

## THE EFFECTIVENESS OF VILLAGE-BASED FOREIGNER SUPERVISION AT THE CLASS I SPECIAL TPI NGURAH RAI IMMIGRATION OFFICE

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### Abstract

The Ngurah Rai Immigration Office on November 4, 2022 launched the policy of Integration of Supervision and Services for Foreign Citizens Based on Villages (I Wayan Wisesa). This policy is a strategic step to increase community participation in supervising the presence and activities of foreigners. This policy embraces the Head of the Environment, however, in 2 years of its implementation, this policy has not been effective as indicated by the low number of complaints. This preventive effort has not been able to stem the rampant viral news of naughty behavior by foreign tourists in Bali. Normative Juridical Research with a sociological juridical approach resulted in the following conclusions: a) The ineffectiveness of the implementation of I Wayan Wisesa is due to the very high acceptance of Balinese people towards foreign tourists; a strong stigma in society that monitoring the presence and activities of foreigners is the responsibility of Immigration officers; and Security officers in the village environment do not yet have adequate competence, sectoral egos, lack of socialization, and low legal awareness of the Community; b) Strategic steps that can be taken are as follows: improving the quality of cross-agency coordination; increasing the intensity and effectiveness of socialization and education on the importance of supervising foreigners; allocate a budget for supervision for Community and Head of Environment involvement; Wayan Wisesa's workflow needs to be arranged.

**Keywords:** Effectiveness, Village, Supervision.

### A. INTRODUCTION

The Class 1 Special TPI Ngurah Rai Immigration Office at the end of 2022 launched the Village-Based Foreign Citizen Supervision and Service Integration policy (I Wayan Wisesa). This policy is a strategic step taken to increase community participation in supervising the presence and activities of foreigners. This policy embraces the Head of the Environment in the work area of the Class 1 Special TPI Ngurah Rai Immigration Office which includes three sub-districts, namely: North Kuta District, Kuta District and South Kuta District. The launch of I Wayan Wisesa took place at The Patra Bali Resort & Villas, attended by the Head of the Bali Kemenkumham Regional Office, Representatives of Law Enforcement Officers, and representatives from the Sub-districts and villages in the work area of the Ngurah Rai Immigration Office on Friday, November 4, 2022.

Ngurah Rai Immigration realizes that Bali has special characteristics in villages. Therefore, to strengthen supervision of foreigners, Immigration collaborates with villages to assist in supervising foreigners. With the I Wayan Wisesa application, foreigners who stay in private villas, guest houses, or boarding houses can still be recorded and their whereabouts

monitored by the village head (Yunmar & Wisesa, 2020). This policy was born from the innovation of developing the use of the Foreigner Reporting Application (APOA) which was previously only carried out by the owner or manager of the inn in reporting the presence of foreigners staying at their inn. I Wayan Wisesa provides access for the Head of the Environment to also report the presence of foreigners living in their environment. This is inseparable from the large number of foreign tourists who actually choose to live in residential areas (Fattah et al., 2022).

I Wayan Wisesa also provides access for the Head of the Environment to report alleged violations committed by foreigners. As we all know, the responsibility for state sovereignty against the threat of mobility in and out of Indonesia is the responsibility of all Indonesian people. I Wayan Wisesa is also here to support the development of safe and comfortable Bali tourism (Ardi & Rismandika, 2022). In the 2 (two) years since the launch of I Wayan Wisesa, the effectiveness of its implementation has been relatively very low. This is very ironic considering that until the end of 2024 the number of foreign tourists continues to increase and is correlated with the increase in violations committed by foreigners.

The increase in the number of Immigration Administrative Actions (TAK) given to violators of laws and regulations in Indonesia is actually mostly obtained from viral news, while the involvement of the Head of the Environment to report alleged violations by foreigners is still very low (Tria, 2023). Based on crossing data, it is known that the number of foreign arrivals entering through I Gusti Ngurah Rai International Airport in the January-November 2024 period was 5,847,012 people, an increase of 21% (year on year) compared to the previous period of January-November 2023 of 4,822,465 people. Currently, the number of foreigners crossing into and out of Indonesian territory has reached an average of 40,000 people per day.

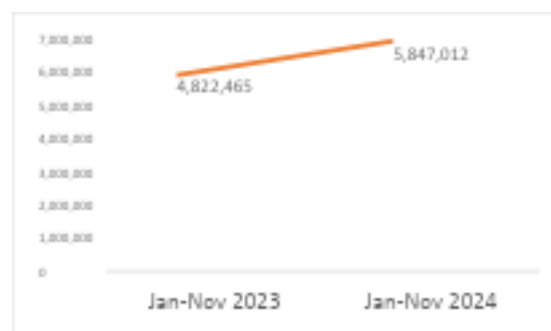


Figure 1. Comparison of Jan-Nov 2023 and Jan-Nov 2024 Crossing Data

Based on the performance achievement data obtained on the official Instagram media of the Class I Special TPI Ngurah Rai Immigration Office, there has been an increase in the number of TAKs given. The number of TAKs in the January-November 2023 period was 393 TAKs. This figure increased in the January-November 2024 period which reached 559 TAKs or an increase of 29.7% (year on year). This addition is essentially a logical consequence, when the number of foreign arrivals increases, the potential number of violations of the law by foreigners also tends to increase. More details can be presented as follows:

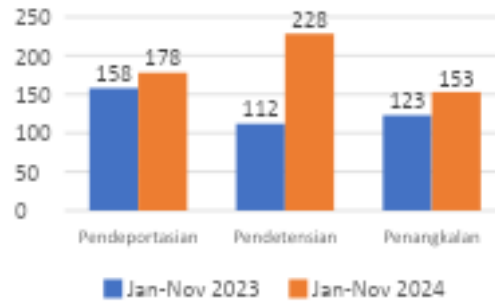


Figure 2. TAK Data for the Period Jan-Nov 2023 and Jan-Nov 2024

Supervision of the presence and activities of foreigners must be carried out effectively by maximizing the participation of related parties. Supervision is an effort or activity to find out and assess the actual reality regarding the implementation of tasks or activities whether they have been in accordance with what they should be. Article 66 of Law No. 6 of 2011 concerning Immigration Paragraph (2) states that Immigration Supervision includes: a) supervision of Indonesian citizens who apply for travel documents, leave or enter the Territory of Indonesia, and those outside the Territory of Indonesia; and b) supervision of the traffic of Foreigners entering or leaving the Territory of Indonesia and supervision of the presence and activities of Foreigners in the Territory of Indonesia.

From interviews conducted with Immigration Officers who manage I Wayan Wisesa, it was found that the involvement of the Head of the Environment in I Wayan Wisesa is still very low. On average, only once every two months, the Head of the Environment reports alleged violations committed by foreigners in his area. Data collection that should be carried out through APOA is also very low. This condition shows that the effectiveness of Village-based supervision of foreigners through I Wayan Wisesa has not been running effectively.

According to Supriyono, the definition of effectiveness is the relationship between the output of a responsibility center and the targets that must be achieved, the greater the contribution of the output produced to the value of achieving the target, the more effective the unit can be said to be (Tyas, 2024). The study of legal effectiveness is an activity that shows a general problem formulation strategy, namely a comparison between legal reality and legal ideals, specifically the level between law in action and law in theory or in other words this activity will show the relationship between law in the book and law in action (Adolf & Handoko, 2020).

Bustanul Arifin, quoted by Raida L Tobing et al., said that in a country based on law, a law is effective if it is supported by three pillars, namely: a) Authoritative institutions or law enforcers can be relied on, b) Clear systematic legal regulations, c) High public legal awareness. This theory will be used to analyze the effectiveness of the implementation of I Wayan Wisesa at the Class I Special TPI Ngurah Rai Immigration Office (Anwar, 2021).

## B. LITERATURE REVIEW

### Effectiveness Concept

Effectiveness in the context of public administration can be interpreted as the extent to which a policy, program, or system achieves its stated goals (Winarta et al., 2020). According to Richard M. Steers (1975), organizational effectiveness is measured through the achievement of organizational goals, adaptability, and stakeholder satisfaction. In village-based foreigner supervision, effectiveness can be measured by how well this policy is able to supervise and control the presence and activities of foreigners in the area.

### Alien Surveillance

Supervision of foreigners is part of the immigration task which aims to ensure compliance with applicable legal regulations (Law Number 6 of 2011 concerning Immigration). This supervisory function includes monitoring residence permits, economic activities, and potential violations of the law by foreigners. According to (Yudianti et al., 2023), community-based supervision, such as village-based, can increase effectiveness because it involves direct community participation.

### **Implementation of Foreigner Supervision at Ngurah Rai Immigration Office**

The Class I Special Immigration Office of TPI Ngurah Rai has a strategic role in supervising foreigners, especially considering that Bali is a major tourist destination that is widely visited by foreign nationals. Based on the report (Kemenkumham, 2023), one of the challenges in supervision is the limited human resources and the wide area of supervision. Therefore, the village-based supervision model is expected to increase effectiveness by involving community leaders and village officials as part of preventive supervision (Nusamsir et al., 2024).

## **C. RESEARCH METHODOLOGY**

This research is an Empirical Juridical research, namely examining the applicable legal provisions and what happens in reality in society. The approach used is the sociological juridical approach method, meaning a study conducted on the real conditions of society or the community environment with the intent and purpose of finding facts (fact-finding), which then leads to identification (problem-identification) and ultimately leads to problem solving (problem-solution) (Suganda, 2022).

The sources of legal materials used are Primary, Secondary, and Tertiary Legal Material Sources. Data collection techniques are carried out by interviews, observations, and documentation. Meanwhile, the legal material analysis technique is carried out using several legal material analysis techniques, namely: Descriptive Technique, which is explaining what it is about a legal event or legal condition and Evaluation Technique, which is evaluating legal conditions (Muhammad Syahrums, 2022).

## **D. RESULT AND DISCUSSION**

From the results of the research conducted, it was found that the role of the community and other external stakeholders in supervising the presence and activities of foreigners in Bali is still very low. The concept of cross-agency synergy manifested in the formation of the Foreigner Supervision Team (Tim Pora) and community participation plays an important role as well as a model for supervising foreigners that must be carried out in response to the limited human resources in the Immigration agency and the very high workload of supervising foreigners, especially in Bali.

### **Effectiveness of Village-Based Foreigner Supervision at the Ngurah Rai Class I Special Immigration Office**

Bustanul Arifin, quoted by Raida L Tobing et al., said that a law is effective if it is supported by three pillars, namely:

#### **Institution or Law Enforcement**

Article 14 of the Minister of Law and Human Rights Regulation Number 50 of 2016 concerning the Foreigner Monitoring Team states that the Sub-district or Village Government is one of the elements of the Joint Pora Team together with the Sector Police, Military Rayon Command, and Sub-district Government. Therefore, through I Wayan Wisesa, the Class I Special Immigration Office of TPI Ngurah Rai maximizes the role of the Village government to jointly monitor the presence and activities of foreigners in its area. The village government is the spearhead that is directly related to the community in actual terms. The village government now no longer handles formal authority matters but also informal authority

matters consisting of customs, religion, customs and various rights of origin and/or conventional rights of the community.

The authority of the Village government including the Head of the Environment is facilitated in Article 1 paragraph (2) of Law Number 6 of 2014 concerning Villages, which states that village government is the implementation of government affairs and the interests of the local community within the power system of the Unitary State of the Republic of Indonesia. The head of the environment has very significant duties and functions in society because the head of the environment must be able to serve the community in various needs in accordance with his duties and functions, namely serving all types of administration, responding to public complaints, maintaining public order, helping to realize the smooth running of government programs, and so on. Arrangement in the implementation of government that leads to the function of public service which is emphasized on the head of the environment.

Thus, the Head of the Environment in taking the necessary actions in an effort to create order and security in his environment. However, the use of this authority becomes blunt when dealing with Foreigners. The Head of the Environment in Bali generally feels that he does not have the supporting equipment and strong power to act firmly against foreigners who disturb the order of the environment. There are several reasons why the Head of the Environment has not been able to make a real contribution in supervising the presence of foreigners, including: a) a strong stigma in the community that monitoring the presence and activities of foreigners is the responsibility of the Immigration agency.

The Village Government, which is also equipped with security officers, does not dare to directly take firm action against foreigners who disturb the security and order of the environment; b) Security officers in the village environment do not yet have adequate competence. One of the important competencies that must be possessed by village security officers in Bali is the ability to speak a foreign language (English) to communicate and provide education to foreigners or in taking action against foreigners who commit violations. The Intelligence and Immigration Enforcement Officer at the Ngurah Rai Class I Special Immigration Office explained these reasons and added that this greatly affects the effectiveness of village-based foreigner supervision.

### **Clear and Systematic Legal Regulations**

The Position, Duties, and Functions of the Head of the Environment are regulated in the Badung Regent Regulation Number 56 of 2020 concerning the Appointment and Dismissal of the Head of the Environment. The Head of the Environment has the task of assisting the Lurah as a regional task force in carrying out government, development and community affairs and other tasks assigned by the Lurah.

Furthermore, the involvement of the Head of the Environment who is an element in the Village Government is explained in Article 15 of Permenkumham Number 50 of 2016 concerning the Foreigner Supervision Team, that each member of the Timpora has the task of providing advice and considerations to related government agencies and/or institutions, regarding matters related to Foreigner Supervision. In carrying out these duties, the Timpora has the following functions:

- 1) Coordination and exchange of data and information;
- 2) Collection of information and data on the existence of foreigners in stages from the village or sub-district level to the province;
- 3) Analysis and evaluation of data/information related to the implementation of foreigner supervision and creating a map of foreigner supervision;
- 4) Resolution of problems regarding the existence and activities of foreigners;
- 5) Implementation and regulation of relations and cooperation in the context of foreigner supervision;

- 6) Preparation of joint operations plans of a special or incidental nature including independent operations plans for each Timpora member agency; and implementation of other functions determined by the Chairperson of Timpora in relation to Supervision of Foreigners.

From the explanation above, it can be seen that in carrying out his main duties, the Head of the Environment is responsible to the Village Head. The Head of the Environment tends to be responsive to the Village Head. Governance that is translated rigidly has an impact on the performance of supervision of foreigners by the Head of the Environment running ineffectively. Sectoral ego is a classic problem that also affects the effectiveness of the implementation of I Wayan Wisesa's strategy.

### **Community Legal Awareness**

The Balinese people's acceptance of foreign tourists is very high. The sustainability of tourism in Bali greatly affects the community's economic level. Most Balinese people work or do business in the tourism sector. This attitude is often misinterpreted by foreign tourists by acting without regard to applicable rules or norms. Ironically, people often leave this to immigration or government agencies.

I Wayan Wisesa's strategy also aims to suppress the rampant viral news of deviant behavior by foreign tourists or violations of other legal provisions. However, currently viral news is still often found which shows that public awareness to use complaint access is still low.

From the results of the study, it is known that the Canggu area in North Kuta District and Pecatu in South Kuta District are areas with a high concentration of foreigners and vulnerability to violations, however, from the complaint access provided through the I Wayan Wisesa Whatsapp Group, complaints made by the Head of the Environment in both areas are still very low. The low number of complaints by the Head of the Environment does not match the data showing that the map of vulnerability to violations in Canggu is actually high.

### **Efforts to Increase the Effectiveness of Village-Based Foreigner Supervision at the Ngurah Rai Class I Special Immigration Office**

The ineffective condition of Village-based supervision of foreigners carried out by the Class I Special TPI Ngurah Rai Immigration Office which has been explained above must be addressed immediately, especially by the Class I Special TPI Ngurah Rai Immigration Office, several strategic steps that can be taken include the following:

#### **Increasing the Intensity and Quality of Cross-Agency Coordination**

The strong stigma in the community that monitoring the presence and activities of foreigners is the responsibility of the Immigration agency, must be addressed by increasing the intensity of coordination to maximize the Pora Team forum. In addition, Focus Discussion Group (FGD) activities can also be carried out to discuss monitoring foreigners. This is done to provide understanding, especially to the Village Government apparatus regarding the importance of their role in maintaining the tourism climate in Bali by creating environmental order.

#### **Improving the Competence of Village Security Officers**

Technical guidance can be done to improve the competence and readiness of Village security officers. Interacting with foreigners requires good communication skills. The goal is that foreigners who violate the rules can understand actions that are not in accordance with applicable legal provisions.

#### **Socialization and Education**

The Class I Special Immigration Office of TPI Ngurah Rai must be able to increase the intensity and effectiveness of socialization and education related to the importance of monitoring foreigners, especially in their role in maintaining Bali's tourism climate. Socialization is also intended to shift public awareness that monitoring the presence and

presence of foreigners is a shared responsibility in order to protect the country's sovereignty from the negative impacts of globalization.

Socialization must also be carried out by continuing to provide information related to complaint accesses officially provided by the Class I Special Immigration Office of TPI Ngurah Rai to accommodate alleged violations committed by foreigners so that they can be followed up by officers so as not to cause public unrest.

### **Allocate the supervision budget to the participation of the community and the head of the environment**

The availability of adequate foreigner supervision budget at the Ngurah Rai Class I Special Immigration Office TPI must be allocated to strategic policies that have an impact on improving the quality of foreigner supervision. The Immigration Intelligence Officer also mentioned that the Badung Regency government can also review the budget allocation to support the foreigner supervision mechanism. This needs to be understood as the government's effort to ensure the sustainability of tourism in Bali.

### **The Need for Workflow I Wayan Wisesa**

So far, the public still does not understand the mechanism for handling foreigner violations. Various violations committed by foreigners such as: reckless driving on public roads, fighting, theft, or disturbing public order, are regulated by granting authority to several government agencies and law enforcement officers according to the type of violation. This is not yet fully understood by the public or even by government agencies themselves. Therefore, a mutual agreement is needed regarding the workflow of I Wayan Wisesa.

## **E. CONCLUSION**

Supervision of Foreigners that empowers the role of village government is very important to support the supervision of foreigners and maintain a safe and comfortable Bali tourism climate. This strategy has been carried out by the Class I Special TPI Ngurah Rai Immigration Office through the I Wayan Wisesa strategy, but in 2 years of implementation it has not been effective.

The ineffective implementation of I Wayan Wisesa is due to the very large acceptance of Balinese people towards foreign tourists, a strong stigma in the community that supervision of the presence and activities of foreigners is the responsibility of the Immigration agency, and security officers in the village environment do not yet have adequate competence, sectoral egos, lack of socialization, and low legal awareness of the community.

The strategic steps that can be taken are as follows: improving the quality of cross-agency coordination; increasing the intensity and effectiveness of socialization and education regarding the importance of supervision of foreigners; allocating a budget for supervision to the role of the Community and the Head of the Environment; the need to compile an I Wayan Wisesa workflow.

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