does not eliminate the role of the state, because the state has also adapted itself with global dynamics since the birth of nation-states system (Krasner 1999, 2001). The level of states' adaptability towards the pressure of globalization forces is manifested through the strengthened state capacity in facing external challenges, such as increasing in economic capabilities, military capabilities, as well as immigration control capabilities (Krasner, 1999, 2001). Then, in the synthesis of sovereignty, Krasner formulated 4 concepts of sovereignty: interdependence sovereignty, domestic sovereignty, Westphalia sovereignty and international legal sovereignty (Krasner, 1999, 2001).

In this way, the concept of interdependence sovereignty reflects a state's capability to formulate immigration policies with the dimension of cross-border movement or international migration (Krasner 1999, 2001). The focus is on the formulation and policy implementation on immigration. In this regard, a state without intervention in making immigration policies, is present to give or to reject immigration access to foreign citizens entering its country based on its national interest. As a result, Krasner (1999, 2001) is on the same line as Weiner's view (2006) who sees immigration policy as a dependent variable in an anarchic structure. In addition, by using the concept of interdependence sovereignty, then every policy made by the government should be done through a rational and objective mechanism of policy making. Practically, it can be translated that every new taking of immigration policies should consider the balance between the principle of benefits and the selective security principle, which is rational and objective by analysis on empirical data and framework on sustainable policy evaluation. This argument is strengthened by views by expert of international migration and security, Fiona B. Adamson (2006), who also used the concept of interdependence sovereignty in analysing the strengthening of state capability in regulating immigration control. According to Adamson, the key to success in protecting its sovereignty is through regulating border control through a calculation management of risk effects caused by immigration traffic by maximizing benefits such as economics on one side and to minimize the costs of security risk effects caused by international migration in the other side (Adamson, 2006).

Meanwhile the conceptualization of domestic sovereignty in this paper is state capability to exercise its immigration control towards foreign citizens in Indonesian territory effectively with full authority in line with positive law applied in the country –

such as law enforcement and immigration supervision (Krasner, 1999, 2001). Krasner reminded that interdependence sovereignty should be totally strengthened due to its linear correlation with domestic sovereignty (Krasner, 2001). The assumption is that states policies that ease entry rules to a country's territory should be done rationally and thoroughly because its effect will lead to a deficit of control of domestic sovereignty – or capability of immigration control (Krasner, 2001). This is in line with the neorealist approach where the state is faced with security dilemma from the situation of international structure, who on one side wants to get benefits by immigration policies, and on the other side should take precarious steps. The key is to prepare state capability as a form of deterrence in exercising immigration control (Adamson, 2006).

Then to elaborate state capacity in doing exercise of immigration control as manifestation of domestic sovereignty, according to Miller (1999), the state needs a strengthened law enforcement on immigration laws done in a tangible real and strict manner against violations of immigrations and supported by administrative elements – human resources, budget, technology and other facilitative elements in order to support the law enforcement function of immigration.

As a result, the concept of independence sovereignty and domestic sovereignty, as stated by Krasner strengthens the hypothesis of neorealist approaches that although states currently face pressure to strengthen economic globalization and a huge wave of international migration, the role of state to do the function of immigration control is irreplaceable as long as the state ensures its citizens that its performance as the holder of power has been done well and the state doesn't lost its immigration control (Adamson, 2006; Krasner, 1999, 2001; Miller, 1999). This is important as according to Machiavelli (1998) the duty of a state – as the Prince – is to ensure that its citizens are prosperous and protected from any possible dangerous threats.

If we use the framework logic of interdependence sovereignty and domestic sovereignty from Krasner (1999, 2001) as elaborated by Adamson (2006) and Miller (1999) then the syllogism that can be constructed is that nation states can release more open entry rules (free-visa policies) as long as they maximize principle of benefit – from the economic aspect (welfare approach) – which can be counter-balanced by security approach through rational and objective policy formulations by observing calculation of security risks (security approach) as well as the principle of reciprocity. As a result, the variable in doing analysis on free visa policies in this paper is analysed through assessment of independence sovereignty – principles of benefit and reciprocity, as well

as security approach and the dimension of domestic sovereignty – through the strengthening of law enforcement capabilities and immigration supervision.

RESEARCH METHOD

The research method used in this research paper is qualitative with level of descriptive explanation. Meanwhile the analysis technique done is through reduction. Research method is done by participant observation as collection of primary data dan collection of secondary data given by the Indonesia government as well as international bodies and applied with neorealist theory elaborated with concepts of interdependence sovereignty to contextualize the observed phenomenon with international migration studies.

The testing of data validity is conducted by triangulation method by using combination of participant observation of the author during his time as an official in Indonesia's Foreign Missions overseas, Immigration Official in the General Directorate of Immigration and complemented by support of secondary data, both qualitative and quantitative to strengthen its argumentation.

DISCUSSION

Free visa Policies and Interdependence Sovereignty

The conceptualization of free visa policies within the perspective of interdependence sovereignty can be elaborated as follows: First, free visa is an immigration policy given to foreign citizens while being outside when they enter Indonesia's territory. As a result, free visa policies are compatible with the concept of cross-border movements. Second, Indonesia as a rational actor conducts free visa policy formulations for foreign tourists from other countries in order to provide benefits for national economy through the instrument of immigration policies. As a result, the concept of interdependence sovereignty is conceptualised by the understanding that Indonesia needs the international environment to contribute to its national economy through free visa policies as an immigration instrument that eases foreign citizens' entry to Indonesia.

The critical question is whether the occurring practice of free visa policies is based upon the rational-objective approaches by balancing between principles of benefit – economy, principle of reciprocity and security approach? By using Krasner's conceptualization of independence sovereignty (1999, 2001) elaborated through the principle of benefit as a variable, this paper's critical assessment on free visa policies is as follows.

The first aspect of the interdependence sovereignty perspective requires scrutinizing the rationality of free visa policies upon the basis of principle of economic benefits. This paper argues that free visa policies that has been expanded since 2011 until 2016 have been focusing more on the economic aspect. A calculated target of 20 million tourists per year from the Government as well as Indonesia's participation in international tourism competition shows very strong attempts to gain economic benefits in order to increase national revenue and Indonesia's TTCI ranking globally. Based on secondary data from the Ministry of Tourism, it is shown that since 2004 national revenue has fluctuated gradually. Although the trend of national revenue has been unstable, there are increases of surplus from the national revenue in several aspects from the service sector, which is in line with tourism (Kemenpar, 2018). However, according to data from Bank Indonesia (BI) and Badan Pusat Statistik (BPS) from 2008-2009, the number of foreign tourists as well as their spending in Indonesia, have dropped from previous years (quoted from Kemenpar, 2018). The same tendency happened between 2015-2017 regarding the number of spending outflows from foreign tourists which did not show significant increases. It even declined, specifically in 2016-2017, in spite of the expanded number of free visa countries to 169 countries (as quoted from Kemenpar, 2018).

As a result, the problem from economic aspect regarding free visa policies is there is not linear correlation between the increase of foreign tourists and its spending profile. As a result, the first problem in the critical assessment regarding interdependence sovereignty vis-à-vis free visa policies has been identified. The state should get as much benefit as possible as foreign tourists experience easier entry access to Indonesian territory; however, it was not in line with the initial discussion. From the previous discussion regarding the country spending profile, it is known that the increase of number of foreign tourists was not in line with their spending profile.

The second aspect of interdependence sovereignty and free visa policies pertains to the principle of reciprocity. This is important, as the components of Indonesian free visa policies contain the principle of reciprocity and benefits. To see the context from the lens of the principle of reciprocity, we should see the strength of the Indonesian passport to enter foreign territories without using visas. According to parameters released by Henley and Partners (Partners, 2019), Indonesia stands on the 75th place with its ability to only visit 69 countries without needing visas. On the other hand, Indonesia's neighbouring countries, such as Malaysia, occupies the 13th place with its ability to enter 176 countries without visa, together with Japan with its ability to enter 189 countries. As

a result, the Indonesian passport strength to visit other countries without needing visa which only consists of 69 countries, is not equal to the number of countries given free visa policies by Indonesia, which are 169 countries.

Why is the principle of reciprocity important? Besides giving bargaining position in diplomatic processes, the implementation of reciprocity principle also technically eases the Government to do information sharing and law enforcement cooperation. For example, Indonesian international fugitives, such as M. Nazaruddin, a former treasurer of Democratic Party who was arrested in the city of Cartagena, Colombia on August 7, 2011, was eventually deported to Indonesia due to a team consisted of the Corruption Eradication Commission, immigration, POLRI (Indonesian police), and Interpol after cross-immigration information sharing by the local immigration authority to the Indonesian government. In this way, both Colombia and Indonesia took advantage of their reciprocal free visa facilities. From that example – the phenomenon of international migration standing on an anarchic structure with multipolar dimensions – principle of reciprocity, on one hand, is highly useful to help nation-states to get benefits from free visa policies and on the other hand enables immigration control through mechanisms of international cooperation with other nation-states that in today's globalised world, has become one of the effective tools in commencing border management within the dynamics of interdependence sovereignty (Adamson, 2006; Hollifield, Martin, & Pia, 2014; Indrady, 2011; Krasner, 1999, 2001). As a result, based on the perspective of interdependence sovereignty, the second result of the critical assessment show that the principle of reciprocity between Indonesia vis-à-vis other countries that were given free visa facilities by Indonesia is asymmetrical. As a result, the principle of reciprocity has been neglected in free visa policy formulations.

The third critical study on interdependence sovereignty is the analysis on visa free policies from the security perspective. Krasner stated that for nation-state entities, the wave of globalization brings many impacts – both positive and negative – that may reduce their sovereignty, but at the same time gives the solution that the most effective way to face it is through increasing state capabilities to formulate effective immigration control policies (Krasner, 1999, 2001). In the immigration context, the security challenge faced by nation-states today is mostly in the form of non-traditional security, which are security threats coming not from military threats, but also to non-military threats, such as transnational crime such as terrorism, illegal migration, narcotics, cybercrime, pandemics

and others that not only threaten the state but also the individuals and society in a state (Buzan, Waever, & de Wilde, 1998; Caballero-Anthony, 2010; Collins, 2016)

From the perspective of non-traditional security, several previous researches have described several main challenges Indonesia currently faces, such as drug trafficking (Tobing, 2002), cybercrime (Nugroho, 2014), people smuggling (Indrady, 2011; Rizal, 2018), problems of land and maritime borders (Tirtosudarmo, 2015), terrorism (Febriane & Mariamah, 2013) and pandemics (Caballero-Anthony, 2010). From the perspective of free visa policies, security threats caused by several examples of non-traditional security threats have been quite real, although these threats are often imported from outside territories. However, despite the development of free visa policies since 2011 to 2016, all these threat potentials have not become securitizing factors (see for example Buzan et al., 1998) in the process of policy evaluation. What is happening instead is the increasing number of countries given free visa policies, which expanded to 169 countries.

The rationale is that the outbreak has been declared by the World Health Organization (WHO) as a global pandemic threat that is unseen, and its magnitude of transmission from human to human without considering national borders. As a result, the act to limit human mobility from both outside and inside the Indonesian territory done by the government is an output of securitization as a result of an extraordinary event (Buzan et al., 1998; Rizal, 2018).

In the perspective of interdependence sovereignty, the state has been strengthening their immigration rules on foreigners as a form of immigration control caused by the COVID-19 pandemic that happened outside of the country's borders (cross-border movement). The ban on foreigners from entering Indonesian territory, especially the suspension of free visa facilities is a part of the state's response a rational actor towards threats faced by the state in the international system. As a result, from the perspective of interdependence sovereignty the decision to suspend free visa entries for foreign citizens is already ideal by focusing on the security approach.

However, the critical assessment that can be proposed in the segment of security is how free visa policies after the COVID-19 pandemic ends will unfold. Albeit no one has given any predictions, by taking the interdependence sovereignty perspective into consideration, the government as The Prince, should reconsider more rational and objective free visa policies by determining the axis of balance between principles of benefit, reciprocity, and security approaches in order to maintain its immigration control capabilities to protect citizens from threats coming from outside of the state's territory.

Free visa and Domestic Sovereignty

The concept of domestic sovereignty describes the use of state capability in doing effective immigration control in its territory under its sovereignty which is recognised completely by international law (Chetail, 2019; Krasner, 1999, 2001; Miller, 1999; Ramadhan, 2018). The immigration capability in this discussion will explain the variable of administrative strength and law enforcement process, as well as immigration supervision towards foreign citizens in Indonesian territory.

From the side of administrative strength – a supporting administrative capability – to exercise immigration control, Indonesia is equipped with Technical Organizing Units (*Unit Pelaksana Teknis/UPT*) consisting of 125 immigration centres and immigration detention centres, 196 immigration check points as entry points to Indonesian territory, consisting of 29 checkpoints on air, 93 checkpoints on sea, and 39 checkpoints on land, 27 border checkpoints on sea and 8 other border checkpoints. Meanwhile the number of immigration personnel currently employed is 9.997 consisting of 2.715 immigration officials and 7.282 non-technical staff employed in the UPTs spread across Indonesia and abroad. From the immigration technology infrastructure, the immigration has the Sistem Informasi Manajemen Keimigrasian/Immigration Management Information System (SIMKIM) connected with all border offices and Indonesian diplomatic representatives abroad as the backbone of immigration task and function implementation consisting of service, law enforcement, security and facilitator in building national prosperity.

Besides using the internal strength of immigration bodies, supervision of foreigners in Indonesia is also done through the cross ministerial/body coordination and local governments by the Foreigner Monitoring Team (Tim Pengawasan Orang Asing/TIMPORA) coordinated by the Directorate General of Immigration in central and local government levels. Activities done by TIMPORA include data collection on presence and activities of foreigners as well as doing joint operations through on-site supervision towards foreigners. The main challenge with the capability of immigration control is the number of foreign nationals entering Indonesia throughout 2016 to 2019 continued to experience a significant increase.

Table 2. Statistic on Border-Crossing by Foreigners to Indonesia (2016-2019)

Year	Total of Foreigners	Number of Foreigners using Free Visa Facility (BKVS)
2016	19.502.255	5.940.027 (30.5%)
2017	22.186.952	9.738.467 (43.9%)
2018	24.310.872	10.437.586 (42.9%)
2019	24.975.586	10.721.596 (42.9%)

Source: (Direktorat Jenderal Imigrasi, 2020b).

The data shows an increase of foreign tourists' entry to Indonesia around 1.5 to 2 percent a year and the number of foreigners using free visa facilities are approximately around 40% of the total foreigners entering Indonesian territory. As a result, free visa policies generally attract the interest of foreigners to visit Indonesia.

Free visa policies and the perspective of domestic sovereignty have several correlations: First, the foreigners who enter Indonesia through free visa regulations are subjects of supervision towards foreigners. Second, the manifestation of immigration control capability is implemented in several forms of exercise of power of the immigration law done by the Indonesian immigration towards foreigners using free visa facilities.⁴ This activity includes administrative and on-site supervision, as well as the use of administrative immigration activities (*Tindakan Administratif Keimigrasian /TAK*) which include deportation as well as refusal of entry to Indonesia territory.

Several cases of violations involving abuse of immigration stay permits done by foreigners using free visa policies have shown the potential of threats towards security. It is evident in data of stay permit violations by foreigners that use free visa policies to do crimes as well as violations of immigration stay permits. The first example is cybercrime done by foreigners from various countries trying to make Indonesia as an operation centre. From the data released by the Directorate General of Immigration from 2016 to 2019, it is shown that there is an increase of cybercrime criminals in Indonesia as a total of over 1.000 people by using free visa facilities (Direktorat Jenderal Imigrasi, 2020a)

The second example, if we look the number of percentage of deportations towards foreigners using short term free visa policies (*Bebas Visa Kunjungan Singkat /BVKS*) compared to the general number of deportations, especially in 2018 and 2019, the comparison shows an increase. According to the data, the number of foreigners who were

given free visa facilities who were deported were bigger than the number of immigration violations done by foreigners using other kinds of visa.

Table 3. Data on Deportations of Foreigners and Foreigners using Free visa Facilities

Year	Number of Deportations of Foreigners (non-BKVS)	Number of Deportations of Foreigners (BKVS)
2018	3415	972 (28.4 %)
2019	4696	1590 (33.8 %)

Source: (Direktorat Jenderal Imigrasi, 2020a)

The third example, according to participatory observation in the General Directorate of Immigration, in 2019 (election year) there were many violations of immigration stay permits done by journalists who were covering the presidential and vice presidential elections, which majority of them were using free visa facilities, although Indonesia only allows foreign journalists doing reporting work if they apply for a visa in Indonesian diplomatic representatives abroad, and there were many other cases that could not be explained given limitations in this writing.

The next form of exercise of immigration control is the control in immigration checkpoints (*Tempat Pemeriksaan Imigrasi/TPI*) or the entry point for foreigners to Indonesian territory. In this case, domestic sovereignty is manifested through TAK, which imposes denial of entry to Indonesian territory for foreigners who do not meet immigration criteria. By recapitulating data of entry refusals for foreigners to Indonesian territory who use free visa facilities in 2019 at the Soekarno-Hatta International Airport checkpoint – the largest checkpoint in Indonesia – there were 1.802 refusals of entry for foreigners (Kantor Imigrasi Soekarno-Hatta, 2019). Therefore, the average daily refusals of entry to Indonesian territory for foreigners using free visa facilities amount to 5-10 persons per day. Most of the reasons of refusals are immigrational (*imigratoir*). That means, from the result of checking by immigration officials during arrivals, the foreigners were suspected as illegitimate subjects of entry permits to Indonesia, which are proven by the lack of clarity of accommodation or residence during their stay in Indonesia. Second, the foreigners did not have return tickets to their country so that in case violations or crime were found while being in Indonesia, it would hamper their return to their country of origin.

Foreigners who were refused of entry to Indonesian territory were deported back to the first point of departure before arrival in Indonesia. Based on on-site data, most of the initial point of departures are located in Southeast Asia with most of them coming from Changi International Airport in Singapore or Kuala Lumpur International Airport, Sepang (KLIA) in Malaysia (Kantor Imigrasi Soekarno-Hatta, 2019). As a result, from that data foreigners using free visa facilities have adequately high security risks, especially from the *imigratoir* side, which is proven by their refusals of entry to Indonesian territory as a form of domestic sovereignty towards foreigners about to enter Indonesian territory.

Besides several threats occurring in large checkpoints, some reports of supervision towards foreigners on cross-border posts (*Pos Lintas Batas Negara /PLBN*) on land also show the same security concern. For example, according to report from Skouw PLBN in the border between Indonesia and Papua New Guinea (PNG) there were indications of foreigners entering Papuan territory – such as foreign journalists as well as foreign intelligence agents – who mostly used free visa facilities, and also towards some foreigners suspiciously considered as foreign agents had their entries to Indonesian territory denied and they were deported from Indonesian territory⁵. Besides *imigratoir* problems, immigration traffic at the Skouw post is also highly vulnerable because of polio outbreaks in PNG which is a special concern for the Ministry of Health⁶. Besides, other reports given by the Entikong PLBN in West Kalimantan also showed the potential of threats from foreign agents as well as foreigners trafficking drugs and drug couriers coming from Malaysia entering through Entikong PLBN. By the mechanism of cooperation between police and customs officials, some of the criminals were arrested and were brought to justice in Indonesia. The majority of foreign criminals or agents were also using free visa facilities.⁷

Based on the empirical facts and data above, according to the writer's participant observation as an immigration official, there were difficulties in implementing immigration supervision towards foreigners using free visa facilities. The main reason is the lack of sponsorship or guarantee, address or accommodation of those foreigners while living in Indonesia. Why are sponsorship or guarantee, address, and accommodation regarded as important in immigration supervision? This is because those data are ammunitions of immigration intelligence as an instrument of identification to strengthen the implementation of law enforcement on-site. Sponsorship or guarantee are especially very necessary because of the possibility of back riding of interests or activities of the

foreigner who uses free visa facilities that can disturb the security, stability, or dignity of the state.

In this regard, every guarantor or sponsor of foreigners has rights and responsibilities as outlined in Law No. 6/2011 on Immigration, so that their legal responsibility is crucial for the immigration to support law-enforcement processes in case of violations (Indonesia, 2011). For comparison with foreigners using visa, those necessary data are automatically registered in SIMKIM during visa application in Indonesian diplomatic representatives abroad so in case of violation or other needs to support supervision and function of intelligence towards that foreigner, the law enforcement process will be easier.

From empirical data and complemented by the writer's participant observation, by institutionally linking the concept of domestic sovereignty, the capabilities of immigration control have been manifested through immigration supervision and law enforcement based on applicable positive laws. However, by paying attention to the magnitude of violations done by foreigners in Indonesia both quantitatively and qualitatively there are several critical assessments by the author.

First, as previously explained in the analytical framework, the component of interdependence sovereignty should be formulated rationally and objectively to avoid possible negative influences towards domestic sovereignty. This is important as since the implementation of free visa policies, risk management calculations to strengthen immigration have yet to be done. This calculation of risk management can be done by country risk-based analysis on quantitative and qualitative data of crimes and violations committed by foreigners that were committed in Indonesia or those possibly damaging national interests. As a result, when there are allegations of foreigners often making violations or serious crimes, it will reduce the credibility towards the country during the government's assessment to give free visa facilities.

According to the author's opinion, as the consequence of the lack of formulations of country risk-based analysis, then the current immigration law enforcement process being done are repressive actions, where immigration law enforcement is done after occurrence of violations done by foreigners, despite the concept of state capability in the anarchic international political system as previously explained uses the concept of deterrence and focuses on preventive measures. As a result, Krasner's (1999, 2001) logic implies that domestic politics (downstream) will face deficits as the result of lack of strengthening in the upstream (interdependence sovereignty) as conceptualised in

empirical findings on-site where the state should have strengthened the role of immigration intelligence in the formulation of free visa policies in the upstream – on country risk analysis – to mitigate the risk effects in the downstream.

The second is related to public perception on the performance of exercise of immigration control. As previously explained by Krasner (1999, 2001) further elaborated by Miller (1999), the indicator of success for domestic sovereignty is when the public perception believes the state has not lost control towards mobility of foreigners to its territory. In this aspect, the concept of sovereignty, as stated by Krasner (1999, 2001) only helped to explain about immigration control activity, both quantitatively and qualitatively that can ensure the public that the performance of immigration control has been done effectively as illustrated from activities and data of immigration law enforcement. However, this concept has not been able to elaborate the level of public acceptance towards immigration control performance itself, including public sentiment towards the performance of law enforcement and immigration supervision.

CONCLUSION

By using Krasner's concept of sovereignty which includes interdependence sovereignty and domestic sovereignty, this paper has done a mapping of research conclusions as follows. First, the concept of sovereignty as proposed by Krasner has been validly contextualised to free visa policies in Indonesia. From the perspective of interdependence sovereignty, it can be concluded that the implementation of free visa policies has not shown rational and objective policy outputs and has given policy outputs which inadequately support domestic sovereignty. This can be seen in some critical assessment from the application of Krasner's theory to free visa policies. An analysis to the economic benefits component shows that, free visa policies contributions towards national income are recognised to be correlated with the tourism sector. However, the increasing number of free visa countries does not have linear correlations with the spending given by tourists. The next problem comes from the principle of reciprocity, where the Indonesian passport strength to enter other countries without visa are asymmetrical with the granting of free visa policies from Indonesia to other countries. And lastly from the security aspect, it is known that free visa policies have yet to be evaluated comprehensively in order for policy improvement which should be in line with national interests. Although the government finally decreed a limitation of entry for foreigners to Indonesia during the COVID-19 pandemic, how the direction of free visa policies after the pandemic ends is still in

question. Based on those considerations, the author argues that from the perspective of interdependence sovereignty free visa policies have several basic weaknesses, with the fact that the formulation of free visa policies are built on a relatively unbalanced rationale focusing more on economic factors and pay less attention to security approach and the principle of reciprocity.

Second, from the perspective of domestic sovereignty, despite knowing the complexity of both quantitative and qualitative challenges faced as a result of free visa policies, this paper has shown that the approach of domestic sovereignty which prioritizes immigration control's capability performance both quantitatively and qualitatively have been implemented. As a result, from the neorealist perspective, the state has done its task to ensure and uphold its sovereignty through exercise of immigration control, despite the practice of immigration control capabilities that has been done are only conducted in repressive ways that does not reflect aspects of deterrence – as the base of a state's power and capabilities from the neorealist lens.

Albeit the concept of sovereignty from Stephen H. Krasner has been conceptualised in explaining critical studies on free visa policies from the neorealist perspective – sovereignty, this concept has not been able to give more detailed clues regarding strategic planning to strengthen of immigration control capability to face the challenge of global human migrations which is getting more complex. Besides that, this approach has not been able to measure the level of public perception towards immigration control performance in a state yet. As a result, this study leaves room for future studies that can fill the gap on strategic methods to strengthen immigration control capabilities rationally and objectively as well as the concept of measurement towards the level of public perception on immigration control performance in order to strengthen the state's sovereignty.

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Notes:

¹ It is explained in Article 43 paragraph (2) point a of Law Number 6 of 2011 concerning Immigration that the granting of visa-free to foreign citizens is based on the principle of reciprocity and the principle of benefits;

² WTTC is an international non-government organization as a place for tourism business companies on a global scale;

³ T20 meeting is a Ministerial level regular meeting of G20 countries in the tourism sector to increase tourism growth on a global scale;

⁴ Following Article 45 paragraph (2) of the Immigration Act Number 6 of 2011, foreigners who enter Indonesian territory using visa-free facilities are granted a residence permit;

⁵ Presented by the Head of the Jayapura Class I Immigration Office during the Border Control and Security FGD at the Hotel Sahid Jakarta on October 10, 2019;

⁶ Papua New Guinea (PNG), who shared border with Indonesia, has recently been declared a place affected by the WHO outbreak of Polio (Walsh, 2018). PNG is one country that granted a visa-free facility, and PNG citizens could enter several entrances to Indonesian territory, one of which is through the Skouw Cross-border Post (PLBN) in Jayapura. As Indonesia has been declared as a country free from polio by WHO since 2014, this threat of the Polio outbreak should be considered thoroughly including in terms of immigration;

⁷ Presented by the Head of the Entikong Class II Immigration Office in the Border Control and Security FGD at the Hotel Sahid Jakarta on October 10, 2019;