The role of the police of the Republic of Indonesia in managing cross-border crimes of West Kalimantan Indonesia

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Abstract

Study this done by memorable for describe effort countermeasures crime cross limit with Sarawak through the investigation by the Resort Police in the border area of West Kalimantan and for view and analyze development investigators. Method approach used this study by qualitative approach that results from analysis qualitative. Following title the research will be conducted at the Police West Kalimantan and Sarawak border. That is Police Sambas Resort and the Indonesian National Police, which became the source policy countermeasures crime. Research results are Duties and powers Police specifically Police Resort in the border region of West Kalimantan with Sarawak, do investigation have carried out by regulations legislation for cope crime cross boundaries that occur in the regions of West Kalimantan and Sarawak. Police are looking after security and order Public and organizing and building obedience self member Public to regulation legislation; they need be equipped with adequate facilities and infrastructure.

Keywords: Indonesian National Police, Transboundary Crime, Border Area, Police West Kalimantan And Sarawak Border, Police Sambas Resort And The Indonesian National Police.

INTRODUCTION

Before the border area is the territory of the state; ideally, it has boundaries so that the state can exercise its sovereignty (Kartikasari & Elyta, 2021) and improve the welfare of the people (Jamaliah & Elyta, 2021); (Martoyo & Elyta, 2021). Sometimes agreed with permanent national boundaries through agreement no as well as immediately obeyed and often violated. Things like this occur because of the existence of shift structure and system life politics that can trigger war for question existing state boundaries (Gillian, 2008).

Borders are one of the most critical areas for a country; borders between countries can emphasize state sovereignty; this can be seen through how the management of national border security is managed (Elyta, Razak, Rahman, Fahruna, & Nailufar, 2021). Agreements between bordering countries are essential for addressing the protection of their borders. This border agreement is necessary because the border area is a significant conflict factor for the two countries.

Sovereignty is defined as the highest, absolute, and unmanageable authority possessed by an independent state under a government with the highest political authority, having the right and power to regulate domestic affairs without interference from another state (Fuady, 2003, p. 46).

As a state, it is reasonableness in controlling and managing the territory, especially the border region, due to dependence on laws and norms that apply in the territory and border communities that become the benchmark that determines the authority of a country itself. The border should include regulation currency; boundaries should be preserved (Pugliese, 2017). Border region land with Malaysia is border Province of West Kalimantan with Sarawak (East Malaysia), along the 857 km boundary line, with the border area in West Kalimantan less over 20,352 km², of which there are several doors in and out. Post Sajingan Country Border Besar-Tebedu in the Sambas Besar District (Mangku & Herman, 2016).

As for the violation occurs because there is a desire to immigrate, which gives rise to people's intention to violate...
quotas and regulations. Immigration could be causing Immigration illegal, exploited by criminals (Laoly, 2019). The possible path traversed vehicle wheel two for entering to Sarawak-East Malaysia. Without a document official, citizens or Indonesian citizens who enter and leave Sarawak (East Malaysia) can go through a road village or track mouse because there are no Posts Cross Borders or Cross-border Checks between countries.

Indeed, citizens or Indonesian citizens who want in and out by an official from West Kalimantan to an area of Sarawak (East Malaysia) should own one document (letter) as a condition for pass through post limit or checkpoint cross limit, that is a passport issued by Immigration. Who still valid, Implementation Letter Passport issued by Immigration approved by the Head village could be used by residents outside the border. Cross Border Pass is only given to residents in the area border for fulfilling needs daily in neighboring Malaysia.


There are reports from various government agencies, multiple types of transnational crimes such as illegal logging, illegal fishing, human trafficking, illegal oil sales at sea, and various crimes plus border violations that interfere with Indonesia’s sovereignty in border areas. Too many cases occur at the border, which indicates the necessity for management border is on edge (Nasution, 2020). Many crimes occur in border areas, especially in the Indonesia-Malaysia border area. Thus, resulting in the potential for state losses that are not small in number.

Scope handling management border covers two strategic objects: regional state administration and leadership (Elyta & Sahide, 2021). Boundary Management consists of various step strategies for setting and setting national borders with neighboring countries, securing borderland and sea, and Upgrade management cross limit. On the other hand, management area borders. Police Resort could prevent crime in the area border based on formal law in the area border. Which is the necessity for management border is on edge (Nasution, 2020). Management border needs correctly to create a well-being society (Mangku & Herman, 2016). Crime cross limit influence protected interests by law (Passas, 2003). Management border and defense all effort for stressed. Threats in the region border tend to be dominated by issues and problems, especially border interior. Shift mark border, activity economy, illegal crossing, smuggling, and theft still become a significant problem at the edge.

Effort countermeasures crimes committed by the regional police border, start from the investigation process, investigation given authority to Police. Because of that, study effort prevention with apply enforcement law criminal to act crimes in the border region of West Kalimantan–Sarawak focused on implementation investigations carried out by investigators and police investigators in the areas. Eradication crime in the area of study this mean and at the same time aim for observing effort countermeasures corruption in the region the border by the Police Resort, either from aspect action preventive or repression that leads to protection the community.

When study effort countermeasures crime according to tasks and functions Police, even training carried out by the police Resorts in the area border from in terms of strategy and other possible efforts be used as a coping model crime in the area. Border addition in Indonesia by particular, effort countermeasures crime in the area border through penal and non-penal lines are carried out with analyze structure, substance, and culture existing laws and enforced in the region West Kalimantan-Sarawak border. Crime transnational is a broad and complex crime committed by a group of complex organizations that exploit illegal markets in community international (Laki, 2006).

Because of that, as enforcer law. Enforcement law is a process for realizing the desired law. Crime transnational is whole shape crime domestic events that occur at national borders in one or more countries and get focus border with international attention. On the other hand, transnational crime means action crime committed between nations by the perpetrators, good by individuals or groups. These syndicates use network cross country with goals and benefits specific. Crime international could cause loss for the state, society, and victims or individuals involved in crime.

Lack of other problems is an undeveloped enforcement law support industry creating Indonesian insecurity (Suharyo, 2016). Coordination between law enforcement officials comes into focus when cross-border violations are found that are not monitored by enforcement law officials. Enforcement law is present bordering is not without constraints, in addition to the problem of the quantity of personnel insufficient, there is also a lack of primary tools of unsupported weapons systems, technology and heavy weaponry for monitoring, logistics, and combat is not far from due to lack of budgeting. To further strengthen its social resilience, the government needs to continue to explore the potential of existing empowerment, both internal and external, while continuing to understand various factors and enforcement that can be enforced by government agencies, such as the Police.

**METHODS**

Study this implemented based on paradigm constructivist with notice application enforcement law through investigation and investigation, as set in regulation legislation. Interaction investigator with a superior investigator, and reviewing understanding conditions field countermeasures act crime at the West Kalimantan border by the regional Police in the region border for search and find creation order and security to use protect Public through enforcement law criminal.

Method approach used in this study by approach qualitative that results in analysis qualitative investigation and investigation in skeleton enforcement law crimes committed by enforcer law. Study this done by unique for describe effort countermeasures crime committed by Sarawak via investigation and investigation by the police and for observing and analyze development action investigator in creating order and security Public in skeleton give protection society. The research will be done by title research at the Police West Kalimantan and Sarawak border.

Police Sambals Resort and the Indonesian National Police as source policy countermeasures crime. Data obtained in the implementation study are primary data and secondary data collected. With use interviews open, initial data was obtained from researchers and researchers on-site research. And secondary data obtained from results investigation act criminal cross limit. Data collected next with data processing is carried out through stages: Editing data; study information on the instrument research that has been answered by goal research. Data encoding; classifying data through gift identity specific, so that own meaning when analyzed, Tabulated; data presentation with entering data in table certain, set different identities, count them and tell them for understood completely. After processing the data, proceed with data analysis, conducted through reasoning deductive.
RESULT OF STUDY

The Police Role Republic of Indonesia in Combat Border West Kalimantan Region

Management border is an indication seriousness of a country in managing the border. It’s showed with the rules informal law that is firm and comprehensive. Sincerity showed with national and regional boundaries borders held at the government center and the region and government area establish a management body national and regional. Enforcement law criminal by theoretical classified as step application in policy criminal as advanced from step before that is step formulation.

Enforcement law to perpetrator act criminal especially in the border areas of West Kalimantan should be implemented following principle legality asset in regulation legislation enforcement law formal crime. Several other factors act as a side role for the border management that must be adequately functioned, provision of examples of legal compliance by enforcement law, the straightforward attitude of enforcement law, adjustment of applicable regulations with the development of cutting-edge technology, and counseling of rules that apply to the community, and giving sufficient time from enforcement law (Soekanto, 2007).

In government management, literacy of various technologies is needed (Martoyo, Elyta, Herlan, & Arifin, 2020). In the era of digitalization, implementation policy could be made easy using applications (Elyta & Darmawan, 2021). Application enforcement law criminal is embodiment law criminal the resulting material from formulation policy, which is done through series stages law informal criminal start from investigation, investigation, formulation policy, which is done through series stages law enforcement of criminal law against criminal acts in border areas and other informants, other coordination is the enforcement of criminal law against criminal acts in border areas, especially efforts to eradicate corruption and cross-border crimes that need preventive action. Remember that All crime criminals own significant implications for individuals, communities, and countries (Mavrellis, 2017). Informant state that police investigator is apparatus enforce the first law to do effort countermeasures crime cross-boundary in several days.

In Case this investigator at Polres given authorized by law to do a series activity starting from investigation continued with experiment and given authority to detain, confiscate, and allow others for uncovering act crime that occurred, for doing effort countermeasures crime cross-boundaries that occur in the border area by each Polres at the border, this prove role Police it’s essential in cope effort crime cross-boundary in the border area. In the social life of society, there are many behavioral deviations that deviate from the norms of society, namely crime and create a sense of fear in the community (Čing & Nadir, 2020).

Various shape crime cross limits, like human trafficking, help suppress and prevent detection and penetration (Boriboonrat, 2013). Various shape crime cross-boundary that occurs on the border of West Kalimantan and Sarawak as disclosed by informants from different police investigators in the area border among others: people as immigrant dark enter West Kalimantan Indonesia, or otherwise from Indonesia to Sarawak-Malaysia individually. Violation law, illegal logging, trade people, and trade narcotics and psychotropic substances. And also expressed by National Border Management Agency of the Republic of Indonesia officers that: not only does crime cross boundaries that occur on land, there are also forms of crimes called illegal.

To cope with crime cross boundaries on the border of West Kalimantan with Sarawak, enforcement law done based on regulation related legislation with deed oppose law crime cross limit, like crime cross limit, crime enforced smuggling based on law customs. Apparatus enforcement law from Police in the area border in act criminal smuggling always cooperate with Customs and Excise officers, so disclosed Police investigator. This thing shapes cooperation between agencies for coping with crime across the border between West Kalimantan and Sarawak.

Following so-called criminal smuggling with “Smuggle or Smokkle” means importing, exporting, delivering infringing goods provision customs; It means act illegal smuggling done with method import and export. Following results interview with the informant that works criminal smuggling often using cross-border by actors who are not residents of the border region of West Kalimantan, in Case this party third, through posts cross limit official. Even though I see, there is also a way outside the known border as “jalan tikus” or “rat lines”.

Effort countermeasures did cooperate with Customs and Excise officers on the banks with monitor current
incoming and outgoing goods border without bothering tasks and functions Customs and Excise officers. According to people in Sajingan Besar, Sambas Regency, action smuggling done well through border official nor road walk around the border with use member Public for pick up / transport purchased an item from Sarawak to Sajingan Besar. Indonesian territory.

Besides that, residents in the area Sajingan Besar named Mardi whose profession is as trader ringgit currency, that: people who carry / transport goods from the border in the region - Sarawak to Sajingan Besar - West Kalimantan always get ringgit. Payment of the person who asked for it. Assistance is usually done by a messenger from a businessman who believes self. Action taken good through border official or road walk around the border with use member Public for pick up / transport purchased an item from Sarawak to Sajingan Besar. Indonesian territory.

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This is a problem-related with violation right of primary man because if there is smuggling man by illegal life. The state could have no monitor public. Difficult to handle if there is a problem with that person in the future because no, there is a Proof Indonesian citizen. The border in West Kalimantan is inadequate facilities and infrastructure and a social community that encourages various illegal activities. Exploitation source power natural such as illegal logging and results felling smuggled to Sarawak Malaysia via paths specified in the area border.

Likewise, crime narcotics and psychotropics enter from Sarawak-Malaysia, good through bus passengers and carrier is known bus vehicles as courier and not seldom through plantation coconut oil palm and waterways/sea with fashion delivery in Indonesia. Sea middle is from big boat and small boat brought to the mainland. Countermeasures are done by preventive and repressive and coordinated with office government particular. More carry-on investigators from the National Narcotics Agency of West Kalimantan Province stated: that circulation narcotics international enter Indonesia via the West Kalimantan region via track border.

Network this global drug look for a gap for join with Indonesia as potential market share. Case circulation successful narcotics revealed by the National Narcotics Agency of West Kalimantan Province arrests narcotics type methamphetamine weighing 6.8 kg by the Sambas Police after cross border Sajingan Besar, A Malaysian citizen who was caught hand brought 4,0229 grams of methamphetamine moment to enter Indonesia. To ahead, we will tighten security and supervision. There is no room for illegal activity in the border area; should there be zero illegal, zero smuggling, and not something, try to play with things black and black. Build synergy with agency-related and embrace Sambas police station, which borders Malaysia.

Those who serve on the edge, therefore it, shows not quite enough answer, give performance best, incised achievement, make breakthrough creative, improve the safety of people and goods along the door area in and out along the border, don’t until there are members who don’t moral, moreover involved in smuggling. Give effect deterrent for the perpetrators so that could minimize illegal practices and smuggling so that West Kalimantan is truly zero illegal and zero smuggled.

Expression The West Kalimantan Police Chief convey the meaning desire of West Kalimantan Regional Police to handle crime cross limit with good for operate Duty create order and well-being Public, especially in the border area of West Kalimantan with Sarawak. With so, effort countermeasures crime cross limit especially in West Kalimantan it is necessary to be observed so that the goal creation well-being Public could be achieved. Task tree enforcement law mandated criminal Police is applied policy criminal for scope crime cross limit and maintain security and order community, give protection, protection, and service to society.

Integration of Social Norms and Legislation in Combating Transboundary Crime at the West Kalimantan Border

Efforts to tackle trafficking in persons at national borders can be observed can observe efforts to tackle trafficking in persons at national borders from the theoretical concept associated with social norms, which informally are rules characterized by comprehensive and legal standards. In addition to formal arrangements, the policy crime cross border can be achieved. Task tree enforcement law mandated criminal Police is applied policy criminal for scope crime cross limit and maintain security and order community, give protection, protection, and service to society.

The border area of Sambas Regency is the border area of the Republic of Indonesia which has strategic value for Indonesia’s national interests, including the economic aspect of the political part; socio-cultural aspects, defense aspects; and security aspects, which are fundamentally closely related to the welfare of the people and the survival of the Indonesian nation and state, so it is hoped that these strategic values can support the success of national development.

The concept of a legal protection model to deal with cross-border crime at the Sambas border, West Kalimantan, is difficult to realize if the policy for eradicating and overcoming cross-border crime has not been adequately determined and implemented starting from the determination and affirmation of the boundaries of the two countries to the planning and implementation of all development. The sector has not run effectively and maximally. However, the regulation of eradicating cross-border crimes has been formulated in criminal law through
Law Number 21 of 2007 concerning stopping cross-border crimes.

The application of criminal law enforcement, which is categorized as a repressive measure, is not easy to eradicate cross-border crimes without joint and integrated prevention efforts by involving and involving the community, especially the community around the border area, in this case, the community. In the Sambas district, especially community members in the Sajingan Besar border area, Sambas district is an area adjacent to the state border with Sarawak. Criminal law enforcement is theoretically classified as the implementation stage in criminal policy as a continuation of the previous stage, namely the formulation stage. Application.

Law enforcement against perpetrators of criminal acts, especially in the border area of Sajingan, Sambas Regency, must be carried out according to the principle of legality as regulated in laws and regulations and the implementation of formal criminal law enforcement. The application of criminal law enforcement is the embodiment of material criminal law resulting from the formulation of policies, which are carried out through a series of formal criminal law stages ranging from investigation, investigation, prosecution, examination of court trials, to make decisions, then proceed to the execution stage of perpetrators of transnational crimes.

On the other hand, victims of cross-border crimes must also be considered to create social welfare for the whole community. Law enforcement officers, whether investigators, investigators from the Indonesian police institution, public prosecutors, as well as judges in court as well as officers in correctional institutions in carrying out their authorities and duties, cannot fully seek the welfare of the community in the area where the crime of transgression occurs. Limit.

And it cannot fully guarantee that there are no other perpetrators other than those who have been convicted of committing cross-border crimes in the border area of Sambas Regency, even after the perpetrators of criminal acts have served their crimes. After being released, it is not impossible to repeat their actions in cross-border crimes at the border. This requires joint efforts to tackle cross-border crime at the border by involving all parties, not only law enforcement officers.

Community involvement in efforts to overcome cross-border crime is very much needed by understanding the community. People who live in the border area of West Kalimantan, Sarawak, especially border of Sambas Regency, have customary norms commonly known as Customary Law which applies to community members, both regulating the rules of social life and prohibiting actions that must be avoided. Violation of the prohibition has become a taboo subject for the people of Sambas Regency. The majority of customary law in the border area of West Kalimantan-Sarawak, including the space in Sambas Regency, is Dayak customary law and Malay customary law.

The Dayak and Malays are the majority of the people who live in the border area of West Kalimantan – Sarawak, who adhere to traditional values and customary law. Conceptual norms in society are needed to distinguish universal phenomena. In this case, the law has unique characteristics according to the type of society, especially religious, moral, cultural values. The specification of customs and customary law norms in the Dayak and Malay communities on the border of Sambas – Sarawak Regency has the potential to be used as a means of overcoming cross-border crimes towards legal protection for potential victims of trafficking in persons through an approach to community values and norms that are categorized as non-trafficking.

Penal to support the creation of policies. Problems in society in Sambas Regency, especially in Sajingan and Paloh Subdistricts in everyday life, are always resolved through social norms that apply in society. Customary models that are commonly claimed to be established law as the basis for determining problems through deliberation, including in border areas, both between communities in the border area of Sambas Regency, as well as between border communities of Saringan and Paloh Subdistricts, Sambas Regency, and the Biawak Territory Community, Sarawak; In principle, the social norms between Indonesian citizens in the Sajingan and Paloh sub-districts, Sambas district and Malaysian citizens in the Biawak Region, Sarawak are almost the same, even members of the community at the border between countries still have brotherly ties.

The enforcement of criminal law against criminal acts that occur in the border area carried out by the Resort Police in the Sajingan border area, especially against cross-border crimes with locus delicat, must pay attention to the norms and culture of the community as well as the social environment of the community, by providing community participation in maintaining peace in the community within their sub-districts, villages, and hamlets fosters and harmonizes life among community members in border areas. Cooperation between the police officers and the community is expected.

Law enforcement against the practice of exploitation in all its forms with threats of violence, use of force, kidnapping, forgery, fraud, abuse of power or a position of vulnerability, or giving payments or benefits to obtain the consent of the person who has control over the victim as formulated in Law no. 21 of 2007 is an unlawful act. Also Forms of exploitation such as forced labor or forced services, slavery, and practices similar to slavery, forced labor or forced services are working conditions that arise through methods, plans, or patterns intended to a person who fully believes not to do specific work that is categorized as exploitation which results in suffering both physically and psychologically.

This has become a vulnerable position for members of the community at the border who freely enter and exit the border between countries in Sambas Regency and Sarawak State, Malaysia, with various access through official and unofficial channels. The legal process in law enforcement does not only rely on law enforcement officials who are given the authority to enforce the law through official channels in criminal law because the number of law enforcement officers in the field is the same size compared to the size of the border area in West Kalimantan, especially the border in Sambas Regency – Sarawak so that the role of the community is crucial in tackling cross-border crime together with law enforcement officers.

The community can use social norms that apply in border areas to the extent that they are in line with the applicable laws, and law enforcement officers act based on applicable laws and under their authority. The border areas in the Sajingan and Paloh sub-districts as well as in the Biawak area, the people have applicable customary norms and laws, in principle not much different from one another, because community members have the same ethnic group, and the same life values, because of their ties to each other. Brotherhood and kinship among people despite their different nationalities. By its position in the criminal justice process, the National Police as investigators is at the forefront of handling an incoming case. Police in criminal law enforcement who act as investigators and investigators is an entry point for applying illegal law enforcement. The coordination relationship with the Prosecutor's Office
carried out at the pro-prosecution stage is an integral part that cannot be separated from one another.

According to informants at various Polres in border areas and other informants, other coordination is the enforcement of criminal law against crimes in border areas, especially in the Sajingan and Biawak border areas. The informant stated that police investigators were law enforcement officers who were the first to carry out efforts to tackle cross-border crime in border areas, especially issues of cross-border crimes. In this case, investigators are authorized by law to carry out various activities ranging from investigations and investigations. Followed by other actions and given the authority to detain, confiscate, and other powers to uncover the criminal acts that occurred.

To carry out efforts to prevent cross-border crimes occurring by each police law enforcement officer in border areas, Efforts to overcome this are carried out in collaboration with law enforcement officers by empowering community members. On the other hand, the involvement of community members cannot be denied in the occurrence of criminal acts, especially cross-border crimes. The participation of unscrupulous members of the community facilitates the event of crimes of human trafficking in border areas, who assists the perpetrators of cross-border crimes at the border, both as guides for trails, as well as helping the recruitment of potential victims of cross-border crimes in exchange for fees for assistance, which is given.

The informant's explanation stated that many forms of crime occurred in the Sajingan border area with Biawak, not only the crime of smuggling illegal goods but also people smuggling, which is included in the qualifications of the criminal act of trafficking in persons, such as going in and out of the border without official documents, either passports or Cross-Border Passes, which carried out by prospective migrant workers who want to work as migrant workers in Malaysia; to work for various plantation companies in Malaysia. This is a big problem related to human rights violations because if there is illegal human smuggling, the state cannot monitor people's lives. It is challenging to deal with if there is a problem with that person because there is no proof of official documents as a worker in Malaysia. This is an opportunity for entrepreneurs who own plantations where TKI works to exploit.

Workers from Indonesia, especially those who enter the Malaysian border area through unofficial channels in the border area of the Sambas district either through the border area of the Sajingan District and the Paloh District area and are not equipped with official documents are classified as illegal workers in Malaysia so that opportunities arise which are taken advantage of by employers. Plantations in Malaysia are intimidating with threats to report to the authorities in Malaysia as illegal workers, so that it is easy for employers through their brokers to exploit migrant workers from Indonesia, in terms of wages below standard even not infrequently wages or salaries of workers are not paid, working time exceeds the provisions, The border in Sajingan is in poor condition of infrastructure and facilities and social needs of the community that can encourage various forms of illegal activities. Combating cross-border crimes requires adequate facilities and infrastructure for preventive or repressive efforts to eradicate cross-border crimes in border areas.

CONCLUSION

Duties and powers Police specifically Police Resort in cope crime cross limit do investigation and investigation have carried out by regulations legislation for cope act criminal cross-boundary that occurs in the border area of West Kalimantan and Sarawak with do effort preventive, action preventive and repressive. Task tree Police are looking after security and order Public and organizing and building obedience self member Public to regulation legislation. They need to be equipped with adequate facilities and infrastructure. Regional and international cooperation between apparatus police for coping crime across the West Kalimantan border can be more upgraded because eradication corruption cross limit is one purpose development nation and state.

REFERENCES


