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Government Policy in Tackling Illegal Foreign Worker Issues in Indonesia: Complexity, Uncertainty and Divergence

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Abstract

The influx of illegal foreign workers to Indonesia is one of the fundamental issues which has become serious concern for the Indonesian government. Debates on the international migration phenomena contribute to an increasing number of the illegal foreign workers issue. This qualitative research analyses the foreign worker issues in Indonesia by the document analysis from government policies from 2015 to 2018, organizational reports, and journal articles. This study examines the wickedness of the illegal foreign workers issues in Indonesia based on the Brian Head's wicked problem concept. This study discusses the characteristics of wicked problems: complexity, uncertainty, and divergence in illegal foreign worker issues in Indonesia. The study finds the illegal foreign worker issues in Indonesia are only resolved by the law enforcement taskforce among agencies in relation to collaboration, cooperation and national security. A conceptual framework is proposed the immigration enforcement team is urged to improve the use of technology, citizen participation, interagency partnership, equipment, vehicles and boats. Further research extends the involvement of citizen's participation and the use of technology in enforcing the immigration law and handling the illegal foreign workers.

Keywords: Illegal Foreign Workers, Wicked Problems, International Migration, Collaboration

1. Introduction

The influx of illegal foreign workers to Indonesia is one of fundamental issues that has become a serious concern for the Indonesian government. According to the Global Legal Monitor (Johnson, 2017), it is reported millions of Chinese people come to work illegally in Indonesia. However, the Indonesian government and the Indonesian President, Widodo (2016, as cited in Supardi) argue it is only a slander that is supposed to disturb the government's reputation. The Chief of the Indonesian Coordinating Board, Lembong claims the concern regarding the illegal foreign workers issues contradicts to the government efforts to invite foreign investments (Adiwijaya, 2017). Based on the 2016 foreign workers data, a total of 74,183 foreign workers are registered where 23,000 of which are Chinese nationality. While, the Director General of Immigration reveals the Directorate General of Immigration has done deportation action towards 7,887 illegal foreign workers in 2016. This number shows Indonesia is still facing the high number of illegal foreign worker cases (Wisnu, 2016).

Overcoming this problem is not an easy task for the government. The government has tried to overcome this issue through some regulations and policies. The approaches do not effectively solve the problems because of the wickedness of the illegal foreign worker issue. Head (2008) argues the wicked problem is constructed from the complexity of the problem, the uncertainty of risk and the value divergence. Debates on the international migration phenomena contribute to an increasing number of the illegal foreign workers issue. The issue causes the positive and negative impacts to Indonesia as relentless consequences. Meanwhile, the nature of the topic is vague; whether the government makes efforts to handle that issue successfully. In fact, the situation is so complex, the risk is uncertain, and the value is divergence. Since the wickedness is raised by those elements, an interagency collaboration provides a better approach to tackle this issue. Previous researches on the wicked problems and illegal workers issues in Indonesia (Ariani, 2018; Jazuli, 2018; N Roberts, 2000) were limited to a bottom-up design, legal approaches, and immigration law perspectives.

The study finds the illegal foreign worker issues in Indonesia are resolved by the law enforcement taskforce among agencies in relation to collaboration, cooperation and national security. A conceptual framework is proposed the immigration enforcement operation team is urged to improve the use of technology, citizen participation, interagency partnership, equipment, vehicles and boats. Further research extends the involvement of citizen's participation and the use of technology in enforcing the immigration law and handling the illegal foreign workers.

2. Literature Review

2.1. *Illegal Foreign Worker Issue as the Impact of International Migration*

Some works reveal that the number of people who migrate to another country is gradually increasing each year. According to Tacoli and Okali (2002), the international migration has been increased and intensified in the last two decades. Li (2008) argues even though the international migration has occurred before the globalisation era, the speed, the complexity, the scope, and the volume are different. The United Nation (2015) revealed in 2015 the number of migrants reached 244 million people, while in 2000 the number of migrants was only 173 million people. This shows the increasing trends of the international migration are reaching 4.7 million people each year. Lee (1966) explains migration is influenced by a set of factors including the factors associated with the area of origin, factors associated with the area of destination, intervening obstacles and personal factors. Tranos, Gheasi, and Nijkamp (2015) argue the migration movement could be studied through two factors that become the reason why people move from the origin country to the other country. There are push factors like unemployment, poverty, and conflict; while the pull factors are employment opportunities, wealth, and political stabilities.

Further, it is undeniable that the globalisation contributes to intensifying the international migration these days. Czaika and Haas (2015) explain that the globalisation should be seen not only as a technological process but also a political process. They argue technological change has supported the migrants by reducing the barriers to mobility like travel and communication cost, strengthening the transnational network, and improving access to global information. While politically, the free market economy policy has lifted the international barrier for trade and capital flow. (Li, 2008) argues the integration of the world economic as an impact of economic globalisation has raised the demand for labour in the different part of the world. The demand for labour could be identified as the pulling factor of migration.

Regarding the impact of International migration, some studies have shown varies results. The proponent of International Migration believes the international migration brings some positive impacts to the economics of the country. Li (2008) argues the developed countries need the international migration as a source to replenish their population and labour force. Tacoli and Ocali (2002) believe the migration contributes to sustainable development and local economic growth. On the other hand, the opponent of International Migration believes this issue could bring some serious threats to the country especially to the national security. In her article, Tallmeister (2013) argues the international migration has brought some threats not only to the receiving country but also the origin country. She mentions the threats are including societal security, economic security, internal security and public security. In societal security, she argues Immigration could affect the collective identity like cultural, linguistic, religious and national identity. In economic security, she believes the international migration could affect the

labour market in the receiving country. In accordance with Tallmeister, McAlexander (2016) argues the increase in migration has affected to the increasing number of terrorism. In his research, He analyses the data by using Bayesian methods to identify the correlation between the migration flows and terrorism number in Western Europe countries between 1980 and 2004.

Furthermore, come as a consequence of the international migration, some countries are facing the surge of illegal foreign workers (Boswell and Straubhaar, 2004). The existence of the illegal foreign workers has raised the attention of the researcher to study the impact of this issue. Shechory, Ben-David and Soen (2010) argue "the labour migration issue has many angles and can be analysed from a different point of view." Since then, there are some articles which discuss this issue from some different perspectives. Accordingly, Illegal foreign workers could be defined as a foreigner who does not have either residence permit or a work permit. While Wohlfeld (2014) defines people who stay or work without necessary document required under immigration law as an irregular migrant. Thus, it the illegal foreign workers could be classified as irregular migrant since the unavailability of the documents.

In their article, Boswell and Straubhaar (2004) argue the government needs to take serious action regarding this problem. Their consideration is based on two reasons why the government should consider tackling the illegal foreign workers. The first is the rising concern from interest groups and the increasing of the public anxiety relating to this issue. They believe that illegal workers not only have impacts on employment, wages, welfare system or immigrant rights but the illegal workers also considered as a serious threat to law and national security. The second reason is the plan of the government to expand the legal worker programmes. They believe by combating illegal workers and expanding the legal job opportunity for the migrants, the government is aiming to receive more incentives from the employment of foreign workers.

Furthermore, there is assumed that illegal foreign worker affects the native workers job opportunity and wages. Venturini (2004) argues the existence of illegal workers has affected the employment of the national workers. The research which held in southern European countries reveals that the illegal foreign workers have damaged the native workers. The reason is the availability of the illegal foreign worker has reduced the companies' cost in attracting native workers from other regions or setting a new factory in the area with a high number of labours. However, in affecting native workers' wages, in their study, Freidberg, and Hunt (1995) argues the existence of illegal foreign worker does not affect the reduction of native workers wage.

In contrast with Boswell and Straubhaar (2004) and Venturini (2004), Entorf and Moebert (2004) have different views on the impact of the illegal foreign worker. From an economic perspective, they (p.10) believe "illegal immigration could have positive effects on the wealth of nations." In this point, illegal workers are believed to fulfil the demand of labour in booming economies. Further, since illegal workers are identified as unskilled workers, they argue that illegal workers could substitute for low-skilled workers and be a complement for high-skilled workers.

2.2. Wicked Problems

The concern on wicked problem first came up in a discussion when Horst Rittel in 1960s revealed that the decision makers are now facing a higher class of social problem called wicked problem (McCall & Burge, 2016). Churchman (1967) reveals in a seminar Horst Rittel explains there are some problem which is so complex and the solution to approach the problem often causes a worse issue than the symptom. Then, Rittel and Webber (1973) discuss the further explanation of the wicked problem in their work as a critic of the scientific approach which not relevant to address the contemporary issue.

In the contemporary public planning, the policy makers are facing a different social problem than the previous one (Horst Rittel & Melvin Webber, 1973). They believe the traditional problem-solving methods which based on scientific approach would not able to address the problem. This is because the social problems are becoming more complex, hard to be defined, vague and interconnected each other. In their work, Rittel and Webber (1973) mentions twelve characteristics of a problem which could be defined as a wicked problem. In short, the wicked

problem is a unique problem which hard to be formulated because of the constrained system and the solution which implemented might not really address the problem.

In the modern literatures, a wicked problem is still relevant with the current condition. Some researchers concerned with this problem and have tried to develop some approaches to tackle this issue (Conklin & Weil, 1998; Head & Alford, 2008, 2013; Nancy Roberts, 2000). Those authors have used the Rittel and Webber's wicked problem characteristics as a basis to develop an understanding and problem solving on the contemporary wicked problem's phenomena.

In their work, Conklin and Weil (1998) assess the wicked problem in the organisation. They believe there are some problems which called wicked that could not be solved by using a simple problem-solving method. They argue the wicked problem is difficult to solve since there is no definitive problem or solution, many stakeholders involved and constructed from interlocking issues and constraints. Further, Roberts (2001) develops hers characteristic of the wicked problem based on Coklin and Weil's work; however, she emphasises on the changing constraint which constructs the wicked problem. She (2001) believes "the problem-solving process is complex because constraints, such as resources and political ramifications, are constantly changing."

More specific characteristic is defined by Brian Head (2008). In his works, Head (2008) argues that the wicked problem is constructed from three interconnected elements. The first element is the complexity of the problem. Head (2008) believes the wicked problem is constructed from the complexity of the elements and interdependencies. In different work, Head and Alford (2008) argue "the complexity of the problem refers to difficulties in acquiring knowledge and solution." They believe this complexity is caused by the interdependencies of process and structures. Further, Newman and Head (2015) argue the wicked problem is complex since "they have shifting boundaries and moving parts as well as far-reaching and cascading negative externalities."

The other element is the scientific uncertainty. In general, the uncertainty in the wicked problem is related to the scientific limitation that could not predict what outcome would be happened. This condition has made the government are not able to decide the strategies to tackle the wicked problem since the problem seems intractable (Head, 2014). Head (2008) argues "the uncertainty in the wicked problem related to risks, consequences of action, and changing patterns." In another work, Head and Alford (2013) argue the gaps in reliable knowledge have brought uncertainty on the risk and outcome.

Lastly, the divergence of value becomes an element which contributes to the wickedness of the problem. The involvement of the many different stakeholders in the problem could not be denied become a factor that constructs the wicked problem. Head and Alford (2013) argue wicked problems cannot be separated from the social pluralism since it involves with multiple interests and values of stakeholders. Head (2008) believes the wicked problem is constructed by a high divergence of viewpoints, values, and strategic intentions.

Head believes the wicked problem only happens if those elements including complexity, uncertainty, and value divergence are highly involved in the problem. He believes that even though complexity constructs the wickedness of the problem, it is not enough to trigger the wicked problem if the risk of outcome is certain and there is no divergence in value. Then, the disagreement of value will not contribute to the wickedness of the problem, if the problem is not complex and the outcome is certain.

2.3. Interagency Collaboration Approach

Previously, it was explained that the wickedness is constructed from several elements involving different stakeholders. Thus, all of the government's efforts in overcoming this problem would not effectively address this problem, unless the government takes a different approach besides a traditional linear approach. Conklin and Weil (1998) argue the traditional linear approach which based on linear and mechanistic universe would not be able to overcome the wicked problem. They argue this approach is obsolete and no longer meets the demands of the world since the wicked problem is constructed by interlocking issues and constraints, so this approach would not able to tackle the problem.

It is argued one of the most appropriate alternative approaches that could be implemented to overcome this problem is by developing interagency collaboration. As argued by Roberts (2000) in her paper, the wicked problems could be tamed by using collaborative strategy. argues the interagency collaboration has been used as a managerial tool to overcome the wicked issues like social exclusion, drugs, alcohol and crime in the United Kingdom during The Blair government. In addition, Keast (2015) argues internal and vertical organisational form is not adequate to response the wicked issue. He believes it needs more comprehensive and horizontal model of integration to response to the wicked issue.

In regards to the collaboration in public sector, according to Mulgan (2005) the collaboration concept firstly introduced in the United Kingdom by Blair's government in the launch of social exclusion unit in 1997 with the Joined-up government term (Carey, 2015). Blair's Labour government introduced the collaboration or partnership as an ideal alternative to response the previous government's new public management approach which emphasise the market and competition (Hudson et al., 1999). The previous new public management claimed has built an unseen border between the public sectors. Bogdanor (2005) believes the new public management has caused the fragmentation of the government. Ling (2002) argues the joined-up government comes as a response to a fragmented government which prevents the achievement of important policies.

Compared with the new public management concept, the Joined-up government differs in term of their approach from its predecessor. While, the new public management emphasises on the disaggregation, competition, and incentivization of public sector (Dunleavy et al., 2005), the joined up government emphasises the better integration not only between government departments and agencies but also private sectors (Bogdanor, 2005). express the new generation of public sector has left away from the new public management structural devolution, disaggregation, single-purpose organisation towards the whole-of-government approach. This reform toward the joined-up government concept is necessary to embrace the cooperation and eliminate the wall between public sectors.

Moreover, according to Ling (2002), the joined-up government approach has created a new way of working across the organisation which emphasises on the coordination. "Partnership' focuses on the mechanisms used by two or more organisations to work together on a shared agenda while keeping their own organisational identity and purpose (Ling, 2002)". He believes the coordination which develops through partnership offers greater value for money and a better public services. Hood (2005) emphasises the importance of coordination in the Joined-up government. He argues that the coordination is the main doctrine of the joined-up government. He claims the various units of government need to operate and present as a unit to face or deal with interrelated problems. Page (2005) believes "Joined-up government is about harnessing the resources of several organisations simultaneously to produce better or more cost-effective results, or even address problems that were previously thought to be addressable as they were insoluble by organisations acting separately."

Nevertheless, although the coordination becomes the main doctrine of Joined up Government concept (Hood 2005), Keast (2015) claims the joined-up government requires more complex interagency relationship than the coordination. Relating to the form of the interagency relationship, some authors have developed some frameworks which describe and clarify the relationship between the organisations. Mattesich and Monsey (1992) argue the relationship in a collaboration needs a commitment regarding mutual relationship and goal; responsibility; mutual authority and accountability; and resource and reward sharing. They distinguish the form of interagency relationship into three forms based on the degree of consensus called 3Cs: Cooperation, Coordination, and Collaboration. They believe the relationship in cooperation is informal without a defined mission, structure and planning. In the coordination and collaboration form, the relationship is formal and shares the same mission. However, differently with coordination, the relationship in collaboration is more intense by bringing the different agencies into a new structure with a shared mission, commitment, resources, and risk.

The other model of interagency relationship is developed by Himmelman (2001) through an interagency relationship development continuum. He claims that organisations coalition could be implemented in four strategies based on the relationship to the challenges and opportunities namely Networking, Coordinating,

Cooperating, and Collaborating. He (2001) confirms "each strategy evolves from or builds upon another". This continuum has clearly shown the different relationship in each strategy.

Relating to the interagency collaboration in addressing a wicked problem, Roberts (2000) believes the use of collaborative strategy is necessary to address the wicked problem if the power among the stakeholders is dispersed and not contested. In her article, Roberts discusses the implementation of stakeholder collaboration in Afghanistan's relief and recovery effort as an alternative strategy to response the failure of authoritative and competitive strategy. Based on that experience, she argues that the collaboration is an essential learning process. Since every stakeholder is a specialist in their own area, hearing from those involved stakeholders can help to understand the problems and the solution. Furthermore, according to Head (2014), the collaborative work is preferred to reduce the uncertainty in the wicked problem. It is because the collaboration work has made the decision-making process more informed and consensual.

Moreover, the needs for collaboration in addressing a wicked problem discussed by Mattesich and Monsey. In their work, they explain the autonomy and individual agency effort would struggle to address the issue in a complex system. While the interagency collaboration can bring many beneficial results in addressing a complex issue. They claim collaboration not only could reduce the research and planning related expenses but also could improve the effectivity and accessibility of services. They believe the collaboration through integrated service system will eliminate the duplication of cost and effort. Thus, the efforts to tackle the complex problem will be more effective and efficient.

3. Method

To respond the issues and fill the knowledge gaps, this paper examines the wickedness of the illegal foreign workers issues in Indonesia based on the Brian Head's wicked problem concept. This qualitative research analyses the foreign worker issues in Indonesia by the document analysis (Bowen, 2009) collected from government policies from 2015 to 2018, organizational reports, and journal articles. The question is to what extent the illegal foreign worker issues in Indonesian have been tackled by the Indonesian government? This study examines the wickedness of the illegal foreign workers issues in Indonesia based on the Brian Head's wicked problem concept. This study discusses the characteristics of wicked problem: complexity, uncertainty, and divergence in illegal foreign worker issues in Indonesia.

4. Results and Discussion

4.1. Illegal Foreign Workers in Indonesia

Coming as the consequences of the international migration, the illegal foreign worker issues have raised the policy makers' attention. The analysis of wicked problems in illegal foreign worker issues in Indonesia is discussed as follows by using the Brian's Head concept with the elements are threefold: complexity, uncertainty and divergence.

4.2. Complexity

The illegal foreign worker issue in Indonesia is so complex which is constructed from several multidimensional aspects involving different stakeholders. The complexities are identified with several reasons such as legislation of foreign worker employment, authority overlap among agencies, and the new Indonesian visa waiver policy.

One issue that constructs the complexity of this problem is the Indonesian legislation. Boswell and Straubhar (2004) believe that the illegal employment is caused by legislation which restricts the possibilities of legal employment. In that regards, the legislation in Indonesia about the foreign worker employment has restricted the possibilities for the employers to hire the legal foreign worker. The Indonesian foreign workers regulation is too complicated because there are some responsibilities and documentations to be fulfilled by the employers in hiring

foreign workers. Additionally, the workers need to meet the required documents before they enter and work in Indonesia.

Based on the Indonesian Manpower Minister's Regulation Number 16 of 2015 on the foreign workers employment procedures, the Indonesian government has set some obligations for the employers when hiring the foreign workers. Foreign workers in Indonesia must be categorized as investors or professionals at the designated workplace or corporation. In the article 5 (section 1) the employers shall hold the letter called RPTKA or the foreign worker utilisation plan and shall obtain the IMTA letter or the foreign worker's work permit as a prerequisite for a working visa application after the employers hold the RPTKA letter. After a foreign worker holding the working visa prior to their arrival in Indonesia, they shall convert their working visa to the temporary residence permit at the local immigration office not exceeding 30 days after the arrival. This shows that to obtain the working visa, a foreign worker goes through an ineffective bureaucratic procedure involving two different agencies. This fragmented policy among agencies and an ineffective process of applying work visa and permit contribute to the complexity of the problem.

With this regulation, the Indonesian government is aiming to protect the Indonesian native workers, but this complicated regulation has resulted in the illegal foreign workers issue. Employers find difficulties to hire the foreign workers because the process is not transparent and accountable. Boswell and Straubhar (2004) argue the restriction of legal foreign workers opportunities has left the employers without any option than hiring the foreign workers illegally. This condition leads to the probability of the employers looking for another easier and less complicated way to employ the foreign workers. In that regards, the chance for the employer to employ the illegal foreign works is increasing.

Secondly, this issue becomes more complex because there is a regulatory overlap in the illegal worker's law enforcement. There are some regulations which become the legal basis for some agencies to conduct an immigration enforcement operation to oversee foreigners during they stay in Indonesia. Those agencies are The Directorate General of Immigration, and The Ministry of Manpower. Based on their own regulation, each agency has an authority to conduct an immigration enforcement operation on the people who are allegedly claimed as illegal foreign workers. According to Indonesian Immigration Law No.6 of 2011, The Directorate General of Immigration has given an authority to implement task and function in Immigration including an immigration enforcement operation. While the Ministry of Manpower has an authority to conduct a supervision toward the foreign workers which was written under the Minister of Manpower Regulation No.3 of 1990. This condition leads to the ineffectivity of immigration law enforcement which is conducted by the Directorate General of Immigration. Aagaard (2011) believes that a regulatory overlap could affect the efficiency in a public sector. He believes reducing the regulatory overlap could save billion dollars annually.

Furthermore, the complexity of this problem is amplified by the Indonesian new visa policy and boosting economy growth policy. According to BAPPENAS (2015), the economic policy packages aims to boost National economic condition through some deregulations and de-bureaucratization of some economic sectors. In the tourism sector, the government tried to attract more foreign tourist by implementing the visa waiver program. Based on the Indonesian presidential regulation No.69 of 2015 then revised by the Presidential Regulation No.21 of 2016, Indonesia has waived the visa for tourists who come from 169 eligible countries. With this regulation, the eligible tourists are can stay in Indonesia for 30 days without having a visa prior to their arrival. Even though this policy claimed to boost the local economic growth from inbound tourist (Indonesia Investments, 2014; Pujiharini & Ichihashi, 2016), this policy has raised concern about its impact on national security.

Related to the national security, this policy is claimed to have brought a significant contribution to the increasing number of illegal foreign workers in Indonesia. It is argued this policy has left a gap for the employers to hire the foreign worker illegally. Based on The Indonesia Government Regulation No.31 of 2013, to obtain an Indonesian Visa, the foreigner to lodge application their documents for application at the Indonesian representative or embassy by filling out their administration data and fulfilling the requirements in a particular letter of guarantee from the sponsor. This letter of guarantee is required by the government to find out who is responsible for the foreigner's activity during their stay in Indonesia. By eliminating the letter of guarantee requirement, the Indonesian government has given a chance for the foreigner to violate their tourism visa by working illegally. This condition

happens because the Indonesian government could not identify the sponsor of the foreigner without the letter of guarantee.

The above analyses demonstrate there is no clear problem definition for this problem. This problem is constructed from many different factors which constrain each other. This condition has caused the real problem of biased. So, the Indonesian government cannot define the best solution to overcome this problem. Related to this condition, Conklin and Weil (1998) believe the appropriate solution could not be defined if there was no definitive problem.

4.3. Uncertainty

In the terms of uncertainty, like the other wicked problems, the illegal foreign workers problem brings uncertainty for the Indonesian government to formulate the solution and strategy to overcome this problem because ineffective policy instruments. In addition, the limitation of Directorate General of Immigration in conducting the immigration enforcement operation. Based on the Indonesian Immigration law, Indonesia government has set some punishments for the foreigners who violate the Immigration Law. According to article No. 122 letter a, "imprisonment punishment for a maximum of 5 (five) years or fine sentence for maximum Rp.500.000.000 (equals to USD32.000) for every Foreigner who intentionally misuses or carries out activities that are not in accordance with the purpose and objective of such Residence Permit provided". Further, based on the article No. 118, the same punishment is applied to the sponsor who found guilty in providing incorrect information or complies with no guarantee provided. According to the Directorate General of Immigration annual report, there are 265 foreigners have been sentenced guilty of violating their Residence Permit during 2016. This number has shown an increase from the previous year, which was recorded only 215 foreigners. This condition shows that the punishment unlikely decrease the number of Immigration Law violation.

Based on the Indonesian Immigration Law No. 6 of 2011, the Minister of Law and Human Right has an authority to establish an immigration enforcement operation team consisting the government agencies which is responsible for supervising foreigner's activity in Indonesia. Therefore, in 2016, the Minister of Law and Human Right issued the Law and Human Right Minister's Decree No. 50 of 2016 regarding the Immigration law enforcement team. According to this Minister's decree, the team was established to create the coordinated immigration law enforcement within the Indonesian territory. Based on the decree, the Immigration Law Enforcement team is established on three different government level: Centrally, Regionally, and Locally. At each government's level, this team is led by the Directorate General of Immigration. Additionally, the member of this team consists of some agencies for the immigration joint operation like the Ministry of manpower, regional and local government, Indonesia National Police, Ministry of Finance, and Indonesia Intelligence Agency. According to Susilawati (2016), the role of the immigration law enforcement team is crucial to support the Directorate General of Immigration's role in supervising foreigner's activities. Relating to the illegal foreign worker issue, the establishment of the immigration law enforcement team is expected to help the Directorate General of Immigration to tackle the illegal foreign worker issue as an immigration law violation. However, there is a big gap between the number of Immigration offices and the number of cities in Indonesia which hamper the immigration enforcement operation effectivity. Susilawati (2016) believes the limited number of Directorate General of Immigration staff in immigration offices has affected the effectiveness of immigration enforcement operation especially in gathering information about foreigner's activity.

The limitation of the Directorate General of Immigration's capacity to supervise the foreign workers activity contributes to the complexity of this problem. As it is explained, the Directorate General of Immigration is the agency which has a responsibility to supervise the foreigner's activity in Indonesia. The Immigration law describes the role of Directorate General of Immigration in conducting the immigration enforcement operation. Relating to the operation, the immigration enforcement operation to foreigner's activity includes three phases (Bahri et al., 2013). The first supervision is when the foreigners apply for an Indonesian visa at the Indonesian embassy. The second one is when foreigners enter the Indonesian territory appearing at the Indonesian border control for the Immigration examination. The last one is during the foreigner's stay within Indonesia area.

In relation to the effectivity of the immigration enforcement operation, it could be argued that there are some factors that influence this activity with the most concerning geographical factor. According to the Directorate

General of Immigration official website (2017), there are 123 local immigration offices in Indonesia. By comparing the number of local immigration office with the number of cities, it shows a significant gap that causes immigration enforcement operation in effective.

It is analysed the complexity of illegal foreign worker in Indonesia is affected by the regulatory overlap between the Directorate General of Immigration and the Ministry of Manpower about the authority in conducting an immigration enforcement operation. According to Aagard (2011), to avoid the problem which caused by regulatory overlap, those agencies need to develop an effective coordination. Developing the coordination between involved stakeholders still becomes a challenge for the local immigration office. In his work, argues the lack of coordination between Immigration office and the other agencies become one of the challenges in conducting Immigration law enforcement. The establishment of immigration law enforcement team is expected to develop a better coordination for the immigration enforcement operation. Thus, the authority overlaps which becomes one obstacle of immigration law enforcement action could be eliminated.

In addition, deregulation in foreign worker employment procedures might bring unintended outcomes for the community. That example shows that the Indonesian government is facing an uncertainty about the consequences of the actions. Head (2008) believes the uncertainty of the risk could bring conflict and generate social cohesions. In this case, if the government implemented some unpopular policies with the unintended outcomes, these might cause several conflicts within the citizens.

4.4. Divergence

The wickedness of illegal workers issue in Indonesia is influenced by the divergence opinion from the Indonesian citizen regarding the existence of foreign workers. This condition has made the government could not take the appropriate solution to overcome this problem. The efforts of government in overcoming this problem might trigger a conflict in the community. According to the chairperson of Indonesian Chamber of Commerce and Industry, Roeslani (as cited in Setiawan 2016) argues the existence of foreign worker would improve the native worker's competencies and contribute to the increase of the foreign exchange. On the other hand, the existence of foreign worker has raised the other people's concern on its impact to the society and economy.

This divergence comes as the impact of nationalism value which ingrains in most Indonesian people. According to Grenville (2014), nationalism value has become the main stance of Indonesian in struggling to achieve its Independence. Then, after the Independence Day, the nationalism value still becomes the government's main principle to set their policy. Grenville (2014) argues in the first two decades after the independence, the Indonesian Government has nationalised many foreign companies as the reflection of the Indonesian value of nationalism and foreigner distrust. In this globalisation era, the value of nationalism still influences the Indonesian citizen's mindset. Concerning on the foreign worker issue, some people are still sceptical about the benefits of foreign workers. They believe foreign investments and foreign workers could bring many devastated impacts to the countries. For instance, the debate on the revision of the Government Regulation No.35 of 2015 about the foreign worker.

In this new regulation, for the ease of doing business, the Indonesian government has removed the regulation about an expat worker's obligation to be able to speak the Indonesian language. This new regulation has raised controversy among the citizens. The Minister of Manpower, Hanif Dhakiri (2015 as cited in Zubaidah) believes this deregulation is intended to make a better and more reliable investment climate. Following the Dhakiri's statement, the Indonesian Cabinet Secretary, Pramono Anung affirms the president has removed the language requirement for the foreign worker since this obligation could become a barrier for the government to boost the economic growth (Wisanggeni, 2015).

In contrast with those arguments, by enacting this policy, the government has not taken the value of nationalism into account. They consider this new regulation will affect the native worker job opportunity (Prawira, 2015; Zubaidah, 2015). Since Indonesia is still facing an unemployment problem, the government needs to protect the native worker's job opportunity. This condition shows that the value divergence has affected the government's

decision to address illegal foreign workers issue. Furthermore, the divergence of value is not only identified in the citizen's point of view, but also in some government agencies. As an organisation, every government agency has their own value which becomes the basis for their action. In this case, the divergence of value in the government agency could be seen on the debates regarding the implementation of the new visa waiver policy. The Ministry of Tourism believes this policy would bring benefit to the economic growth while the Ministry of Law and Human Right argues this policy needs to be evaluated. This condition shows there is a divergence in value because the Ministry of Tourism owns an economic value, but the Ministry of Law and Human Rights owns the national security value. This condition could make the problem solving on this wicked issue more complex.

Due to its nature, the wicked problem could be only a symptom of another problem. Relating to this issue, the illegal foreign worker might be a symptom of another fundamental problem (Horst Rittel & Melvin Webber, 1973). The Immigration law enforcement team efforts in strengthening the immigration enforcement operation could reduce the illegal foreign worker number; however, it might not really address the bigger issue behind this problem since it will only tackle the symptoms of the problems. The interagency relationship needs to be developed not only in the implementation of the policy but also in the decision-making process. Developing interagency relationship in the decision-making process is crucial to formulate the most appropriate policy to overcome the problem. Himmelman (2001) affirms the collaboration in the decision-making process is needed to produce an important specific outcome. Relating to this issue, Keast (2011, as cited in Carey 2015) argues the integration of public agencies needs to be developed into three levels of activities: Macro activity which covers strategic planning and financing, Meso activity which cover relationship and managerial integration, and Micro activity which covers direct relationships between practitioners and clients. As an interagency partnership, the immigration law enforcement taskforce is recommended to improve the use of technology, citizen participation, the use of equipment, vehicles and boats.

However, it is argued that in overcoming the illegal foreign workers issue as a wicked problem, the government needs to develop the current coordination stage into more complex relationship stages in the Himmelman's relationship continuum. Carey (2015) believes "joined-up government requires those more complex relationships to the right of the continuum, supported by an equally complex set of structural and cultural changes". The further development is important because in the current coordination stage the relationship between the members is limited to information sharing. It is argued that there is inadequate information sharing to tackle the wickedness of Illegal foreign worker issue. This team needs to be developed further to the collaboration stages which cover the shared budget and shared resources and risks

Table 1: Wicked Problems in Illegal Worker Issues in Indonesia

Characteristics	Aspects	Problems
Complexity	Legislations	Complicated work visa Requirements and Procedures Authority Overlap Among Agencies Visa waiver policy
Uncertainty	Policies	Ineffective policy instruments Limitation of law enforcement team Regulatory overlap
Divergence	Values	Indonesian citizen opinions Perspective of tourism and economy Ease of doing business Perspective of national security

5. Conclusion

The Indonesian government has established an interagency cooperation called the immigration enforcement operation team as a joined-up action to address illegal foreign worker issues. This team has implemented a horizontal approach by encouraging the participation of the other agencies. The participation of those agencies is crucial to support the Directorate General of Immigration's role in supervising Foreigner's activity within Indonesian territory. It concludes the illegal foreign worker issues in Indonesia are resolved by the law enforcement taskforce among agencies in relation to collaboration, cooperation and national security. This cooperation only

supports the implementation of the immigration enforcement operation not in the decision-making process. Three characteristics of wicked problems in illegal worker issues in Indonesia are complexity with legislations, uncertainty with policies, and divergence with values and its specific problems. As shown in the Table 1, there are three characteristics of wicked problems in illegal worker issues in Indonesia comprising aspects of legislations, policies, and values with its specific problems.

It is proposed the immigration enforcement operation team should be developed further into more comprehensive and integrated partnership such as a task force as a form of collaboration. This form of collaboration is fundamental as a resource and risk sharing in addressing this problem. The immigration enforcement operation team is urged to improve the use of technology, citizen participation, interagency partnership, equipment, vehicles and boats. This paper is limited to a discussion of the role of citizen's participation in strengthening the Immigration law enforcement team. Further research extends the involvement of citizen's participation in immigration law enforcement and the use of advanced technology.

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References

- Aagaard, T. (2011). Regulatory Overlap, Overlapping Legal Fields, and Statutory Discontinuities. *Overlapping Legal Fields, and Statutory Discontinuities*, 29(3).
- Adiwijaya, S. (2017). *Tom Lembong: Don't Be Provoked by the Issue of Foreign Workers*. *Bisnis*. <https://bisnis.tempo.co/read/news/2017/01/12/090835284/tom-lembong-jangan-terprovokasi-isu-pekerja-asing>
- Ariani, N. V. (2018). Penegakan Hukum Terhadap Tenaga Kerja Asing [Law Enforcement Against Foreign Workers]. *Jurnal Penelitian Hukum De Jure*, 18(1), 115–126.
- Bahri, I., Suhaidi, Siregar, M., & Mulyadi, M. (2013). Immigration Supervision of Foreigners in the Framework of Deportation Reviewed from Law Number 6 of 2011 concerning Immigration. *USU Law Journal* 2, 01(1).
- BAPPENAS. (2015). *Paket Kebijakan Ekonomi Jilid 1* [Economic Policy Package 1].
- Bogdanor, V. (2005). Introduction. In V. Bogdanor (Ed.), *Joined-up Government*. Oxford University Press.
- Boswell, C., & Straubhaar, T. (2004). The illegal employment of Foreign workers: an overview. *Intereconomics*, 39(1), 4–7. <https://doi.org/10.1007/BF03032198>
- Bowen, G. . (2009). Document Analysis as a Qualitative research Method. *Qualitative Research Journal*, 9(2), 27.
- Carey, G. (2015). *Grassroots to government : Creating Joined-Up working in Australia*. Melbourne University Publishing.
- Churchman W. (1967). Wicked Problems. *Management Science*, 14(4), 141–142.
- Conklin, J., & Weil, W. (1998). *Wicked Problems: Namin the Pain in Organizations*. Reading Room Research Center.
- Czaika, M., & Haas, H. d. (2015). The Globalization of Migration : Has the world become more Migratory. *International Migration Review*, 48(2).
- Dunleavy, P., Margetts, H., Bastow, S., & Tinkler, J. (2005). New Public Management is Dead-Long Live Digital-Era Governance. *Journal of Public Administration Research and Theory*, 16(3), 467–494. <https://doi.org/10.1093/jopart/mui057>
- Entorf, H., & Moebert, J. (2004). The Demand for Illegal Migration and Market Outcome. *Intereconomics*, Jan/Feb.
- Grenville, S. (2014). *How to Manage Economic Nationalism in Indonesia*. <https://www.lowyinstitute.org/the-interpreter/how-manage-economic-nationalism-indonesia>
- Head, B. W. (2008). Wicked Problems in Public Policy. *Public Policy*, 3(2), 101–118.

- Head, B. W., & Alford, J. (2008). Wicked Problems: Implication for Public Management. *Administration and Society*, XX(X).
- Head, B. W., & Alford, J. (2013). Wicked problems : Implication for public policy and management. *Administration and Society*, XX(x), 1–29.
- Himmelman, A. (2001). On Coalitions and the Transformation of Power elations: Collaborative Betterment and Collaborative Empowerment. *American Journal of Community Psychology*, 29(2).
- Horst Rittel, & Melvin Webber. (1973). Dilemmas in a General Theory of Planning. *Policy Sciences*, 4, 155–169. <http://www.ask-force.org/web/Discourse/Rittel-Dilemmas-General-Theory-Planning-1973.pdf>
- Hudson, B., Hardy, B., Henwood, M., & Wistow, G. (1999). In Pursuit of Inter-Agency Collaboration In The Public Sector. *Public Management: An International Journal of Research and Theory*, 1(2).
- Immigration, D. G. of. (2017). *Immigration Law Enforcement Annual Report*.
- Indonesia Investments. (2014). *Tourism in Indonesia: Growing but not Reaching its Potential*.
- Jazuli, A. (2018). The Existence of Foreign Workers in Indonesia in the Perspective of Immigration Law. *Jurnal Ilmiah Kebijakan Hukum*, 12(1), 89–105. <https://doi.org/10.30641/kebijakan.2018.v12.89-105>
- Johnson, C. (2017). *Indonesia: New Task Force to Monitor Foreigners*. *Global Legal Monitor*.
- Keast, R. (2015). *Integration terms. In Grassroots to Government: Creating Joined up Working in Australia*. Melbourne University Publishing.
- Lee, E. . (1966). A theory of migration. *Demography*, 3(1), 47–57.
- Li, P. . (2008). World Migration in the Age of Globalization: Policy Implications and. *New Zealand Population Review*, 3(1).
- Ling, T. (2002). Delivering joined-up government in the UK: dimensions, Issues and Problems. *Public Administration*, 80(4), 615–642.
- Mattesich, P., & Monsey, B. (1992). *Collaboration: What Makes It Work*. Amherst Wilder Production.
- McAlexander, R. (2016). *Does Immigration Cause Terrorism? A Bayesian Analysis of Right and Left Wing Terrorism in Western Europe*. Columbia University.
- McCall, R., & Burge, J. (2016). Untangling wicked problems. *Artificial Intelligence for Engineering Design, Analysis and Manufacturing*, 30(02), 200–210.
- Prawira, A. (2015). *Foreign Workers Made Easier, What is the Fate of Local Workers*. Sindonews. <https://nasional.sindonews.com/read/1036152/15/tenaga-asing-dipermudah-bagaimana-nasib-pekerja-lokal-1440329474>
- Pujiharini, F., & Ichihashi, M. (2016). The Impact of Visa-Free Entry on the Determinants of Inbound Tourism Demand in Indonesia. *IDEA*, 6(5).
- Roberts, N. (2000). Wicked Problem and Network Approaches to Resolution. *International Public Management Review*, 1(1).
- Roberts, Nancy. (2000). Wicked Problem and Network Approaches to Resolution. *International Public Management Review*, 1(1).
- Shechory, M., Ben-David, S., & Soen, D. (2010). *Who pays the Price? Foreign Workers, Society, Crime and the Law*. Nova Science Publishers.
- Tacoli, C., & Okali, D. (2002). The links between migration, globalisation, and sustainable development. *World Summit on Sustainable Development*.
- Tallmeister, J. (2013). *Is Immigration a Threat to Security*.
- Tranos, E., Gheasi, M., & Nijkamp, P. (2015). International migration: A Global Complex Network. *Environment and Planning : Planning and Design*, 42, 4–22.
- Venturini, A. (2004). Do Illegal Migrants compete with National Workers. *Intereconomics*, Jan/Feb.
- Wisanggeni, H. (2015). *Foreign workers do not need to master Indonesian, the protection of local workers is weak*.
- Wisnu, A. (2016). *Imigrasi: Tenaga Kerja Asal Cina Mencapai 31 Ribu Orang [Immigration: Workers from China Reach 31 Thousand People]*. Tempo.Co.
- Wohlfeld, M. (2014). Is Migration a Security issue. In *Migration in the mediterranean: Human Rights, Security and Development Perspectives*. University of Malta.
- Zubaidah, N. (2015). *It turns out that the rules for compulsory Indonesian-speaking foreign workers have been disrupted*. Sindonews. <https://nasional.sindonews.com/read/1036111/15/ternyata-aturan-pekerja-asing-wajib-bahasa-indonesia-sudah-dicabut-1440319282>