

# Efforts to Improve Maritime Security in Preventing Human Smuggling of Rohingya Immigrant in Aceh Province According to Migration Securitization Theory

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**Abstract:** Indonesia is a country that has a strategic position and has a wide sea, especially the Aceh Province which is the main gateway to Indonesia. One of these problems is the human smuggling of Rohingya immigrants which is considered an extraordinary crime. Rohingya immigrants live in Myanmar and experience unfair and inhumane behavior, so they try to flee to countries, such as Indonesia, Malaysia, Australia, to get a better life. The escape of these immigrants was by sea using a ship that had been provided by the person who arranged the escape plan. The purpose of this research is to find out the problems that occur in the case of Human Smuggling Rohingyas in Indonesia, their effect on Indonesian security in terms of Maritime Security, and the steps that have been and will be taken by the relevant agencies. The method used is a qualitative method with a descriptive design. Data collection uses the results of documents/library studies, interviews and Forum Group Discussions. The results of this study are Indonesia as a transit country for Rohingya immigrants because the majority are Muslims. These immigrants came in 2 (two) waves, namely the first wave with a total of 99 people and the second wave with a total of 297 people. Many Rohingya immigrants have fled from quarantine sites in Aceh and many have come via rat routes and quarantine places that do not have adequate infrastructure so they are missed. Indonesia, especially the government in Aceh, has developed a monitoring strategy at vulnerable hours and locations, educating the public and forming synergies with related agencies. Synergy and application of regulations of related parties will greatly influence their contribution to conducive national security.

**KEYWORDS** -Human Smuggling; Rohingya Immigrants; Maritime Security

## I. Introduction

Maritime security is one of the attributes that exist in a country that has water or sea areas within its sovereign area. According to Buerger, there are 4 major maritime issues, namely human security, national security, marine environment, and economic development [1]. This problem is included in human security, namely human smuggling. The Rohingya ethnicity is one of the groups/tribes in Myanmar who feel injustice and are considered not to be from the original Myanmar ethnic group, but are considered to be from Bangladesh. The behavior that the Rohingyas get makes them try to flee to other countries to get protection or get a better life by sea. These immigrants have destinations to various countries, such as Indonesia, Malaysia, Australia, and to other countries. On the other hand,

Many Rohingya immigrants who float in the waters of the Malacca Strait are not accepted in many countries, such as Indonesia, Malaysia, and Thailand. Indonesia has the Indonesian Navy, Police, Bakamla, etc., as security agencies to supervise and prevent the ships of refugees from entering the territory of the Republic of Indonesia's sovereignty. This is the opposite of what the people of Aceh did to reject it on humanitarian grounds.

Thus, the immigrants are accommodated and given proper facilities [3].

The entry of Rohingya ethnic immigrants to Aceh, which was initially suspected as a direct arrival from Myanmar, after being investigated, turned out to be human trafficking and smuggling. The involvement of international networks that brought Rohingya immigrants to several countries, including Indonesia and Malaysia.

Indonesia is faced with humanitarian issues, namely that it has not ratified the 1951 Vienna Convention and the 1967 Protocol which discusses the status of refugees. Thus, Indonesia does not have the authority or obligation to take action against immigrants across national borders. However, Indonesia has the 1945 Constitution in Article 28 G Paragraph 2, which basically states that everyone is free from acts that torture and humiliate him. The 1945 Constitution which made Indonesia take the initiative to protect refugees across national borders. The word everyone in the sentence means that there is no limit for anyone to get legal protection from Indonesia regardless of their citizenship status [4].

But on the other hand, indications of the occurrence of criminal acts in the process of arrival of these immigrants must be a concern, where this is in stark contrast to the human side that is very visible in the eyes of the community. Therefore, the researcher conducted an analysis of the facts and the steps and policies carried out by local stakeholders, especially the Aceh Regional Police in handling the Human Smuggling case in Aceh. Based on the background and formulation of the problem that has been compiled, the purpose of this research is to find out the problems that occur in the case of Human Smuggling Rohingya ethnicity in Aceh, its effect on Indonesian security in terms of Maritime Security, and the steps that have been and will be taken by the agency concerned, particularly the Aceh Regional Police.

## II. THEORY

### A. Migration Securitization Theory

According to Phillippe Bourbeau, the Migration Securitization theory is a theory that describes the movement of a person across the borders of a country and is a system order that underlies the movement of each person [5].

Migration can be done safely, if the country has clear laws, policies, and saliency, then migration will not cause security problems. This theory is divided into 2 categories according to Bourbeau (2011), as follows:

- a. Institutions, indicators that provide complete securitization of migration. This is done by connecting one thing to another that has something in common with each other in a government institution. This category is divided into 3 (three) indicators, namely law, government policy, and saliency indicator.
- b. Security Practices, describes the practices or actions taken related to migration security. This becomes important to achieve security in the migration process within a country. So, it needs to be supported by good security implementation, not just relying on laws and policies. This category has 2 (two) indicators, namely prevention and detention.

### B. Maritime Security Theory

Maritime security is a recent addition to the international security vocabulary. Bueger divides the concept of maritime security into 4 parts, namely economic development, marine safety, human security and national security.

[6] The maritime area is the main vein of global economic interaction, thus making maritime security a crucial issue for many countries in the world. Maritime security stability is needed by all countries in the world in order to maintain the national interest of the nation which has an impact on national development. Maritime security is a small part of national security, so the practice of a country's national security determines how maritime security practices in national policy [7].

In this study, one of the methods used in this maritime security theory is Human Smuggling. Human Smuggling is one of the contemporary problems that always gets serious attention from the government. The impact this has on the state is so great that it can be classified as an extraordinary crime.

### **III. Research methods**

This study examines the problem of efforts to improve the prevention system for human smuggling Rohingya immigrants in Indonesia. This study uses a qualitative method with a descriptive design, which is a method that will provide a design or description for individuals or groups about the conditions and symptoms that occur. Qualitative research also aims to obtain a complete picture of something according to the view of the human being studied.

The resource persons used in the study were the Aceh Regional Police, the Aceh Naval Base, Panglima Laot, and the Aceh Government, through online, where data collection techniques were obtained from the results of documents/library studies, interviews, and Focus Group Discussions (FGD). The data analysis technique uses reduction techniques, data presentation, and drawing conclusions.

### **IV. Discussion**

The case of smuggling Rohingya immigrants is not a new thing for the Indonesian people for the last few years. Because, since the peak of tension in Rakhine State, Myanmar, in 2015, Indonesia has become one of the countries where Rohingya immigrants have fled. The strongest reason Indonesia was chosen as a temporary refuge is because the majority of the population in Indonesia is Muslim. However, Indonesia is not a destination country for the settlement of Rohingya immigrants. From some news data, the favorite countries for this ethnic group to live in are Australia and Malaysia. Currently, the security in the country is very tight, so that Indonesia is chosen as a transit point which will then be smuggled by agents through the rat route to the destination country.

Until 2020, Rohingya immigrants came to Lhokseumawe, Aceh, in quite a large number. In the first wave 99 people (24/6/2020), the second wave 297 people (7/9/2020). These immigrants are accommodated in the Lhokseumawe Job Training Center. This case was handed over to the Task Force for Handling Rohingya Refugees with the assistance of the Aceh Provincial Police and the TNI. Investigations continue to be carried out by the Police and other government agencies because the ship carrying the damaged immigrants in the middle of the sea is quite suspicious, thus obtaining evidence that these Rohingya immigrants are victims of people smuggling with 6 suspects (4 indigenous people and 2 Rohingya residents) carrying out the scenario. and the ship used to pick up immigrants in the middle of the sea is a chartered ship from one of the cooperatives in Lhokseumawe. The investigation was carried out due to the fact on the ground, the number of Rohingya immigrants continued to decrease gradually by running away. The remaining 111 people, 280 people have fled (1/2/2021) data from the United Nations High Commissioner for Refugee (UNHCR).

As time went on, more and more evidence was found. The public misperceived the presence of Rohingya immigrants who were thought to need help but in fact the intruders were involved in international smuggling networks. The problem then faced by the local government is that the physical condition of the Lhokseumawe Work Training Center is not a representative building, because it has not been used for a long time so supervision is very loose. Human resources from the police, army, and security units are also unable to keep watch because they have other main tasks, and there are no volunteers. The government's budget is also very minimal, using the rest of the APBD allocation. So there is no special budget to handle this smuggling case.

Efforts to prevent human smuggling have been carried out by the Aceh Provincial Police, but in the field it shows that there are still cases of smuggling immigrants from abroad who pass through the rat route. Based on the Convention on the Status of Refugees in 1951 and the Protocol in 1967, the Rohingya ethnic status is Refugees, so they are protected under International Refugee Law. The role of countries of origin, transit countries, destination countries and international organizations in providing protection is still not maximized. Where is still a formal discussion and there has been no real action. Therefore, the United Nations, ASEAN, and the international community as well as all governments of countries in the world need to pressure the Myanmar government to stop all forms of violence.

UNHCR has provided input to the countries of destination and transit of these immigrants to provide accommodation or facilitate Rohingya immigrants who are stranded in their respective countries so that they can

receive standard life services and do not return them to Myanmar if the security conditions are not conducive. Currently, many countries reject Rohingya immigrants, such as Malaysia, Thailand, and Indonesia. Malaysia has confirmed that it can no longer accept Rohingya refugees from Myanmar. According to the Prime Minister of Malaysia, Muhyiddin Yassin, at the virtual ASEAN Summit (KTT) on Friday (26/6/2020), this was done because Malaysia was in the midst of economic difficulties and resources as well as diminishing capacity due to the Corona Virus Disease (Corona Virus Disease) pandemic. COVID-19).

Aceh Regional Police from a legal perspective, this case is an international network syndicate that is motivated by political problems in Myanmar. However, because Indonesia has not ratified the 1951 Convention on the Status of Refugees and the 1967 Protocol. Therefore, Indonesia does not yet have the proper authority to provide a Refugee Status Determination (RSD), so that the regulation of issues regarding refugees was determined by UNHCR in 1950 [8 ], to date. The process of handling refugees consists of several stages, starting from the process of arresting or finding refugees, being placed in the RUDENIM (Immigration Detention Center), and the process of determining status by UNHCR.

### **The Influence of the Human Smuggling Rohingya Case on Indonesian Security**

In increasing the authority and security to handle cases of Human Smuggling Rohingya, the required regulations are the Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration and the 5 factors theory of legal effectiveness. The contents of the Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration, namely supervision of foreigners needs to be further improved in line with the increase in international crimes or transnational crimes, such as trafficking in persons, people smuggling, and narcotics crimes which are mostly carried out by organized international crime syndicates.

### **Steps in dealing with the Human Smuggling Rohingya case in Aceh**

In carrying out their duties, according to the Regional Police, the Aceh Regional Police are assisted by the Directorate of Water and Air Police of the Aceh Regional Police, which has several patrol units that are carried out routinely but have obstacles such as lack of human resources, logistics, budget allocation. So the facts on the ground show that there are still cases of smuggling immigrants from abroad who pass through the rat route. Given these facts, the strategy of the Aceh Regional Police is to study the vulnerable hours that smugglers often use when carrying out their actions to carry out ambushes and arrests.

For the communication strategy, coaching is carried out to the community by educating through social media because international networks are infiltrated. Formal synergies Communication procedures have been fostered and synergies are carried out well. There is no doubt that the cooperation between the government has carried out routine joint supervision, for example coffee morning and FORKOPIMDA (Regional Leadership Communication Forum) which also involves the performance of the Indonesian National Army and the Aceh Regional Police.

Bilateral coordination and cooperation between the Governments of Indonesia and Malaysia regarding human smuggling of Rohingya ethnic groups has been suggested by the Aceh Regional Police, but has not yet been carried out. Because every action taken by the Aceh Regional Police has been reported to the Indonesian National Police Criminal Investigation Agency (Bareskrim Polri). It is hoped that in the future, we will find the best solution as well as a bright spot regarding the human smuggling case of Rohingya immigrants, of course with an agreement between Myanmar, the United Nations, ASEAN and the country that has become a place of escape.

In Maritime Security, people smuggling is a big threat to Indonesia. Unconsciously, this threat can be seen directly and indirectly. Directly, this threat can be in the form of surveillance or control in border areas that can be infiltrated easily. Indirectly, this threat can reduce the Indonesian economy, where immigrants are the responsibility of the state to meet their daily needs. The importance of supervision and control at the border through the Indonesian Navy in collaboration with other agencies.

## V. Conclusion

Aceh province is one of the target areas for smuggling Rohingya immigrants, because the majority of the Indonesian population is Muslim. Rohingya immigrants who are considered refugees who need help are actually intruders who are involved in international smuggling networks, which puts Indonesia in a dilemma, between the humanitarian side to help the ethnic group and the legal side which is of course contradictory.

The steps taken by the Aceh Regional Police in dealing with the Human Smuggling case of Rohingya ethnicity include developing a surveillance strategy by studying vulnerable hours, communication strategies by providing guidance to the community and education through social media, as well as establishing synergy with other relevant parties such as TNI AL by conducting joint routine surveillance and conducting Coffee Morning meetings between agencies.

The effect of the Human Smuggling case on national security is related to the authority to take action against the Human Smuggling case. Synergy and application of regulations of related parties will greatly influence their contribution to conducive national security. It is necessary to increase maritime security both in terms of supervision and control in border areas to be able to prevent the entry of immigrants who can become a threat to Indonesia.

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