
Selective Policy Regarding the Granting of Foreign Stay Permits Based on Indonesian State Sovereignty

Cecep Wiharma^{1*}, Muhamad Budi Mulyadi², Baharuddin Jusuf Wirahma³

^{1,2,3} *Suryakancana University*

**Email Corresponding Author: cecepwiharma@gmail.com*

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Abstract

Many cases of misuse of residence permits are handled by immigration authorities by taking firm action in the form of administrative or criminal acts against foreign nationals. The purpose of this study is to explore the relationship between selective policies and legal frameworks, examining how selective policies are aligned with existing laws and regulations. The data obtained is analysed qualitatively with a normative juridical approach, by utilizing secondary data obtained through document studies, which includes the systematic organization of written legal materials. The results of the study show that the form of selective policy has an impact on granting residence permits to foreign nationals based on the sovereignty of the State of Indonesia. The most significant difference is that visa applications for foreigners from countries calling for visas require certain stages, namely recommendations from the assessment coordination team of the country calling for visas to consider the feasibility of the visa application submitted. The purpose and intention of entering Indonesian territory will also be assessed, along with the suitability of the visa application. The study also investigated.

INTRODUCTION

In contemporary understanding, the notion of state sovereignty extends beyond territorial boundaries, ceasing where the jurisdiction of another state commences. This allows for the potential expansion of a state's authority, provided it remains following international legal principles and does not encroach upon the sovereignty of other nations. Additionally, sovereignty is subject to limitations outlined in international treaties ratified by participating states (Zain, 2020)(Kusumaatmadja, 2003).

The inhabitants of a country are either citizens or non-citizens. Non-citizens are referred to as foreigners. The determination of whether a resident is a citizen or not is governed by the national law of each country. National laws define who is a citizen and who is not. Although each country has the authority to establish its citizenship regulations within its territory, it must also consider the principles of international law found in international treaties, customary international law, and general principles of international law regarding citizenship (Bhakti, 2003).

The legal provisions on immigration in Indonesia from the proclamation of Indonesian independence in 1945 until 1991 did not undergo significant formal development. It was not until March 31, 1992, when Immigration Law Number 9 of 1992 was enacted that a formal regulation on immigration was established. This delay in formalizing immigration law was due

to the scattered nature of immigration regulations and their strong influence from colonial laws. Additionally, many of these provisions were no longer in line with the development of national life and were remnants of colonial governance (Hamidi & Christian, 2021).

Some of these provisions became impractical due to the increasing global mobility of populations, which has brought about various beneficial and detrimental impacts on the interests and lives of the people and the Republic of Indonesia. Therefore, new legislation on immigration, reflecting the enforcement of law and sovereignty over Indonesian territory in light of contemporary immigration issues, became necessary. Hence, on May 5, 2011, the Republic of Indonesia enacted Law Number 6 of 2011 concerning Immigration, replacing Law Number 9 of 1992 concerning Immigration (Sihombing, 2009).

Based on universal immigration regulations, every country has the authority to permit or prohibit individuals from entering or exiting its territory. The existence of immigration regulations is a crucial attribute in upholding the legal sovereignty of a country within its territorial boundaries, and every foreign individual entering a country's territory is subject to the laws of that country, just like its own citizens (Soetoprawiro, 1994).

Immigration law holds a place within Indonesia's legal framework, allowing it to be aligned with pre-existing laws. To regulate the entry and exit of foreign nationals into and out of Indonesian territory, the government's immigration policy follows a selective policy principle. This principle necessitates monitoring foreign individuals, encompassing their entry and exit from Indonesian territory, as well as their presence and activities within Indonesia (Soetoprawiro, 1994).

Furthermore, cases of residence permit abuse are handled by immigration authorities through firm actions, either administratively or criminally, against foreign nationals. Additionally, immigration authorities have undertaken various efforts to prevent further residence permit abuse by foreign nationals. Based on the above explanation, the author is interested in researching and delving deeper into the issue of "How Selective Policy Affects the Granting of Residence Permits to Foreign Nationals Based on Indonesian State Sovereignty."

One of the potential immigration problems carried out by foreigners when crossing at TPI is that state guests from countries calling visas travel illegally without using valid visas and residence permits, but are still allowed to enter Indonesian territory on the grounds of state guests. Behind the problems that are carried out, of course, there are factors that cause foreigners to act like they have a sudden interest in the state in Indonesia. There are several countries that must use a visa to enter Indonesian territory. These countries are called Calling Visa Countries. In this case, the immigration officer should refuse the entry of the foreigner in accordance with the mandate of Law Number 6 of 2011 concerning Immigration Article 13. Therefore, the process of permitting foreigners to enter Indonesia needs to pay attention to the level of vulnerability from ideological, political, cultural, economic, social, defence and security aspects to the foreigner's country which aims to protect national objectives. Based on the Regulation of the Minister of Law and Human Rights Number 33 of 2021 concerning Procedures for Determining Calling Visa Countries, Application and Granting of Visas for Citizens of Calling Visa Countries, article (1) "A Calling Visa country is a country whose condition or state is considered to have a certain level of vulnerability from the aspects of

ideology, politics, economy, social, culture, defence and security of the country, and immigration." The regulation is one way to implement selective policy in Indonesia

Novianti (Novianti, 2021) wrote about the Immigration Selective Policy related to Restrictions on the Granting of Visa-Free Visits during the Covid-19 Pandemic, aiming to find out the selective policies carried out by immigration related to restrictions on the granting of visa-free visits during the Covid-19 pandemic. There is a similarity in the research method, namely normative juridical which is analyzed descriptively-qualitatively using literature data. The results of the study revealed that the regulation of restrictions on the granting of visa-free visits and residence permits for foreigners during the Covid-19 pandemic was carried out through the issuance of several Regulations of the Minister of Law and Human Rights (Permenkumham), namely Permenkumham Number 3, 7, 8, 11, and 26 of 2020, as well as Permenkumham Number 27 of 2021. Some of these Permenkumham have been replaced several times and the last one was enacted by Permenkumham Number 34 of 2021 and 5 Regulation of the Minister of Law and Human Rights Number 33 of 2021 concerning Procedures for Determining Calling Visa Countries. Based on the background, an interesting problem can be formulated: "What is the correlation between the selective policy and the applicable law? How are Law Enforcement Efforts carried out against the misuse of Immigration Residence Permits?" This research problem would explore the relationship between selective policy and the legal framework, examining how selective policy aligns with existing laws and regulations. It would also investigate the strategies and actions law enforcement agencies took to address residence permit misuse within the immigration system.

In line with Ale Alfero Deputra (Deputra & Tarigan, 2021) which research about implementation of Selective Policy in Granting State Enterprises License Calling Visa in Anticipating Immigration Violations at Immigration Examinations, tell how to apply the selective policy in granting entry permits to state guests (VVIP and VIP) from the calling visa country to anticipate immigration violations at the Immigration Checkpoint and find out the relationship between the selective policy and the applicable law. From the results of the research, it was obtained that the selective policy as a principle in granting entry permits for state guests calling visas still pays attention to the balance between the security approach and the welfare approach where the procedure is contained in the Regulation of the Minister of Law and Human Rights.

Furthermore, Junior Perdana Sande (Sande, 2020) in his article describe about Indonesian Immigration Selective Policy for Foreigners from Calling Visa Countries which analyzed selective policies implemented by Indonesian immigration against foreigners from calling visa countries. Through qualitative research methods with a descriptive approach, analysis and conceptual framework, foreign policy, decision making and national interests, it can be explained how the form of implementing Indonesia's selective immigration policy and the determination of certain countries that are considered vulnerable so that they are included in the calling visa category.

The difference with this research is that the author attempts to provide an analysis of anomalies in determining which countries are included in the calling visa country category. The implementation of selective policies is implemented by the Indonesian government through granting visit permits, supervision and immigration administration actions to every

foreigner. Selective policies are implemented more strictly and through a multi-layered process for foreigners who come from visa-calling countries.

The consideration in question is not only concerned with the benefits for the country, but also the bad impact needs to be prioritized for the national interest and not cause international crimes. In order to protect national interests, only foreigners provide benefits and do not endanger security and do not threaten the sovereignty of the country that is allowed to enter and be in Indonesian territory. This selective policy in its implementation must pay attention to the balance between the security approach and the prosperity approach. This is where the multidimensional of the immigration institution lies as the bearer of the function of law enforcement, guardian of state sovereignty and facilitator of people's welfare development.

METHODOLOGY

According to Sugiyono (Sugiyono & Lestari, 2021) , The normative juridical approach is legal research conducted by examining literature materials or secondary data as the basis for research using qualitative research methods, where this method emphasizes more descriptive and analytical research. The method used in data collection is literature research. Data collection is carried out to obtain information in accordance with the research objectives. Data collection was carried out through documents and literature that were in accordance with the variables in this study. The documents and literature obtained consist of primary documents such as laws and regulations, implementing regulations, and convention provisions, as well as secondary documents, namely books, magazines, and articles from previous research. The primary legal materials used are Law No. 6 of 2011 concerning Immigration and several regulations of the Minister of Law and Human Rights starting from Permenkumham Number 3 of 2020 concerning the Temporary Suspension of Visa-Free Visits, Visas, and the Granting of Residence Permits in Forced Circumstances for Citizens of the People's Republic of China (Permenkumham 3/2020), Permenkumham 8/2020, Permenkumham 11/2020, Permenkumham 26/2020, Permenkumham 27/2021, and finally the Regulation of the Minister of Law and Human Rights Number 34 of 2021 concerning the Granting of Visas and Residence Permits (Permenkumham 34/2021) which grants entry permits to foreigners holding visas or temporary residence permits. In addition, the secondary legal materials used are several research results, books, and previous articles or journals related to immigration law. The data that has been obtained will then be sorted or selected to answer the research question. The data that has been collected will then be processed using analytical descriptive methods, explained in detail and combined with logical analysis that emerges at the stage of data understanding. Finally, the author will collect the results of the description and analysis which will then be systematized so that it is possible to draw logical conclusions to the problems in this article.

RESULTS AND DISCUSSION

1. The relationship between the provided Selective Policy and the Applicable Law

The Form of Selective Policy Regarding Granting Calling Visa Entry Permits to Indonesia. Based on Law Number 6 of 2011 concerning Immigration, the General Explanation section explains that immigration selective policy is a manifestation towards achieving national

goals, meaning that only beneficial individuals who do not disrupt public order and do not threaten state sovereignty are allowed. Not all countries have good economies and security, making them vulnerable in various ways and prompting Indonesia to restrict their entry. These vulnerable countries are referred to as visa countries within the Indonesian government. Regulations governing the procedures for determining calling visa countries, visa applications, and visa issuance for citizens from calling visa countries are stipulated in the Minister of Law and Human Rights Regulation Number 33 of 2021 (Deputra & Tarigan, 2021).

As a sovereign state, Indonesia has the right to designate a country according to the classification of calling visa countries. In determining these countries, the Minister of Law and Human Rights forms a coordination assessment team, as stipulated in Article 5 Paragraph (2) of Minister of Law and Human Rights Regulation Number 33 of 2021 concerning the Procedures for Determining Calling Visa Countries, Visa Applications, and Visa Issuance for Citizens from Calling Visa Countries. Everyone, including citizens from calling visa countries intending to travel to Indonesia, must possess a visa. According to Article 1 Number 2 of Minister of Law and Human Rights Regulation Number 33 of 2021 concerning the Procedures for Determining Calling Visa Countries, Visa Applications, and Visa Issuance for Citizens from Calling Visa Countries, a Visa of the Republic of Indonesia, after this referred to as Visa, is a written statement, either manually or electronically, provided by an authorized official to travel to the territory of Indonesia and serves as the basis for obtaining a Residence Permit (Sande, 2020).

In the visa application process, a Visa Assessment Coordination Team is formed, tasked under Article 6 of Minister of Law and Human Rights Regulation Number 33 of 2021 to: a) Evaluate countries whose conditions or circumstances pose certain levels of vulnerability; b) Provide recommendations to the Minister in determining Calling Visa Countries; and c) Provide recommendations to the Director General in approving or rejecting visa applications from Calling Visa countries.

According to Article 18 Paragraph (1) of Minister of Law and Human Rights Regulation Number 33 of 2021, it is explained that conducting research on the truthfulness of requirements and the responsibility of the Guarantor towards citizens from Calling Visa Countries, as well as the purpose and intention of entering Indonesian territory, and assessing the suitability of visa applications, as well as collecting other information related to the Guarantor and citizens from Calling Visa Countries. The visa application process for citizens from calling visa countries takes considerable time, even longer than countries not included in the calling visa list. This is because the application of selective policy is carried out much more strictly and through layered processes. The most significant difference in granting visas or entry permits to foreigners from general countries compared to foreigners from calling visa countries is that the visa application for foreigners from calling visa countries requires certain stages, namely recommendations from the calling visa country assessment coordination team to consider the eligibility of the submitted Visa application. In Minister of Law and Human Rights Regulation Number 33 of 2021, Article 3 Paragraphs (3) and (4) explain that visa applications for foreigners from calling visa countries are addressed directly to the Director General of Immigration and will be returned by the Director General of Immigration with the permission of the Minister of Law and Human Rights (Hamidi & Christian, 2021).

Article 18, Paragraph (1) of Minister of Law and Human Rights Regulation Number 33 of 2021 states that research will be conducted to verify the authenticity of the requirements and the responsibility of the Guarantor towards citizens from Calling Visa Countries. The purpose and intention of entering Indonesian territory will also be assessed, along with the suitability of visa applications. Other information related to the Guarantor and citizens from Calling Visa Countries will also be collected. The visa application process takes a considerable amount of time for citizens to call visa countries, even longer than countries not included in the calling visa list. This is because selective policy is carried out more strictly and through layered processes. The most significant difference in granting visas or entry permits to foreigners from general countries compared to foreigners from calling visa countries is that the visa application for foreigners from calling visa countries requires certain stages. These stages include recommendations from the calling visa country assessment coordination team to consider the eligibility of the submitted visa application. (Djati & Christian, 2019). According to Minister of Law and Human Rights Regulation Number 33 of 2021, Article 3, Paragraphs (3) and (4), visa applications for foreigners from calling visa countries should be addressed directly to the Director-General of Immigration. The Director-General of Immigration will return the application with the permission of the Minister of Law and Human Rights.

The guarantor plays a crucial role when granting entry permits to foreigners from calling visa countries. According to Article 26 of Law Number 6 of 2011 on Immigration, the guarantor is an individual or corporation responsible for ensuring the presence and activities of foreigners while they are in Indonesian territory. Additionally, Article 1 Number 5 of Minister of Law and Human Rights Regulation Number 33 of 2021 defines the guarantor as an individual or corporation responsible for ensuring the presence and activities of citizens from Calling Visa Countries while they are in Indonesian territory.

After undergoing immigration checks at the Port of Entry, citizens from calling visa countries can enter Indonesian territory lawfully and under regulations. Foreigners must adhere to the laws applicable in Indonesia. Their presence is closely monitored as all activities must align with the purpose and intention of their visit to Indonesia. Foreigners within Indonesian territory is the responsibility of the state. Hence, Indonesia must ensure its interests and security through immigration supervision. This supervision upholds Human Rights because, in the legal concept of citizenship, foreigners, wherever they are, have legal ties with their country.

Thus, the implementation of selective policy does not end with entry permit checks but continues as long as the foreigner remains in Indonesia, with all activities remaining under immigration supervision (Abdul et al., 2023). Law Number 6 of 2011 concerning Immigration, Article 1 Number 3, states that the function of immigration is part of the state administration's affairs in providing immigration services, law enforcement, national security, and facilitating community development. The implementation of selective policy must be carried out effectively to ensure the interests of the community and national security. Immigration officers at the Port of Entry, during the examination of citizens from calling visa countries, conduct procedures with greater scrutiny and caution to avoid errors in immigration actions (Tan, 2016)

The examinations are conducted to gather information about the truthfulness of the background of visits to Indonesia and to be vigilant against immigration violations upon the arrival of foreigners in Indonesia. The violations include: a) Being listed on the blacklist; b)

Using a fake passport; c) Not having a visa, except those exempted from the visa requirement; d) Providing false information to obtain a visa; e) Providing false information to Immigration Officers during interviews; f) Using a fake visa; g) Being involved in international crimes and organized transnational criminal activities; h) Being part of networks engaged in practices or activities such as prostitution, human trafficking, and smuggling of humans; i) Having unclear intentions in Indonesia; and j) Being involved in subversive activities against the Government of Indonesia (Soraya, 2020).

To anticipate such occurrences, immigration officers must remain vigilant and thorough during inspections. In-depth interviews are one effective way of early detection to obtain information from citizens suspected of committing immigration violations upon arrival. The stages of in-depth interviews conducted by immigration officers include:

- a. Travel documents (passport and visa), Passports and visa must be examined for their authenticity and validity. Examining these documents, the immigration officer can verify the travel data contained therein and assess the visa and purpose of the individual's visit to Indonesia.
- b. Return ticket or return plan, with a return ticket, Immigration Officers can ascertain the departure of Foreigners who visit Indonesia. This can prevent foreigners from overstaying in Indonesia. Immigration regulations emphasize the requirement of a return ticket to apply for a Visit Visa to Indonesian territory.
- c. Proof of financial means, Immigration Officers are entitled to obtain information about the amount of money the Foreigner possesses to identify the activities of foreigners in Indonesia. This information is then added to their residence permit. For instance, if a foreigner arrives for vacation but only has a small amount of money, it may lead to misusing their residence permit.
- d. Accommodation/residence, identifying a person's activities in Indonesia includes their residence. By showing their residence or hotel reservation, immigration officers can determine how long the Foreigner will stay (in the hotel area) and engage in activities in Indonesia.
- e. Profiling/behavior of foreigners, the behavior and demeanor of Foreigners need to be observed, including body language and responses to questions posed by Immigration Officers. Suspicious body language serves as a basis for officers to detect whether the information provided is accurate.
- f. Clothing, Clothing worn by individuals is one aspect considered by Immigration Officers, although it cannot be assessed subjectively and must be supported by other evidence, as mentioned above (Palmer & Piper, 2023).

Foreign VVIP and VIP state guests are usually not involved in immigration violations. They arrive via private, charter, or cargo flights at international airports, incurring significant expenses. This suggests that Immigration Officers are not overly concerned about these guests regarding material matters. State guests are foreign officials who visit explicitly to discuss national progress. However, particular attention is paid to using travel documents and residence permits. According to Law Number 6 of 2011 concerning Immigration, Article 8, every person entering or leaving Indonesian territory must have a valid and current travel document and a valid and current visa, unless otherwise specified by the law and international agreements.

Immigration violations are not frequently encountered at the Port of Entry. One type of immigration violation is the absence of a visa in the travel document, despite the country being a subject of a calling visa, such as Guinea-Bissau. The intensive nature of international flights, with various urgencies and state affairs backgrounds, is the primary factor contributing to such immigration violations. (Deputra & Tarigan, 2021).

Guinea-Bissau is a calling visa country, which means that individuals visiting Indonesian territory from there must include a specific visa in their travel documents. In this regard, there are no exceptions for citizens listed on the calling visa country list, including its officials. Referring to Law Number 6 of 2011 concerning Immigration, Article 13, Immigration Officers should ideally reject such foreigners because they lack a visa. However, considering various urgent factors and state affairs, citizens from calling visa countries may enter Indonesian territory (Deputra & Tarigan, 2021).

After a series of immigration checks at TPI, citizens calling visas can enter Indonesian territory legally and in accordance with regulations. Foreigners must be subject to the rules of law that apply in Indonesia. Its existence is still considered considering that all activities carried out must be in accordance with the purpose and purpose of coming to Indonesia. Foreigners who are in Indonesian territory are the responsibility of the state, therefore Indonesia is obliged to ensure interests and security by means of immigration supervision. The supervision carried out upholds Human Rights because in the legal concept of citizenship, foreigners everywhere have legal ties with their country. Thus, the implementation of the selective policy does not stop at the time of entry permit checks but as long as the foreigner is in Indonesia and all activities carried out remain under immigration supervision.

2. Law enforcement is taking action against the abuse of limited stay permits in immigration

Many foreigners are in Indonesian territory due to the easy access to enter and exit the country. The presence of foreigners in Indonesia undoubtedly has both positive and negative impacts. The positive impact includes increased recognition of Indonesia internationally, while the negative impact is that some foreigners may not comply with Indonesian regulations. In other words, these foreigners may commit violations or abuses while in Indonesian territory. In response to such abuses, immigration authorities take action to address the situation. These actions also safeguard the Indonesian territory's sovereignty from any threat (Kresna Wardana et al., 2021).

Dedy Chairil Zain, an Immigration Analyst Junior Expert, explains that foreigners coming to Indonesia must have a visa to prove they can enter the country. This visa serves as the basis for foreigners to be granted residence permits. Residence permits are divided into three types: Visit Stay Permit (ITK), Limited Stay Permit (ITAS), and Permanent Stay Permit (ITAP) (Zain, 2020).

The Visit Stay Permit (VSP) is a permit that allows foreigners to stay for a short period in Indonesian territory for visitation. The Limited Stay Permit (LTP) is a permit that allows foreigners to reside and stay in Indonesian territory for a specific time. The Permanent Stay Permit (PSP) is a permit that allows specific foreigners to settle in Indonesian territory and become Indonesian residents (Indonesia, 2011).

Many foreigners coming to Indonesia commits various violations, both administrative and criminal immigration offenses, such as the misuse of residence permits. Foreigners in each area of Class I Immigration Offices are provided with facilities such as Visa on Arrival (VOA) and visit visas (ITK, ITAS, ITAP). It is explained in these visit visas that they are intended for purposes such as tourism, business, education, employment, or family visits. However, there are numerous cases of foreigners abusing these residence permits for purposes other than those specified in the permits granted by immigration authorities (Palmer & Piper, 2023).

Foreign nationals who visit Indonesia are required to obtain a residence permit. The types of permits available are a Visit Stay Permit (VSP), Limited Stay Permit (LSP), and Permanent Stay Permit (PSP), depending on the purpose and duration of their stay. While many people hold and use these permits correctly, some misuse them for personal gain, which can negatively affect Indonesia. The immigration authorities issue these permits for specific reasons, such as government work, cultural activities, tourism, education, business, or visiting relatives. Permit holders must use them appropriately and according to Indonesia's laws and regulations.

There have been cases where foreign nationals have abused their residence permits in Indonesia. For instance, some have been granted permits for tourism but have used them for employment. Similarly, some have used residence permits for employment to settle in Indonesia after marrying an Indonesian citizen. Moreover, some have misused their residence permits to engage in activities that threaten Indonesia's sovereignty, such as drug trafficking, human trafficking, and even terrorism.

The number of cases where foreign nationals abuse their residence permits is increasing, and efforts to address these cases are ongoing. Immigration authorities are taking measures to prevent the situation from escalating and to maintain good relations between countries. These measures ensure that no country feels economically or security-wise disadvantaged by another (Sanusi, 2016).

There are four approaches taken by Immigration authorities to address cases of residence permit abuse:

a. Administrative Actions

Referring to Article 75(1) of Law No. 6 of 2011, in cases of residence permit abuse by foreign nationals, Immigration Officers are authorized to take Administrative Immigration Actions against Foreign Nationals who are in Indonesian territory and engaged in activities deemed dangerous, suspected of endangering public safety and order, or not respecting or obeying laws and regulations. Administrative Immigration Actions are administrative sanctions imposed by immigration authorities outside the judicial process. These actions include:

b. Inclusion in the Prevention or Denial list;

- 1) Restriction, modification, or cancellation of Residence Permits;
- 2) Prohibition from being in specific locations in Indonesian territory;
- 3) Requirement to reside in a specific location in Indonesian territory;
- 4) Imposition of financial burdens and
- 5) Deportation from Indonesian territory.

Deportation involves the forced removal of a foreign national from Indonesian territory. Thus, as mentioned above, six alternative administrative actions can be taken by Immigration authorities against foreign nationals who do not comply with regulations governing the presence of foreign nationals in Indonesian territory (Indonesia, 2011).

c. Criminal Actions

This involves three processes: investigation, prosecution, and adjudication. These processes are part of the criminal justice system conducted by immigration authorities. As stated in Article 1(8) of Law No. 6 of 2011 concerning immigration, which states: "Investigator Civil Servants, starting now referred to as Immigration Investigator Civil Servants, are immigration officials authorized by law to conduct investigations into immigration crimes." Furthermore, in Article 122 of Law No. 6 of 2011 concerning immigration, it is stated that Foreign Nationals who abuse tourist visas may be imprisoned for up to 5 (five) years and fined up to Rp—500,000,000.00 (five hundred million Indonesian Rupiah) (Indonesia, 2011).

d. Detention Actions

This action involves the detention carried out by immigration authorities against Foreign Nationals who commit violations or abuses. Based on Article 1, paragraph 33, detention is conducted at Immigration Detention Centre's, temporary shelters for Foreign Nationals undergoing deportation or repatriation to their country, and other immigration actions (Indonesia, 2011).

e. Judicial Actions

This action refers to the judicial proceedings of immigration authorities against Foreign Nationals who have committed violations or abuses while in Indonesian territory (Indonesia, 2011).

Dedy Chairil Zain, who works as an Immigration Analyst Junior Expert, has pointed out that Indonesia has been facing numerous cases related to the Class I Immigration Offices. These cases have had negative impacts on the country. To handle such cases, Foreign Nationals are detained in detention houses if they violate or abuse the residency permits granted to them while staying in Indonesia. In some cases, Foreign Nationals must also pay financial penalties corresponding to their violation cases, which amounts to 12 instances. Additionally, there are Administrative Immigration Actions (AIA) imposed on some Foreign Nationals, as a result of which they are deported (Amalia & Sugito, 2023).

Deportation is a measure used to remove Foreign Nationals from Indonesian territory when they violate the law or engage in activities that could endanger the country. There are also 9 Foreign Nationals who are prohibited from being in specific areas according to immigration regulations. In addition, legal action, known as "projustia," has been taken against a Foreign National, which involves legal proceedings following applicable regulations (Zain, 2020).

To prevent the recurrence of residency permit abuse, Mr. Dedy Chairil Zain has mentioned some steps being taken. These steps include socialization efforts aimed at sponsors or guarantors, such as travel agencies, companies, family members, and spouses. Immigration officers also conduct direct socialization efforts with foreign nationals to ensure their understanding of and compliance with Indonesian regulations. Moreover, immigration authorities scrutinize visa applications to determine the purpose of each Foreign National's

arrival. Furthermore, immigration authorities cooperate with other countries' security forces to enhance immigration law enforcement. Intelligence operations are also conducted to bolster national security. All these efforts aim to prevent and thwart abuses by Foreign Nationals. Another measure undertaken by immigration authorities is the surveillance of foreign nationals to uphold national sovereignty, considering the considerable number of abuse of residency permits involving foreign nationals (Zain, 2020).

Visitor permits are often misused for activities that are not permitted by law, such as drug smuggling, human trafficking, and terrorist activities. Surveillance is carried out to prevent such activities and ensure the country's safety and security. The monitoring system is continuously enhanced, and regulations must be improved to prevent the misuse of visitor permits. This will positively impact the country's welfare and security (Syahrin, 2018).

Immigration authorities have become more systematic in their surveillance of foreigners. This has been made possible due to the global movement of people, which has significantly helped the immigration authorities with their monitoring efforts. Technology, such as the Foreigner Reporting Application, is now being used to monitor the presence of foreigners. This application provides real-time information to the immigration authorities about the presence of foreigners in Indonesia (Faradilla & others, 2024).

According to Article 1(2) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 50 of 2016, the Pora Team is a team of government agencies and institutions responsible for monitoring the presence and activities of foreigners. The main objective of this team is to achieve coordinated and comprehensive immigration supervision over the presence and activities of foreigners in Indonesian territory.

Apart from establishing the Pora Team, there is also an effort to strengthen internal office services. This involves holding In-Office Meetings (IOM) in collaboration with other service offices to improve the staff's service provision. These meetings also invite other agencies for study visits to improve service quality without compromising accuracy and authority. These activities are conducted two to three times a year. Along with the RDKs, immigration officers also participate in regular spiritual studies, which aim to strengthen their spiritual well-being and foster closer relationships among them.

Supervision of Foreign Citizens is also divided into four processes, namely when applying for a visa or residence permit, entering or leaving Indonesian territory, while in Indonesian territory, and carrying out activities in Indonesian territory. With increased supervision, of course, it will reduce or even prevent the misuse of residence permits carried out by foreign citizens. That way, the territory of the State of Indonesia will maintain its security and sovereignty (Hamidi & Christian, 2021). In addition, Harjuno Herlambang, as the First Expert Immigration Young Analyst said that other efforts were also aimed at internal parties or the immigration party, it aims to make the immigration authorities more decisive and ready to guard the country's gates in accordance with their duties or authority. Where these efforts are immigration synergy or cooperation with other agencies such as the police, Bakesbangpol (National and Political Unity Agency), sub-district governments, and others by forming a Pora Team (Foreigner Supervision Team).

Specifically, based on article 1 paragraph (2) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 50 of 2016, the Pora Team is a team

consisting of agencies and/or government agencies that have duties and functions related to the existence and activities of foreigners. This establishment was carried out to realize coordinated and comprehensive immigration supervision of the existence and activities of foreigners in Indonesian territory. In addition to the formation of the Pora Team, another effort is to strengthen the internal services of the office. Where this effort is the holding of an In-Office Meeting (RDK) in collaboration with other service offices. The activity was carried out with the aim of strengthening officers in terms of providing services. In addition, the RDK In-Office Meeting was also carried out by inviting other agencies as a study, in other words, visiting other agencies as a comparative study effort to improve the quality of service quickly and responsively without having to eliminate accuracy and authority. These activities are carried out within a period of two to three times a year. In addition to the RDK, routine spiritual study activities were also held for immigration officers. Where the activity aims to strengthen officers in terms of spirituality and to strengthen relationships between individual immigration officers.

CONCLUSION AND SUGGESTION

The relationship between the provided Selective Policy and the Applicable Law, particularly Law Number 6 of 2011 concerning Immigration and Minister of Law and Human Rights Regulation Number 33 of 2021, demonstrates Indonesia's meticulous and layered approach to regulating entry permits for foreigners from calling visa countries. The implementation of selective policy is crucial for ensuring national security and protecting community interests, involving a comprehensive assessment process for visa applications from these countries. Moreover, immigration checks and supervision uphold human rights and ensure compliance with Indonesian laws during foreigners' stay. This conclusion underscores the importance of immigration officers' vigilance in maintaining the integrity of the immigration process and emphasizes the necessity of adhering to immigration regulations for citizens from calling visa countries.

Additionally, the abuse of limited stay permits by foreigners in Indonesia has posed significant challenges to the country's immigration authorities. Unauthorized activities such as employment, drug trafficking, and terrorism threaten Indonesia's sovereignty and security. To combat these issues, immigration authorities have implemented administrative, criminal, detention, and judicial actions to prevent and address permit abuse, emphasizing the importance of upholding national sovereignty and maintaining good relations with other countries. Efforts such as socialization, surveillance, and the establishment of the Pora Team have been undertaken to strengthen immigration supervision and internal office services.

These measures are crucial in safeguarding the country's security and sovereignty and must be continually improved to prevent future misuse of permits. Future research could explore the long-term impacts of selective immigration policies on Indonesia's international relations and the effectiveness of various enforcement strategies. By addressing these challenges and continuously refining immigration policies, Indonesia can better protect its national interests and uphold its legal and security standards.

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