

## Legal Protection of Illegal Migrant Workers in Nunukan District

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### ABSTRACT

Nunukan Regency, which borders Sabah and Sarawak, Malaysia has problems regarding the repatriation of Indonesian Citizens in the capacity as Indonesian Migrant Workers who working in Malaysia. The repatriation is related to immigration violations such as not having complete documents to enter Malaysian territory as a worker, so it can be categorized as illegal Indonesian Migrant Workers. This research uses a doctrinal approach by reviewing the regulations related to migrant workers plus analysis of documents and data obtained from in-depth interviews with the Placement and Protection of Indonesian Migrant Workers Agency in Nunukan and Immigration in Nunukan. Legal protection for illegal Indonesian Migrant Workers through the Placement and Protection of Indonesian Migrant Workers Agency and Immigration in Nunukan is taken in 3 (three) ways, (1) prevention of non-procedural illegal Indonesian Migrant Workers; (2) deportation; and (3) the return of illegal Indonesian citizens/Indonesian Migrant Workers to their hometown. The efforts to protect the law are coupled with the closure of illegal cross-border routes between Indonesia and Malaysia in the Nunukan Regency area. It is hoped that all legal protection efforts will minimize the presence of illegal Indonesian Migrant Workers.

**Keywords:** Legal protection, Illegal migrant workers

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### INTRODUCTION

The Technocratic Draft of the 2020-2024 National Mid-Term Development Plan is in line with the concept of building Indonesia from the periphery which is basically one of the interesting issues in the development of the country's border areas. This is closely related to the strategic values of the border areas, including the potential resources that have a large influence on the economic, demographic, political, defense, and security aspects.

The Border is one of the important manifestations in a country and is not just an imaginary line above the earth's surface, but a line that separates one area from another. The boundary is a separator of geographical regional units (physical, social,

cultural) controlled by a country. Politically, the national boundary is a line of sovereignty consisting of land, sea, and including the potential that is in the bowels of the earth.<sup>1</sup>

Moreover, the border area has a very strategic position for every country in the world, including the Unitary State of the Republic of Indonesia (NKRI). The strategic meaning of the border area appears in every document related to development which must include the border area as a development priority from all aspects, from the development of the ideological aspect to the development of the defense and security aspect.

The border area is not only the "entrance and exit" of people and goods from one country to a neighboring country, the border area is not just an imaginary line that separates neighboring countries, the border area is a special area that is different from other areas within a country. The border area is the "front fence" of a country, the border area is the first defense for a country, the border area is the identity and identity of a country, the border area is a representation of the ideology and politics of the state, the border area is a place for assimilation and acculturation of social life to grow and develop. the culture of the people living in the border area, the border area is a real reflection of economic interdependence between neighboring countries, the border area is the potential for prosperity progress, and many more strategic meanings of the border area, both inhabited and uninhabited border areas, border areas on land and sea.

The values contained in the border area are then embodied again in the form of principles/principles. The principles and principles contained in the border area of the Republic of Indonesia are the principle of transnational, the principle of equality (principle of the sovereign equality), the principle of non-recognition (non-recognition principle), the principle of defense and security/self-defense principle, the principle of cooperation. , the principle of sustainability/sustainability principle, the principle of decentralization, the principle of deconcentration and the principle of co-administration, the principle of justice, the principle of expediency, the principle of legal certainty, the principle of using technology, and the principle of an archipelagic state.

In recent years the issue of developing border areas has become a serious topic for the government to address, one of which is the encouragement to resolve social, economic, and welfare disparities between border communities in Indonesia and Malaysia. This problem is still compounded by the occurrence of maritime boundary conflicts, for example in the Ambalat Block and around the Natuna waters, adding to the lively discussion of border issues both on land and at sea, which previously had a busy

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<sup>1</sup> Sri Hayati dan Ahmad Yani, (2007). *Geografi Politik*, Bandung: Refika Aditama. hlm.45

Sipadan-Ligitan Island dispute, which in the end the decision of the International Court of Justice stipulates the ownership of Malaysia. to Sipadan-Ligitan Island.

Article 25A of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) states that Indonesia is an archipelagic country characterized by an archipelago with territories whose boundaries and rights are determined by law. Regarding territorial boundaries, it is normatively regulated in Law Number 43 of 2008 concerning State Territories and several derivative rules such as the Decree of the President of the Republic of Indonesia Number 6 of 2017 concerning the Designation of Outermost Small Islands. Geographically, Indonesia shares land and/or sea borders with 10 countries, one of which is Malaysia. In particular, the territory of Indonesia which is directly adjacent to Malaysia is North Kalimantan.

North Kalimantan is a province in Indonesia that is located in the northern part of the island of Borneo. North Kalimantan was officially ratified as a province based on Law Number 20 of 2012 concerning the Establishment of the Province of North Kalimantan. The main objective of the formation of a new province in the northern region of the island of Kalimantan is to shorten the span of control of the government, especially in border areas.<sup>2</sup>

A State border area is a Regency/City area that geographically and demographically is directly adjacent to a neighboring country and/or the high seas. The border area consists of land and sea border areas, which are widely spread with various typologies, ranging from the interior to the outermost (outer) small islands.<sup>3</sup> The border area as a state sovereignty area in principle is very important in showing the existence of a country. Sovereignty from the point of view of language is defined as supreme power over the government of the state, region, and others.<sup>4</sup>

Sovereignty according to Mochtar Kusumaatmadja is an essential trait or characteristic of a country, where the country is sovereign (has the highest power), but has its limits, namely the space for the application of this supreme power is limited by the boundaries of the country's territory, outside its territory the country does not have that kind of power.<sup>5</sup>

North Kalimantan Province is a province on the island of Borneo which has an area of ± 75,467.70 km<sup>2</sup>, located at a position between 114°.35'22"–118°.03'00" east longitude

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<sup>2</sup> <https://humas.kaltaraprov.go.id/berita/view/464/provinsi-kalimantan-utara-kaltara-menjadi-provinsi-ke-34-di-indonesia.html>, accessed on February 14 2021

<sup>3</sup> Yahya Ahmad Zein dan Aditia Syapriillah. (2016), *“Model Hukum Pemenuhan Hak Atas Pendidikan Sebagai Hak Konstitusional Warga Negara di Wilayah Perbatasan Kab. Nunukan Prov. Kalimantan Utara”*. Jurnal Seminar Nasional Hukum Universitas Negeri Semarang. hlm. 171

<sup>4</sup> *Ibid.*

<sup>5</sup> Mochtar Kusumaatmadja. (1982). *Pengantar Hukum Internasional*. Bandung: Bina Cipta, hlm.

and 1°.21'36"-4° .24'55" north latitude. Based on its geographical position, North Kalimantan Province has the following boundaries: The northern part is bordered by the State of Sabah (Malaysia); The southern part is bordered by the Province of East Kalimantan; The western part is bordered by the State of Sarawak (Malaysia), and the eastern part is bordered by the Sulawesi Sea.

Based on this, the areas of North Kalimantan which are directly adjacent to Malaysia are Nunukan Regency and Malinau Regency where Nunukan borders Sabah while Malinau borders Sarawak. The area has a fairly high level of vulnerability from a security level perspective. Easy access to traffic in the era of globalization allows deviations to occur and the condition of weak regulations and legal policies causes the practice of transnational crimes to increase. Transnational crimes, known as transnational crimes, bring losses that are increasingly worrying for many countries in the world. Transnational crimes occur, not only because of free trade and weak law enforcement but also the geographical situation of the country itself, for example, the increase in illegal business and transactions at the Indonesia-Malaysia border which results in economic inequality in society.

Another problem in the border area that is currently happening in North Kalimantan Province is the repatriation of Indonesian Citizens (WNI) in the capacity of Indonesian Migrant Workers (PMI) who work in Malaysia.

Referring to the data available at the Nunukan Immigration Office for repatriation of Indonesian citizens carried out by the Malaysian Government in 2019, there were 3347 (three thousand three hundred forty-seven) deportees from Malaysia to Indonesia. The reasons for the repatriation included problems with travel documents, illegal entry into Malaysia, committing criminal acts, and other things. In 2021, during the Covid-19 pandemic, on July 22, 2021, the Indonesian Consulate in Tawau again facilitated the independent repatriation of 50 Indonesian citizens (33 men and 17 women), from Tawau to Nunukan-North Kalimantan, in the repatriation program. specifically for the 9th stage. The majority of Indonesian citizens are PMIs who have finished their work contracts and also Indonesian citizens who are remaining. From the available data, the Indonesian citizens participating in the repatriation program came from various regions in Indonesia, such as North Kalimantan, East Kalimantan, South Sulawesi, West Sulawesi, Southeast Sulawesi, East Nusa Tenggara, West Nusa Tenggara, and West Java. To be able to take part in the special repatriation program, these Indonesian citizens must first register with the consulate by attaching the required documents, then the consulate will ask for graduation/permission from the relevant authorities in Sabah-Malaysia. After obtaining approval, only then will the technical arrangements for the repatriation be arranged. This program is held in collaboration with the Indonesian Consulate in Tawau with various government agencies both in Malaysia and in Indonesia, including the

Secretariat of the Kingdom of Sabah, the State Safety Council for the Sabah region, imigresen, kastam, PDRM, as well as government agencies in Nunukan such as Nunukan Regency Government, Immigration, BP2MI, Manpower, and Transmigration Office, Customs, Health Service, Police, and other relevant government authorities.<sup>6</sup>

Based on sources from the Indonesian Consulate in Tawau, since the Covid-19 pandemic began in March 2020, the Indonesian Consulate in Tawau has facilitated the repatriation of 1,142 Indonesian citizens, both tourists, and workers who have finished their work contracts. This amount excludes the repatriation of deportation and repatriation of students who received scholarships to continue their education in Indonesia.

For this reason, serious action is needed by the Indonesian Central Government in collaboration with the Nunukan Regency Government in dealing with problems related to the protection provided to Indonesian citizens who cross the border from Nunukan to Tawau Sabah Malaysia to prevent unwanted things from happening.

## **METHOD**

This writing uses a doctrinal approach through the study of various kinds of laws and regulations such as the 1945 Constitution of the Republic of Indonesia, Law Number 43 of 2008 concerning State Territory, Law Number 37 of 1999 concerning Foreign Relations, Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers and Government Regulation Number 59 of 2021 concerning Implementation of Protection of Indonesian Migrant Workers.

The review of the legislation was added with an analysis of immigration documents and the results of interviews with the Indonesian Migrant Worker Placement and Protection Service Center (BP3TKI) and Nunukan Immigration regarding the issue of handling Indonesian citizens illegally crossing borders to find out legal protection efforts against Indonesian citizens/citizens. illegal PMI that has been done so far.

## **DISCUSSION**

### **The Concept of Legal Protection**

The more appropriate term used is protection, but some legal literature always mentioned the term protection, the two terms have different meanings but in the context of this paper is considered the same meaning. Sudikno Mertokusumo argues that law was created as a means or instrument to regulate the rights and obligations of legal subjects. Apart from that, the law serves as an instrument of protection for the

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<sup>6</sup> <https://kemlu.go.id/portal/id/read/2753/view/kri-tawau-kembali-memfasilitasi-pemulangan-sebanyak-50-orang-wni-ke-tanah-air-dalam-program-pemulangan-khusus-tahap-ix>. ccesed on August 10 2021

subject of the law. Law enforcement can take place normally, peacefully but it can also happen due to violations of the law.

Violations of the law in principle occur due to the existence of legal subjects who neglect or do not carry out obligations that should be carried out or because they violate the rights of other legal subjects so that legal subjects whose rights are violated must receive legal protection. The subject of law, as the bearer of rights and obligations, can take legal actions based on his ability or authority. In social interaction, many legal relationships arise as a result of legal actions from the subject of law, namely the interaction between legal subjects that have legal relevance or have legal consequences. for the legal relationship between the subjects of law to run harmoniously, balanced, and fairly or in other words each object of law obtains what is its right and carries out the obligations imposed on it, then the law appears as a rule of thumb in regulating the legal relationship.

The term legal protection in English is known as legal protection, while in Dutch it is known as Rechts bescherming. Etymologically, legal protection consists of two syllables, namely protection and law. In Kamus Besar Bahasa Indonesia protection is defined as (1) a place of refuge, (2) things (deeds and so on), (3) processes, ways, acts of protecting.<sup>7</sup> Legal protection is all efforts to fulfill the rights and provide assistance to provide security to witnesses and/or victims, legal protection of victims of crime as part of community protection can be realized in various forms, such as through restitution, compensation, medical services, and legal aid.<sup>8</sup> According to Satjipto Raharjo, legal protection is to protect human rights that have been harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law.<sup>9</sup>

Philipus M. Hadjon argues that legal protection is the protection of dignity and worth, as well as the recognition of human rights owned by legal subjects based on legal provisions from arbitrariness.<sup>10</sup>

Legal protection is a description of the workings of legal functions to realize legal goals, namely justice, expediency, and legal certainty. Legal protection is a protection given to legal subjects by the rule of law, whether it is preventive (prevention) or in a repressive (coercive) form, both written and unwritten in the context of enforcing legal regulations.

According to Hadjon, legal protection for the people includes two things, namely:<sup>11</sup>

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<sup>7</sup> <https://kbbi.web.id/perlindungan>, diakses 03 Maret 2020

<sup>8</sup> Soerjono Soekanto. (1986). *Pengantar Penelitian Hukum*. Jakarta: Universitas Indonesia Press, hlm. 133

<sup>9</sup> Satjipto Raharjo. (2000). *Ilmu Hukum*. Bandung: PT. Citra Aditya Bakti, hlm. 53

<sup>10</sup> Philipus M. Hadjon (1987). *Perlindungan Bagi Rakyat di Indonesia*. Surabaya: PT. Bina Ilmu, Surabaya, hlm. 2

<sup>11</sup> *Ibid*, hlm. 4

1. Preventive legal protection, namely a form of legal protection where the people are allowed to submit objections or opinions before a government decision gets a definitive form.
2. Repressive legal protection, namely a form of legal protection which is more aimed at resolving disputes.

The legal basis for protecting Indonesian citizens is contained in the Preamble to the 4th paragraph of the 1945 Constitution of the Republic of Indonesia, Articles 18 to 24 of Law Number 37 of 1999 concerning Foreign Relations, Law Number 18 of 2017 concerning Protection Indonesian Migrant Workers, and several derivative regulations such as Government Regulation Number 59 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers. Normatively, the existing rules-based legal protection is basically intended for Indonesian citizens who cross state borders procedurally and are experiencing legal problems abroad, then what about those who cross state borders unprocedural, especially illegal migrant workers? It is precisely here that the problem is interesting to be addressed to realize comprehensive protection for all Indonesian citizens.

### **State Protection Regarding Illegal Migrant Workers**

Legal protection is a description of the workings of legal functions to realize legal goals, namely justice, expediency, and legal certainty. In addition, as stated by Sudikno Mertokusumo, the law was created as a means or instrument to regulate the rights and obligations of legal subjects. In addition, the law functions as an instrument of protection for legal subjects. The implementation of the law can take place normally, peacefully, but it can also occur due to violations of the law.<sup>12</sup>

Regarding legal protection for Indonesian citizens who cross national borders illegally in North Kalimantan, especially in Nunukan Regency, it is closely related to the characteristics of the Nunukan Regency area which borders Malaysia. Nunukan Regency which is located between 115°33' to 118°03' East Longitude and 3°15'00" to 4°24'55" North Latitude is the northernmost region of North Kalimantan Province. The territory of the Nunukan Regency in the north is directly adjacent to the State of East Malaysia-Sabah, and in the west, it is directly adjacent to the State of East Malaysia, Sarawak.<sup>13</sup> . Its position in the border area of Indonesia - Malaysia makes Nunukan Regency a strategic area in the traffic map between countries.

The geographical characteristics of Nunukan Regency and Malaysia are very close so that there are many entrances and exit other than the official port in Nunukan, coupled with many brokers under the guise of assisting Indonesian citizens in processing illegal

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<sup>12</sup> Ridwan HR. *Op.cit.*, hlm. 266

<sup>13</sup> <http://simtaru.kaltaraprov.go.id/web/profil/kab-nunukan> accessed on December 27 2021

documents. Based on data from BP3TKI Nunukan, about 400,000 Indonesian citizens are living in the Sabah area and only 150,000 Indonesian citizens are recorded at the Indonesian Consulate General in Kota Kinabalu. Most Indonesian citizens have lived for three to four generations in Sabah and entered Malaysia sideways and without official documents.<sup>14</sup>

Indonesian citizens who usually go to Malaysia are candidates for PMI because the majority of Indonesian citizens go to Malaysia for work. Apart from work, there are several other goals of Indonesian citizens, namely making family visits, business, and several other things. The majority of illegal PMIs in Sabah work in oil palm plantations and refineries. The increase in raids by Malaysian Immigration against illegal PMIs has resulted in many illegal PMIs being caught and being detained by Malaysian Immigration. Based on the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH.02.GR.02.02 of 2020 dated February 3, 2020, concerning Immigration Checkpoints, the Nunukan Class II Immigration Office has 7 (seven) Immigration Checkpoints, namely:

1. Tunon Taka Port International Border Crossing Post
2. Traditional Land Cross-Border Post (Long Midang, Lumbis, Sei Lines)
3. Traditional Water Cross Border Post (Sei Mosquito, Liem Hie Djung, Hole)

Data on crossings through the official line of the Immigration Office Class II Immigration Checkpoint (TPI) Nunukan Year 2017- (February) 2020 can be seen in Table 1. below:

Tabel 1. TPI Tunon Taka

Year	WNI		WNA	
	Departure	Arrive	Departure	Arrive
2017	90024	84604	12167	12373
2018	81543	74093	11638	12168
2019	87665	85185	12506	12678
2020	12915	15550	1624	1420

Tabel 2. Lumbis Immigration Post

Year	WNI		WNA	
	Departure	Arrive	Departure	Arrive
2017	1050	915	161	147

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<sup>14</sup> Sumber Data (Dokumen) BP3TKI Nunukan

2018	1012	896	187	187
2019	681	524	189	199
2020	131	129	20	20

Tabel 3. Long Midang Immigration Post

Year	WNI		WNA	
	Departure	Arrive	Departure	Arrive
2017	5856	4679	6554	6568
2018	6024	3231	7195	7195
2019	7287	3030	6916	6776
2020	1066	480	1017	1137

Apart from the legal entry and exit routes, there are also illegal routes used by Indonesian citizens, especially those who want to get a job in Malaysia, therefore it is necessary to make maximum efforts in providing legal protection to illegal PMIs through Immigration and BP3TKI Nunukan which can be reached by 3 (three) ways, namely: (1) prevention of non-procedural PMI; (2) deportation; and (3) the return of illegal Indonesian citizens/PMIs to their areas of origin.

1. Prevention of Non-Procedural PMI

The prevention referred to in this case is the termination of the non-procedural PMI departure process before it reaches the destination country, especially Malaysia, which is carried out by the competent authorities.

The data obtained from BP3TKI related to the prevention of illegal PMI can be seen in Diagram 1. to Diagram 4. below:

Diagram 1. 2017 Non-Procedural PMI Prevention

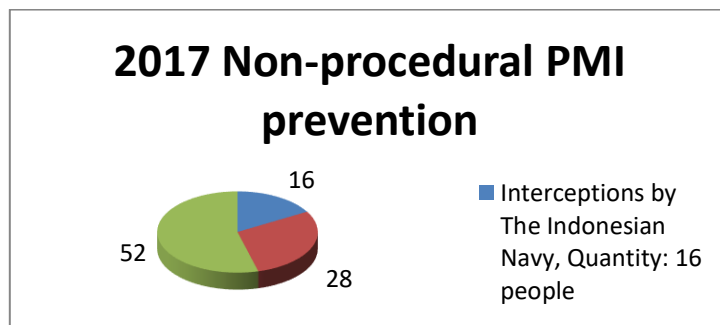


Diagram 2. 2018 Non-Procedural Prevention

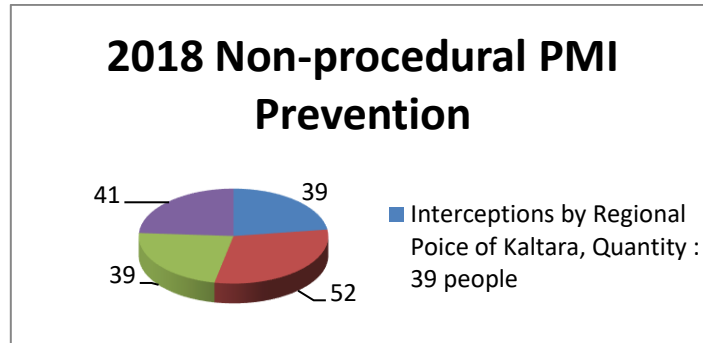


Diagram 3. 2019 Non-Procedural Prevention

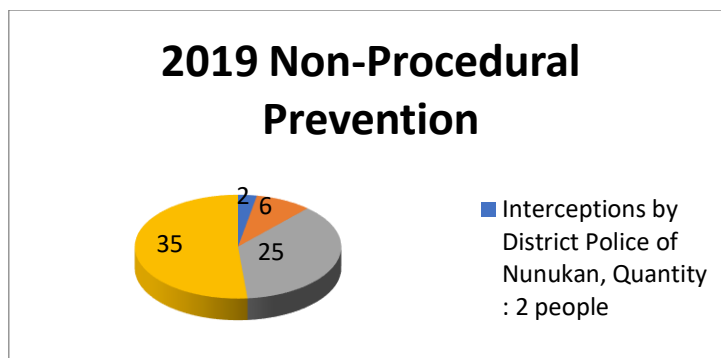
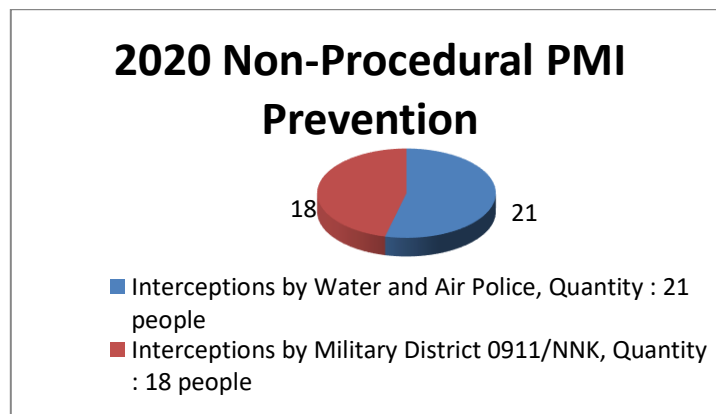


Diagram 4. 2020 Non-Procedural PMI Prevention



In terms of preventing non-procedural PMI, BP3TKI Nunukan has a very important role, this is because BP3TKI is one of the Technical Implementation Units (UPT) within the National Agency for Placement and Protection of Indonesian Migrant Workers (BNP2TKI).

BP3TKI is an independent organizational unit that carries out operational tasks and or supporting tasks within BNP2TKI. The working area of the Nunukan BP3TKI is an area

that has direct water and land borders with the State of Malaysia, where Indonesian citizens and foreign nationals, especially Malaysians can enter and leave Nunukan Regency easily via sea or land transportation, both through official doors between countries in Nunukan , as well as through illegal routes along the border between the two countries of Indonesia and Malaysia.

BP3TKI plays a very important role in realizing professional, dignified, and prosperous PMI. Therefore, BP3TKI has an important mission in protecting PMI/PMI candidates in the country. In addition, B3TKI must protect PMIs from being abandoned abroad and PMIs from being poor and miserable when they return from abroad.

BP3TKI in carrying out prevention as an effort to protect the law against illegal PMI is to stop the non-procedural PMI departure process before reaching the destination country, especially Malaysia. For this reason, BP3TKI has made three efforts:<sup>15</sup>

1. a. Preemptive includes several activities, namely:
  2. 1) An appeal through the Radio of the Republic of Indonesia;
  3. 2) Socialization in print media and social media;
  4. 3) Installation of banners/banners of appeal;
  5. 4) Distribute brochures; and
  6. 5) Face facing with the community.
7. b. Preventive
  8. 1) Inspection of illegal shelters;
  9. 2) Together with Immigration, check Indonesian citizens' documents at Tunon Taka Port;
  10. 3) Together with Satpolair Res. Nunukan checked the rat path in Sebatik; and
  11. 4) Carry out joint patrols.
12. c. Repressive
  13. 1) Conducting raids at Tunon Taka Port; and
  14. 2) The prosecution of illegal Indonesian citizens and their administrators by the TNI-Polri.

## 2. Deportation

Deportation is the exile, refuge, or expulsion of a person out of a country as a punishment, or because that person is not entitled to live there. From this general definition of deportation, what illustrates the existence of PMIs is that many PMIs have problems in Malaysia related to unofficial documents, so PMIs are repatriated and put in Malaysian immigration prisons.

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<sup>15</sup> Sumber Data (Dokumen) BP3TKI Nunukan

Diagram 5. Class II Immigration Office Deportation TPI Nunukan in 2019

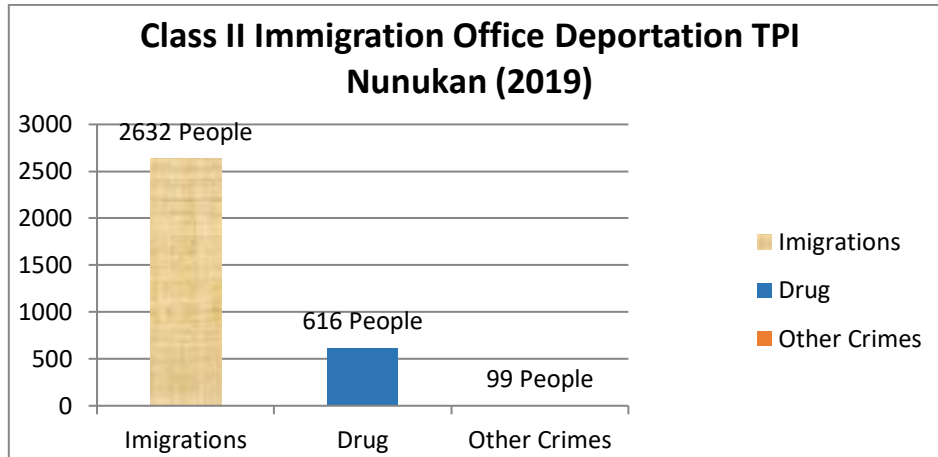
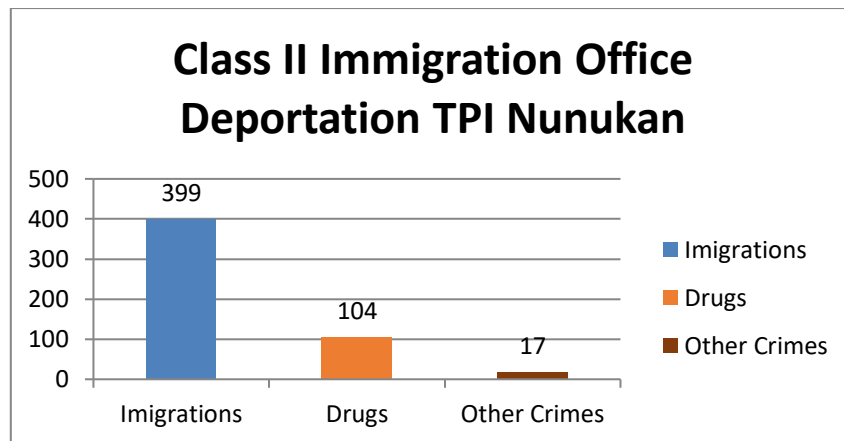


Diagram 6. 2020, Class II Immigration Office Deportation TPI Nunukan



15. In the context of protecting Indonesian citizens (including illegal PMIs) who are deported by the Malaysian government, the Indonesian government's form of protection is to provide accelerated sea transportation departure permits for illegal Indonesian citizens who will be repatriated. The acceleration of the permit indirectly protects illegal Indonesian citizens/PMI who are in detention so that the period of confinement and torture is not too long. Furthermore, the government's protection against illegal Indonesian citizens/PMI who were deported was a follow-up action taken by BP3TKI by accommodating illegal Indonesians/PMI in Rusunawa Jalan Ujang Dewa, South Nunukan Village.

### 3. Repatriation of illegal Indonesian citizens/PMI to their area of origin

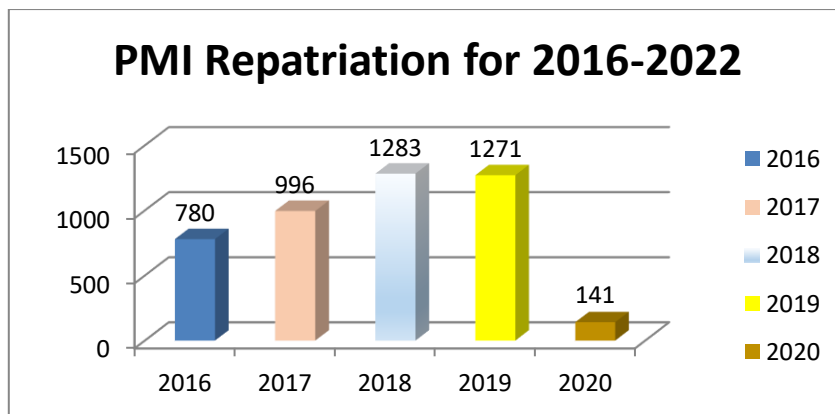
The repatriation in question is one of the protective measures from BP3TKI for illegal PMIs that have been prevented before departure, whereas illegal PMIs caught in the departure process that during the preventive detention period, they are given the

option of returning to their area of origin or making passports assisted by BP3TKI with a period of about one week.

In addition, one form of protection that is carried out for illegal Indonesian citizens who are in detention due to deportation is by being given repatriation to their area of origin on the condition that they must complete all administrative processes after deportation. The cost of repatriating illegal Indonesian citizens/PMI to their area of origin is the full responsibility of BP3TKI, illegal Indonesian citizens/PMI are repatriated without paying for the transportation they use.

PMI Repatriation Data for 2016 – 2020 can be seen in Diagram 7. below:

Diagram 7. PMI Repratation



Based on Diagram 7 data, it can be seen that there was an increase in PMI repatriations from 2016 to 2018, although in 2019 there was a decrease and in 2020 there was a very significant decline, this is due to the policy of restricting movement due to the Covid-19 Pandemic.

Apart from these 3 (three) efforts, the closure of unofficial border crossing routes or what is commonly known as the rat lane is another form of legal protection effort to reduce the presence of illegal PMI.

### CONCLUSION

The border area has a strategic value for a country, however, the problems that occur in the border area are also not easy problems to solve. One of them is the issue related to illegal border crossers, which in this context are Indonesian citizens/PMI residing in Malaysia, especially in Sabah who enter through Nunukan non-procedurally (illegally). The Indonesian citizens/PMIs were then repatriated to Indonesia due to various kinds of immigration violations, this left a problem regarding legal protection efforts for these illegal Indonesians/PMIs.

As for legal protection against illegal PMI through Immigration and BP3TKI Nunukan which can be reached in 3 (three) ways, namely: (1) prevention of non-procedural PMI; (2) deportation; and (3) the return of illegal Indonesian citizens/PMIs to their areas of origin. The three legal protection efforts are coupled with efforts to close illegal cross-border routes or rat lanes.

The protection of Indonesian citizens/PMI under any circumstances is a reflection of the realization of the goals and obligations of the Indonesian state as stated in the 4th Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, namely to protect the entire Indonesian nation.

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