

THE INDONESIAN E-GOVERNMENT INITIATIVES: DEVELOPMENT STAGES OF E-GOVERNMENT IN IMMIGRATION LAW ENFORCEMENT

INISIATIF E-GOVERNMENT INDONESIA: TAHAP PENGEMBANGAN E-GOVERNMENT DALAM PENEGAKAN HUKUM IMIGRASI

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Abstract *E-government in Indonesia is still developing particularly in some regional and central government offices. As a central government, the directorate general of immigration has been implemented very well in relation to the process of providing immigration documents such as passports, visas, and permission to stay for foreigners. However, in the field of law enforcement the directorate general of immigration have failed to demonstrate the development phase of e-government. The official website of the directorate general of immigration does not provide any information related to immigration law enforcement so that the legal awareness of the public about the dangers of violating immigration law is not well conveyed. Even the public does not know the investigation process if they commit immigration violations. Also, the agency did not provide both financial and nonfinancial access for the public to avoid immigration violations. All coordination activities are still done manually. The data used in this study is secondary data collected from academic literature and grey literature. The research materials were obtained by using search engines from google, google scholar, and an online library at flinders university.*

Keywords: E-government, Law Enforcement, Indonesian Immigration.

1. INTRODUCTION

E-government refers to the use of information and communication technologies operated by the government to run their administration and give services to the community. Panzardi et al. (panzardi, calcopietro, & ivanovic, 2002) define e-government as the use of information and technology tools by the government such as mobile computing, internet and wide area networks to transform the relationships amongst the government, their citizens and other government agencies. E-government is believed to provide transparent administrative processes, combat corruption (cho & choi, 2004) and create more public trust (tolbert & mossberger, 2006). There are several stages in implementing e-government that need to be completed (baum & di maio, 2000; hillier & bélanger, 2001; jayashree & marthandan, 2010; jungwoo, 2007; layne & lee, 2001). Those stages aim to improve service delivery processes, avoid

unnecessary infrastructure, and integrate the separated functions of services (al-hashmi & darem, 2008).

A survey of e-government implementation by the united nations shows that all of their 193 members, including indonesia, have implemented e-government (united nations, 2018). Indonesia was ranked in the high category with 70 other countries in the e-government development index. It means that within the range of 0.00 – 1.00 of the e-government development index, indonesia stands in the range 0.50 – 0.75 on their online services index, telecommunication infrastructure index, and human capital index. However, the implementation of e-government in indonesia has not been effectively adopted and developed in public sectors. A recent study by yunita (yunita, 2018) argued that the development of e-government in indonesia has grown slowly. Of 548 websites of regional government in indonesia, not all operate in accordance with the development phase of e-government which means that the development of e-government has not been implemented evenly across all government elements in indonesia.

One public organization in indonesia, the directorate general of immigration, has implemented e-government to provide their services including in immigration law enforcement. With the motto of ‘e-gov pasti nyata” which means the real e-government, the directorate general of immigration accentuate information, communication, and technology in performing 2 the task of giving service in the immigration area. But the law enforcement services differ from regular services. It applies particular approaches in providing service delivery, which allows government agents such as police and prosecutors to make direct contact in detecting, processing, and giving sanctions to the violators of the legal rules (a. Mitchell polinsky & steven shavell, 2007). The next question which arises is, to what extent the implementation of e-government in immigration law enforcement follows the development phase of e-government. This paper argues that the e-government in immigration law enforcement has not been implemented properly according to the development stages of e-government. Therefore, this study will analyze the development stages of e-government in the practice of immigration law enforcement in indonesia. The discussion will begin with the literature of the development phase of e-government and the relationships among stakeholders. Then, it examines the system and application supporting the development of e-government at the directorate general of immigration. Following this, it analyzes the implementation of the e-government development phase in the immigration

law enforcement process. Finally, the analysis finds that directorate general of immigration does not follow the stages of e-government development.

2. METHOD

The data used in this study is secondary data collected from academic literature and grey literature. The research materials were obtained by using search engines from google, google scholar, and an online library at flinders university. In conducting academic writing, the keywords used were related to variables that have been determined in the research question, namely e-government, law enforcement, and immigration indonesia. The searching was limited to the development phase and the implementation of e-government in the field of law enforcement. By reviewing the collected data, the theories and practice of the development phase of e-government could be examined and explored. The grey literature reviewed the official documents, policy, reports, government websites, and unpublished work by government institutions, particularly from the directorate general of immigration. The data collected from grey literature intended to find the policies related to the implementation of e-government in 3 the directorate general of immigration, the institutions, the infrastructure, and applications owned by the agency. The timeframe of the data is from 2011 to 2018 to highlight the changes in immigration policy after the new regulations applied.

Based on the data that has been collected, an analysis was developed with the understanding of the development theory of e-government and the practice of e-government in the field of law enforcement. The first analysis discovers the development phase of e-government by comparing the theories from various scholars and how they connect to the different stakeholders. Searching for the challenges of e-government in developing countries and looking at the practices of immigration law enforcement processes in directorate general of immigration follow. Finally, the discussion continues with an analysis of to what extent the e-government implementation in the directorate general of immigration could fit into the development phase of e-government and the challenges that face the directorate general of immigration in applying it.

3.1 E-Government and The Development Phase of E-Government.

E-Government concepts are described in a variety of ways by various scholars. There are several definitions regarding E-Government. Heeks (Heeks, 1999) defined E-Government as an activity carried out by the government by using Information technology to provide services to the public. In line with Heeks, Muir and Oppenheim (Muir & Oppenheim, 2002) stated that EGovernment is the process of government information and service delivery through the internet or

any other digital methods. While Abramson and Means (Abramson & Means, 2001) emphasise E-Government as the electronic interaction amongst the government, citizens, business and employees. Furthermore, Henman (Henman, 2010) has conceptualised E-Government as the use of technologies in the government administration without involving policymaking. From the definition above it can be concluded that the term E-Government refers to the use of Information and Communication Technology in the whole activity of the government administration that connects various stakeholders. These definitions could provide the concept of what E-Government is to Indonesia and become the basis for the government to start developing its E-Government.

UNESCO stated that E-Government aims to improve service delivery by governments, increase accountability and transparency, reduce corruption, increase effectiveness and encourage the participation of citizens in decision-making (Palvia & Sharma, 2007). By using Information and Communication Technology, the public can actively monitor government activities that lead to transparency and prevent corruption. For example, The Public Window System in Peru (Shim & Eom, 2008) allows citizens to track the expenditure of public funds, gain information about services and give suggestions and opinions regarding public services. Through technology, the people in Peru can access the government website and get information about services and processes. They can also join in the online forum that is available in the Public Windows System that makes citizen's participation simpler and faster than the traditional way. Otherwise, conventionally, the government needs to invite citizens to join a forum or seminar to get public participation.

Furthermore, in the traditional approach, when the public wants to get services from the government, they have to pass several agents of public administrators. Those agents have discretion that can lead to corruption by manipulating the information between the client and the agency for their own interest. Therefore, the appearance of technology has challenged those agent's ability to abuse power because they will lose the central function between the information streams (Snellen & van de Donk, 1998). With technology, the interaction between government administrators and the public will be limited or even disappear. Citizens can directly access the central system and make payment to get the services they require. For example, in South Australia, when people want to extend their car registration, they do not have to go to the government office to meet an officer and follow bureaucratic procedure. They can sit on their couch at home and use their mobile phone to fill in the form online and pay (Government of South Australia, 2019). This digitalisation process could reduce the potential for corruption from the street level bureaucracy agents. 5

However, E-Government is not as simple as giving technology to the government and going online in providing service delivery. It needs to follow several phases that connect to the various stakeholders. Those phases are the

pathway for helping the government to find out their position and start adapting their infrastructure in order to achieve future developments (Klievink, Van Veenstra, & Janssen, 2009). As Layne and Lee said, E-Government is a never-ending growth that contains a continuous development process in various stages and has to be implemented properly (Layne & Lee, 2001). Those phases aim to improve service delivery processes, avoid unnecessary infrastructure, and integrate the separated functions of services (Al-Hashmi & Darem, 2008). Stage modelling is intended to identify changes that occur between one stage and another with the development moving for each stage (Klievink & Janssen, 2008). The stages of E-Government development describe the evolution of E-Government initiatives to reach maturity in offering information and services using Technology. The terms 'maturity of E-Government' refer to the advanced characteristics of E-Government development processes (Andersen & Henricksen, 2006).

Among several stages of E-Government development, the one from Jungwoo is used as he refined his previous research regarding development phases of E-Government with Layne (Layne & Lee, 2001) and also reviewed and compared the development stages from various scholars and found the similarities among their classification of stages (Jungwoo, 2007). Jungwoo also presented four stages of E-Government development that initiates from the state government as the central government that could be implemented in the Directorate General of Immigration as the central government. The development stages presented by Jungwoo have become the most quoted maturity models of E-Government rather than the other models (Snellen, 2012). The development stages are Cataloguing, Transactions, Vertical Integration, and Horizontal Integration. Further, he compares the development stages from Hiller and Belanger, the United Nations, World Banks, and Gartner. For example, Hiller and Belanger (Hiller & Bélanger, 2001) present the four phases of E-Government: Information, Reciprocal Communication, Transaction, and Integration. The United Nations Online Network in Public Administration (UNPAN) divides E-Government into five periods Web Presence, Emerging, Enhanced, Interactive, Transactional, and Fully Integrated (Jayashree & Marthandan, 2010). The 6 three-phases of E-Government from the World Bank, include: Publish, Interact, and Transact. Gartner presents four stages of E-Government: Presence stage, Interaction stage, Transaction stage, and Transformation stage (Baum & Di Maio, 2000). The explanation of each stage will be presented in the next paragraph.

The first Phase of Jungwoo's development phase is Cataloguing, which means that the government starts to give information to citizens so they can use this information to learn about the specific policies and the business process of the service. This first phase has similarities with the information phase of Hiller and Belanger, the emerging and enhanced web presence from the United Nations, the publish period from World Banks, and Gartner's Presence phase. All of those stages indicated the presence of the government in online form. It began

when an agency in the government established a website to give complete information related to their service. The website should codify their pages based on the information of one function so that citizens can easily find information about the services they were looking for and download the form they need. For example, on the Department of Home Affairs website in Australia (Australian Government, 2019), the public can have access and information related to the services they need such as immigration and citizenship, travel and crossing the border, import/export/buying online, national security, criminal justice, and transport security. This first phase has a very important role in the implementation of E-Government because the government could effectively provide efficient management of information and dissemination to citizens (Ntulo & Otiike, 2013).

The second phase is a transaction. In this phase, the government and citizens interact with the help of technology. The transaction phase summarises the two-way communication and transaction from Hiller and Belanger, Interactive and Transactional web presence by the United Nations, Interact and Transact phase from the World Bank, and Gartner's interaction and transaction phase. This second phase allows citizens to have interaction financially or nonfinancially with the government. For instance, if the customer wants to get some service, they need to fill in the form and submit it through the government website. In return, the government responds to the application and gives feedback on whether the claim is accepted or rejected or maybe needs further information. The interaction also covers the payment made by citizens directly without coming to the government office. At this stage, the local agencies have their database collected from the citizens.

The next phase is the integration phase. In this phase Jungwoo combines the integration phase that is presented from Hiller and Belanger, the United Nations, World Banks, and Gartner, and divides it in two ways: vertical and horizontal integration. The increases of information during the first and second stage, people are seeking for the connection across many agencies and within the organization. The integration between agencies with similar services will make it more accessible for the customer to get service without moving from one agency to other agencies. The vertical integration will centralise the database of the customer so that access to information can be made from anywhere within the country. Horizontal integration requires integration between several functions of the government. The database that belongs to an agency will be accessible to other agencies that have different roles. The service will take a step forward by providing a one-stop service to the community in accessing different types of services.

The development of E-Government is not limited to those four stages. It will grow based on the growth of technology. The point of the growth is that E-Government communicates with the various actors and various stakeholders through the help of technology. The Communication that has been built by E-

Government should connect four major groups, namely government, society, business, and employees (Ndou, 2004). The first relationship is between the Government and the citizens. This type of relationship is a relationship that is commonly practiced in any country in building access to information that can be utilized and obtained by the community for their interests. This relationship allows the government to interact in two directions to develop services provided to the community. Examples of this type of application include: the public can access data or information from government websites, the public can enter passport applications via the internet, and the public can make a payment and receive notifications via their cell phones, and so on.

The next relationship concerns connections between different levels of government. It means that the ties intertwine between the central and local government or between the central or regional government with different functions or between different countries. This relationship allows the government to communicate with fellow governments to facilitate making decisions or solving problems faced in providing services to the public. In practice, it can be observed as reporting, communication, and information exchange between the central government and local governments using online facilities. The interaction among governments can cut time and cost in the service delivery process without having to involve people who have to move from one agency to another or to overseas agencies. The existence of intergovernmental relations, will be able to provide a guarantee of the certainty of data and information that has been collected by each agency. The community does not need to give the same information to manage things in different agencies because all required information is in one central database that can be accessed by various agencies. For instance, the people in managing passports, driver's licenses, or other documents do not need to submit data and information again to multiple agencies because the data is always the same.

The third relationship is between the government and business actors, both domestic and overseas. The advantage of the development of this relationship is the occurrence of more transparent ties between the government and interest groups (business people) so that irregularities can be minimised in government projects through a contracting out mechanism (Fang, 2002). For example, business actors can access information, licensing procedures from regulations set by the government, and pay business taxes through the online system. This type of relationship will be very efficient, especially for transnational companies that invest in Indonesia. With the ease of the procedure, many investors will invest their capital in Indonesia. The last one is the relationship between the government and its employees. As an employee of the government, Civil servants must be able to access information about salaries, leave, transfers without having to come to the Civil Service Agency. Also, they need access to information about learning and training opportunities, compensation and benefit policies, and any information about their rights as an employee. Those four

fundamental groups need to be connected in order to achieved high-quality services and efficiency.

It can be concluded that a government develops E-Government if they follow the developmental phases of E-Government by providing information, the existence of interaction 9 and connection that connects four fundamental groups using information and communication technology. The government needs to provide complete information concerning the provision of its services. The information should be displayed online in the government official website or any other electronic media and should be able to be accessed by citizens anywhere and anytime. Information should include requirements, processes, things that are prohibited or permitted, the consequences of any offenses carried out by the applicant and also regulations concerning services provided so that there is no room for misunderstanding. All of this information must be displayed on the official website as a platform for the government to carry out their services.

Furthermore, a means of interaction must also be provided by the platform to allow input and feedback from service users. Input is not just filling out a form but also includes the existence of transactions as well as the opportunity to receive criticism and suggestions to improve its services. The increase of the internet user to more than 4 billion people (Kemp, 2018), shows that there is a significant change regarding the interactions among the four fundamental groups through the internet. After the interaction is built, then to be able to provide effective and efficient services, the government needs to construct networks that connect the organisations in central and regional areas and the agencies in the government. For example, E-land administration services in Thailand, Nepal, Mongolia, Bhutan, Philippines, and India that were using information and communication technology to make connections among Government, citizens, business, and employees (Gurung, Dangol, & Bhatta, 2015). They took one system to provide the database of users, build applications related to the land services, easy access to the database records, and integrated central government to regional government as well as the other agencies that refer to the land services.

3.2 The System and Application to support E-Government in Directorate General of Immigration.

Based on the government regulation number 31/2013, Information System management of Immigration is an information and communication system that is used to gather, cultivate, and to present information related to the Immigration function (Republic of Indonesia, 2013). The 10 development of the Information System Management of Immigration was intended to facilitating immigration data and information needs, providing services that guarantee convenience, comfort, and certainty in the community, and assist supervision and law enforcement to safeguard state sovereignty. This system will be used to support the operational, management, and decision-making processes carried out by Immigration

services. The immigration services that are covered by this system include passport services, Visa services, foreigner stay permit services, and Immigration control and enforcement services.

The Information System Management of Immigration is the primary system that becomes the platform of all sub-systems that occur in Immigration (Ministry of Law and Human right, 2008). The first subsystem started with providing immigration data and information needs. To fulfil those needs, the Directorate General of Immigration has built a database system called Enterprise Data Access System (EDAS) that is the primary source of Immigration data from all Immigration systems. The Enterprise Data Access System collects immigration data and stores it in the Immigration data center located in the Headquarters. This data can be accessed by 125 Immigration Office in 33 Provinces, 79 Immigration Checkpoints, 13 detention Houses, and 64 Indonesian embassies. The next subsystem is the E-Office system that has a function to support Visa and Stay Permit Services. An E-Office system is used to serve, supervise, and identify the process of stay permit modifications such as extensions, conversions, and changes.

The Border Control Management System supports Immigration supervision at the Indonesian Border the airport, Seaport, and the land Border. This system connects every border in Indonesia and records the movement of passengers who enter and leave the Indonesian Territory. The Border Control Management System, has two integrated applications. There is a Passenger Movement System application and an Enhanced Cekal System application. The Passenger Movement System application records the movement of every Indonesian citizen and foreigner who crosses the Indonesian border. The data is sent to the Immigration data centre and can be accessed by the Immigration Officer if needed. The data also can be accessed through the E-Office system if the foreigner wants to make changes in their stay permit. The enhanced Cekal System allows immigration officers to put a name on the immigration blacklist so that the 11 person is not allowed to enter or to leave Indonesia. The person who violated immigration law is the subject of immigration administrative action. One of the punishments of that action is the inclusion of their name in the immigration blacklist. Immigration Blacklist management is connected to the Passenger Movement System, so if the person who is in the blacklist tries to cross an Indonesia Border than an Immigration Officer will catch him/her.

The E-Passport system was built to accommodate the making of Indonesian passports for Indonesian citizens. This system connects all Immigration offices in Indonesia and the Enterprise Data Access System. With this system, Indonesia citizens can apply for a passport in every Immigration Office in Indonesia. Previously, they only could only apply for a passport based on their domicile. The E-Passport system also collects the biometric data from the passport applicant and it is sent to the central database. This system is meant

to prevent fraude in using false documents to make a passport. A person who already earns a passport cannot use different data in making another passport.

On 26 January 2017, the agency launched a program called “Imigrasi E-Gov PASTI nyata” (liputan6.com, 2017). E-Gov refers to E-Government, PASTI refers to Professional, Accountable, Sinergy, Transparent, and Innovative. “Imigrasi E-Gov PASTI nyata” could mean the real EGovernment in Immigration. The purpose of this program is to provide fully online services to the community in accessing immigration services. On that occasion, the Directorate General of Immigration launched a new application including the Visa Online Application, Passport Queue Online Application, stay permits application, and Foreigner report application. The Visa Online application allows foreigners who wants to apply for a visa to submit their request online. The Passport Queue application is an application to make an appointment in the immigration office. The purpose of this application is to limit the passport applications because there is a limited passport quota each day. Stay permit applications also give the convenience to the foreigner to apply for a stay permit from their computer. The Foreigner report application is designed to receive reports from citizens so that if there are any foreign citizens staying in their place, such as a house, hotel, apartment, and so on, they can be reported. All those applications are 12 integrated under the E-Office system which as a platform connects the four actors of EGovernment, the government, citizens, business and government employee.

3.3 The current process of Immigration law enforcement in Indonesia.

This section will explain how the implementation of the system and applications made by the Directorate General of Immigration in the process of enforcing the immigration law were carried out. In immigration law enforcement the process does not always come into contact with the technology. It still requires skill and tacit knowledge from the officer in detecting and processing an immigration violation case. For instance, the immigration officer at an immigration checkpoint not only can scan the passport to the system but also has to use their intuition to spot a smuggler or any immigration violation. By knowing the process of immigration law enforcement, they will get a clear picture of the role of information and communication technology so that it will help in the analysis of the extent to which the Directorate General of Immigration implements E-Government.

The process of Immigration law enforcement could be divided into two phases, the first phase is the immigration control process, the second phase is the immigration enforcement process, and the object of those processes is Indonesian Citizens and Foreign citizens in Indonesia (Republic of Indonesia, 2013). Indonesian supervision has the purpose of detecting suspected immigration violations committed by Indonesian citizens and foreign citizens in

Indonesia. If there is infringement in the immigration supervision process, the immigration officer could take an immigration enforcement action. The supervision of Indonesian citizens starts with their application for a passport, while crossing the state border, and when they are overseas. The monitoring of foreigners begins from their visa application in the Indonesian embassy, while they cross the Indonesian state border, then when they apply for the stay permit, and finally, the Immigration officer will supervise their activity and presence in the territory of Indonesia. Thus, it can be said that all services that are provided by the Directorate General of Immigration are 13 objects of immigration law enforcement because in every process of the service, there is a security element.

In immigration law enforcement process, the use of technology only implemented in the several processes with the combination of technology and direct interaction to citizens and foreigner as the object of immigration law enforcement. This is intended to obtain more valid verification of the documents from the immigration service's applicant. The documents provided were issued by other agencies and need to be verified the authentication. But currently the system and application that already build to support E-Government is only integrated within the organization itself and do not connected to other agencies to verify their documents. This happens because it is challenging to make coordination with other public organizations. As Perri stated that every organisation has its own power and autonomy, and sometimes they rival each other (Perri 6, 2004). By joining together, they will lower their power and autonomy yet they are required to share their power and autonomy with other organisations. For example, every Indonesian citizen is required to supply their fingerprints if they want to apply for an identity card, driver license, and passport. The fingerprints retrieval can cause every organisation to have the same three fingerprint's database from Indonesia citizens. This is ineffective and a waste of infrastructure, which will disserve the community and public funds. If those organisations can cooperate in terms of information sharing, they can choose one organisation and create one single database of fingerprints. The other organisation could have access to the database and not need to take the fingerprints from the citizens. Fingerprint collection is only used as verification and can be done very quickly.

The Supervision of Indonesian citizens starts with the process of a passport application in the immigration office. In the process of applying for a passport, the applicant is first required to queue at the passport queue application counter. After that, they will be interviewed, and their fingerprints will be taken. After the interview, the required documents are scanned and submitted to the E-Passport system. The system will check the duplication biometric data of the person. This process involves the use of technology in carrying out the supervision but still prioritises direct interviews in detecting suspected violations. By interviewing directly, the 14 interviewer can obtain accurate and reliable information including identifying incorrect details on the matter that is being

investigated (Powell, Fisher, & Wright, 2005). With the interview, the detection of immigration violations is easier and more precise. For example, in 2018, the Immigration office at Cirebon rejected 605 passport applications (radarcirebon.com, 2018). The reason for the rejections is varied but if the applicant lies in the interview process, then the passport application could be rejected. Another reason is the applicant confesses that they have never applied for a passport before, but the E-Passport system detects that they already have applied for a passport with a different identity. This kind of violation usually happens to the Indonesian labourer that wants to work overseas. They falsify their age or make a whole new identity because they are already banned from the country where the job is available. Once the fingerprints are submitted to the system, then the data of the person is permanent and could be recalled if needed.

Indonesian border supervision is relying on technology and direct interaction to verify passports and get further information about the purpose of people who enter or leave Indonesia. The Immigration control activities at the border are passport checks, short interviews, passport scanning, and Red notice alert control (Ministry Regulation No.44/2015, 2015). The passport examination by Immigration officers is to make sure that the passport holder is the same person as shown in the passport. The passport examination means to prevent the use of a passport by a different person besides the owner. The short interview is needed to convince the immigration officer that the holder of the passport is the same person as in the data of the passport. After that, the Immigration Officer has to scan the passport and submit the data to the Border Control Management System. The Border Control Management System will make a record of the crossing in the Passenger Movement System Application and verify the data in the red notice list on the Enhanced Cekal System Application. If there is no problem, then the passenger is free to cross the border.

The use of ICT in creating a database allows the monitoring of the movement of people as well as the red notice list. The database is located in the headquarters and connected to each border by a Wide Area Network. The database is classified as immigration information and can be accessed within the organisation only (Act Number 6/2011, 2011). This shows the superiority and autonomy of the Directorate General of Immigration in managing the immigration information. If another agency wants to get access to the information, they have to write a letter to Immigration about the specific information they want to know. For instance, if the police want to know the movement of a suspected criminal, they need to send a letter to the Director General of Immigration. The letter will go through the bureaucracy in Immigration from the front desk to the Director General of Immigration then to the division of immigration red notice. The same procedure applies if the police or state attorney want to enter the name of the suspect in the immigration red list then they have to submit it through the official letter to the Director General of Immigration. This procedure is ineffective because while the letter is in the bureaucratic process, the suspect could pass

the border. The name of the suspect is not included yet in the red list system and they can freely leave Indonesia without obstacles. If the system could connect horizontally among fellow law enforcement officers, then they can put the name of the suspect themselves to the Red Notice List to prevent the suspect from escaping overseas.

When in Indonesia, every foreign citizen is required to have a residence permit. The stay permit is valid only for a limited time and limited activity. This limitation is also the object of immigration supervision as part of immigration law enforcement. Immigration officers conduct immigration supervision by checking visas and residence permits owned by foreigners based on the data in the E-Office system. If the permit holders want to change their stay period or their activity in Indonesia, they can make the changes at the Immigration Office. The applicant needs to come to the immigration office and apply for the changes. The Immigration Officer in the Immigration Office will submit the application of the changes to the E-Office system. This process shows that the implementation of E-Government has still not reached maturity. Technology should be able to play many roles here. The Directorate General of Immigration can make an application that can be accessed by foreigners to notify the status of their residence permit or extend their residence permit. For example, Australia in their official website (Department of Home Affairs, 2019) gives way to foreigners who live in Australia to check their visa expiry date and status. They also can renew their visa online without coming to the office. So, violations 16 regarding the time of stay permit could be minimized because foreigners will have all the information and the solution when they open the official website of the government.

After Immigration supervision, immigration enforcement will occur if there are breaches of Immigration Law. There are two types of immigration law enforcement in Indonesia, administrative law enforcement and criminal law enforcement. The administrative law enforcement is the administrative sanction against the foreigner who becomes the suspect of violating the immigration law outside the judicial process. The head of the Immigration office determines the punishment. The penalty is varied, namely inclusion in the red notice, the alteration of the stay permit, prohibition of staying in some specific places, the necessity of staying in a particular area, fines at a particular cost, and deportation. To be able to get administrative sanctions, a foreigner who is committing immigration violations needs to follow several steps (Director General of Immigration, 1995). The first step is they need to be interrogated by an immigration officer in the office about their violation. Then the immigration officer makes the Resume related to the case. The Resume needs to be signed by the head of the immigration supervision section for further decision made by the Immigration head office.

This long process of immigration administrative action is not reflecting in the form of EGovernment because there is no certain time in completing a case.

As an example, if a foreigner commit overstays in Indonesia. Overstay is regulated in article 78 of act number 6/2011 concerning immigration which states that if a foreigner whose residence permit expires but is still in Indonesia for more than 60 days, then those foreigners will be deported from Indonesia. However, to be able to get deported, the process that must be carried out by foreigners starts from the interrogation until the issuance of a decision, and there is no certainty of the amount of time this will take. Especially when the head officer who is supposed to make decisions is in a meeting or not there, then the decision making will be even longer. With so many structures of bureaucracies, the decision-making process becomes vulnerable to corruption (Diaby & Sylwester, 2014). For example, a civil servant can request additional money as a condition so that the case can be completed quickly or on the contrary, the suspect offered extra money so their case can be done quickly.

The other of immigration law enforcement is the criminal law investigation. This type of enforcement follows the judicial process with investigations, prosecutions, and trials. The process is started if there is a situation that could be known as a criminal immigration case. The immigration officer could identify the case as the result of immigration supervision or a crime reported by citizens. The process is continued by opening an investigation regarding the case. In the investigation process, the investigator is allowed to use effort such as capture, interrogation, arrest, foreclosure, and searching for more evidence. After the evidence is sufficient, the investigator wraps up the investigation report and hands it over to the prosecutor. Finally, the prosecutor registers the case to the court to get a trial. In this type of enforcement, the form of E-Government acts as a supporting factor in finding evidence, even though the process is carried out manually. With the database of the movements of people who enter and leave Indonesia, it could provide an overview of when a suspect entered or left the territory of Indonesia and the stay permit he/she had. Furthermore, the required documents submitted when applying for a visa can be known quickly. However, in carrying out its duties, an immigration investigator can undertake detention, searches, and seizures. This, as well as the interrogation of the suspects or witnesses, cannot be done online. By interacting directly, the investigator could detect if the suspect or witness is lying in giving information.

3.4 The Practical aspects of E-Government development in the field of Immigration Law Enforcement in Indonesia.

In this section, the discussion will continue of the implementation of the E-Government development phase in the enforcement of immigration law. As explained earlier, E-Government development has 4 phases which are cataloging, transaction, vertical interaction, and horizontal interaction. Then, the immigration law enforcement process started with immigration supervision to the enforcement of immigration action. The implementation of the development

phase of E-Government will be discussed starting from how information related to immigration law enforcement is cataloged and spread to the public, the interactions that can be carried out by the community towards the Directorate General of Immigration related to law enforcement 18 services and supervision, and the integration of the Directorate General of Immigration vertically within the organisation and horizontally among other public organisations.

The cataloguing phase in the implementation of E-Government in the Directorate General of Immigration can be seen in their website platform at www.imigrasi.go.id. This website is the implementation of Presidential Instruction No. 3 of 2003, which uses information technology in supporting government activities, in both the central and regional governments towards the realisation of E-Government in Indonesia (Presidential Instruction 3/2003, 2003). Their website contains the general information regarding Indonesian Immigration and the immigration services. On the first page at the top area, there are information menus that can be chosen by the user namely Profile, Policies, News, Public Services, Public Info, and Contact Us. Each menu contains links that will lead to the information the users need. For example, the Public Info's options will lead to another option such as Statistical Information, Events, Download Area, Photos Gallery, Film of Immigration activities, Financial Reports, Procurement of Goods/ Services, and Community Satisfaction Index.

From the user interface of the website it can be seen that the information provided by the Directorate General of Immigration is related to their services to citizens. This information on the website will give the relations between the Directorate General of Immigration and citizens because they can access data and information that they wish to get from the agency. However, the information about the immigration law enforcement is very limited. The website does not provide information about the provision of the activities that need to be obeyed by citizens in terms of using immigration services. For example, Indonesian citizens need to provide a legal document when applying for a passport. Otherwise, they will commit an immigration crime by giving false documents to obtain a passport and will be punished with five years' imprisonment and a fine of up to five hundred million rupiahs.

The information of law enforcement is intended for preventing crime and to protect society from dissidents (Mollah, Islam, & Islam, 2012). By giving information about the things that need to be obeyed, it will provide knowledge to the community to be able to take the right actions in obtaining services. Conversely, if there is no information it can make the community 19 confused in determining the actions that are allowed and which are not permitted. The inclusion of penalties on the website is also needed to provide an understanding that criminal immigration acts committed will be subject to sanctions. The sanctions given also vary from administrative sanctions to criminal sanctions. Administrative sanctions as stated in article 75 in the act number 6/2011 can be

in the form of inclusion in the list of Red Notice, restriction/ changes / cancelation of stay permits, prohibition to be in one or a few specific places in the Indonesia Territory, compulsion to stay at specific places in the Indonesia territory, imposition of the burden of costs, and Deportation. While criminal sanctions are contained in article 113 - 136, and can be used as a form of prison sentence and accompanied by fines. That information needs to be displayed in the official website of the Directorate General of Immigration so that people know and understand immigration law and its sanctions if they violate these rules.

The provision of information to the public is precisely made by the public relations division through social media. Social media that is used through Twitter, Facebook, and Instagram actively provides actual current information about changes that occur in services in immigration. For example, on May 22, 2019, Ditjen Imigrasi in the official account in Instagram posted information about changes in immigration service rates starting from the cost of making a new passport to the cost of fines that must be paid if there are foreigners overstaying in Indonesia. However, the information is conveyed through the Indonesian language and there is no English version so that foreigners who want to obtain immigration information will find it difficult to understand the information content they wish to know.

Communication that occurred between the community and the government in social media is also not optimal because many questions were included in the commentary column but were not responded to by the administration. This might be because the administration is only limited to providing information, while the questions raised by the community are technical regarding the immigration service. For example, there is a question about the alternative requirements for making a very technical passport, but there has been no response from the administration. The response from the administration only advises seeking the passport registration requirements on the official website of the Directorate General of Immigration.

Interestingly, the response to the questions posed actually came from the community itself. People who know more about the answers to the questions asked try to provide information in the comments column. This shows that social media can be used as a tool for the community to be able to participate in helping the government.

In this first phase, it can be said that the Directorate General of Immigration has carried out well the provision of immigration services such as passport services, visa services, and residence permit services. All information related to the provision of services is provided completely on the official website so that the public can know all the procedures and requirements needed to get the desired service. However, the provision of information on the law enforcement process is very limited, whether on websites or social media. There is no information about the prohibited activities or sanctions that will be imposed if they violate

immigration provisions. Information that exists is only about general regulations, which is act number 6/2011 that sometimes people won't read. This should be corrected by the Directorate General of Immigration in order to fulfill the first phase of E-Government Development in law enforcement.

The next phase of interaction is carried out by the Director General of Immigration by providing applications as a means of exchanging information from the public. Applicants who wish to obtain immigration services can use the application provided by the agency. These applications include online passport registration applications, online visa applications, online stay permit applications, and foreign reporting applications. However, the exchange of information is only limited to filling out the registration form without any financial transactions. Applicants still have to go to the immigration office to complete their services and make payments at the immigration office to ensure the fulfilment of immigration supervision before the document is given. Documents issued by the Directorate General of Immigration are state documents that have a security element. So that in obtaining these documents, it is necessary to carry out a very strict verification process. For example, in the case of a passport application, the applicant can access the passport queue application online only to get a queue number. After that, the applicant is still required to come to the immigration office in order to examine the application 21 file, be interviewed, and take their fingerprints. Another example is the visa document and residence permit, the immigration officer needs to verify the sponsor who wants to bring in foreigners. This verification is due to the many modus operandi of foreigners who want to live in Indonesia using fictitious sponsors (Tempo.co, 2015).

The interaction from the government to the citizens and businesses that are related to immigration law enforcement can be seen from the presence of foreign reporting applications. With this application, the government needs help from the community to report any foreigners who live at their place (Directorate General of Immigration, 2019). With this application, the presence of foreigners in Indonesia can be monitored by the Directorate General of Immigration. The citizens and lodging companies act as additional agents for the government in reporting the presence of foreigners. However, this application has a weakness because there is no direct benefit that the government can offer to the community in exchange for reporting foreigners. The Directorate General of Immigration only applies article 71 of law number 6/2011 concerning immigration, which requires lodging owners to report on the presence of foreigners in their accommodation. For those who do not carry out reporting, they will be subject to a maximum of 3 months imprisonment and a maximum fine of 25 million rupiahs. The expected participation of the community becomes very weak because the community feels that they do not have a direct responsibility and their participation will have no effect on the decision-making process (Chowdhury & Aktaruzzaman, 2016). Instead, the Directorate General of Immigration could expand the application to gain more public participation. The application not only could report the presence

of foreigners but also could report an immigration violation. Being given access to reporting an event online will give responsibility to the people to protect their environment from the presence of immigration crimes committed by foreigners.

The integration phase in the Directorate General of Immigration is done very well within the organization. All applications launched by the agency have been properly integrated under the immigration management information system. As previously explained, the immigration system and application has been integrated between the headquarters, the regional office, and border control. Thus the phase of vertical integration has been passed well onto the provision of immigration services. The head office can directly control the immigration service provided. But in terms of enforcement of immigration law, there is no application that can support vertical integration between the head office and the regional office. Moreover, law enforcers at all levels, including at the regional office, have full authority in handling a case. The full authority becomes a discretion for law enforcement in determining the direction of investigation (Bronitt & Stenning, 2011). Although law enforcement in the regional offices is independent, it does not mean that law enforcement does not receive internal control from the organisation. Supposedly with the support of technology, internal supervision can be carried out maximally. The Directorate General of Immigration can develop an internal monitoring system on the investigation of a case. The application can only receive reports from the steps carried out by an investigator so that what is done can be monitored. Even better if the application can be accessed by the public so that the transparency of a case can be achieved.

The horizontal integration phase has not been carried out maximally by the Directorate General of Immigration. The current system is not connected to other agencies that have a different function. Yet, in carrying out immigration law enforcement duties, immigration officers will always be in contact with other agencies. For example, if there is a case of abuse of work permits, then in terms of obtaining verification of work permits from a foreigner, an immigration officer must send a letter in advance to the Ministry of Labor. Then later, the Ministry of Labor will provide verification of work permits that have been given to the foreigner. If the integration phase has been done well, the immigration officer can simply verify online without having to send a letter and wait for an answer from the relevant ministry. This can also apply reciprocally if the police are investigating a crime involving foreigners, then all information and permits related to the foreigner will be urgently needed. The police do not need to ask manually by sending a letter or coming to the immigration office but simply by accessing the database at the Directorate General of Immigration to obtain that information.

To get a clear picture of the implementation of E-Government developments that are not optimal in immigration law enforcement analysis of the cases that occurred in 2018 will help. In 2018, there was a case of a tourist who

slapped an immigration officer at Bali's international airport (News.com.au, 2018). The case originated from an immigration violation carried out by the British tourist named Auj-e Taqaddas, who stayed in the country illegally for 160 days because her visa had expired. When she went to the immigration checkpoint, the immigration officer told her that she could not leave the country and needed to come to the immigration office to be investigated. She got mad and slapped the immigration officer. She claims that she did not know that she had to come to the immigration office to solve the problem. She had been told to pay a fine. But on the immigration checkpoint, the immigration officer told her that she could not leave the country on that day. As explained, a foreigner who stays in Indonesia after their visa has expired for more than 60 days is required to have the bureaucracy process of investigation to get an immigration administrative sanction.

If E-Government in immigration law enforcement is carried out according to the development stage described previously, then every foreigner will get access to clear information about their visa and stay permit. This information includes the validity period, type of visa, and other information that can be known by citizens to be able to avoid immigration violations. Furthermore, if the foreigner knows the validity period of their stay permit is about to expire and wants to extend their stay permit or make changes to their stay permit, they will be able to do it online without having to come to the immigration office. Immigration officers do not have to verify the validity of the required documents manually. Just simply accessing the database online will guarantee that the application's documents are valid. The investigation process of immigration enforcement also can be done quickly. Immigration officers may impose immigration actions directly on the offender at the immigration checkpoint without further investigation at the immigration office. Therefore, the flights of violators do not need to be cancelled, and they can leave the country with the status of a deportee.

However, the investigation process of immigration law enforcement that utilises technology in its implementation can only apply to the process of immigration administration action. This is because the process of immigration administration action does not require a process of evidence verification in the court as in the criminal investigation process. The decision was made only by the head of the immigration office, such as deportation and the submission of 24 the name of the perpetrator into the Red Notice. Moreover, if the immigration administrative action process is not carried out through technology, it will be prone to corruption due to the enormous authority of the head of the immigration office in prosecuting and making decisions regarding the perpetrators of immigration violations.

4. CONCLUSION

E-government is an ideal form for the government to give service to their citizens. To get the maturity of e-government, several phases have to be implemented by the government. Jungwoo proposed 4 stages of development for e-government. The first stage is cataloguing which allows citizens to access all the information related to the services provided. Then the transactions phase that gives opportunity for citizens to interact with the government financially or non-financially. Finally, integration vertically and horizontally is needed to give an effective and efficient service delivery within the organisation and amongst several agencies in the government.

E-government in indonesia is still developing particularly in some regional and central government offices. As a central government, the directorate general of immigration has been implemented very well in relation to the process of providing immigration documents such as passports, visas, and permission to stay for foreigners. The director general of immigration has provided front office applications for supporting the customer and back office applications to support internal processes and administration in the foundation of e-government (descours, 2016). However, in the field of law enforcement the directorate general of immigration have failed to demonstrate the development phase of e-government. The official website of the directorate general of immigration does not provide any information related to immigration law enforcement so that the legal awareness of the public about the dangers of violating immigration law is not well conveyed. Even the public does not know the investigation process if they commit immigration violations. In the second stage, the agency did not provide both financial and nonfinancial access for the public to avoid immigration violations, for example, to extend their visa. 25 e-government in the directorate general of immigration, especially in the law enforcement process also does not reflect the existence of vertical or horizontal integration. All coordination activities are still done manually. If the development stages of e-government are implemented properly, it is expected that crime rates will decrease as byrne and marx have stated that the use of technology could increase the prevention of crime (byrne & marx, 2011).

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