DEFENSE DIPLOMACY IMPLEMENTATION: THE SYNERGY OF INDONESIA AND AUSTRALIA IN DEALING WITH ILLEGAL IMMIGRANTS IN THE SEA BORDER

Renni Novia Saputri Gumay[1], Amarulla Octavian[2], Yoedhi Swastanto[3]

Indonesia Defense University
(renninoviasg@gmail.com1, amarulla.octavian@idu.ac.id2yoedhi_unhan@yahoo.com3)

Abstract - Illegal Immigrant is a common problem between Indonesia and Australia. However, in handling the problem in sea border, Indonesia take a humanitarian approach while Australia take security approach through Operation Sovereign Border that had resulted to diplomatic confrontation. Therefore, this study focus on analyzing synergy of the two countries in dealing with illegal immigrant in sea border area. This study uses national security, migration as security issue to analyze national interest. Cooperative security, defense diplomacy, synergy concept and naval diplomacy theory to analyze defense diplomacy implementation as a whole. The approach of this study is qualitative method through data collection processed by software NVivo which are beneficial for coding, triangulation, and finding relations among interviewees while Soft System Methodology used as data analysis technique consist of seven steps that are very comprehensive in explaining the whole study. The results of this study showed the two countries have not synergized yet. Indonesia and Australia have common non-traditional security interests and different traditional security interests because Indonesia has a territorial importance base opposed to Australian immigration interests. Indonesia and Australia have been doing bilateral defense diplomacy through 2 + 2 Dialogue, Defense Ministers Meeting and Navy to Navy Talk but have not produced a concrete solution, therefore sharing responsibility and Confidence Building Measures have not been achieved. Thus, naval diplomacy is required to support defense diplomacy through coordinated patrols that Standard Operating Procedure and Standard Exercise Procedure must be formulated in order to achieve interests of both countries.

Keywords: Illegal Immigrants, National Security, Defense Diplomacy, Synergy, Soft System Methodology

Introduction

Geographically, the marine territory of Indonesia became the main crossing for displaced people (refugees and asylum seekers) which uses ships from home country to countries that receive refugee (countries that ratify the 1951 Convention

---

[1] Master students of Diplomacy of Defense Program, Faculty of Strategy Defense, Defense University (Cohort 8).

[2] Laksda TNI Dr. Amarulla Octavian, S.T., M.Sc., D.E.S.D is a Permanent Lecturer of the Defense University's Maritime Security Studies Program.

[3] Lieutenant General TNI Dr. Yoedhi Swastanto, M.B.A is a Permanent Lecturer of the Defense University of Diplomacy Defense Studies Program.

and Protocol 1967 Relating to The Status of Refugee), namely Australia. In Indonesia, the immigration laws do not define displace people, but rather everyone who comes without full immigration document is regarded as illegal immigrant.

Indonesia also becomes a 'transit country' for *displaced people.* This context is when immigrants are captured by Indonesian authorities and placed in the Immigration Detention Center (Rudenim) or when immigrants intentionally reside in Indonesia because they cannot go towards the destination country due to the lack of appropriate documents or the result of a country's objective that implements sophisticated border check control and a controlled immigration system.[4]

The number of *displaced people* globaly continues to increase due to the escalation of conflict in the country of origin. By the end of 2016, the United Nations High Commissioner for Refugees (UNHCR) reported that there were 65.6 million *displaced people.* The increased number of *displaced people* is also experienced by Australia, which was concentrated between 2009-2013. It influences Australia's domestic policy. In 2013, Prime Minister (PM) Tony Abbott operates a policy of restriction and prevention of the entry of asylum-seekers, even refugees who came by ship to a territory popularly called *Turn-Back-Policy* (TBP). The changes on the term of *Irregular Maritime Arrivals* (IMA) into *Illegal Maritime Arrivals* (IMA) marks a policy restrictive policy.

TBP was implemented through the deployment of the Operation Sovereign Border (OSB) in which the personnel are the Border Protection Command (BPC) as a multi-agency task force tasked with identifying and responding to illegal activities in the territory of the Australian Maritime Jurisdiction (AMJ). The BPC comprises of Australian Customs and Border Protection Service (ACBPS) and the Australian Defense Force (ADF). OSB is allowed to intercept, return/turn back, or when allowed, they will return the ships to Indonesia/tow back ship.

The practice of this policy creates tensions between Indonesia and Australia because the OSB commits a violation on Indonesia's sovereign territory. On

---

[4] Graeme Hugo, dkk, *Indonesia as a Transit Country in Irregular Migration to Australia,* (Canberra: Australian Government Department of Immigration and Border Protection, 2014), p. 8.

December 19 2013 and January 6 2014, Australian warships entered Indonesian waters up to 7 miles off the Coast of Rote Island, East Nusa Tenggara (NTT) to bring back immigrant's transport boats that will go to Australia. Although Australia has apologized, violations still occur. In June 2015 there was a ship from Australia that carries 65 foreign immigrants that was detained by the Indonesian Authority near Rote Island.

The violations led to a diplomatic confrontation. On 2015 Australian Foreign Minister Julie Bishop blames the Indonesian government that cannot keep its border with good care[5]. Meanwhile, Indonesian Defense Minister Ryamizard Ryacudu expressed his objection if the Australian government imposes all responsibility of the asylum seekers to Indonesia by returning the immigrants, because Indonesia is not a refugee recipient country, "Australia can not relinquish its responsibility to the international law"[6]. Meanwhile, the PM

Abbot declares that he prefers to be criticized for being a little closed about this issue and completely stopping the flow of asylum seekers[7].

Based on these problems, it is a need to assessed Indonesia and Australia synergy in the efforts of dealing with the problem on illegal immigrants in the sea border of Indonesia Australia region. The contents of this issue are not only at the state level but also at the operational level in the sea. To address the issue, this study analyzes the national interest of Indonesia and Australia in dealing with illegal immigrants from the perspective of national security and how Indonesia-Australia's defense diplomacy deals with illegal immigrants in maritime boundaries.

Research Method

The method of this research is qualitative method, which is to understand the meaning of an individual or group on the phenomenon that is being studied[8]. The data sources that are used are primary

---

[5] Andrean Gerry Tuwo, "Australian Foreign Minister Attack Indonesia Related Illegal Immigrant", 2015, in http://global.liputan6.com /read/2252235/menlu-australia-serang-indonesia-terkait-imigran-gelap, accessed on 18 July 2017.

[6] Sabrina Asril, "Indonesia Asks Australia Not to back away from its Responsibility on illegal Immigrants"
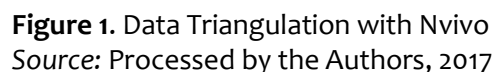2015, in http://nasional.kompas.com/read/2015/ 06/16/04032761/Indonesia.Minta.Australia.Tak.

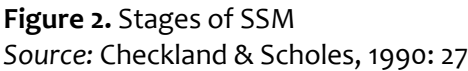Lepas.Tanggung. Answer.Soal.Imigran.Green, accessed on July 18, 2017.

[7] "Australian PM Self-Defense on the issue of Handling Refugees", 2014, in http://www.dw.com/id/pm-australia-bela-diri-soal-pengungsi/a-17350604, accessed on June 19 2017.

[8] John W Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approach 3rd Edition*, (USA: Sage Publications, 2009), p. 4.

data through interviews and secondary data through literature review and other documents from various sources. Data that has been collected is processed with NVivo software. NVivo serves as an aids in classifying various types of data, data coding and visualize data mapping. As a result, triangulation of data is achieved and the relationships between data and resource persons is illustrated as can be seen in Figure 1.

This research uses Soft System Methodology (SSM) that was developed by Peter Checkland (2010) as a data analysis procedure. SSM is very useful in analyzing complex phenomena, unstructured views, and different views of a phenomenon. Comprehensively, this method has seven stages, described as in Figure 2.

SSM divides analyzes into real world (real-world conditions) with the system thinking about real world (ideal condition that was compiled by the researcher). Authors will compare between real world and system thinking which is formulated

Figure 1. Data Triangulation with Nvivo
Source: Processed by the Authors, 2017

Figure 2. Stages of SSM
Source: Checkland & Scholes, 1990: 27

by researchers so that when it is compared through conceptual model (stage 4) so that the gap can be found which will be discussed with involving concepts and theories to create recommendation or proposed significant changes to the problem.

Results and Discussion

The first stage which is to determine the phenomenon that is being considered as a problem, has been done in the introduction section. The second stage is the stage of casting the complex problem situations that was first done with the 3

analysis (Intervention, Social and Political Analysis) then it's presented with a picture called rich picture[9]. Rich picture presents an outlook (world view) of stakeholder roles and their principal attention related to the research problems in the real world that was compiled from the coding and triangulation with NVivo software.

Intervention Analysis aims to understand the party that resulted this research namely:

1) *Clients* (C), the person who caused the intervention related to problematic situations: researchers and counselors.

2) *Practitioners* (P) the person who do the research: Researchers

---

9   Sudarsono   Hardjosoekarto,   *Soft   System*   *Methodology,* (Jakarta: UI Press, 2012), p. 63.

3) *Owners* (O) those affected by the improvement efforts on problematic situations: Regulators (Ministry of Foreign Affairs, Ministry of Defense, DG of Immigration) and Executives (Army & Navy Headquarters).

On the social Analysis it is known that the leading sector of defense diplomacy is the Ministry of Defense which defines and implements the defense policy and the Ministry of Foreign Affairs as the organizer of state affairs in the field of foreign policy. While at the operational level, the Navy is running a policy under the Navy Headquarters in accordance with the Ministry of Defense and the Ministry of Foreign Affairs. Figure 3 is a Rich Picture that outlines the essence of the informant's view of the research problem.

Discussion

In SSM, this discussion is the sixth step application which is *changes: systematically desirable, culturally feasible* that is the stages of determination and formulation of changes that need to be done. This can be done by discussing the gaps found in the conceptual model that is between real world with system thinking (Stage 5) after previously formulating the
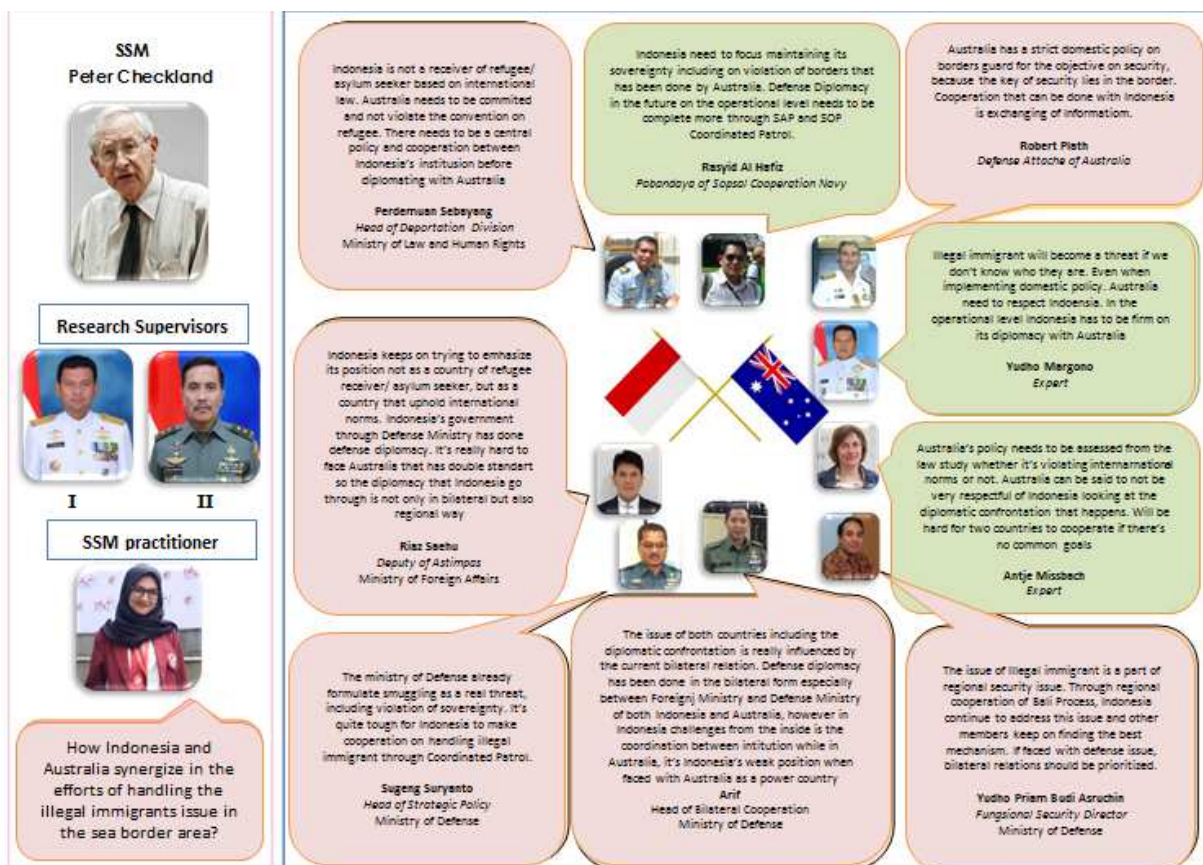
Figure 3. Rich Picture
Source: Processed by the Authors, 2017

root of the problem (stage 3) and the ideal activities that is relevant to provide research recommendations in the conceptual model (Stage 4). Therefore, this discussion section elaborates the background, the data and findings in the field as well as the theoretical framework.

The Importance of National Security of Indonesia and Australia

Indonesia

Before discussing further about national security interests of both country, firstly we will discussed about the theoretical framework underlying the research analysis. According to David Baldwin, understanding the concept of security is very important to determine what kind of security conditions that is expected by individuals and groups[10]. Arnold Wolfers implies the concept of security as the absence of threats to the values that wants to be achieved and the absence of fear of attacks on those values. [11] Thus, security refers to 'referent' objects that can be a basic needs to protect the national interests of the country.

In its development, there are two dimensions of national security, namely traditional and non-traditional that refers to the type of threat to security itself[12]. The security dimensions has different security units, values and characteristics of survival and threats[13]. Anak AB Perwita and Yanyan M. Yani in his book "Introduction to International Relations" and Joshua Praditya in his book "Security Indonesia" describes the security concept in detail. To analyze the security of traditional dimension or non-traditional security, the characteristics of both subjects and objects are required. These characteristics are formulated into five, namely the origin of the threat, the nature of the threat, security approach (changing response), the responsibility for security (changing responsibility), and the value of the security (core values of security).

Furthermore, there's a need for a perspective on migration which is considered a security issue to support the national security concept of the problem. Undocumented migration can be viewed as a criminal act which is as an illegal migration but on the other hand it is not considered to be so, as it is a form of self

---

10 David Baldwin, 1997 in Joshua Praditya, *Security in Indonesia* , (Depok: Nadi Pustaka, 2016), p. 3.
11 Wolfers dalam Anak A.B.Perwita and Yanyan M. Yani, *Introduction to International Hubugan*

Science, (Bandung: PT Remaja Rosdakarya Offset, 2006), p. 121.
12 Richard Ulman dalam *Ibid,* p. 123.
13 Barry Buzan dalam *Ibid,* p. 122.

defense (survival) [14]. In his book "Asylum Seekers and Refugees in the Contemporary World", David J, Whittaker explains in the last two decades a mixture of fear, misunderstanding, prejudice and xenophobia has sharpened the exclusionary stance among government and society at large. It encourages a 'closed door' response to migration in many places that causes migrant rights and most importantly displaced people to be eroded in the migration process.

In most of the contemporary Europe, asylum seekers are perceived as a burden to the state and as a threat to political and economic stability [15]. In a sub-chapter entitled "Towards an International Regime for Mobility and Security," Koslowski discusses from the Realist view that the migration of refugees and unarmed workers when they cross-country boundaries should not be included in security issues. Nevertheless, international migration is a security issue with the reason that is *first*, the phenomenon of migration is defined not only in the economic context but in the case of migration from unsafe countries (due to conflict, persecution and criminalism) to safer areas; *secondly*, the sovereignty and territorial integrity of some countries are lacking in the political ability to stop other citizens from passing over the authority of the destination country; and *third* the impacts of migration policies often do not match the proportion of the rising number of immigrants in competition, state challenges, and pose a threat to the state [16]. Seeing these views, there is a condition in which illegal immigrants can threaten national security contextually.

Referring to the above concept, this study finds a gap that Indonesia bases its national security interests on a theoretical basis while Australian base is immigration. Indonesia's territorial bases make Indonesia approach a humanitarian rather than a security approach such as Australia in handling the illegal immigrants arriving by sea.

Indonesia's national interests in the perspective of national security are inseparable from strategic environments,

---

[14] Lopez, 2007, in Ho and Loucky, *Humane Migration: Establishing Legitimacy and Rights for Displaced People*, (Virginia: Stylus Publishing, 2012).

[15] David J. Whittaker, *Asylum Seekers and Refugee in the Contemporary World*, (Oxon: Routledge, 2006), p. 19.

[16] Weiner, 1995. in Rey Koslowski, *"Towards an International Regime for Mobility and Security"* in Kristof Tamas and Joakim Palme, *Globalizing Migration Regimes: New Challenges to Transnational Cooperation*, (USA: Ashgate Publishing Company, 2016), p. 277.

especially geographically, giving a direct impact on the movement of illegal immigrants to Australia.

Data from Navy SOPSAL Headquarters in 2017[17] shows that Australia's waterways that becomes the entrance for immigrants is the territorial waters of northern Sumatra Island to Banten, Java,West and NTT. They are forced or intentionally stop in Indonesia with some preconditions such as; the ships carrying them experience problems such as leaks, runs out of supplies, ran out of fuel and bad weather that caused distress.

According to Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad, there is still no mechanism in Indonesia that regulates immigrants that have not yet been determined its status by UNHCR. However, although it has no obligation to fulfill the right under the Convention, Indonesia is a country that ratifies the Universal Declaration of Human Rights so it has the obligation to assist and accommodate illegal immigrants from the side of the fulfillment of human rights.

The question that then arises is what kind of human rights? The study found that Indonesia's government seeks to deal with immigrants when they are in Indonesia ranging from giving permission to pass, giving rescue at sea, put them in Rudenim with the required facilities and give authority to the UNHCR to process their status. Until August 2017, Indonesia was still accommodating 14.337 illegal immigrants spread across Rudenim, temporary shelter and accommodation / community house [18].

This territorial-based humanitarian approach generally does not view illegal immigrants as a threat. Indonesia must give permission for immigrants to pass through the Indonesian sea territory as long as it does not violate the existing provisions. This is set out in Articles 17 and 18 of the United Nations Covention on The Law of the Sea (UNCLOS) which governs the right of innocent passage. Article 24 Paragraphs 1 and 2 of Article 25, paragraphs 1 and 2 of 1982 also stipulates that the state shall not preclude foreign vessels that is passing peacefully in accordance with the provisions of the Convention. Article 98 of UNCLOS requires the ships captain to provide aid to any person found at sea, such as ships

---

[17] Data from Navy SOPSAL Headquarters was obtained by researchers at the time of research data collection, September-November 2017.

[18] Data from Directorate General of Immigration, 2017 and UNHCR 2017.

carrying illegal immigrants in a position to sink or drown. In addition, the International Convention for the Safety of Life at Sea 1974 which has been ratified by Indonesia and Australia regulates the state's obligation to help people in need of help at sea.

Indonesia's efforts to uphold humanity are not without obstacles to find a way out. The flow of immigrants globally and the presence of illegal immigrants also has an impact on national security.

Perdemuan Sebayang and Yudo Margono[19] mentions that one of the security threats suffered by Indonesia is that the government and the public do not know clearly who the illegal immigrants are, both status and profession. They can be a threat if it turns out that they are a terrorist who carries certain understandings. This view is in accordance with the concept of Migration as an issue of security where immigrants who come may have certain influences such as identities that is conflicted with domestic politics. The Indonesian government has

never been able to dig further information into immigrant origin countries (currently only based on UNHCR). At the same time, illegal immigrants also commit criminal acts such as sex workers, which are harmful to social security. The lack of a legal framework that becomes a reference in handling this issue, can be a gap in security issues.

Another non-traditional security threat is the transnational crime of human smuggling, especially across national borders where marine border areas become the main gateways. As per the White Book of the Republic of Indonesia (2015), transnational crimes of human smuggling are a real threat to security and defense. According to Yudo Margono, smuggling illegal immigrants is a criminal offense. [20] Illegal immigrants mostly use smuggling agents to move in order to gain access to the destination country.

From the above discussion, the importance of national security in the non-traditional security perspective for Indonesia is formulated in Table 1.

---

[19] Interview with Perdemuan Sebayang (Deportation Sub Directorate of Immigration Control Immigration Directorate, Directorate General of Immigration Ministry of Law and Human Rights), 16 October 2017 and Yudo

Margono (Expert, Commander of Kolinlamil), 9 November 2017.
[20] Interview with Yudo Margono (Expert, Commander of Kolinlamil), 9 November 2017.

Table 1. Indonesia's Perspective on Non-traditional Security Threats

Security Dimensions	Non-Traditional Security	Indonesia Perspective
The origin of threat	Threats come from the domestic environment	Illegal immigrants located in the territory of Indonesia
The nature of threat	Threats are non -military	(1) social security (2) criminalism (3) transnational crimes of human smuggling
Changing response	Non - military approach, through legal, economic, social, and diplomacy approaches	(1) legal approach such as criminal and deportation (2) social approach such as supervision
Changing responsibility of security	Security actors are seen in the cooperation of individuals, organizations, and countries on a global level	Individuals, organizations, countries
Core values of security	The object of security is a respect for human rights, environment, social life, and human security.	respect for human rights, the environment, social life

Source: Processed by the Authors, 2017.

In addition to the security impacts in the emerging non-traditional security dimensions, the issue of illegal immigrants also affects the traditional dimensions. This traditional dimension is a defense aspect. According to *Riaz Saehu, Rashid Al-Hafiz, Arif, and Sugeng Suryanto*[21], Indonesia's national interest from a traditional security perspective is to safeguard Indonesia's sovereignty from Australia's territorial violations. Australia proved to violate Indonesian sovereignty when implementing the implementation of a restrictive policy, Turn Back Policy.

Territorial base actually show a pattern that the Army is the one that has the function of control at the border as a defense tool for outermost state. This control function correlates with the arrival of ships carrying immigrants as well as Australian territorial violations within the OSB. From the above discussion, the importance of national security in the perspective of traditional security for Indonesia is formulated as in Table 2.

---

[21] Interview with Riaz Saehu (Deputy of Astimpas Directorate General of Aspasaf of the Indonesian Ministry of Foreign Affairs), 3 November 2017 , Rashid Al-Hafiz (Navy's Pabandya International Cooperation SOPSAL) , October 25, 2017 ; Arif (Head of Sub Directorate of Bilateral Cooperation , DG of Strahan of Defense Ministry), 9 November 2017 and Sugeng Suryanto (Head of Sub Sunjakbang, DG Strahan of Defense Ministry), October 2nd, 2017.

Table 2. Indonesia's Perspectives on Traditional Security Threats

Security Dimensions	Traditional Security	Indonesia Perspective
The origin of threat	Threat comes from outside (international)	Australia
The nature of threat	Threats are military	*Australia Border Protection Command* (BPC)
Changing response	Military approach	Defense Diplomacy by the Ministry of Foreign Affairs and the Ministry of Defense at the strategic policy level and Navy on the operational level
Changing responsibility of security	Country as a single actor	Government of Indonesia through Ministry of Foreign Affairs and Ministry of Defense
Core values of security	The security object is the sovereignty and territorial state	The sovereignty of the Indonesian state on the Sea Border

Source: Processed by the Authors, 2017.

Australia

Roberth Plath, Australia's Defense Attaché explains that Australia's national interest in dealing with illegal immigrants on the border is to keep the maritime border so that not everyone can easily enter the Australian territory[22]. For Australia, the policy against illegal immigrants is neither a defense policy nor a policy of the Australian Defense Force (ADF). However, the key to handling IMA is on the border guarding so that authorities can filter out who will enter. The policy on guarding the sea border is under Immigration Act, where Navy is also assigned to the BPC.

The policy can be said to be successful. The data show that over the year 2013, the number of illegal immigrants coming through the sea has decreases. In 2015-2016 there are no ships carrying immigrants (immigrant arrival by boats) that enter the Australian territory[23]. This can happened because in the same year, ships that will enter the territory of Australia is returned, especially to the territory of Indonesia.

There is no document that mention the OSB area clearly, considering the blue print is very secret as revealed by Julia Paulsen in her thesis on 2016. However, Bob Plath stated that the operation is

---

[22] Interview with Robert Plath, Attache of Defense Australia , 21 September 2017.

[23] Janet Phillips, Boat Arrivals and Boat Turn back in Australia Since 1976 and Boat Turn back in Australia: A Quick Guide to the Statistics (Canberra: Parliamentary Library Research Paper Series 2016-17, updated November 16, 2017).

carried out before the ships enter the Australian territory, so the return of ships takes place at international sea or ZEE.

From this, the study argues that Australia's national security is base on immigration, where immigrants that goes to Australia are not considered as asylum seekers or refugees but illegal immigrants who do not have immigration documents so that they are considered threats to be prevented from entering the territory.

Referring to the concept of Immigration as a Security Issue, one reason why immigrants are considered a threat is that immigrant movements depend on the ability of states to control state borders to filter who is allowed to enter in accordance with the country's domestic policies. This view becomes rational when Australia adopts a security approach. It becomes very urgent for Australia's approach by involving ADF security to guard the border as a filtering mechanism/filter. Filtering is done because Australia holds a view that the immigrants will threaten the security of individuals and society. This is clearly contrary to Indonesia, because illegal immigrants who enter are still considered

as asylum seekers and if found by the Indonesian authorities will be processed according to the Presidential Order (Perpres) on Refugee and placed in Rudenim, not immediately denied its entry into territorial territory.

On the other hand, Australia also refuses the entry of illegal immigrants into the country due to illegal ways that was done by illegal immigrants. There are two conditions, firstly Australia knows that there is a role of smugglers services that bring them from home country and second is illegal immigrants take advantage of smuggling services originating from Indonesia after they transit or are placed in Rudenim.

The entry of illegal immigrants is influenced by the factor of access to a country which one of it is the direct border countries. After the 9/11 bombing, for example, the United States paid attention to Canada's border control and refugee policy[24]. Riaz Saehu explained that Australia has an enormous national security interest regarding the entry of immigrants that it could be a *returnis terrorist foreign fighters*[25]. The national security interests in the non-traditional

---

[24] Alison Mountz, *Seeking Asylum: Human Smuggling and Bureaucracy At The Border,* (USA : University of Minnesota Press, 2010), p. 11.

[25] Interview with Riaz Saehu (Deputy of Astimpas, Indonesian Ministry of Foreign Affairs), 3 November 2017 .

Australian security perspective are formulated in Table 3.

From the discussion of the national security perspective of both countries, the interests of the two countries are opposite, but there is the same interest which is related to the issue on illegal immigrants smuggling. So that the recommendations that can be given is that both countries need to synchronize their perspective that the handling of illegal immigrants at sea borders are for the benefit to eradicate illegal smuggling of illegal immigrants.

Cooperative Security: Indonesian-Australian Defense Diplomacy Umbrella

Carter, Perry, and Steinburner assume that war is inevitable so that a prevention commitment is required. The existence of cooperative security is expected to prevent the war. Following this logic, the problems of both countries and confrontations also require a preventive

Table 3. Australian Perspective on Security Threats

Security Dimensions	Non-Traditional Security	Australia Perspective
The origin of threat	Threat comes from the domestic environment	Illegal immigrants located in Australia
	Threats come from the international environment	IMA and IMA smuggling
The nature of threat	Threats are non-military	Security threats on social society and returnis foreign fighters
Changing response	A non-military approach, through legal, economic, social, and diplomacy approaches	border control through operations by BPC
Changing responsibility of security	Security actors are seen in the cooperation of individuals, organizations, and countries on a global level	Department of Immigration and Border Guard (ACBPS and ADF)
Core values of security	The object of security is respect for human rights, environment, social life, and human security.	Australian individual and social security

Source: Processed by the Authors, 2017

commitment to be in line with the mechanism of the existence of the cooperative security that is to ensure that countries have mutual ownership and adaptability[26]. Mutual benefit to ensure security is the ends of cooperative security.

Cohen and Michael[27] describes Cooperative Security as a more peaceful yet realistic security approach, one of which is pursued by cooperation. In essence, Indonesia and Australia have the same views in viewing of security and defense in general as set forth in the cooperation agreement namely:

First, Lombok Treaty as the foundation's of bilateral security and defense cooperation since 2006. Indonesia and Australia agree to be guided by the basic principles that are in line with the UN Charter, namely equality; mutual respect and support of sovereignty, territorial integrity, national unity and political independence, and no interference of political affairs; does not support activities that threaten stability, sovereignty, or integrity; and resolve any disputes that may arise peacefully.

It is in accordance with the concept of cooperative security as stated by Australian Foreign Minister Gareth Evans which revealed that cooperative security is the desire to hold a consultation on confrontation, peace (reassurance) rather than mutual threatening (deterrence), transparency rather than secrecy, prevention rather than improvement, and prevention rather than unilateralism[28].

Lombok Treaty marks the attention and commitment of both countries to set up law enforcement cooperation to combat transnational crime as well as a legal umbrella of various fields of bilateral cooperation in the field of security and other fields. Ministry of Foreign Affairs stated that this agreement marks a new era in relations between the two countries so that sensitive issues can be confronted with a stronger foundation. The signing is based on the national interests of the two countries where the Indonesian government has a great interest in

---

[26] Carter, Perry, and Steinburner , *A New Concept of Cooperative Security*, (Massachusetts: Brooking Institution Press, 1992), p. 8.

[27] Richard Cohen and Michael Mihalka, *Cooperative Security: New Horizons for International Order,* (European Center for Security Studies 2001).

[28] Gereth Evans in Richard Cohen and Michael Mihalka, *Cooperative Security: New Horizons for International Order,* (European Center for Security Studies 2001), p. 4.

maintaining territorial integrity especially in Eastern Indonesia, while Australia has a great interest in the issue of terrorism and other transnational crimes in Indonesia. Although there is already Lombok Treaty, bilateral relations between the two countries are still ups and downs, such as the case of wiretapping and execution of Bali Nine offenders, not to mention the problem of illegal immigrants on the sea border.

Secondly, On October 9, 2006, the Government of Republic of Indonesia represented by the Minister of Justice and Human Rights, Hamid Awaludin and Australia represented by the Minister of Immigration and Multicultural Affairs Amanda Vastone signed a Memorandum of Understanding on Migration and Immigration, and Border Control.

This memorandum of understanding goes well which was proven with the regular meeting of the *Joint Working Group on People's Smuggling and Human Trafficking* on 2017 which consists of three main core namely IT development, human resource development, and information exchange. From the findings of the research, the MoU does not specifically regulate irregular *migration,* particularly on the monitoring and exchange of information through sea routes. In the future, should this Memorandum confirms the form of cooperation to control and manage the movement of illegal immigrants in the border region of the two countries, including *a check point* immigration in the maritime area that became the entrance of illegal immigrants using boats.

Thirdly, on March 9, 2010, Indonesia and Australia signed the "Implementation Framework for Cooperation between the Government of the Republic of Indonesia and the Government of Australia for Combating People Smuggling and Trafficking" (hereinafter referred to as the Implementation Framework). Through this framework, both countries agreed to strengthen efforts to deal with people smuggling and trafficking in persons by developing and implementing other necessary strategies and activities. Both countries recognize the importance of cooperation on a practical level to address the challenges of illegal immigrants. Again, this agreement also does not regulate the mechanisms for handling people smuggling in maritime boundaries.

The challenge of *cooperative security* is that it can only be done if each party has the same view of a goal that they want to achieve in the future. Refers

to the concept of *cooperative security,* security ties between Indonesia and Australia have not shown *a cooperative security* in spite of existence of a cooperation framework that actually quite proper to be the basis to accommodate the security interests of both defense and security. Furthermore, Australia considers Indonesia as a partner and the problem of illegal immigrants cannot be addressed without cooperation with Indonesia. However, Australia actually shows the attitude of *transfer of responsibility.*

Firstly, in some cases, immigrants who were returned to the territory of Indonesia were forced to be processed by Indonesia by placing them in Rudenim or other shelters to be recorded by UNHCR, whereas the immigrants did not want to be in Indonesia[29]. Second, immigrant detention mechanisms outside Australia such as in Manus Island, Papua New Guinea, show that Australia does not want to be responsible for processing in the country. Although Australia provides Rudenim facilities in Manus, several facts show that human rights aspects have not

been met. *Human Rights Watch* (HRW) issued a report stating that the refugees are experiencing matters contrary to humanity such as violence and robbery[30].

Cooperative security also sees inward and *outward* aspects. *Inward* aspects, from national security perspective of Indonesia and Australia both saw the need to protect the area and the resources that are inside, from illegal immigrants who pose a threat. However, from the *outward* aspect the two countries have different views on which Australia has a base of immigration interests and Indonesia's defense interests is territorial. These differences show that there is no common purpose and view. Antje Missbach revealed that the diplomatic confrontation that has been done by Australia is likely due to Australia's lack of respect for Indonesia, and not due to the lack of communication[31].

Indonesia's Defense Diplomacy with Australia

Defense diplomacy is an integral part of Indonesian diplomacy. In eight major

---

[29] Interview with Riaz Saehu, 3 November 2017 and Yudo Margono, 9 November 2017.

[30] "The Situation of Manus Island is more concerning", *Kompas* , 2 November 2017.

[31] Interview with Antje Missbach (Experts) via Email Correspondence, 22-30 October 2017.

Strategic Objectives of the Foreign Ministry that need to be achieved in the period 2015-2019, the first target is maritime diplomacy in a strong border. Maritime and border diplomacy is a negotiation that is conducted by two or more countries concerning maritime cooperation and the determination and handling of sea and land boundaries[32]. In both diplomacy, the Ministry of Foreign Affairs is still the country's main actor to negotiate issues, including maritime affairs, including on the issue of illegal immigrants. However, diplomacy has not adequately represent the national interests of Indonesia related to territorial basis which is to obviate the problems of illegal immigrants in sea border areas. Therefore, this issue should be addressed in defense diplomacy.

Parulian Simamora provides a definition of defense diplomacy that is an art to achieve the national interest by using the capabilities and resources of defense[33]. Furthermore, Cottey and Foster[34] defines defense diplomacy as the use of military force and related infrastructure (especially the ministry of defense) as a tool of foreign policy and security policy in peacetime.

Referring to the concept of defense diplomacy, bilateral relations between Indonesia and Australia to negotiate on illegal immigrants have been established. On October 26, 2009, Australian Defense Minister John Faulkner met with Indonesian Defense Minister Purnomo Yusgiantoro in in the Ministry of Defense, one of the main discussions was the issue of illegal immigrants[35]. So far Indonesia has become a country where illegal immigrants transit to seek asylum in Australia[36]. In the same year, the Australian Government through Home Minister Brendan O'Connor had previously expressed his views on illegal immigrants. He said that Australia relied the efforts to tackle high-level people smuggling in that year on the commitment

---

[32] Ministry of Foreign Affairs of the Republic of Indonesia , " Strategic Target of Ministry of Foreign Affairs",2015 ,in https://www.kemlu.go.id/id/kebijakan/analasan-visi-misi-polugri/Pages/Management-Strategis-Kementerian -Luar-Negeri.aspx, accessed on September 29, 2017.

[33] *Opportunities and Challenges of Defense Diplomacy,* (Yogyakarta: Graha Ilmu, 2013), p.28.

[34] Andrew Cottey and Anthony Forster, *Reshaping Defence Diplomacy: New Roled for Military Cooperation and Assistance,* (New York: Routledge, 2014).

[35] "Indonesia's Minister of Foreign Affairs Discusses Dark Immigrants", 2009, in http://ekonomi.kompas.com/read/2009/10/26/20311322/menhan.indonesia-australia.bahas.imigran.gelap , accessed on December 24, 2017.

[36] *Ibid.*

of its neighbors, particularly Indonesia and Malaysia[37].

Defense Minister Purnomo Yusgiantoro asserted that the role of Army in handling illegal immigrants is to only engage in the prevention of violations in which the immigrants pass through the Indonesian sea lane. Therefore, the Navy can perform the operational activities such as patrol observations in Indonesian waters. The meeting of the two Defense Ministers is only limited to political communication.

Hereafter, defense diplomacy in the bilateral diplomatic forum between the Indonesian government and the Australian government is as follows:

1) **2+2 Dialogue**

In the diplomatic world 2 + 2 refers to a meeting between two foreign ministers and two defense ministers of Australian and Indonesian[38]. *2 + 2 Dialogue was* agreed upon during President Yudhoyono's state visit to Australia in March 2010. Through the *2 + 2 Dialogue forum*, the Ministers of

Foreign Affairs and Ministers of Defense of Indonesia and Australia discussed various strategic issues both related to bilateral relations and regional and global developments[39]. The inaugural dialogue of 2012 generates a joint statement that essentially Australia and Indonesia enjoy a friendly and constructive partnership. The Australian Foreign Ministry announced that the two countries' cooperation relations focused on *counter-terrorism,* maritime cooperation, humanitarian assistance and disaster relief and peacekeeping forces.

Second dialogue was held on April 13, 2013, Indonesia was represented by Defense Minister Purnomo Yusgiantoro and the Indonesian Foreign Minister Marty Natalegawa, while the Australian government was represented by Australian Defense Minister Stephen Smith and Australian Foreign Minister Bob Carr. The meeting discussed the cooperation of illegal immigrants, the

---

37 Tanalle Smith, "Furor over Asylum Seeker", 2009 in https://www.thestar.com/news/world/2009/10/23/furor_over_asylum_seekers.html , accessed on December 24, 2017.

38 Mubarok,"Radio Script Dialog Australia Indonesia 2 + 2 Prime", 2012 , in http://indonesia.embassy.gov.au/jaktin

donesian/RS120412.html , accessed on December 25, 2017.

39 Ministry of Foreign Affairs, "Indonesia-Australia Bilateral Relation", in https://www.kemlu.go.id/canberra/en/Pages/Australia.aspx , accessed on December 25, 2017.

handling of terrorism, the issue of maritime boundary areas, and the development of defense cooperation. Australia wanted Indonesia to have a role in dealing with illegal immigration in which activities can be accomplished through the exchange of intelligent information, reviving the cooperation and development of the rule of law enforcement agencies. The rise of immigrant smuggling from South Asia and the Middle East is the reason for Australia to keep working with Indonesia and regard Indonesia as an important partner. While there has been a proposal to conduct a concrete activity such as exchanging intelligence information in dealing with illegal immigrants, this meeting has not spawned a collective agreement.

In 2014, 2+2 *Dialogues were* halted due to bilateral problems, one of them being the tapping of Australia, which affected the relations between the two countries in various fields. By 2015, the third meeting take place in Sydney, Australia. The meeting was represented by Indonesian Foreign Minister Retno Marsudi along with Indonesian Defense Minister Ryamizard Ryacudu

with *counterparts* from Australia, Foreign Minister Julie Bishop and Defense Minister Marise Payne. The discussion discussed in this meeting emphasizes the strengthening of maritime cooperation. Maritime cooperation to be enhanced include sustainable development of the maritime sector, maritime cooperation, connectivity, science and technology cooperation and handling of transnational crimes such as *IUU fishing* and maritime cooperation in IORA. In addressing the issue of *irregular migrants*, the Minister reaffirmed its commitment to addressing this issue through the multilateral *Bali Process* cooperation.

The fourth dialogue was held on 27 October 2016 in Bali. The meeting was attended by Australian Foreign Minister Julie Bishop and Australian Defense Minister Marise Payne, Indonesian Foreign Minister Retno Marsudi and Indonesian Defense Minister Ryamizard Ryacudu. The meeting discussed three important agendas: maritime security, global security issues, and cooperation in the Pacific region. The outcome of the meeting agreed on some concrete cooperation such as Australia's support

to Indonesia's initiative to build Deradicalization Center in Sentul, Bogor, as one of the implementation of the MoU on International Counter Terrorism signed by both countries in the same forum last year[40].

From the explanation of the *2 + 2 Dialogue* it can be concluded that defense diplomacy only reaches mutual understanding, but no strategies policy has been produced to deal with illegal immigrants on the border of the two countries' sea. That means, the purpose of defense diplomacy to promote international law, to equate views, let alone *sharing responsibility* has not been achieved.

2) **Navy to Navy Talks (NNT)**

NNT is a defense diplomacy conducted by the Navy and Australia *(Royal Australian Navy or RAN)* to discuss cooperation and emerging issues in strategic environments. From the document analysis of Minutes of The Meeting (which is a confidential document) from 2012 to 2017 it was found that the issue of regional violations committed by Australia in TBP policies and the handling of illegal immigrants and the smuggling of illegal immigrants in maritime border areas is not the main agenda and is not specifically addressed in this meetings.

In general, the issues discussed in the meetings conducted from 2012 to 2017 are about personnel and training such as the *Joint Naval Training Working Group* (JNTWG), newest capabilities such as *Capability Technology Management Program (CTMP)* , global and regional security perspectives, exercises such as *Exercise Black Carrilon* and *Exercise Cassowary 13 and AUSINDO CORPAT, humanitarian and disaster relief activities,* as well as *education and personnel exchange.*

Based on the interview with Rashid Al-Hafiz, an illegal immigrant issues have been discussed by the Navy force of both countries, although not specifically included in the agenda of illegal immigrants. From findings in the field, NNT is a very important forum for both sides to discuss strategic issues

40 The Indonesian Ministry of Foreign Affairs, "Indonesia and Australia Agree to Strengthen Maritime Cooperation, Counter Terrorism and Cyber Security" , 2016, in https://www.kemlu.go.id/id/berita/Pages/Indonesia-and- Australia-Agreed-Reinforcing- Cooperation-Maritime-Counter-Terrorism-and-Security-Cyber-.aspx , accessed on December 25, 2017.

of concern to the country. However, in practice, NNT has many agendas aimed at achieving defense diplomacy objectives, namely *defense capability.* However, such good relationships do not guarantee that Australia truly respects Indonesian sovereignty if violations caused by domestic policies continue to occur, so NNT should be a place for the Navy to emphasize Indonesia's national interests on the maritime border as a diplomatic support unit defense on state units.

The findings of the study also underlines that the issue of violations on the border region can be completed when the both countries that were represented by the Minister of Foreign Affairs has established communication and Australia has apologized. However, in fact it does not necessarily solve the problem to the root. Julia Paulsen's Research[41] find out that Indonesia negatively view OSB policy, but never give diplomatic sanctions. Evidently,

despite apologies, regional incidents of violations by the BPC are still occurring.

3) Naval Diplomacy

The study found that the diplomacy of national defense does not work optimally so that it takes a supporting unit of defense diplomacy, namely Navy forces between the two countries. According to Ken Booth[42], the Navy has a diplomatic role, the role for each Navy's worldwide conducted using sea power as a means of diplomacy in support of the government's foreign policy. This role is designed to influence the leadership of the state or some countries in a peaceful state or in hostile situations. The role of the Navy is very relevant to answer the problems of the two countries in this study, in which this role refers to the concept of naval diplomacy. According to Marsetio[43], naval diplomacy serves to describe the use of Navy forces.

Furthermore, the concept of *Naval Diplomacy* that is explained by Geofrey Till describes the scope of *naval diplomacy*, in which the

---

41 Julia Paulsen, *Australia´s Refugee Policies and Bilateral Relations with Indonesia*, Thesis, Faculty of Social Sciences, Department of International Environment and Development Studies, Norwegian University of Life Sciences, 2016.

42 Ken Booth, *Law, Force and Diplomacy at Sea,* (Oxon & New York: Routledge, 1985), p. 137.

43 Marsetio, *Sea Power Indonesia,* (Bogor: Universitas Pertahanan Indonesia, 2014), p. 84-86.

diplomacy of Navy fused into two spectrums of activities that is relevant to the function of the Navy especially expeditions or operations and humanitarian activities.

Naval diplomacy is directed to national defense strategies. The strategic objectives of defense based on Strategies Plan of Organization Unit of the Ministry of Defense 2015-2019 are to realize the defense of the country that is able to face the threat and realize the defense of the country capable of handling maritime security, the security of the land area, and the security of the aerial service. Geoffrey Till also said that Navy has diplomatic values because of the reasons, first they are military services , they are instrumental values as a part of the diplomat's toolkit.

The form of naval diplomacy, which refers to this concept, is the AUSINDO PATKOR, which is carried out by the Navy and the Royal Australian Navy. AUSINDO PATKOR is tasked to enhance and strengthen maritime security within the CORPAT Area of

Operations (CPAO). According to the concept of naval diplomacy of Edwrad N . Luttwak that has a supportive model dimension , not detterent which means supporting state policy to achieve national interests[44]. In this context, the presence of Navy made to give a political message to the target country, namely to maintain the country's sovereignty and territorial integrity and eliminate various violation.

AUSINDO PATKOR carries out activities within the CPAO, which include: Illegal fishing; Smuggling and trafficking of drugs; Illegal immigration; Piracy and armed robbery; and other illegal activities (illegal logging, illegal mining) and others.[45]

The CPAO is divided into existing sea boundaries of Australia-Indonesia as defined in the agreement between the Government of Indonesia and the Government of Australia, relating to the Delimitation of the Continental Shelf Boundary between the two countries 1971[46]. In the Eastern *Tactical*

---

[44] Edwrad N. Luttwak in Marsetio, *Sea Power Indonesia*, (Bogor: Defense University of Indonesia, 2014), p. 86.

[45] Navy Headquarters, 2010 in Endah Purbasari, "Indonesia-Australia Maritime Security

Cooperation in the Framework of Illegal Imigan Prevention " , Thesis of the Maritime Security Program, Indonesian Defense University, 2015.

[46]" Indonesia-Australia Maritime Security Cooperation in Prevention of Illegal

Areas of Responsibility (TAOR), the patrol method used by the units will be determined by the National Fixed Procedure and the instructions of the national Task Force Commander. The following shall also apply to any country:

a) Carrying out marine security operations, surveillance and enforcement within their respective marine zones and in accordance with existing bilateral agreements;

b) The pursuit will be carried out in accordance with existing bilateral agreements and applicable international laws; and

c) Aircraft from both countries will conduct patrols on their respective TAORs, while maintaining two-way communication with their respective state vessels within the CPAO.

The meeting between KASAL Vice Admiral Ray Griggs, AO, CSC and KASAL Indonesia Admiral TNI Marsetio on 13 to 14 June 2013 in Jakarta, shows the importance and close relationship between Indonesian Navy and the Australian Navy and its efforts to increase the level of cooperation between the two nations in overcoming the current maritime security threat[47].

"This issue is part of the Corpat referring to UNTOC"[48]. In this operational level, PATKOR AUSINDO have set the handling of transnational crime , including smuggling , but does not specifically regulate the Navy cooperation in dealing with illegal immigrants and illegal immigrant smuggling including when Australia did the return of the vessel in the area of Australia to the territorial waters of Indonesia.

Bob Plath reveals that to achieve effective results from the objectives held by PATKOR, it is still difficult because each country is only patrolling in their respective jurisdiction areas, so in this mechanism, both parties must maintain good communication:

"It is not easy sometimes, because to be effective we need to exercise jurisdiction and for Aus-Indo works well. It is possible but it is not easy to do patrol together. What we do is to share

Imigrant , Thesis , Maritime Security Study Program, Defense University of Indonesia, 2015 , p. 153.

[47] *Ibid,* p. 160.

[48] Interview with Rashid Al-Hafiz (Pabandya International Cooperation SOPSAL Headquarters of the Navy), October 25, 2017.

information about the flow of immigrant illegal."[49]

In the future implementation, AUSINDO ATKOR can be a way of solving border problems. From the analysis of national security interests, it was found that the perspective that both countries can use, is in the mechanism of addressing transnational human smuggling crimes. So far, AUSINDO PATKOR is only implemented in the jurisdictions of each country, the means that can support the creation of cooperation by the Navy is the exchange of information and notification system, so that Australia does not unilaterally return immigrants to the territorial waters of Indonesia, let alone violate the territory of Indonesian sovereignty.

Assess the Synergy between Indonesia-Australia

Synergi is an action performed by two or more actors together to achieve a goal where the goal will be achieved more maximally if done jointly. The orientation of these synergies lies on the effort and results.

The concept of synergy is used to assess the implementation of the defense diplomacy of Indonesia to Australia where the existing concept was developed into three elements as the unit of analysis which are; the organization, operations and policies element. According to this study, those three elements is very important for the researcher because it forms the patterns that depend on each other so that in the end it can answer the synergies of Indonesia and Australia in an effort to address the problem of illegal immigrants in the sea border of Indonesia-Australia region. The synergistic analysis is shown in Table 3. Analysis of the three elements shows that Indonesia and Australia have not been synergized in dealing with illegal immigrants, but KORPAT AUSINDO can be a problem solver.

---

[49] Interview with Australian Defense Attaché, September 21, 2017.

Table 3. Synergy Analysis of Indonesia-Australia in Handling Illegal Immigrants at Sea Border with Elements of Organization, Policy and Operations

	Indonesia	Australia	Analysis	Results
O R G A N I S A T I O N	**Institutions that have the task of handling illegal immigrants at the sea border:** 1) Army 2) Indonesian National Police 3) Ministries conducting governmental affairs in the field of transportation; 4) Bakamla; 5) Another K / L assigned in International waters.	Ministry of Immigration and Border Protection (Departmet of Immigration and Border Protection)	The problem of illegal immigrants in Indonesia is handled by multi institutions while in Australia only one institution becomes the main command of several institutions involved.	Organization has not synergized yet. Institutions within Indonesia must synergize in advance so that the role of the Army (especially the Indonesian Navy) can become a major force in addressing the problems facing Australia.
P O L I C Y	**Domestic Policy**			
	Presidential Regulation of the Republic of Indonesia Number 125 Year 2016 on the Handling of Refugees from Abroad	*Immigration Act 2016*	Indonesia's domestic law is limited to regulating the handling of refugees, there is no regulation on prevention mechanisms while the Australian law has regulated the prevention mechanism.	Domestic policy has not synergized yet, because in the implementation of Indonesian domestic law has a humanitarian approach while Australia has a security approach.
	Bilateral Policy			
	Implementation Framework for Cooperation between the Governments of the Republic of Indonesia (RI) and the Australian Government for the Eradication of People Smuggling and Trafficking in Persons		This regulation should be developed to regulate the eradication of illegal immigrant smuggling by both countries.	The framework has been developed that can be a synergic cooperation umbrella so that cooperation between the two countries is focused on combating human smuggling and providing humanitarian assistance.
	International Policy			
	Not Ratify the 1951 Convention and the 1967 Protocol	Ratify the 1951 Convention and the 1967 Protocol	Indonesia does not have an obligation to fulfill the rights of refugees under the convention, while Australia has an obligation.	Although Indonesia does not ratify the convention, Indonesia is subject to international rules so that Indonesia is open to cooperation to build synergies.

		However, both countries must comply with other international norms.	
	1) Ratify the 1948 UDHR 2) Ratify UNCLOS 1982 3) Ratify the UNTOC 2003 4) Ratify the *Protocol Against the Smuggling of Migrants by Land, Sea, and Air 2004* 5) Ratify the *International Convention for the Safety of Life at Sea 1974*	Both countries share a common view of fulfilling the humanitarian aspect of responding to illegal immigrants entering the country, especially rescue mechanisms and *resettlement* processes .	International norms can be used as a basis for cooperation to build synergies.
	Domestic		
O P E R A T I O N	-	*Operation Relex dan Operation Sovereign Border*	Indonesia did not implement the operation because it took a humanitarian approach while Australia implemented a security approach.	Indonesia and Australia have a different perspective base whic is, Indonesia with its territorial bases so that ships carrying immigrants are allowed to pass and that conducting territorial pride is a defense aspect. On the other hand, Australia has an immigration base, so any unqualified civil servants cannot enter the territory of Australian jurisdiction
	Bilateral		
	KORPAT AUSINDO	Both countries have cooperative operations to combat transnational crime, one of which is human smuggling.	Navy becomes the key factor in the handling of illegal immigrants in the sea border, so that the perspective of national security against the threat of illegal immigrants should be equated, which is the perspective to handle illegal immigrants smuggling.

Some of the things that have become synergies are the vast areas that Indonesia and Australia have to take care of and the immense number of illegal immigrants flows. Meanwhile information about illegal immigrants who need help often comes from Australia ; smuggling of illegal immigrant with agents that are

widespread in various modus operandi; and from the aspect of Indonesia's organization, the handling is still not coordinated from one agency to other agency. Which differs from Australia which has been integrated under the Department of Immigration and Border Guarding. While on the diplomacy level, which became the only *focal point of the* Ministry of Foreign Affairs. As a result, Indonesia has not been able to overcome the problems on illegal immigrants up to the operational level. This was revealed by the speakers from the Ministry of Foreign Affairs, Ministry of Defense, Navy Headquarters, and Experts. Furthermore, Australia's unilateral attitude by applying its border control beyond the *midland* but without coordinating with the bordering country is also a challenge. Australia tends to respect Indonesian and the international norms.

Conclusions and Recommendations

From the above discussion, this study concludes that the two countries have not yet synergized in dealing with illegal immigrants at the sea border because the two countries have a distinctly divergent fundamental interest in which Indonesia has a territorial base

and Australia on an immigration basis. Nevertheless, there is a view that can be equated as a basis for cooperation that deals with the smuggling of illegal immigrants as a maritime transnational crime as a non-traditional security dimension.

Indonesia has a legal umbrella that should be the basis of its defense diplomacy, but it is necessary to review the implementation so that it can form *cooperative security.* Defense diplomacy that has been done by two countries have not produced a strategic policy that is concrete, so the purpose of defense diplomacy that is *sharing responsibility* and *Confidence Measure Building* has not yet been reached. At the operational level, *naval diplomacy* has been established between the nations of both countries through AUSINDO PATKOR, but has not specifically set up the mechanisms for handling illegal immigrants or illegal immigrants smuggling.

Suggestions that can be given are Defense Diplomacy between Ministry of Defense and the Ministry of Foreign Affairs that should give birth to the Code of Conduct for Australia not to return ship to Indonesia and to emphasize respect for international norms. At the operational

level, the Navy should initiate the creation of SOPs and SEPs in handling illegal immigrant smuggling in AUSINDO PATKOR which contains coordination rules in the exchange of information, conducts rescue and crack down on smugglers at the sea border without being unilateral.

References

Books

Bandur, Agustinus. 2016. *Qualitative Research: Methodology, Design, and Engineering Data Analysis with NVivo 11 Plus.* Jakarta: Media Discourse Partners.

Booth, Ken. 2014. *Law, Force and Diplomacy at Sea.* Oxon & New York: Routledge.

Carter, Perry, dan Steinburner. 1992. *A New Concept of Cooperative Security*, Massachusetts: Brooking Institution.

Checkland, Peter dan Poulter, J. 2010. "Soft Systems Methodology", dalam M. Reynolds dan S. Holwell. 2010. *Systems Approaches to Managing Change: A Practical Guide.* London: Springer.

Cohen, Richarddan Michael Mihalka. 2001.*Cooperative Security: New Horizons for International Order.* European Center for Security Studies.

Cottey, Andrewdan Anthony Forster. 2004. *Reshaping Defence Diplomacy: New Roled for Military Cooperation and Assistance.* New York: Routlege.

Creswell, John W. 2009. *Research Design: Qualitative, Quantitative, and Mixed Methods Approach 3rd Edition.* USA: Sage Publications Inc.

Crewell, Jhon W. 2016. *Qualitative, Quantitative and Mixed Method (Fourth Edition) Approach.* Yogyakarta: Student Literature.

Hardjosoekarto, Sudarsono. 2012. *Soft System Methoology.* Jakarta: UI – Press.

Ho, C.GT.dan Locky, J. 2012. *Humane Migration: Establishing Legitimacy and Rights for Displaced People.* Virginia: Stylus Publishing. Mountz, A. 2010. *Seeking Asylum: Human Smuggling and Bureaucracy At The Border.* USA: University of Minnesota Press.

Hugo, Graeme, George Tan, dan Caven Jonathan Napitupulu. 2014. *Indonesia as a Transit Country in Irregular Migration to Australia.* Canberra: Australian Government Department of Immigration and Border Protection.

Koslowski, R. (2016). "Towards an International Regime for mobility and Security. Tamas K., & Palme, J (ed). *Globalizing Migration Regimes: New Challenges to Transnational Cooperatio.* USA: Ashgate Publishing Company.

Marsetio. 2014. *Sea Power Indonesia.* Bogor: Defense University of Indonesia

Perwita, Anak A.B. and Yanyan M. Yani 2006. *Introduction to International Hubugan Science. Bandung: PT Remaja Rosdakarya Offset.*

Phillips, Jannet. 2017. *Boat Arrivals and Boat Turnback in Australia Since 1976: A Quick Guide to the Statistics and Maritime Security Cooperation between Indonesia and Australia in the framework of the Prevention of*

Illegal Imigan . Canberra: Parliamentary Library Research Paper Serie 2016-17, updated 17 January 2017.

Praditya, Yosua. 2016. *Security in Indonesia.* Depok: Nadi Pustaka.

Simamora, Parulian. 2013. *Opportunities and Challenges of Defense Diplomacy.* Yogyakarta: Graha Ilmu.

Thesis

Paulsen, Julia. 2016. "Australia´s Refugee Policies and Bilateral Relations with Indonesia". Faculty of Social Sciences. Department of International Environment and Development Studies, Norwegian University of Life Sciences.

Purbasari, Endah. 2015. "Indonesia-Australia Maritime Security Cooperation in Prevention of Illegal Imigan Prevention". Maritime Security Study Program, Indonesian Defense University.

Website

Asril, Sabrina, "Indonesia Asks Australia Not to back away from Responsibility on Dark Immigrants",in http://nasional.kompas.com/read/2015/06/16/04032761/Indonesia.Minta. Australia.Tak.Lepas. Responsibility.Soal.Imigran.Green, accessed on July 18, 2017.

Ministry of Foreign Affairs of the Republic of Indonesia, "Strategic Target of the Ministry of Foreign Affairs", 2015, in https://www.kemlu.go.id/id/kebijakan/anasan-visi-misi-polugri/Pages/Management-Strategis-Kementerian-Luar-Negeri.aspx , accessed on September 29, 2017.

Ministry of Foreign Affairs of the Republic of Indonesia, "Indonesia and Australia Agree to Strengthen Maritime Cooperation, Counter Terrorism and Cyber Security", inhttps://www.kemlu.go.id/id/berita/Pages/Indonesia-and-Australia-Sepakat-Perkuat -Work-Equals-Maritime-Counter-Terrorism-and-Security-Siber-.aspx , 2016, accessed on December 25, 2017.

"Ministry of Defense of Indonesia-Australia Discuss Illegal Immigrants " , in http://ekonomi.kompas.com/read/2009/10/26/20311322/menhan.indonesia-australia.bahas.imigran.gelap, accessed on 24 December 2017.

Mubarok, "Radio Script Dialog Australia Indonesia 2+2 Perdana", 2012, accessed on 25 December 2017, in http://indonesia.embassy.gov.au/jaktindonesian/RS120412.html.

Smith, Tanalle, "Furor over Asylum Seeker", 2009 in https://www.thestar.com/news/world/2009/10/23/furor_over_asylum_seekers.html, accessed on 24 December 2017.

Tuwo, Andrean Gerry, "Australian Foreign Ministry attacks Indonesia related to illegal immigrant", 2015, in http://global.liputan6.com/read/2252235/menlu-australia-serang-indonesia-terkait-imigran-gelap, accessed on 18 July 2017.