

**LAW OF THE REPUBLIC**

**OF INDONESIA**

**NUMBER 6 OF 2011**

**CONCERNING**

**IMMIGRATION**

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IMMIGRATION

WITH THE BLESSING OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering : a. Whereas Immigration constitutes part of the realization of the implementation to the sovereignty enforcement over the Indonesian Territory in the interest of keeping orderliness for nation and state life towards a just and prosperous society under Pancasila and the 1945 Constitution of the Republic of Indonesia;

b. Whereas today's global development drives greater mobility of people in the world causing a variety of impact, either advantage or disadvantage to the nation and state

interest and life of the Republic of Indonesia, so that laws and regulation ensuring legal certainty in line with the respect, protection and promotion of the human rights are required;

c. Whereas Law Number 9 of 1992 concerning Immigration has no longer enough to comply with various need developments for arrangement, services, and control in immigration affairs, so it is necessary to be revoked and replaced into new more comprehensive Law and able to address with existing challenges;

d. Whereas based on the consideration as contemplated in letter a, letter b, and letter c, it is necessary to stipulate Law concerning Immigration.

In viewing : Article 5 paragraph (1), Article 20, of Article 26 paragraph (2), and Article 28E paragraph (1) of the 1945 Constitutions of the State of the Republic of Indonesia.

With the Joint Consent of  
THE HOUSE OF THE REPRESENTATIVES OF THE  
REPUBLIC OF INDONESIA  
And  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

Enacting : LAWS CONCERNING IMMIGRATION

CHAPTER I

GENERAL PROVISION

Article 1

In this Law, the following definitions are used:

1. Immigration shall mean the traffic subjects of people that enter or exit the Indonesian Territory and the control in order to safeguard the enforcement of state sovereignty.
2. State Territory of the Republic of Indonesia hereinafter referred to as Indonesian Territory shall mean the whole Indonesian Territory and specific zones defined under the law.
3. Immigration function shall mean part of national government affairs in providing immigration services, law enforcement, national security, and facilitation for public welfare development.

4. Minister shall mean the minister who is in charge of carrying out the government affairs in law justice and human rights.
5. Director General shall mean the Director General of Immigration.
6. Directorate General of Immigration shall mean an apparatus element for Justice and Human Rights' task and function in Immigration.
7. Immigration Officers shall mean the staffs that have passed through special education of Immigration, and have technical expertise of Immigration and have any authority to implement the task and responsibility under this Law.
8. Penyidik Pegawai Negeri Sipil Keimigrasian (*Civil Servant Investigator of Immigration*) that hereinafter referred to PPNS Keimigrasian shall mean an Immigration Officer who is authorized by Law in order to conduct the criminal investigation of Immigration.
9. Foreigners shall mean people with non-Indonesian citizen.
10. Management Information System of Immigration shall mean any information and communication technology system used for collecting, processing and presenting information in order to support operational, management, and decision making

performance in carrying out the Immigration Function.

11. Immigration Office shall mean a technical implementing unit undertaking the Immigration Function in district, municipality, or sub-district regions.
12. Checkpoint place of Immigration shall mean a checkpoint place at seaport, airport, border crossing post, or other places as entrance and exit the Indonesian Territory.
13. Travel Document shall mean a legal document issued by the competent authority of a country, the United Nations, or other international organizations to travel across the country containing such document holder identity.
14. Immigration Document shall mean Travel Document of the Republic of Indonesia, and Resident Permit issued by the immigration Officer or Foreign Service officer.
15. Travel Document of the Republic of Indonesia shall mean a Passport of the Republic of Indonesia and Surat Perjalanan Laksana Paspor (*Travel Document in Lieu of a Passport*) of the Republic of Indonesia.
16. Passport of the Republic of Indonesia that hereinafter referred to Passport shall mean any document issued by the Indonesian Government and

provided to an Indonesian citizen to travel between countries that are valid for a certain period.

17. Surat Perjalanan Laksana Paspor (*Travel Document in Lieu of a Passport*) of the Republic of Indonesia that hereinafter referred to Surat Perjalanan Laksana Paspor shall mean any document in lieu of passport provided in a specific state that is valid for a certain period.
18. Visa of the Republic of Indonesia that hereinafter referred to Visa shall mean any information in writing given by the competent authority at Representative of the Republic of Indonesia or other venues set up by the Government of the Republic of Indonesia containing an approval for the Foreigner to travel into the Indonesian Territory and being a basis for granting Stay Permit.
19. Entrance Sign shall mean a particular sign in the form of a stamp affixed on the Travel Document of the Indonesian citizen and the Foreigner, either manual or electronic, provided by the Immigration Officer as proof that the bearer of such entrance sign enters the Indonesian Territory.
20. Exit Sign shall mean a particular sign in the form of a stamp affixed on the Travel Document of the Indonesian citizen and the Foreigner, either manual or electronic, provided by the Immigration Officer

as proof that the bearer of such exit sign exits the Indonesian Territory.

21. Stay Permit shall mean any permit provided to the Foreigner by the Immigration Officer or Foreign Service officer for staying in the Indonesian Territory.
22. Declaration of Integration shall mean a statement of the Foreigner to the Government of the Republic of Indonesia as a requirement to obtain Permanent Stay Permit.
23. Permanent Stay Permit shall mean a permit provided to a particular Foreigner for having domicile and permanent living within the Indonesian Territory as the Indonesian inhabitant.
24. Reentrance Permit shall mean a permit in writing provided by the Immigration Officer to the Foreigner as a holder of Limited Stay Permit and Permanent Stay Permit to reenter into the Indonesian Territory.
25. Corporation shall mean a collection of organized people and/or properties, either as a legal entity or as non-legal entity.
26. Guarantor shall mean people or Corporation that responsible for the presence and activities of the Foreigner during stay in the Indonesian Territory.



27. Transport Tool shall mean ship, aircraft, or other means of transport commonly used either for carrying people or for goods.
28. Prevention shall mean temporary prohibition against people to exit the Indonesian Territory due to Immigration reason or other reason set forth by law.
29. Deterrence shall mean any prohibition against the Foreigner to enter the Indonesian Territory due to Immigration reason.
30. Immigration Intelligence shall mean any activity of Immigration investigation and security in the interest of information presentation process through an analysis in order to determine prediction of Immigration state encountered or that will be encountered.
31. Immigration Administrative Action shall mean any administrative sanction stipulated by the Immigration Officer against the Foreigner outside of the judicial process.
32. People Smuggling shall mean any act aims to seek advantage, either direct or indirect, for him/herself or for other people who carry someone or a group of people, either organized or non-organized, or order other people to carry someone or a group of people either organized or non-organized, which having no valid right to enter or exit the

Indonesian Territory and/or enter into other country's territory in which such people have no right to enter legally into the territory either using valid document or false document, or without using Travel Document, either through immigration check or not.

33. Immigration Detention House shall mean a technical implementing unit that carries out an Immigration Function as temporary shelter for the Foreigners who are imposed the Immigration Administrative Action.
34. Immigration Detention Room shall mean a temporary shelter for the Foreigners who are imposed the Immigration Administrative Action located at the Directorate General of Immigration from the Immigration Office.
35. Detainee shall mean the Foreigner who occupies the Immigration Detention House or Immigration Detention Room in which any detention decree has been obtained from the Immigration Officer.
36. Deportation shall mean forcible action to expel the Foreigner out of the Indonesian Territory.
37. Person in Charge of Transport Tool shall mean an owner, administrator, agent, ship officer, ship captain, pilot captain, or driver of the pertinent transport tool.

38. Passenger shall mean any person who gets on the transport tool, except the crew of transport tool.

39. Representative of the Republic of Indonesia shall mean the Republic of Indonesian Embassy, Consulate General of the Republic of Indonesia and Consulate of the Republic of Indonesia.

#### Article 2

Every Indonesian citizen reserves right to travel out and in the Indonesian Territory.

### CHAPTER II

#### IMPLEMENTATION OF IMMIGRATION FUNCTION

##### Section One

##### General

#### Article 3

(1) In order to implement the Immigration Function, the Government shall define the Immigration policy.

(2) The Minister shall undertake the immigration policy.

(3) Immigration function along the borderline zone of the Indonesian Territory shall be undertaken by the Immigration Officer that includes the Immigration Checkpoint Venue and border crossing post.

#### Article 4

- (1) In order to implement the Immigration Function as contemplated in Article 3, an Immigration Office can be established at district, municipality, or sub-district.
- (2) In every work area of Immigration Office, an Immigration Checkpoint Venue can be established.
- (3) Establishment of Immigration Checkpoint Venue as contemplated in paragraph (2) shall be defined under the Ministerial Decree.
- (4) In addition to Immigration Office as referred to in paragraph (1), an Immigration Detention House can be established in State capital, province, district, or municipality.
- (5) Such Immigration Office and Immigration Detention House constitute the technical implementing unit located under the Directorate General of Immigration.

#### Article 5

Immigration Function in each Representative of the Republic of Indonesia or elsewhere abroad shall be undertaken by the Immigration Officer and/or a designated Foreign Service officer.

## Article 6

The Government can undertake an international collaboration in Immigration with other countries and/or with international agencies or organizations under laws and regulations.

## Section Two

### Management Information System of Immigration

## Article 7

- (1) The Director General shall be responsible for preparing and arranging the Management Information System of Immigration as means of Immigration Function implementation inside or outside of the Indonesian Territory.
- (2) Such Management Information System of Immigration can be accessed by relevant government institutes and/or agencies in accordance with their task and function.

## CHAPTER III

### ENTRANCE AND EXIT THE Indonesian Territory

## Section One

### General

## Article 8

- (1) Every people who enter or exit the Indonesian Territory shall be obliged to have a legal Travel Document and still valid.
- (2) Every Foreigner who enters the Indonesian Territory shall be obliged to have a legal Visa and still valid, unless determined otherwise under this Law and under international treaty.

#### Article 9

- (1) Every people who enter or exit the Indonesian Territory shall be obliged to pass through a check conducted by the Immigration Officer at Immigration Checkpoint Venue.
- (2) Check as contemplated in paragraph (1) includes Travel Document check and/or legal identity.
- (3) In the event that any doubt upon Travel Document validity and/or identity of someone, the Immigration Officer shall be authorized to undertake a search against the body and luggage and can be proceeded by the Immigration investigation process.

#### Section Two

#### Entrance of the Indonesian Territory

#### Article 10

Foreigners who have complied with the requirements can enter the Indonesian Territory after obtaining an Entrance Sign.

#### Article 11

- (1) In emergency the Immigration Officer can provide an emergency Entrance Sign to the Foreigners.
- (2) Entrance Sign as contemplated in paragraph (1) shall apply as Stay Permit of visit in a certain period.

#### Article 12

The Minister is authorized to prohibit the Foreigner present in a certain area within the Indonesian Territory.

#### Article 13

- (1) The Immigration Officer shall reject the Foreigner enters into the Indonesian Territory in case of such foreigner:
  - a. has the name contained on Deterrence list;
  - b. does not have legal and valid Travel Document;
  - c. has false Immigration document;
  - d. does not have a Visa, except released from obligation to have a Visa;

- e. provides incorrect information in obtaining a Visa;
  - f. suffers infectious disease that harms public health;
  - g. engaged in international crime and organized transnational criminal act;
  - h. including in people search list to be captured from any foreign country;
  - i. engaged in violence activity against the Government of the Republic of Indonesia; or
  - j. Including in the network of prostitution practices or activities, human trafficking and people smuggling.
- (2) Foreigners that being rejected to enter as contemplated in paragraph (1) shall be placed in temporary control while waiting for the process of returning the people concerned.

#### Article 14

- (1) Every Indonesian citizen shall not be rejected to enter the Indonesian Territory.
- (2) In the event that any doubt arising out against Travel Document of an Indonesian citizen, such person shall provide other legal and convincing proof indicating that the person concerned is an Indonesian citizen.



(3) In order to complement the proof as contemplated in paragraph (2), such person can be placed in the Immigration Detention House or Immigration Detention Room.

### Section Three

#### Exit the Indonesian Territory

##### Article 15

Every people can exit the Indonesian Territory after complying with the requirements and Exit Sign from the Immigration Officer.

##### Article 16

(1) The Immigration Officer shall reject the people exit the Indonesian Territory in case of such people:

- a. have no legal and valid Travel Document;
- b. required for the interest of examination and investigation upon request of authorized officer; or
- c. his/her name included in Prevention list.

(2) The Immigration Officer shall also be authorized to reject the Foreigner to exit the Indonesian Territory in case that such Foreigner still have any obligation in Indonesia that should be settled according to the provision of laws and regulations.

## Section Four

### Obligation of Person in Charge of Transport Tool

#### Article 17

- (1) Person in Charge of Transport Tool that enters or exits the Indonesian Territory with the transport tool shall be obliged to pass through the Immigration Checkpoint Venue.
- (2) Person in Charge of Transport Tool that carries the passengers that will enter or exit the Indonesian Territory can only disembark or embark the passenger at the Immigration Checkpoint Venue.
- (3) The ship officer shall be obliged to prohibit the Foreigner who complies with no requirements to leave his/her transport tool during the transport tool is in the Indonesian Territory.

#### Article 18

- (1) The Person in Charge of Transport Tool coming from external Territory of Indonesia or will depart out of the Indonesian Territory shall be obligated that:
  - a. Prior to arrival or departure shall give notification of arrival plan or departure plan in writing or electronic to the Immigration Officer;

- b. Submit the passenger list and transport tool crew list signed to the Immigration Officer;
- c. Give a sign or hoist a signal flag for ship coming from external Territory of Indonesia by carrying the passenger;
- d. Ban every people embark or disembark and the transport tool without permit of the Immigration Officer before and during the Immigration check is undertaken.
- e. Ban every people embark or disembark from the transport tool that completion of Immigration while waiting departure has been obtained.
- f. Bring back outside of the Indonesian Territory at the first occasion every Foreigner that is ineligible coming with his/her transport tool.
- g. Ensures that alleged or suspected Foreigner will enter illegal into the Indonesian Territory for not disembark from his/her transport tool; and

(2) Person in Charge of regular Transport Tool shall be obliged to use preliminary processing information system of the passenger data and undertake any collaboration in the interest of notification for passenger data through the Management Information System of Immigration.

## Article 19

- (1) The Person in Charge of Transport Tool shall be obliged to check any Travel Document and/or Visa for each passenger that will travel into the Indonesian Territory.
- (2) Check as contemplated in paragraph (1) shall be conducted prior to passengers embark to their transport tool that will lead the Indonesian Territory.
- (3) The Person in Charge of Transport Tool as contemplated in paragraph (1) shall be obliged to reject for transporting every passenger that does not have any legal and valid Travel Document, Visa, and/or Immigration Document.
- (4) When in Immigration check performed by the Immigration Officer found any passenger as contemplated in paragraph (3), the Person in Charge of Transport Tool can be imposed any sanction in the form of cost for charge and must carry back such passenger outside of the Indonesian Territory.

## Article 20

The Immigration Officer who is in duty authorized embarking to the transport tool that anchors in the port, lands at airport, or is in the border crossing post for the interest of Immigration check.

## Article 21

In case of an alleged violation to the provision as contemplated in Article 17 or Article 18, the Immigration Officer is authorized to order the Person in Charge of Transport Tool in order to stop or carry his/her transport tool into a place for the purposes of Immigration check.

## Section Five

### Immigration Area

## Article 22

- (1) Every Immigration Checkpoint Venue shall be specified a specific area to perform Immigration check that referred to as immigration area.
- (2) Immigration area is a limited area that may only be passed by the passenger or crew of transport tool that will exit or enter into the Indonesian Territory or the competent officer and personnel.
- (3) Head of Immigration Office together with administrator of airport, seaport, and border crossing post shall specify an immigration area as contemplated in paragraph (1).
- (4) Administrator of airport, seaport, and border crossing post can issue a sign to enter such immigration area after obtaining any approval from head of Immigration Office.

Article 23

Further provision concerning requirements and procedures of entrance and exit of the Indonesian Territory shall be set forth by the Government Regulation.

CHAPTER IV

TRAVEL DOCUMENT OF THE REPUBLIC OF INDONESIA

Article 24

- (1) Travel Document of the Republic of Indonesia shall consist of:
  - a. Passport; and
  - b. Surat Perjalanan Laksana Paspor (*Travel Document in Lieu of a Passport*)
- (2) Passport consists of:
  - a. Diplomatic passport;
  - b. Official passport; and
  - c. Ordinary passport.
- (3) Surat Perjalanan Laksana Paspor (*Travel Document in Lieu of a Passport*) consists of:
  - a. Surat Perjalanan Laksana Paspor for Indonesian citizen;
  - b. Surat Perjalanan Laksana Paspor for Foreigner; and

c. Surat Perjalanan Lintas Batas (*Border Crossing Travel Document*) or border crossing pass;

- (4) Travel Document of the Republic of Indonesia as contemplated in paragraph (1) constitutes State document.

#### Article 25

- (1) Diplomatic passport is issued for the Indonesian citizen that will travel outside of the Indonesian Territory in the interest of placement or travel in diplomatic duties.
- (2) Official passport is issued for the Indonesian citizen that will travel outside of the Indonesian Territory in the interest of placement for non-diplomatic official travel.
- (3) Diplomatic and official passports as contemplated in paragraph (1) and paragraph (2) shall be issued by Foreign Affairs Minister.

#### Article 26

- (1) Ordinary passport shall be issued for Indonesian citizen.
- (2) Ordinary passport as referred to in paragraph (1) shall be issued by the Minister of a designated Immigration Officer.

#### Article 27

- (1) Surat Perjalanan Laksana Paspor for the Indonesian citizen shall be issued for the Indonesian citizen in a specific circumstance in case of ordinary Passport can not be given.
- (2) Surat Perjalanan Laksana Paspor for Foreign People shall be issued for Foreign People who have no legal Travel Document and his/her country has no representative in Indonesia.
- (3) Surat Perjalanan Laksana Paspor as contemplated in paragraph (2) shall be given in case of:
  - a. Upon own intention to exit the Indonesian Territory as long as not subject to prevention;
  - b. Subject to deportation; or
  - c. Repatriation.
- (4) Surat Perjalanan Laksana Paspor shall be issued by the Minister or a designated Immigration Officer.

#### Article 28

Surat Perjalanan Laksana Paspor can be issued for individual or collective people.

#### Article 29

- (1) Surat perjalanan lintas batas (*Border Crossing Travel Document*) or border crossing pass can be issued for Indonesian citizen who domiciles in the



border territory of the Republic of Indonesia with other country in accordance with border crossing treaty.

- (2) Surat perjalanan lintas batas (*Border Crossing Travel Document*) or border crossing pass shall be issued by the Minister of a designated Immigration Officer.

#### Article 30

Every citizen shall only be allowed to hold 1 (one) similar Travel Document of Republic of Indonesia on behalf of his/her name that is still valid.

#### Article 31

- (1) Minister or a designated Immigration Officer shall be authorized to withdraw or revoke an Ordinary Passport, Surat Perjalanan Laksana Paspor, and Surat Perjalanan Lintas Batas or Border Crossing Pass issued.
- (2) Minister of Foreign Affairs or a designated officer shall be authorized to withdraw or revoke the Diplomatic Passport and Official Passport.
- (3) Such ordinary passport withdrawal shall be undertaken in case of:
  - a. The bearer perpetrates criminal act or violates laws and regulations in Indonesia; or

b. The bearer includes in the list of Prevention.

#### Article 32

(1) Minister or a designated Immigration Officer shall be responsible for planning, procurement, storage, distribution, and security of any blank and form:

- a. Ordinary passport;
- b. Surat Perjalanan Laksana Paspor; and
- c. Surat Perjalanan Lintas Batas or Border Crossing Pass.

(2) Minister or a designated Immigration Officer shall define the security technical specification with any standard of shape, size, design, feature of security, and the blank volume shall be in accordance with an international standard and the form of:

- a. Ordinary passport;
- b. Surat Perjalanan Laksana Paspor; and
- c. Surat Perjalanan Lintas Batas or Border Crossing Pass.

(3) Immigration Officer or a designated officer shall be authorized to make filling out and recording, either manual or electronic, into the blank and form of:

- a. Ordinary passport;
- b. Surat Perjalanan Laksana Paspor; and

- c. Surat Perjalanan Lintas Batas or Border Crossing Pass.

#### Article 33

Further provisions concerning procedures and requirements of provision, withdrawal, cancellation, revocation, replacement, and procurement of the blank and standardized Travel Document of Republic of Indonesia shall be set forth by the Government Regulation.

### CHAPTER V

#### VISA, ENTRANCE SIGN, AND STAY PERMIT

##### Section One

##### Visa

#### Article 34

Visa consists of:

- a. Diplomatic visa;
- b. Official visa;
- c. Visit Visa; and
- d. Limited stay visa.

#### Article 35

Diplomatic visa is granted to Foreigner as holder of diplomatic Passport and other passport in order to

enter the Indonesian Territory in implementing the diplomatic tasks.

#### Article 36

Official visa is granted to the Foreigner as holder of official Passport and other passport that will travel into the Indonesian Territory in order to perform non-diplomatic official tasks from the foreign government concerned or international organization.

#### Article 37

Provision of diplomatic and official Visa is an authority of the Minister of Foreign Affairs and in the operational is issued by foreign service officer in the Representative of the Republic of Indonesia.

#### Article 38

Visit Visa is granted to the Foreigner that will travel into the Indonesian Territory in order to the visitation of government tasks, education, social-culture, tourism, business, family affairs, journalistic, or transit to proceed any travel to other country.

#### Article 39

Limited stay visa is granted to the following Foreigner:

- a. as clergymen, experts, workers, researchers, students, investors, elderly and his/her families, as well Foreigners who marry legally with an Indonesian citizen, which will travel into the Indonesian Territory to reside in a limited period; or
- b. in order to join for working on the boat, floating tool, or facilities that operate in the archipelago waters Territory, territorial sea, continental shelf, and/or Exclusive Economic Zone of Indonesia.

#### Article 40

- (1) Provision of visit Visa and limited stay Visa is an authority of the Minister.
- (2) Visa as contemplated in paragraph (1) shall be given and signed by the Immigration Officer in the Representative of the Republic of Indonesia in foreign country.
- (3) In the event that the Representative of the Republic of Indonesia has no the Immigration Officer as contemplated in paragraph (2), provision of visit Visa and limited stay Visa shall be undertaken by foreign service officer.

(4) Foreign Service officer as referred to in paragraph (3) shall be authorized to provide the Visa upon obtaining the Ministerial Decree.

#### Article 41

- (1) Visit visa can also be given to Foreigner at arrival time in the Immigration Checkpoint Venue.
- (2) Foreigner that can be given visit Visa at arrival time is the citizen from a specific country stipulated under the Ministerial Regulation.
- (3) Provision of visit Visa at arrival time in the Immigration Checkpoint Venue as contemplated in paragraph (1) shall be undertaken by the Immigration Officer.

#### Article 42

Application for Visa is rejected in case of:

- a. applicant's name contained in deterrence list;
- b. applicant has no legal and valid Travel Document;
- c. applicant has not enough living cost for him/herself and/or his/her families while staying in Indonesia;
- d. applicant does not have a return ticket or continuation ticket to proceed his/her travel into other country;
- e. applicant does not have Reentrance Permit to origin country or does not have visa to other country;

- f. applicant suffers contagious disease, mental disorder, or other things that may endanger the health or public orderliness.
- g. applicant is engaged in organized transnational criminal act or endanger the National territorial integrity of the Republic of Indonesia; and/or
- h. applicant is involved in the network of prostitution practices or activities, human trafficking, and human smuggling.

#### Article 43

- (1) In a specific circumstance, the Foreigner can be released from an obligation to have Visa.
- (2) Foreigner that is released from an obligation to have Visa as contemplated in paragraph (1) includes:
  - a. Citizen from a specific country stipulated under the President Regulation regarding reciprocal and benefit principles;
  - b. Foreign citizen as holder of Stay Permit that owns still valid Reentrance Permit;
  - c. Ship officer, pilot captain, or crew on duty at transport tool;
  - d. Ship officer, ship crew, or foreign expert on board or floating tool coming direct with their transport tool to operate at Archipelago

waters, territorial sea, continental shelf,  
and/or Exclusive Economic Zone of Indonesia.

## Section Two

### Entrance Sign

#### Article 44

- (1) Foreigner can enter the Indonesian Territory after obtaining an Entrance Sign
- (2) Entrance sign is granted by the Immigration Officer at the Immigration Checkpoint Venue to the Foreigner who is eligible to enter the Indonesian Territory.

#### Article 45

- (1) Entrance Sign for Foreigner who bears diplomatic Visa or official Visa that short travel in Indonesia shall also apply as diplomatic Stay Permit or official Stay Permit.
- (2) Entrance Sign for Foreigner released from an obligation to have Visa or holder of visit Visa shall also apply as visit Stay Permit.

#### Article 45

- (1) Foreigner who bears any diplomatic or official Visa for the purpose to domicile in the Indonesian Territory after obtaining an Entrance Sign shall be



obliged to propose an application to the Minister of Foreign Affairs or a designated officer in order to obtain such diplomatic or official Stay Permit.

(2) Foreigner who bears a limited stay Visa after obtaining an Entrance Sign shall be obliged to propose an application to the Head of Immigration Office in order to obtain a limited Stay Permit.

(3) In the event that Foreigner as contemplated in paragraph (1) and paragraph (2) undertakes no intended obligation, Foreigner concerned shall be deemed to stay illegal in the Indonesian Territory.

#### Article 47

Further provision concerning requirements and procedures of application, type of activities, and period of Visa, and procedures of providing an Entrance Sign shall be set forth by the Government Regulation.

#### Section Three

##### Stay Permit

#### Article 48

(1) Every Foreigner who is in the Indonesian Territory shall be obliged to have a Stay Permit.

(2) Such Stay Permit shall be given to Foreigner in accordance with his/her owned Visa.

- (3) Stay Permit as contemplated in paragraph (1) consists of:
- a. Official Stay Permit;
  - b. Visit Stay Permit;
  - c. Limited Stay Permit; and
  - d. Permanent Stay Permit.
- (4) The Minister shall be authorized to prohibit the Foreigner who has been given a Stay Permit is present in a certain area within the Indonesian Territory.
- (5) To Foreigner who is undergoing any detention for the purpose of investigation, prosecution, and examination process in a trial of court or undergo imprisonment or jail sentence at penitentiary, while his/her Stay Permit has lapsed, such Foreigner is not imposed an obligation as contemplated in paragraph (1).

#### Article 49

- (1) Diplomatic Stay Permit shall be given to Foreigner who enters the Indonesian Territory with a diplomatic Visa.
- (2) Official Stay Permit shall be given to Foreigner who the Indonesian Territory with an official Visa.

(3) Minister of Foreign Affairs shall provide the diplomatic and official Stay Permit as well as its renewal.

#### Article 50

(1) Visit Stay Permit shall be given to:

- a. Foreigner who enters the Indonesian Territory with a visit Visa; or
- b. Newly born child in the Indonesian Territory and when born his/her father and/or his/her mother hold a visit Stay Permit.

(2) Visit Stay Permit as contemplated in paragraph (1) letter b shall be given in accordance with a visit Stay Permit of his/her father and/or his/her mother.

#### Article 51

Visit Stay Permit shall end because a holder of visit Stay Permit:

- a. Return to his/her origin country;
- b. His/her permit valid period has expired;
- c. His/her permit status changes into a limited Stay Permit;
- d. His/her permit is annulled by the Minister of a designated Immigration Officer;
- e. Subject to Deportation; or
- f. Death.

## Article 52

Limited Stay Permit shall be given to:

- a. Foreigner that enters the Indonesian Territory with a limited stay Visa;
- b. Child at birth in the Indonesian Territory his/her father and his/her mother hold a limited Stay Permit.
- c. Foreigner is provided a status change from a visit Stay Permit;
- d. Captain, ship crew, or foreign expert on board ship, floating tool, or facilities that operate in the territory of waters and jurisdiction territory of Indonesia in accordance with laws and regulations.
- e. Foreigner who is legally married to an Indonesian citizen.
- f. A child from Foreigner who is legally married to an Indonesian citizen.

## Article 53

Limited Stay Permit shall terminate because of a holder of limited Stay Permit:

- a. Returns to his/her origin country and has no longer intent to enters the Indonesian Territory;
- b. Return to his/her origin country and no longer returns exceeding the valid period of Reentrance Permit owned;

- c. Owns a citizenship of the Republic of Indonesia;
- d. His/her permit valid period has expired.
- e. His/her permit status changes into a Permanent Stay Permit;
- f. His/her permit is cancelled by the Minister of a designated Immigration Officer;
- g. Subject to Deportation; or
- h. Death.

#### Article 54

- (1) Permanent Stay Permit may be given to:
  - a. Foreigner who holds a limited Stay Permit as clergymen, workers, investors, and elderly;
  - b. A family due to mixed marriage;
  - c. Husband, wife, and/or children from Foreigner who holds a Permanent Stay Permit; and
  - d. Indonesian citizen former Foreigner and former subject of a child with dual citizenship of the Republic of Indonesia.
- (2) Permanent Stay Permit as contemplated in paragraph (1) shall not be given to Foreigner who owns no nationality passport;
- (3) Foreigner who holds a Permanent Stay Permit is an Indonesian inhabitant.

#### Article 55

Provision, renewal, and cancellation of visit Stay Permit, limited Stay Permit, and Permanent Stay Permit shall be undertaken by the Minister or a designated Immigration Officer.

#### Article 56

- (1) Stay Permit that has been given to Foreigner can be changed in status.
- (2) Stay Permit that may be changed in status is a visit Stay Permit into a limited Stay Permit and a limited Stay Permit into a Permanent Stay Permit.
- (3) Status change of Stay Permit as contemplated in paragraph (2) shall be stipulated by the Ministerial Decree.

#### Article 57

- (1) Visit Stay Permit and Limited Stay Permit can also be changed in status into an official Stay Permit.
- (2) Status change as contemplated in paragraph (1) can only be executed under the Ministerial Decree upon being approved by the Minister of Foreign Affairs.

#### Article 58

In case of the Immigration Officer is in doubt of a Stay Permit status for Foreigner and citizenship of a

person, the Immigration Officer shall be authorized to assess and examine the status of Stay Permit and his/her citizenship.

#### Article 59

- (1) Permanent Stay Permit shall be provided for the period of 5 (five) years and can be renewed for indefinite period to the extent that his/her permit is not cancelled.
- (2) Holder of Permanent Stay Permit for indefinite period as contemplated in paragraph (1) must report to the Immigration Office every 5 (five) years and free of charge.

#### Article 60

- (1) Permanent Stay Permit for an applicant as contemplated in Article 54 paragraph (1) letter a, shall be given after such applicant resides permanent for 3 (three) years consecutively and shall sign an Integration Statement to the Government of the Republic of Indonesia.
- (2) In order to obtain a Permanent Stay Permit for an applicant as referred to in Article 54 paragraph (1) letter b, shall be given after his/her marriage age reaches 2 (two) years and shall sign an

Integration Statement to the Government of the Republic of Indonesia.

- (3) Permanent Stay Permit for an applicant as referred to in Article 54 paragraph (1) letter c and letter d, can be directly given.

#### Article 61

Holder of a limited Stay Permanent as contemplated in Article 52 letter e and letter f from a holder of Permanent Stay Permit as referred to in Article 54 paragraph (1) letter b and letter d, can engage the work and/or the business to satisfy his/her living need and/or his/her family.

#### Article 62

- (1) Permanent Stay Permit may terminate due to holder of Permanent Stay Permit:
- a. Leave the Indonesian Territory more than 1 (one) year or has no longer intent to reenter the Indonesian Territory.
  - b. Does not apply a renewal of Permanent Stay Permit after 5 (five) years;
  - c. Obtains the citizenship of the Republic of Indonesia;
  - d. His/her permit is cancelled by the Minister or a designated Immigration Officer;



- e. Subject to Deportation action; or
- f. Death.

(2) Permanent Stay Permit shall be cancelled due to a holder of Permanent Stay Permit:

- a. Found to perpetrate criminal act against the State as set forth in laws and regulations;
- b. Undertakes activities that endanger the State security;
- c. Violates an Integration Statement;
- d. Employs foreign worker without work permit;
- e. Provides incorrect information in filing an application of Permanent Stay Permit;
- f. Such foreigner is subject to Immigration Administrative Action; or
- g. Marital breakup of the Foreigner who is legally married to an Indonesian citizen due to divorce and/or upon court verdict, unless such marriage has been ten (10) years old or more.

#### Article 63

(1) Certain Foreigner who is present in the Indonesian Territory shall be obliged to have a Guarantor that warrants his/her presence.

(2) The Guarantor shall be obliged on the presence and activities of Foreigner who is warranted while

staying in the Indonesian Territory and shall be obliged to report every change in civil status, Immigration status, and change in address.

(3) The Guarantor shall be obliged to pay any cost arising out to return or expel the warranted Foreigner from the Indonesian Territory in case of the following:

- a. The valid period of such Foreigner Stay Permit has expired;
- b. Subject to Immigration Administrative Action in the form of Deportation.

(4) Provision concerning warranty is not valid to Foreigner who is legally married with an Indonesian citizen.

(5) Provision as contemplated in Article 62 paragraph (2) letter g, is not valid in the event that marriage relationship holder of such Permanent Stay Permit with an Indonesian citizen in order to obtain the guarantee that warrants his/her presence as contemplated in paragraph (1) has broken.

#### Article 64

(1) Reentrance Permit shall be given to Foreigner who holds a limited Stay Permit or permanent Stay Permit.

- (2) Holder of a limited Stay Permit shall be given any Reentrance Permit in which its valid period equals to the valid period of a Limited Stay Permit.
- (3) Holder of a permanent Stay Permit shall be given any Reentrance Permit that applies for 2 (two) years to the extent not exceeding the valid period of such permanent Stay Permit.
- (4) Reentrance Permit shall apply for several times of travel.

#### Article 65

Further provision concerning procedures and requirements of application, period, provision, renewal, or cancellation of Stay Permit, and status change of Stay Permit shall be set forth by the Government Regulation.

#### CHAPTER VI

#### IMMIGRATION CONTROL

#### Section One

#### General

#### Article 66

- (1) The Minister shall perform the Immigration control.
- (2) Such Immigration Control includes:
  - a. Control on an Indonesian citizen that applies any travel document, exit or enter the

Indonesian Territory, and which is present outside of the Indonesian Territory; and

b. Control on Foreigner's traffic who enters or exits the Indonesian Territory and control on the presence and activities of such Foreigner within the Indonesian Territory.

#### Article 67

(1) Immigration Control on an Indonesian citizen shall be implemented at the time of applying any travel document, exit or enter, or present outside the Indonesian Territory shall be undertaken by:

- a. Collection, processing, and presentation of data and information;
- b. Compilation of name list of the Indonesian citizen that is subjected to Prevention to exit the Indonesian Territory;
- c. Monitoring of every Indonesian citizen who applies any Travel Document, exit or enter the Indonesian Territory, and present outside the Indonesian Territory; and
- d. Photo and finger printing taking.

(2) Results of Immigration control as contemplated in paragraph (1) shall constitute Immigration date

that may be determined as confidential data in nature.

#### Article 68

- (1) Immigration Control of Foreigner shall be performed at the time of Visa application, enter or exit, and provision of Stay Permit shall undertaken by:
  - a. Collection, processing, and presentation of data and information;
  - b. Compilation of name list of the Indonesian citizen that is subjected to Deterrence or Prevention;
  - c. Control of the presence and activities of Foreigner within the Indonesian Territory;
  - d. Photo and finger printing taking; and
  - e. Other activities that may legally accountable.
  
- (2) Results of Immigration control as contemplated in paragraph (1) shall constitute the Immigration data that may be defined as confidential data in nature.

#### Article 69

In order to undertake the Immigration control against activities of Foreigner within the Indonesian Territory, the Minister shall establish the Foreigner supervision team where its composition of member

consists of relevant agencies or institutes, either at central or regional level. Minister or a designated Immigration Officer shall act as the supervision team leader of Foreigner.

#### Article 70

(1) Immigration Officer or a designated officer in the interest of Immigration supervision as contemplated in Article 67 and Article 68 shall be obliged to undertake:

- a. Collection of Immigration service data, either from Indonesian citizen or from foreign citizen;
- b. Collection of traffic data, either from Indonesian citizen or from foreign citizen that enters or exits the Indonesian Territory;
- c. Collection of foreign citizen data where detention decree has been obtained, either at Immigration Detention Room at Immigration Office or at Immigration Detention House; and
- d. Collection of foreign citizen data that is under the process of Immigration action.

(2) Data collection as contemplated in paragraph (1) shall be undertaken by entering data into the

Management Information System of Immigration built and developed by the Directorate General.

#### Article 71

Every Foreigner who is present in the Indonesian Territory shall be obliged to:

- a. Provides all information required concerning personal identity and/or his/her families identity and report every change of civil status, citizenship, occupation, Guarantor, or change of address to local Office of Immigration; or
- b. Show and submit any Travel Document or Stay Permit owned when required by the Immigration Officer on duty in the interest of Immigration control.

#### Article 72

- (1) Immigration Officer who is on duty may ask any information from every one who provides occasion to stay for Foreigner concerning Foreigner data concerned.
- (2) Owner or management of Inn shall obliged to provide data concerning the Foreigner who stays in his/her Inn when required by the Immigration Officer on duty.

## Article 73

Provision concerning control to Foreigner as contemplated in Article 68 paragraph (1) letter b, letter c, letter d, and letter e, shall not be applied to Foreigner who is present in the Indonesian Territory in the interest of diplomatic tasks.

## Section Two

### Immigration Intelligence

## Article 74

- (1) Immigration Officer shall undertaken the function of Immigration Intelligence.
- (2) In the interest of implementing the function of Immigration Intelligence, such Immigration Officer shall undertake the Immigration investigation and Immigration security and shall be authorized to:
  - a. Obtain information from people or government institute;
  - b. Visit a place or building assumed to find out any information about the presence and activities of such Foreigner;
  - c. Undertake Immigration Intelligence operation;  
or
  - d. Undertaken any security of Immigration data and information and the security for implementation of Immigration tasks.



CHAPTER VII

IMMIGRATION ADMINISTRATIVE ACTION

Article 75

- (1) Immigration Officer shall be authorized to conduct the Immigration Administrative Action against Foreigner who is present in the Indonesian Territory that neglects hazardous activities and reasonably suspected to endanger public security and orderliness or without respect or observe applicable laws and regulations.
- (2) Immigration Administrative Action as contemplated in paragraph (1) can be of:
  - a. Inclusion in the list of Prevention or Deterrence;
  - b. Restriction, change, or cancellation of Stay Permit;
  - c. Prohibition of staying at one or some specific places within the Indonesian Territory;
  - d. Necessity of residing at a certain place within the Indonesian Territory;
  - e. Imposition of burden costs; and/or
  - f. Deportation from the Indonesian Territory.
- (3) Immigration Administrative Action such as Deportation can also be conducted against

Foreigner who is staying within the Indonesian Territory for trying to escape from threat and execution of the sentence in his/her origin country.

#### Article 76

Decision on Immigration Administrative Action as contemplated in Article 75 paragraph (1) and paragraph (3) shall be made in writing and must be included by the reason.

#### Article 77

- (1) Foreigner that is subjected to Immigration Administrative Action can file the objection to the Minister.
- (2) The Minister can approve or reject the objection proposed by such Foreigner as referred to in paragraph (1) by the Ministerial Decree.
- (3) The Ministerial Decree as contemplated in paragraph (2) shall be final in nature.
- (4) Objection filed by such Foreigner shall not postpone the execution of Immigration Administrative Action to the person concerned.

## Article 78

- (1) Foreigner who holds Stay Permit where the valid period has expired and still stays within the Indonesian Territory less than 60 (sixty) days from Stay Permit deadline shall be imposed burden costs in accordance with provision of laws and regulations.
- (2) Foreigner who pays no burden costs as referred to in paragraph (1) shall be applied the Immigration Administrative Action in the form of Deportation and Deterrence.
- (3) Foreigner who holds Stay Permit where the valid period has expired and still stays within the Indonesian Territory more than 60 (sixty) days from Stay Permit deadline shall be imposed the Immigration Administrative Action in the form of Deportation and Deterrence.

## Article 79

Person in Charge of Transport Tool who complies with no obligation as contemplated in Article 18 paragraph (1) shall be imposed any burden cost.

Article 80

Burden cost as contemplated in Article 19 paragraph (1) and Article 79 shall constitute one of Non-Tax State Incomes in Immigration.

CHAPTER VIII

IMMIGRATION DETENTION HOUSE AND

IMMIGRATION DETENTION ROOM

Section One

Article 81

Immigration Detention House can be established in State capital, province, district, or municipality. Such Immigration Detention House shall be lead by a head.

Article 82

Immigration Detention Room comprises any specific room and constitutes part from office of Directorate General, Office of Immigration, or Immigration Checkpoint Venue.

Section Two

Execution of Detention

Article 83

(1) Immigration Officer shall be authorized to put the Foreigner into the Immigration Detention

House or Immigration Detention Room in case of such Foreigner:

- a. Stays in the Indonesian Territory without having legal Stay Permit or having no longer valid Stay Permit;
- b. Stays in the Indonesian Territory without having any legal Travel Document;
- c. Subjected to Immigration Administrative Action in the form of his/her Stay Permit revoked due to perpetrate act that contraries with applicable laws and regulations or interferes public security and orderliness;
- d. Waiting for execution of Deportation; or
- e. Waiting for departure outside of the Indonesian Territory provision of Entrance Sign is rejected.

- (2) Such Immigration Officer can put the Foreigner as contemplated in paragraph (1) in other place in case of such Foreigner gets sick, will gives birth, or still children.

#### Article 84

- (1) Execution Foreigner detention shall be neglected by written decree from the Minister or a designated Immigration Officer.

- (2) Decision as contemplated in paragraph (1) shall at least contain:
- a. Data of Foreigner who is subjected to detention;
  - b. Reason to undertake any detention; and
  - c. Place of detention.

### Section Three

#### Period of Detention

#### Article 85

- (1) Detention to Foreigner shall be undertaken until such detainee deportation finished.
- (2) In case of Deportation as contemplated in paragraph (1) has not been executed, detention can be executed within no later than 10 (ten) years.
- (3) Minister or a designated Immigration Officer can expel Detainee from Immigration Detention House in case of the period as contemplated in paragraph (2) has been exceeded and provide the permit to Detainee to stay outside of the Immigration Detention House by specifying any obligation to report periodically.
- (4) The Minister or a designated Immigration Officer shall control and attempt that Detainee

deportation as contemplated in paragraph (3) shall be executed.

#### Section Four

#### Handling of Human Trafficking and Human Smuggling Victims

##### Article 86

This provision of Immigration Administrative Action shall not be applied to human trafficking and human smuggling victims.

##### Article 87

- (1) Human trafficking and human smuggling victims that are in the Indonesian Territory shall be put into Immigration Detention House or other specified place.
- (2) Human trafficking and human smuggling victims as contemplated in paragraph (1) shall be special treated differently with Detainee in general.

##### Article 88

The Minister or a designated Immigration Officer shall attempt that human trafficking and human smuggling victims with foreign citizenship are immediately returned to their origin country and given the travel statement if they have no travel statement.

Article 89

- (1) The Minister or a designated Immigration Officer shall undertake preventive and repressive efforts in the interest of avoiding occurrence of criminal act to the human trafficking and human smuggling.
- (2) Preventive effort as contemplated in paragraph (1) shall be conducted by way of:
  - a. Information exchange with other country and relevant domestic institute includes modus operandi, supervision and Travel Document security, and document legitimation and validity.
  - b. Technical and training collaboration with other country includes the treatment of victims based on humanity, security and quality of Travel Document, detection of false document, information exchange, and monitoring and detection of Human Smuggling by conventional and non-conventional ways.
  - c. Provides legal counseling to the community that act of human trafficking and human smuggling is a crime so that people may not be the victim;
  - d. Ensures that the Travel Document or any identity issued is qualified so that such document is easily misused, falsified, altered,



imitated, or issued in contravention of the law; and

- e. Makes sure that Travel Document integrity and security issued or published by or on behalf of State to prevent such document illegally made in case of its issuance and use.

(3) Repressive efforts as contemplated in paragraph (1) shall be undertaken by:

- a. Investigation of Immigration against the criminal actor of human trafficking and human smuggling;
- b. Immigration Administrative Action against the criminal actor of human trafficking and human smuggling; and
- c. Collaboration in investigation with other legal enforcement institutes.

#### Article 90

Further provision concerning Immigration control, Immigration Intelligence, Immigration Detention House and Immigration Detention Room, and handling of human trafficking and human smuggling shall be set forth by the Government Regulation.

CHAPTER IX

PREVENTION AND DETERRENCE

Section One

Prevention

Article 91

- (1) The Minister shall be authorized and responsible for undertaking any Prevention with regards to Immigration sector.
- (2) The Minister shall undertake any Prevention based on:
  - a. Results of Immigration control and decision of Immigration Administrative Action;
  - b. Decree of the Finance Minister and General Attorney in accordance with their respective task sector and provision of laws and regulations;
  - c. Request of the Chief of National Police of the Republic of Indonesia in accordance with the provision of laws and regulations;
  - d. Instruction of the Chief of Corruption Eradication Commission in accordance with the provision of laws and regulations;
  - e. Request of the Chief of National Narcotics Board in accordance with the provision of laws and regulations; and/or

f. Decree, order, or request of the Chief of other ministries/agencies that based on Law to have an authority of Prevention.

(3) The Minister of Finance, General Attorney, Chief National Police of the Republic of Indonesia, Chief of Corruption Eradication Commission, Chief of National Narcotics Board, or Chief of ministries/agencies who have a authority of Prevention as contemplated in paragraph (2) letter f, shall be responsible for any decision, request, and order of Prevention made.

#### Article 92

In urgent state, officers as referred to in Article 92 paragraph (2) can directly request to a certain Immigration Officer for doing any Prevention.

#### Article 93

Implementation on the decision of Prevention as contemplated in Article 91 shall be undertaken by the Minister or a designated Immigration Officer.

#### Article 94

- (1) Prevention as referred to in Article 91 shall be set up by any written decree from an authorized officer.
- (2) Decision as contemplated in paragraph (1) shall at least contain:
  - a. Name, sex, place and date of birth or age, and photo that are subjected to Prevention;
  - b. Reason of Prevention; and
  - c. Period of Prevention.
- (3) Decree of Prevention shall be submitted to people who are subjected to Prevention no later than 7 (seven) days as of date of decree stipulated.
- (4) In the event that such decree of Prevention issued by officers as contemplated in Article 91 paragraph (2), such decree shall also be submitted to the Minister no later than 3 (three) days as of date of decree stipulated with any request to implement.
- (5) The Minister may reject any request of executing such Prevention in case of such decree of Prevention complies with no provision as contemplated in paragraph (2).
- (6) Notification of rejection for such Prevention executed as contemplated in paragraph (5) shall be submitted to the officers as contemplated in Article 91 paragraph (2) no later than 7 (seven)

days as of request date of Prevention accepted together with any reason of Rejection.

- (7) The Minister or a designated Immigration Officer shall put any identity of people subjected to decree of Prevention into the list of Prevention through the Management Information System of Immigration.

#### Article 95

Based on the list of Prevention as contemplated in Article 94 paragraph (7), the Immigration Officer shall be obliged to reject people who are subjected to Prevention outside of the Indonesian Territory.

#### Article 96

- (1) Every people who are subjected to Prevention may file any objection to an officer issuing such decree of Prevention.
- (2) Objection filed as contemplated in paragraph (1) shall be made in writing together with any reason and delivered within the valid period of Prevention.
- (3) Objection filed shall not delay an execution of Prevention.

## Article 97

- (1) Period of Prevention shall be effective no later than 6 (six) months and may be renewed every time for a maximum of 6 (six) months.
- (2) In case of no decree of the Prevention term renewed is present then such Prevention shall terminate by law.
- (3) In case of any court verdict with a permanent legal force stating free over case that being the reason of Prevention is found then such Prevention shall terminate by law.

## Section Two

### Deterrence

## Article 98

- (1) The Minister shall be authorized to undertaken any Deterrence.
- (2) An authorized officer may request the Minister to undertaken such Deterrence.

## Article 99

The Minister or a designated Immigration Officer shall undertake an execution of Deterrence as contemplated in Article 98.

## Article 99

The Minister or a designated Immigration Officer shall undertake an execution of Deterrence as contemplated in Article 98.

## Article 100

- (1) Deterrence as contemplated in Article 98 shall be stipulated by decree in writing.
- (2) Decree of Deterrence upon request of an officer as contemplated in Article 98 paragraph (2) shall be issued by the Minister no later than 3 (three) days as of date of such request of Deterrence proposed.
- (3) Request of Deterrence as contemplated in paragraph (2) shall contain at least:
  - d. Name, sex, place and date of birth or age, and photo that are subjected to Deterrence;
  - e. Reason of Deterrence; and
  - f. Period of Deterrence.
- (4) The Minister may reject any request of executing such Deterrence in case of such decree of Deterrence complies with no provision as contemplated in paragraph (2).
- (5) Notification of rejection for such Deterrence executed as contemplated in paragraph (5) shall be submitted to the officers as contemplated in

Article 91 paragraph (2) no later than 7 (seven) days as of request date of Deterrence accepted together with any reason of Rejection.

- (6) The Minister or a designated Immigration Officer shall put any identity of people subjected to decree of Deterrence into the list of Deterrence through the Management Information System of Immigration.

#### Article 101

Based on the list of Deterrence as contemplated in Article 100 paragraph (6), the Immigration Officer shall be obliged to reject the Foreigners who are subjected to Deterrence of entrance in the Indonesian Territory.

#### Article 102

- (1) Period of Deterrence shall be effective no later than 6 (six) months and may be renewed every time for a maximum of 6 (six) months.
- (3) In case of no decree of the Deterrence term renewed is present then such Deterrence shall terminate by law.
- (4) Decree of Deterrence for lifetime can be imposed to Foreigner who is deemed to interfere public security and orderliness.



Article 103

Further provision concerning an execution of Prevention and Deterrence shall be set forth by the Government Regulation.

CHAPTER X

INVESTIGATION

Article 104

Investigation of any criminal act of Immigration shall be undertaken under criminal law.

Article 105

PPNS (*Civil Servant Investigator*) of Immigration shall be authorized as an Investigator of criminal act of Immigration undertaken in accordance with the provision herein.

Article 106

PPNS of Immigration shall be authorized to:

- a. Receive the report about any criminal act of Immigration;
- b. Seek any information and items of evidence;
- c. Execute first action at the scene;

- d. Prohibit every person to abandon or enter the scene for the purpose of investigation;
- e. Summon, examine, search, arrest, or detain a person suspected perpetrating any criminal act of Immigration.
- f. Detain, examine, and confiscate any Travel Document;
- g. Order to stop the suspected or presumed person and examine his/her identity;
- h. Examine or seize letters, documents, or objects related to any criminal act of Immigration;
- i. Summon a person to examine and heard his/her information as the suspected person or witness;
- j. Bring an expert required in relation to examination of case;
- k. Conduct an examination in a certain place letters, documents, or other objects related to any criminal act of Immigration are suspected thereto;
- l. Take the suspected photo and finger print;
- m. Request any information from public or any competent source;
- n. Stop the investigation; and/or
- o. Conduct other action according to law.

#### Article 107

- (1) In conducting any investigation, the PPNS of Immigration shall coordinate with the National Police Investigator of the Republic of Indonesia.
- (2) After investigation completed, such PPNS of Immigration shall submit the bundle of case to general prosecutor.

#### Article 108

Examination item of evidence for the criminal act of Immigration consists of:

- a. Item of evidence as contemplated in the law of criminal procedure;
- b. Other item of evidence such as information pronounced, sent, and received or electronically stored or similar with thereof; and
- c. Written information from the competent Immigration Officer.

#### Article 109

To the defendant or suspected who perpetrates the criminal act of Immigration as contemplated in Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 126, Article 127, Article 128, Article 129, Article 131, Article 132, Article 133

letter b, Article 134 letter b, and Article 135 may be subjected to detention.

#### Article 110

- (1) To the criminal act of Immigration as contemplated in Article 116 and Article 117 shall be applied any short examination procedure as contemplated in the law of criminal procedure.
- (2) PPNS of Immigration shall hand over the suspected and item of evidence to the general prosecutor along with records about the criminal act of Immigration alleged to the suspected.

#### Article 111

PPNS of Immigration may undertake any cooperation in examination and investigation of the criminal act of Immigration with domestic and other country institute of law enforcement in accordance with laws and regulations or based on international treaty recognized by Government of the Republic of Indonesia.

#### Article 112

Further provision concerning requirements, procedures for the appointment of PPNS of Immigration, and administration of investigation shall be set forth by the Government Regulation.

## CHAPTER XI

### CRIMINAL PROVISION

#### Article 113

Any person who knowingly enters or exit the Indonesian Territory without passing through an examination by the Immigration Officer at Immigration Checkpoint Venue as contemplated in Article 9 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) year and/or fine sentence at the maximum of Rp100,000,000,00 (one hundred million Rupiah).

#### Article 114

- (1) Person in Charge of Transport Tool that enters or exits the Indonesian Territory with his/her transport tool without passing through the Immigration Checkpoint Venue as contemplated in Article 17 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) year and/or fine sentence at the maximum of Rp100,000,000,00 (one hundred million Rupiah).
- (2) Person in Charge of Transport Tool that intentionally disembark or embark the passenger without passing through an examination of the Immigration Officer or landing examining personnel at the Immigration Checkpoint Venue as contemplated in Article 17 paragraph (2) shall be punished with

imprisonment for a maximum of 2 (two) years and/or fine sentence at the maximum of Rp200,000,000,00 (two hundred million Rupiah).

#### Article 115

Every Person in Charge of Transport Tool that pays no cost of burden as contemplated in Article 19 paragraph (4) and Article 79 shall be punished with imprisonment for a maximum of 1 (one) year and/or fine sentence at the maximum of Rp100,000,000,00 (one hundred million Rupiah).

#### Article 116

Every Foreigner who undertakes no obligation as contemplated in Article 71 shall be punished with imprisonment for a maximum of 3 (three) months or fine sentence at the maximum of Rp25,000,000,00 (twenty five million Rupiah).

#### Article 117

Owner or administrator of the Inn that provides no information or provides no data of Foreigner staying in the house or in his/her Inn after being asked by the Immigration Officer on duty as contemplated in Article 72 paragraph (2) shall be punished for a maximum of 3 (three) months or fine sentence at the

maximum of Rp25,000,000.00 (twenty five million Rupiah).

#### Article 118

Every Guarantor who is intentionally provides incorrect information or complies with no guarantee provided as contemplated in Article 63 paragraph (2) and paragraph (3) shall be punished for a maximum of 5 (five) years or fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah).

#### Article 119

- (1) Every Foreigner who enters and/or is present within the Indonesian Territory that owns no legal and valid Travel Document and Visa as contemplated in Article 8, shall be punished for a maximum of 5 (five) years or fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah).
- (2) Every Foreigner who intentionally uses the Travel Document, but known or reasonable presumed that such Travel Document is false or falsified, shall be punished for a maximum of 5 (five) years or fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah).

Article 120

- (1) Every Foreigner who conducts act aiming to seek advantage, either direct or indirect, for him/herself taking someone or a group of people, either organized or non-organized, or order other people to take someone or a group of people either organized or non-organized without having legal right to enter or exit the Indonesian Territory and/or enter other country without having legal right to enter the Indonesian Territory, either using legal document or false document, or without using the Travel Document, either through an immigration check or not, shall be punished for the reason of Human Smuggling with imprisonment for a minimum of 5 (five) years and for a maximum of 15 (fifteen) years and fine sentence at the minimum of Rp500,000,000.00 (five hundred million Rupiah) and for a maximum of Rp1,500,000,000.00 (one billion five hundred million Rupiah).
- (2) Attempt to perpetrate the criminal act of Human Smuggling shall be punished with a similar criminal sentence as contemplated in paragraph (1).



#### Article 121

A punishment of imprisonment shall be imposed for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah) for:

- a. Every person who are intentionally make false or falsify the Visa or Entrance Sign or Stay Permit for the purpose of own use or for other people to enter or exit or stay in the Indonesian Territory;
- b. Every Foreigner who are intentionally uses false the Visa or Entrance Sign or Stay Permit or falsified to enter or exit or stay in the Indonesian Territory;

#### Article 122

A punishment of imprisonment shall be stipulated for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah) for:

- a. Every Foreigner who intentionally misuses or carries out activities that are not in accordance with the purpose and objective of such Stay Permit provided;
- b. Every person who ask or give the Foreigner a chance to misuse or carries out activities that are not in

accordance with the purpose and objective of such Stay Permit provided;

#### Article 123

A punishment of imprisonment shall be stipulated for a maximum of 5 (five) years and fine sentence at the maximum of Rp.500,000,000.00 (five hundred million Rupiah) for:

- a. Every person who intentionally provide any false letter or data or falsified or incorrect information for the purpose to obtain Visa or Stay Permit for him/herself or for other people;
- b. Every Foreigner who is intentionally uses Visa or Stay Permit as contemplated in letter a, to enter and/or stay in the Indonesian Territory;

#### Article 124

Every person who intentionally hides or protect or provides housing or livelihood or provide employment opportunity to Foreigner known or reasonable presumed:

- a. Illegal stay in the Indonesian Territory shall be punished with imprisonment for a maximum of 2 (two) years and/or fine sentence at the maximum of Rp200,000,000.00 (two hundred million Rupiah);
- b. His/her valid Stay Permit expires shall be punished with imprisonment for a maximum of 3 (three) months

or fine sentence at the maximum of Rp25,000,000.00 (twenty five million Rupiah).

#### Article 125

Every Foreigner who without permit stays in a specific region stated as a restricted area for Foreigner as contemplated in Article 48 paragraph (4) shall be punished with imprisonment for a maximum of 3 (three) years and/or fine sentence of Rp300,000,000.00 (three hundred million Rupiah).

#### Article 126

Every person who is intentionally:

- a. Using the Travel Document of the Republic of Indonesia to enter or exit the Indonesian Territory, but known or reasonable presumed that such Travel Document of the Republic of Indonesia is false or falsified, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah);
- b. Using the Indonesian Travel Document of other people or already revoked or declared null and void to enter and exit the Indonesian Territory or submit to other people the Indonesian Travel Document given to him/her or belongs to other people for the purpose

to use without own right, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah);

c. Providing invalid data or incorrect information in order to obtain the Indonesian Travel Document for him/herself or other people, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000,00 (five hundred million Rupiah);

d. Having or using unlawfully 2 (two) or more of similar Indonesian Travel Document and all still valid, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah);

e. Falsifying the Indonesian Travel Document or making false the Indonesian Travel Document for the purpose to own use or to other people, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah).

#### Article 127

Every person who is intentionally and unlawfully keeping any false Indonesian Travel Document or

falsified for the purpose to own use or to other people, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah).

#### Article 128

A punishment of imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah) shall be imposed to:

- a. Every person who intentionally and unlawfully prints, owns, keeps, or commercialize any blank of the Indonesian Travel Document or other blank of Immigration Document;
- b. Every person who intentionally and unlawfully creates, owns, keeps, or commercialize any stamp or other tools used to validate the Indonesian Travel Document or other Immigration Document;

#### Article 129

Every person who intentionally and unlawfully for his/her own interest or for other people interest, destroys, alters, adds, reduces, or eliminates either in part or in whole, information or stamp found in the Indonesian Travel Document or other Immigration

Document, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah).

#### Article 130

Every person who intentionally and unlawfully controls the Travel Document or other Immigration Document people belongs to other people, shall be punished with imprisonment for a maximum of 2 (two) years and/or fine sentence at the maximum of Rp200,000,000,00 (two hundred million Rupiah).

#### Article 131

Anyone who intentional without any right and unlawfully owns, keeps, destroys, omits, changes, reproduces, uses and/or accesses the Immigration data, either manual or electronic, for his/her own interest or for other people, shall be punished with imprisonment for a maximum of 5 (five) years and fine sentence at the maximum of Rp500,000,000.00 (five hundred million Rupiah).

#### Article 132

Immigration Officer or other designated officer who intentionally and unlawfully provides the Indonesian Travel Document and/or provides or renew the

Immigration Document to a person known to have no right, shall be punished with imprisonment for a maximum of 7 (seven) years.

#### Article 133

An Immigration Officer or other officer who:

- a. Lets a person perpetrates the criminal act of Immigration as contemplated in Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 126, Article 127, Article 128, Article 129, Article 131, Article 132, Article 133 letter b, Article 134 letter b, and Article 135 that are reasonable known by him/her, shall be punished with imprisonment for a maximum of 5 (five) years;
- b. Intentionally discloses confidential Immigration data to an authorized party as contemplated in Article 67 paragraph (2) and Article 68 paragraph (2), shall be punished with imprisonment for a maximum of 5 (five) years;
- c. Intentionally not implement the standard operating procedure that applies in the process of departure or arrival check at the Immigration Checkpoint Venue resulting the entrance of Foreigner into the Indonesian Territory as contemplated in Article 13 paragraph (1) or the exit of people from the Indonesian Territory as contemplated in Article 16

paragraph (1), shall be punished with imprisonment for a maximum of 2 (two) years;

d. Intentionally and unlawfully not implement the standard operating procedure of Detainee custody at Immigration Detention House or Immigration Detention Room resulting in such Detainee escapes, shall be punished with imprisonment for a maximum of 2 (two) years;

e. Intentionally and unlawfully not put the data into the Management Information System of Immigration as contemplated in Article 70, shall be punished with imprisonment for a maximum of 6 (six) months.

#### Article 134

Every Detainee who intentionally:

a. Creates, owns, uses, and/or distributes the weapon, shall be punished with imprisonment for a maximum of 3 (three) years;

b. escapes from the Immigration Detention House or the Immigration Detention Room, shall be punished with imprisonment for a maximum of 5 (five) years.

#### Article 135

Anyone who engage quasi marriage aiming to obtain the Immigration Document and/or to obtain the citizenship status of the Republic of Indonesia, shall be punished



with imprisonment for a maximum of 5 (lima) years and fine sentence at the maximum of Rp500,000,00.00 (five hundred million Rupiah).

#### Article 136

- (1) In case of the criminal act as contemplated in Article 114, Article 116, Article 117, Article 118, Article 120, Article 124, Article 128, and Article 129 conducted by any Corporation, any criminal sentence shall be punished to the management and its corporation.
- (2) Imposition of criminal sentence to the Corporation is only with fine penalty provided that such fine penalty shall be 3 (three) folds from each fine penalty as contemplated in paragraph (1).
- (3) Criminal provision as contemplated in Article 113, Article 119, Article 121 letter b, Article 123 letter b, and Article 126 letter a and letter b shall not be applied to the victims of human trafficking and Human Smuggling.

#### CHAPTER XII

#### FUND

#### Article 137

Fund for implementing this Law shall be borne on Anggaran Pendapatan dan Belanja Negara (APBN) (*National Budget*).

#### Article 138

- (1) Application of the Travel Document, Visa, Stay Permit, Reentrance Permit and burden costs under this Law shall be shall be charged for immigration fee.
- (2) Immigration fee as contemplated in paragraph (1) shall constitute one of Non-Tax State Incomes in Immigration.
- (3) Further provision concerning the immigration fee as contemplated in paragraph (1) shall be set forth by the Government Regulation.

### CHAPTER XIII

#### MISCELLAENOUS PROVISIONS

#### Article 139

- (1) Provision of Immigration for traffic of people who enter or exit the Indonesian Territory at the border region shall be separate set forth by the border crossing agreement between the Government of the Republic of Indonesia and the government of neighbor country whose border is same regarding the provision herein.

(2) Provision of Immigration for a traffic of people who enter or exit the Indonesian Territory using entrance sign or exit sign with electronic devices may be separate set forth by bilateral or multilateral agreement regarding the provision herein.

#### Article 140

- (1) In order to be the Immigration Officer, a specific education of Immigration shall be carried out.
- (2) In order to participate in the specific education of Immigration, the participant should have passed degree education.
- (3) Provider of a specific education in Immigration as contemplated in paragraph (1) shall be set forth by the Ministerial Regulation.

#### CHAPTER XIV

##### TRANSITIONAL PROVISIONS

#### Article 141

At the time of this Law shall come into force:

- a. Any visit Stay Permit, limited Stay Permit, and permanent Stay Permit issued under Law Number 9 Year 1992 concerning the Immigration declared to survive until the term terminates.

- b. A husband or wife from legal marriage with an Indonesian citizen that their marriage age is more than 2 (two) years and holds the limited Stay Permit based on Law Number 9 Year 1992 concerning the Immigration may be provided the permanent Stay Permit according to this Law;
- c. The Indonesian Travel Document issued under Law Number 9 Year 1992 concerning the Immigration declared to survive until the term terminates; and
- d. A case of criminal act in Immigration that is under process in examination stage shall remain to be processed under Law concerning Law of Criminal Procedures.

## CHAPTER XV

### CONCLUDING PROVISIONS

#### Article 142

At the time of this Law shall come into force:

- a. Law Number 9 Year 1992 concerning the Immigration (State Gazette of the Republic of Indonesia Year 1992 Number 33, Supplement to State Gazette of the Republic of Indonesia Number 3474);
- b. Law Number 37 Year 2009 concerning Stipulation of the Government Regulation in Lieu of Law Number 3 of 2009 concerning Amendment to Law Number 9 Year 1992 concerning the Immigration into Law (State Gazette

of the Republic of Indonesia Year 2009 Number 145, Supplement to State Gazette of the Republic of Indonesia Number 5064); and

c. All laws and regulations related to Immigration that are inconsistent with or not in accordance with this Law shall be revoked and declared no longer valid.

#### Article 143

At the time of this Law shall be effective, an operational regulation from Law Number 9 Year 1992 concerning the Immigration (State Gazette of the Republic of Indonesia Year 1992 Number 33, Supplement to State Gazette of the Republic of Indonesia Number 3474) shall be declared to survive as long as not contrary with or has not been replaced with the new under this Law.

#### Article 144

This operational regulation of Law should have been stipulated no later than 1 (one) year as of enactment of this Law.

#### Article 145

This Law shall come into effect on the date of enactment.

For every one cognizance, this Law shall be promulgated  
by placement in State Gazette of the Republic of  
Indonesia.

Ratified in Jakarta

on May 5, 2011

PRESIDENT OF THE REPUBLIC OF INDONESIA

sgd.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

on May 5, 2011

MINISTER OF JUSTICE AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA

sgd.

PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

YEAR 2011 NUMBER 52

This copy is in accordance with original  
MINISTRY OF STATE SECRETARY OF THE  
REPUBLIC OF INDONESIA  
Assistant to Laws and Regulations Deputy  
in Political and People Welfare,

**Wisnu Setiawan**

**EXPLANATORY**

**LAW**

**NUMBER 6 OF 2011**



EXPLANATORY  
ON  
LAW OF REPUBLIC OF INDONESIA  
NUMBER 6 OF 2011  
CONCERNING  
IMMIGRATION

I. GENERAL

In entering the third millennium, marked by the passing of globalization in all sectors of world society and the development of technology in the field of information and communication beyond the state territory border, human relations aspect that so far national in nature develops into an international in nature, along with the growth and development on demand of realized equality level in human life aspect, encouraging the obligation to respect and uphold human rights as part of the universal life.

Along with the developments in the international community, there has been a change in the country that has changed the paradigm in the various aspects of the State structure in the line of reform passed in all areas. Such change has created an enormous

influence on the realization of equal rights and duties for all citizens of Indonesia as part of human rights. Given these developments, every Indonesian citizen obtains equal opportunities in using their right to exit or enter the Indonesian territory. Thus, based on this Law, the provisions regarding deterrence shall not apply to citizens of Indonesia.

The impacts of globalization has affected the economic system of the Republic of Indonesia and for the anticipation changes in laws and regulations are needed, both in economics, industry, commerce, transportation, labor, and regulations in the field of traffic of people and goods. Such changes are needed to increase the intensity of the relations of the Republic of Indonesia to the international world that have a huge impact on the implementation of the functions and duties of Immigration.

Simplification of Immigration procedures for foreign investors to invest in Indonesia needs to be undertaken, such as ease of administering Permanent Stay Permit for investors who comply with a certain requirement. Thus, is expected to create a pleasant

climate of investment and it will attract more foreign investors to invest in Indonesia.

In the international relationship a new law has developed which is manifested in the form of international conventions, the Republic of Indonesia has one of the participants that have signed the convention, among others, the United Nations Convention against Organized Transnational Crime, 2000, which was ratified by Law No. 5 of 2009 and together with its two protocols that lead the role of Immigration institute si becoming increasingly important because the convention has required the participant country to adopt and implement the convention.

On the other hand, the supervision of Foreigners should be improved in line with the increase of international crime or transnational crime act, such as human trafficking, human smuggling and narcotics offenses that are often widely committed by organized international crime syndicate. The perpetrators of these crimes in fact can not be punished by the old Immigration Law because of Law Number 9 of 1992 sets forth no penalty for those who organize the international crime. Those who may be

punished pursuant to Law Number 9 of 1992 are those that are organized as a victim to enter Indonesian Territory illegally.

Surveillance of Foreigners not only conducted at the time they come in, but as long as they stay in the Indonesia Territory, including its activities. Immigration Oversight includes law enforcement of Immigration, both administratively and immigration offenses. Therefore, it should also be regulated the PPNS of Immigration that carries out specifically tasks and authorities based on this Law. Immigration offenses are specific criminal act so those formal and material laws are different from the general criminal law, such as a special minimum criminal.

Aspects of service and supervision nor regardless of the Indonesian Territory geography comprising islands that have close proximity, even borders directly with neighboring countries, which the implementation of the Immigration function along the border is the authority of the immigration agency. At certain points along the border there is a traditional traffic in and out of the Indonesian citizens and citizens of neighboring countries. In order to improve services and facilitate the

supervision, any cross-border agreement can be set forth and expansion Immigration Checkpoint Venue can be attempted. Thus, people who enter and exit the Indonesian Territory outside the Immigration Checkpoint Venue can be avoided.

The national interest is the interest of all the people of Indonesia so that oversight to the Foreigners also requires the participation of the public to report Foreigners known or suspected to be illegally in the Indonesian Territory or abuse the licensing in Immigration sector. To increase the public participation, effort needs to be done to raise awareness of law for the community.

Based on the selective policy that values human rights, Foreigners that enter the Indonesian Territory shall be set forth, as well as for Foreigners who obtain Stay Permit in the Indonesian Territory must be in accordance with the intent and purpose for staying in Indonesia. Based on the defined policy, and in order to protect national interests, just the Foreigners who benefit and not compromise the public security and orderliness are allowed to enter the Indonesian Territory.

To Indonesian citizens apply the principle that every Indonesian citizen reserves the right to exit or enter the Indonesian Territory. However, based on the specific reason and for a certain period the Indonesian citizens could be prevented out of the Indonesian Territory.

Indonesian citizens can not be subjected to Deterrence action because it is not in accordance with the International principles and practices, stating that a citizen should not be banned from entering his/her own country.

In addition to the above problems, there are a few things that being the consideration to update the Law Number 9 of 1992 concerning the Immigration, namely:

- a. Indonesian geographical area with interstate traffic complexity of problems closely related to the aspect of state sovereignty in relation to other countries;
- b. any international agreements or conventions which impact directly or indirectly on the implementation of the Immigration Functions;
- c. the increase of international and transnational crime, such as illegal immigration, Human Smuggling,

human trafficking, terrorism, narcotics, and money laundering;

- d. arrangement of Detainee and Detainee deadline has not been comprehensively undertaken;
- e. Specific and universal Immigration function in its implementation requires a systematic approach by utilizing information technology and modern communications, and require the placement of Immigration Office and Immigration Detention House structures as the technical implementation units under the Directorate General of Immigration;
- f. system changes in citizenship of the Republic of Indonesia under Law Number 12 of 2006 concerning the Citizenship of the Republic of Indonesia with regards to the implementation of the Immigration Function, among others, regarding limited dual nationality;
- g. the sovereign right of country in the application of the reciprocal principles concerning the granting of Foreigners Visa;
- h. agreement in order to harmonization and standardization of the system and the type of security in international travel documents, particularly the Asean Plus Regional as well as efforts of alignment or harmonization of action or threat of criminal

act against the perpetrators of the organized human trafficking and Human Smuggling syndicates:

- i. expanding the subject of Immigration criminal perpetrator, so as to include not only individual but also corporation and Foreign Guarantor entry into Indonesian Territory in breach of Immigration; and
- j. application of more severe criminal sanctions against Foreigners who violate the rules in the field of Immigration because there has not been creating a deterrent effect so far.
- k. Given the above considerations, it should be carried out reform of Law Number 9 of 1992 by establishing more comprehensive new law, in order to adapt with the development of society and the state of Indonesia, policies or regulations of relevant legislation, and anticipative to the problem in the future.

## II. ARTICLE BY ARTICLE

Article 1

Self explanatory

Article 2

Self explanatory

Article 3

Paragraph (1)



Immigration function in this provision is part of state performance tasks in service and public security sectors, law enforcement of Immigration, and supporting facilitators of national economic development.

Paragraph (2)

Self explanatory

Paragraph (3)

Immigration function along the border line in accordance with his duty as gatekeeper of the State, not the State borders lineman

Paragraph (4)

Self explanatory

Article 5

In case of there has not been an Immigration Officer at the Representative of the Republic of Indonesia or other location abroad, the tasks and Functions of Immigration shall be undertaken by local officer of the foreign country service in accordance with the provision of legislation. A designated officer of the foreign country service in this provision is a diplomat functional officer. An officer of the foreign country service that performs the Immigration tasks and functions

shall obtain first the knowledge in Immigration.

Paragraph (6)

Self explanatory

Paragraph (7)

Management Information System of Immigration is an integral part from various processes of data and information management, application, and information technology-based devices and the communication built to integrate and connect the information system in entire executive of the integrated Immigration Function.

Article 8

Paragraph (1)

"Legal and valid travel document" shall mean any travel document issued by the competent officer and still valid at least 6 (six) months prior to valid period expires.

Paragraph (1)

Self explanatory

Article 9

Paragraph (1)

Self explanatory

Paragraph (2)

In addition to the Travel Document Checkpoint, when necessary for correctness, accurateness, and timeliness of the examined object, it can be undertaken to personal identity in order to provide supporting data on the validity of the Travel Document owned.

Paragraph (3)

The search is carried out in order to seek the clarity on the validity of Travel Document and personal identity of the person concerned. When of the results of search found any indication of the Immigration criminal act, the process can be continued with an investigation of Immigration.

Article 10

Self explanatory

Article 11

Paragraph (1)

"Force majeure" shall mean including any transport tools land in the Indonesian Territory in the interest of **humanitarian aid in the region of natural disaster within the Indonesian Territory or in case**

any transport tools that carry such  
Foreigners dock or land somewhere in  
Indonesia due to mechanical failure or bad  
weather, while such transport tools are  
not intended to dock or land in the  
Indonesian Territory.

Paragraph (2)

Self explanatory

Article 12

"Certain region" shall mean the conflict region  
that will endanger the presence and security of  
the Foreigner concerned.

Article 13

Paragraph (1)

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

Self explanatory

Letter d

Self explanatory

Letter f

Self explanatory

Letter g

"International crime and organized transnational crime" shall mean among others, terrorism crime, Human Smuggling, human trafficking, money laundering, narcotics and psychotropic substances.

Based on letter of request from the competent institute.

Letter h

Based on letter of request from the competent institute.

Letter i

Based on letter of request from the competent institute.

Letter j

Based on letter of request from the competent institute.

Paragraph (2)

"Placed under custody" shall mean a placement of Foreigner at Immigration Detention House or Immigration Detention Room or a special room in the interest of waiting his/her departure outside the Indonesian Territory. In case of Foreigner

arrives by Ship, the person concerned placed on such ship and prohibited to disembark ashore as long as his/her ship is in the Indonesian Territory until leaving the Indonesian Territory.

Article 14

Self explanatory

Article 15

Self explanatory

Article 16

Paragraph (1)

Self explanatory

Paragraph (2)

This provision is intended to protect the national interest or to avoid public loss, for example the foreigner concerned has not completed or willing not complete his/her tax obligation.

Article 17

Self explanatory

Article 18

Paragraph (1)

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

"provide a sign or hoist the signal flag" shall mean among others, to hoist the "N" flag that is commonly used in international practices.

Letter d

Self explanatory

Letter e

Self explanatory

Letter f

Self explanatory

Letter g

Self explanatory

Letter h

In this provision "every passenger/crew of transport tools" shall mean among others, passenger that owns no Entry Sign, crew, or left passenger.

Paragraph (2)

Information System of Passenger Data Initial Processing commonly referred to as **Advance Passenger Information System. Initial Processing of Passenger Data shall be given a chance until a certain deadline.**

Article 19

Self explanatory

Article 20

Self explanatory

Article 21

"Any place" shall mean seaport, airport, border crossing post or other reasonable places to undertake the Immigration Checkpoint.

Article 22

Paragraph (1)

"Immigration area" shall mean an area at the Immigration Checkpoint Venue, started from queue place of Immigration checkpoint at departure until the transport tools or from the transport tools to the Immigration checkpoint counter at arrival. Establishment of immigration area is very significant to determine the status of a person whether to have deemed exiting or entering the Indonesian Territory.

Paragraph (2)

Self explanatory

Paragraph (3)

Head of Immigration Office in this provision controls the Immigration



Checkpoint Venue at airport, seaport, or  
border crossing post

Paragraph (4)

This provision shall be implemented under  
reciprocal principles when granted to  
foreigner in the interest of diplomatic  
tasks.

Article 23

Self explanatory

Article 24

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

"State document" shall mean any document  
that at any time can be withdrawn when  
necessary for State interest. This document is  
not the securities so that the Travel Document  
of the Republic of Indonesia can not be used  
for personal interest among others, for debt  
guarantee.

Article 25

Self explanatory

Article 26

Self explanatory

Article 27

Paragraph (1)

"specific condition" shall mean among others, returning the Indonesian citizen from other country.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

Self explanatory

Article 28

Surat Perjalanan Laksana Paspor (*Travel Document in Lieu of Passport*) can be issued to several citizens of Indonesia who encounter the problem in abroad that being returned by foreign government together.

Article 29

Self explanatory

Article 30

Self explanatory

Article 31

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

"perpetrate any criminal act or violate the legislation in Indonesia" shall mean every person of the Indonesian citizens presumed to perpetrate State adverse action and/or violation of legislation threatened five (5) years criminal sentence or more that are still in the Indonesian Territory or are outside the Indonesian Territory. Ordinary passport withdrawal to the suspected that has been in abroad shall be accompanied by provision of Surat Perjalanan Laksana Paspor of the Republic of Indonesia that will be used in the interest of returning the perpetrator to Indonesia.

Article 32

Self explanatory

Article 33

Self explanatory

Article 34

Self explanatory

Article 35

Diplomatic Visa shall be given to Foreigner including his/her families based on international agreement, reciprocal principles, and courtesy.

Article 36

Official Visa shall be given to Foreigner including his/her families based on international agreement, reciprocal principles, and courtesy in the interest of diplomatic official tasks.

Article 37

Self explanatory

Article 38

Visit visa in application can be provided to undertake the activities, among others:

1. tourism;
2. families;
3. social;
4. art and culture;
5. government tasks;
6. non-commercial sports;
7. Comparative study, short course, and short training;
8. provide counseling, extension, and training in application and innovation of industrial technology in order to improve

product quality and design of industry and collaboration in foreign marketing for Indonesia;

9. undertake emergency and urgent works;
10. journalistic coverage that a permit from the competent institute has been obtained;
11. Non-commercial film production and a permit from the competent institute has been obtained;
12. perform business negotiation;
13. perform purchase of goods;
14. provide speech or participate in the seminar;
15. participate the international exhibition;
16. attend the conference held by head office, or representative office in Indonesia;
17. undertaken audit, production quality control, or inspection to subsidiaries in Indonesia;
18. candidate of foreign manpower for competence trial to work;
19. proceed any travel to other country; and
20. join with transport tools that are present in the Indonesian Territory.

## Article 39

A limited Stay Visa shall be granted to Foreigner who intends to stay in a limited period and can also given to Foreigner of Indonesian citizen former who has been lost of his/her Nationality of the Republic of Indonesia based on Law concerning the Nationality of the Republic of Indonesia and intends returning to Indonesia in accordance with the provision of legislation. Such limited Stay Visa in application can be provided to undertake activities, among others:

1. In the interest of working
  - a. as expert;
  - b. join to work on the boat, floating tools, or facilities operate in the Archipelago waters territory, territorial sea, or continental shelf and Exclusive Economic Zone of Indonesia;
  - c. engage the task as a clergyman;
  - d. engage activities related to profession by receiving payment, such as sport, artist, entertainment, medicine, consultant, lawyer, trade, and other professional activities that a permit from the competent institute has been obtained;

- e. engage activities in the interest of commercial film production and a permit from the competent institute has been obtained;
- f. engage quality control of goods or products;
- g. engage inspection or audit at the subsidiaries in Indonesia;
- h. serve after sales;
- i. install and repair of machine;
- j. engage non-permanent work in the interest of construction;
- k. carry out an exhibition;
- l. carry out the professional sport activities;
- m. engage medicinal activities; and
- n. candidate of foreign manpower who will work in the interest of competence trial;

2. Not for working

- a. foreign investment;
- b. participate in training and scientific research;
- c. follow an education;
- d. families integration;
- e. repatriation; and
- f. elderly.

Article 40

Self explanatory

Article 41

Paragraph (1)

Self explanatory

Paragraph (2)

Foreigner from a certain country that can be provided a visit Visa when arrival among others, Foreigner from a country that includes in the category of a country with higher level of tourism visit to Indonesia (***tourist generating countries***) or from a country whose diplomatic relationship is enough good with Indonesia, however such country provides no Visa-free facilities to the Indonesian citizen.

Paragraph (3)

Self explanatory

Article 42

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

Self explanatory



Letter d

Self explanatory

Letter e

Self explanatory

Letter f

Such rejection shall be in accordance with any request from an authorized institute.

Letter g

Such rejection shall be in accordance with any request from an authorized institute.

Letter h

Such rejection shall be in accordance with any request from an authorized institute.

Article 43

Paragraph (1)

Self explanatory

Paragraph (2)

Letter a

"Exemption of Visa" in this provision shall mean e.g. for the interest of tourism that benefits for national development regarding the reciprocal principles, i.e. exemption of Visa shall only be provided to Foreigner from a country that also provides an

exemption of Visa to the Indonesian  
citizen.

Letter b

Self explanatory

Letter c

Self explanatory

Letter d

Self explanatory

Article 44

Self explanatory

Article 45

Self explanatory

Article 46

Paragraph (1)

"residing in the Indonesian Territory"  
shall mean in the interest of task placed  
in the local representative of country or  
representative of international  
organization.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Article 47

Self explanatory

Article 48

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

In principle, every Foreigner who enters the Indonesian Territory must have a Visa. Under the Visa, Stay Permit for Foreigner is granted to stay in the Indonesian Territory, but the provision is not enforced against Foreigner who is in the Indonesian Territory as a victim of human trafficking.

Paragraph (3)

Self explanatory

Paragraph (4)

"Specific region" shall mean any conflict region that will harm the presence, safety, and security of the Foreigner concerned.

Paragraph (5)

Self explanatory

Article 49

Self explanatory

Article 50

Self explanatory

Article 51

Self explanatory

Article 52

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

Self explanatory

Letter d

"waters territory" shall mean inland waters, archipelagic waters, and territorial sea.

"jurisdiction territory" shall mean any territory outside of the waters territory consisting of Exclusive Economic Zone, Continent Shelf, and Additional Zone; a State owns sovereign right and authority as stipulated in the provision of legislation and international law.

Letter e

Self explanatory

Letter f

"child" shall mean a child from a widower/widow of the Foreigner married to an Indonesian citizen or adopted child.

Article 53

Self explanatory

Article 54

Paragraph (1)

Letter a

"clergyman" shall mean a religious leader recognized in Indonesia

Letter b

"families" shall mean husband/wife, and child/children.

Letter c

Self explanatory

Letter d

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Article 55

Self explanatory

Article 56

Paragraph (1)

"transfer of status" shall mean any change in status of the Foreigner existence from visit Stay Permit into limited Stay Permit and from limited Stay Permit into permanent Stay Permit.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Article 57

Self explanatory

Article 58

"status of Stay Permit and citizenship of somebody in doubt" shall mean among others, any Immigration data indicate that the person concerned is questionable of his/her citizenship status.

Article 59

Self explanatory

Article 60

Self explanatory

Article 61

"his/her family" shall mean a husband/wife, and child/children.

Article 62

Self explanatory

Article 63

Paragraph (1)

"specific Foreigner" shall mean a Foreigner who holds a limited Stay Permit or permanent Stay Permit.

Paragraph (2)

"change in civil status" shall mean among others, birth, marriage, divorce, death, and other change, e.g. change in sex.

Paragraph (3)

Self explanatory

Paragraph (4)

Self explanatory

Provision concerning the guarantee shall not be applied because in principle a husband or wife in the marriage is responsible for his/her partner and/or his/her child children).

Paragraph (5)

Self explanatory

Article 64

Self explanatory

Article 65

Self explanatory

Article 66

Self explanatory

Paragraph (1)

Self explanatory

Paragraph (2)

Immigration control shall mean any control, either to the Indonesian citizen or the Foreigner.

Article 67

Self explanatory

Article 68

Self explanatory

Article 69

Paragraph (1)

"relevant government agency or institute" shall mean, for example, Home Affairs Ministry, Foreign Affairs Ministry, National Police of the Republic of Indonesia, National Army of the Republic of Indonesia, General Attorney of the Republic of Indonesia, and Manpower Ministry of the Republic of Indonesia.

Paragraph (2)

Self explanatory

Article 70

Self explanatory

Article 71



Letter a

"change in civil status" shall mean among others, birth, marriage, divorce, and death.

In the event that the guarantor has settled such Foreigner is not required to execute.

Letter b

Self explanatory

Article 72

Paragraph (1)

Request of information about data can be undertaken, either manual or electronic.

Paragraph (2)

Self explanatory

Article 73

Self explanatory

Article 74

Paragraph (1)

Self explanatory

Paragraph (2)

"Immigration investigation" shall mean any activities or actions of the Immigration Officer to seek and find out an event alleged as the Immigration criminal act.

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

“Immigration Intelligent operation” shall mean any activities undertaken under a plan to achieve the specific goal and specified and implemented upon command from the competent Immigration Officer.

Letter d

Self explanatory

Article 75

Paragraph (1)

Self explanatory

Paragraph (2)

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

Such prohibition is addressed to Foreigner in which his/her existence is not allowed by the government to stay in the Indonesian Territory.

Letter d

“residing in a specific place” shall mean placement at Immigration Detention House, Immigration Detention Room, or other places.

Letter e

Self explanatory

Letter f

Self explanatory

Paragraph (3)

Self explanatory

Article 76

Self explanatory

Article 77

Self explanatory

Article 78

Self explanatory

Article 79

Self explanatory

Article 80

Self explanatory

Article 81

Self explanatory

Article 82

Self explanatory

Article 83

Paragraph (1)

Self explanatory

Paragraph (2)

"other places" shall mean hospital or other Inn that is easier controlled by the Immigration Officer.

Article 84

Self explanatory

Article 85

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

In case of deportation of a Detainee can not be executed after more than ten (10) years having the status as Detainee, he/she may be considered to give a chance for doing life as basic right of human in general outside the Detention House in a specific status considering behavior aspect during executing any detention, however, it remains under the control of Minister of a designated Immigration Officer through an obligation of periodic reporting.

Paragraph (4)

This provision is intended that control to any activities and existence of such Detainee will not result in negative impact for public. In addition, effort of Deportation to his/her country or third country that is prepared to receive him/her shall remain to undertake.

Article 86

"human trafficking victim" shall mean a person who undergoes the psychological sufferance, mental, physical, sexual, economic and/or social, as a result of criminal act on human trafficking.

Article 87

Paragraph (1)

"other places" shall mean among others, Inn, housing, or dormitory defined by the Minister.

Paragraph (2)

"Special treatment" shall mean a rule in the Immigration Detention House that applies for Detainee that is not fully treated for the victims due to victims are not Detainee.

Article 88

Self explanatory

Article 89

Self explanatory

Article 90

Self explanatory

Article 91

Paragraph (1)

Self explanatory

Paragraph (2)

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

The National Police of the Republic of Indonesia shall be authorized to propose any direct request to the competent Immigration Officer at the Immigration Checkpoint Venue in urgent state to prevent the suspected person perpetrates a criminal act and escapes out of the country.

Letter d

Self explanatory

Letter e

Self explanatory

Letter f

Self explanatory

Paragraph (3)

Self explanatory

In this provision, "urgent state" shall mean for example, prevented person is feared to escape to abroad at that time or has been present at the Immigration Checkpoint Venue to abroad prior to Decree of Prevention is stipulated.

"A certain Immigration Officer" shall mean an Immigration Officer at Immigration Checkpoint Venue or other technical implementing unit.

Article 93

Self explanatory

Article 94

Paragraph (1)

Decree of Prevention in writing shall be issued by any requesting institute or petites for execution.

Paragraph (2)

Self explanatory

Paragraph (3)

An institute that issues such Decree of Prevention shall be obliged to submit such letter to the person subjected to Prevention.

Paragraph (4)

Self explanatory

Paragraph (5)

Self explanatory

Paragraph (6)

Self explanatory

Paragraph (7)

Self explanatory

Article 95

Self explanatory

Article 96

"filing an objection" shall mean a legal effort provided to person subjected to Prevention in order to defend upon such Prevention subjected to him/her.

Article 97

Paragraph (1)

Self explanatory

Paragraph (2)

End by law is the reason for Prevention ends and the person concerned can travel outside of the Indonesian Territory.



Paragraph (3)

Self explanatory

Article 98

Paragraph (1)

Authority of deterrence is a form of implementation of state sovereignty to keep the security and public orderliness carried out by the Immigration reasons.

Paragraph (2)

An authorized officer in this provision is the head of government institute.

Article 99

Self explanatory

Article 100

Self explanatory

Article 101

Self explanatory

Article 102

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Implementation of the provision based on double crime by each country. For

example, false money circulation  
crime, terrorism, or narcotics stated  
as the criminal act in Indonesia and  
in origin country of such Foreigner.

Article 103

Self explanatory

Article 104

Self explanatory

Article 105

Self explanatory

Article 106

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

Self explanatory

Letter d

"Every person" shall mean an individual or  
corporation.

Letter e

Self explanatory

Letter f

Self explanatory

Letter g

Self explanatory

Letter h

Self explanatory

Letter i

Self explanatory

Letter j

Self explanatory

Letter k

Self explanatory

Letter l

Self explanatory

Letter m

Self explanatory

Letter n

Self explanatory

Letter o

Self explanatory

Article 107

Paragraph (1)

Coordination with an Investigator of the National Police of the Republic of Indonesia undertaken since issuance of the notification letter such investigation started, execution of investigation until the bundles completed, and a copy of case bundled submitted to an Investigator of the National Police of the Republic of

Indonesia. This coordination is undertaken  
to avoid the overlapping investigations.

Paragraph (2)

Self explanatory

Article 108

Self explanatory

Article 109

Self explanatory

Article 110

Self explanatory

Article 111

Self explanatory

Article 112

Self explanatory

Article 113

Self explanatory

Article 114

Self explanatory

Article 115

Self explanatory Article 112

Self explanatory

Article 116

Self explanatory Article 112

Self explanatory

Article 117

Self explanatory

Article 118

Self explanatory

Article 119

Self explanatory

Article 120

Self explanatory

Article 121

Self explanatory

Article 122

Self explanatory

Article 123

Self explanatory

Article 124

Article 125

Self explanatory

Article 126

Self explanatory

Article 127

Self explanatory

Article 128

Self explanatory

Article 129

Self explanatory

Article 130

Self explanatory

Article 131

Self explanatory

Article 132

Self explanatory

Article 133

Self explanatory

Article 134

Self explanatory

Article 135

Self explanatory

False marriage is a marriage of an Indonesian citizen or a foreigner who holds a Stay Permit with other foreigner and such marriage is not a real marriage, but in order to obtain a Stay Permit or a Travel Document of the Republic of Indonesia. From legal aspect such marriage law is a form of law smuggling.

Article 136

Self explanatory

Article 137

Self explanatory

Article 138

Self explanatory

Article 139

Self explanatory

Article 140

Self explanatory

Article 141

Self explanatory Article 136

Self explanatory

Article 142

Self explanatory

Article 143

Self explanatory

Article 144

Self explanatory

Article 145

Self explanatory.

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