



LEGAL ANALYSIS OF THE EFFECTIVENESS OF THE POLICY OF REFUSAL OF ENTRY FOR FOREIGN CITIZENS IN THE FRAMEWORK OF MAINTAINING STATE SOVEREIGNTY AT THE SEA IMMIGRATION INSPECTION PLACE IN BATAM CITY (RESEARCH STUDY AT BATAM CENTER INTERNATIONAL PORT)

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Abstract

The refusal of entry of foreign nationals constitutes a preventive immigration instrument that plays a strategic role in safeguarding the sovereignty, security, and public order of the Unitary State of the Republic of Indonesia. This study aims to analyze the legal framework, implementation, obstacles, and solutions concerning the effectiveness of the policy on the refusal of entry of foreign nationals as an instrument for safeguarding state sovereignty at the Sea Immigration Checkpoint in Batam City, particularly at Batam Center International Port. This research employs an empirical legal research method using statutory, conceptual, and empirical approaches. Data were collected through observation, interviews, documentation, and examination of primary and secondary legal materials. The findings indicate that, normatively, the refusal-of-entry policy has a legal foundation under Law Number 6 of 2011 on Immigration and Minister of Law and Human Rights Regulation Number 9 of 2024. However, its implementation remains not fully effective due to interpretive gaps concerning several grounds for refusal, particularly the clarity of the purpose of visit and the sufficiency of living expenses, which are not yet supported by uniform technical indicators and evidentiary parameters. Effectiveness is also affected by limited secondary inspection facilities, dependence on the reliability of immigration information systems and network connectivity, suboptimal integration of passenger manifest data, and the need to strengthen the competence and consistency of immigration officers. Therefore, regulatory and procedural improvements are required through measurable evidentiary indicators, strengthened infrastructure and immigration information systems, digitalization of refusal documentation, enhanced competence and integrity of immigration officers, and stronger inter-agency coordination. Ultimately, an effective refusal-of-entry policy must balance the facilitation of international mobility with firm law enforcement, thereby ensuring that state sovereignty is protected in an objective, accountable, and sustainable manner.

Keywords: Legal Effectiveness, All Indonesia Application, Illegal Foreign Workers, Immigration Control, Batam City.

INTRODUCTION

Global developments have led to increased human mobility between countries for various purposes such as tourism, trade, investment, employment, and education. This situation requires every country to have a monitoring system for foreigners entering and leaving its territory. This monitoring relates not only to administration but also to national security, public order, and safeguarding state sovereignty. In Indonesia, this function is implemented through immigration law based on **Law Number 6 of 2011 concerning Immigration** , which authorizes Immigration Officers to conduct inspections and refuse entry to foreign nationals who do not meet legal requirements.

Refusing entry to foreign nationals is a preventative administrative immigration measure because it is carried out before a person enters Indonesian territory. Therefore, its implementation must have a legal basis, clear rationale, measurable procedures, and standard operating procedures (SOPs) to ensure legal certainty. This clarity is crucial to

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ensure that refusal decisions are not subjective and continue to provide legal protection for both foreign nationals and immigration officials exercising their authority. Batam City holds a strategic position in the implementation of immigration functions due to its direct borders with Singapore and Malaysia and its role as a major international sea transportation route. Batam Center International Port is one of the entry points with a high number of foreigners crossing. This situation demands swift, accurate, objective, and legally binding immigration inspections. Therefore, a clear standard operating procedure (SOP) for entry denials is essential to ensure consistent inspections.

The main problem in this study lies not in the authority of immigration officers to refuse entry, but in **the clarity of the reasons for refusal used in practice**. Some reasons for refusal in the regulations are still general and have not been fully translated into detailed technical indicators. The use of reasons such as "immigration reasons" has the potential to lead to differences in interpretation among officers and opens up the possibility that refusal decisions are based on subjective considerations.

The high level of international mobility in Batam reinforces the importance of this research. Data from the Batam Free Trade Zone Authority (BP Batam) shows that in 2024, the number of passengers arriving and departing through passenger ports reached 8.6 million, with 4.8 million passing through the international ferry terminal. The Batam Center International Ferry Terminal was the terminal with the largest number of international passengers, with 2.83 million. Furthermore, the Batam Class I Special Immigration Office (TPI Batam) recorded 56 foreign nationals denied entry through Batam Center and Harbour Bay between September and November 2022. This data demonstrates that denial of entry is a real practice that has direct legal implications for foreign nationals.

Minister of Law and Human Rights Regulation No. 9 of 2024 stipulates that everyone entering or leaving Indonesian territory must undergo inspection by an Immigration Officer at an Immigration Checkpoint. However, problems arise when some grounds for refusal lack clear technical definitions. This can lead to differing interpretations among officers and reduce legal certainty in decision-making. The higher the number of foreigners crossing, the greater the need for objective and uniform inspection standards.

If these issues are not addressed, several impacts could arise. Foreign nationals may experience legal uncertainty due to the lack of specific reasons for refusal. Immigration officials may also face the risk of objections or accusations of abuse of authority if decisions are not supported by clear indicators and documentation. Furthermore, differences in implementation between officials can reduce the consistency of service and the effectiveness of immigration oversight.

From the perspective of state administrative law, the authority of Immigration Officers must remain subject to the principle of legality and general principles of good governance. According to Philipus M. Hadjon, every government action must be based on legitimate authority and carried out in accordance with legal procedures. Meanwhile, Satjipto Rahardjo explained that law enforcement does not only mean implementing regulations formally, but also realizing the values of justice, legal certainty, and utility in practice. Therefore, decisions to deny entry must have a clear legal basis, rational reasons, and be accountable.

This research aims to provide theoretical and practical contributions. Theoretically, the research is expected to strengthen immigration law studies related to the relationship between the authority of immigration officers, the effectiveness of entry denial policies, legal certainty, and safeguarding state sovereignty. Practically, the research is directed at providing recommendations for improving the standard operating procedure (SOP) for entry denials, which includes indicators for reasons for denial, examination stages, administrative evidence standards, decision documentation, and oversight mechanisms for immigration officer actions.

In addition to improving SOPs, support for an integrated immigration information system is needed to ensure accurate and transparent inspection, recording, and monitoring of rejection decisions. The use of technology is crucial to achieving effective, accountable, and electronically based governance.

LITERATURE REVIEW

1. Theoretical Framework

A theoretical framework serves as the scientific basis for research, explaining problems, constructing arguments, determining analytical perspectives, and connecting theory to research phenomena. The theoretical framework serves as a foundation to ensure that research is not based solely on personal opinion but has a justifiable academic basis.

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This research uses three main theories:

a. Theory of the Rule of Law as a Grand Theory

Friedrich Julius Stahl's theory of the rule of law, Rechtsstaat, explains that state power must be limited by law through the protection of human rights, the division of powers, government based on law, and administrative justice.

In this study, the theory of the rule of law is used to analyze whether the policy of refusing entry to foreign nationals at the Batam City Sea Immigration Checkpoint (TPI) has been implemented based on the principles of legality, legal certainty, objectivity, and accountability.

b. Legal System Theory as a Middle Theory

Lawrence M. Friedman's Legal System Theory explains that the success of law is influenced by three main elements:

1. Legal substance

Relating to the rules, norms and policies that form the basis for refusing entry to foreign nationals.

2. Legal structure

Relating to institutions, apparatus, authority of Immigration Officers, inspection procedures, and supporting facilities.

3. Legal culture

Relating to the attitude, professionalism, objectivity and behavior of officers in implementing the law.

This theory is used to see the effectiveness of the entry refusal policy not only from the regulatory aspect, but also from the implementation and legal culture in the field.

c. Law Enforcement Theory as Applied Theory

Satjipto Rahardjo's Law Enforcement Theory views law as not merely written rules, but the process of realizing legal values in real life. The success of law enforcement is influenced by the quality of officials, institutions, and social conditions.

This theory is used to analyze the implementation of the policy of refusing entry to foreign nationals by Immigration Officers, including the legal basis, procedures, professionalism of officers, and legal certainty.

2. Conceptual Framework

A conceptual framework is a structured thought process that explains the relationships between research concepts based on theory, previous research, and scientific logic. It helps determine the research direction, scope, and relationships between the variables being studied.

The main concepts in the research include:

a. Refusal of Entry

Refusal of entry is an administrative immigration action against foreign nationals who do not meet the entry requirements for Indonesia under Law Number 6 of 2011 concerning Immigration. Refusal of entry is a preventive measure to maintain security, public order, and national interests.

b. Foreign Citizens

A foreign citizen is someone who is not an Indonesian citizen. In immigration law, they are referred to as a **foreigner**, a legal subject who must fulfill travel document requirements, a visa, and immigration regulations before entering Indonesia.

c. Sea Immigration Checkpoint

The Sea Checkpoint (TPI) is an official immigration checkpoint at international seaports serving as entry and exit points for Indonesian territory. The TPI is where document checks, entry permits, and denials of entry are conducted for foreign nationals.

d. State Sovereignty

State sovereignty is the supreme authority of a state to regulate its territory and the people within it. In the area of immigration, sovereignty is manifested through the state's authority to determine who may or may not enter Indonesian territory.

e. Immigration Officer

Immigration officers are officials who have special education, technical competence, and authority based on the Immigration Law to carry out inspections, supervision, grant entry permits, and refuse entry.

f. Immigration Supervision

Immigration surveillance is a series of measures to inspect, control, and oversee the movement of people entering and leaving Indonesia. This surveillance serves as the basis for denying entry to foreign nationals who do not meet the requirements.

3. Research Assumptions

This research uses three main assumptions:

1. The denial of entry policy is an important instrument in immigration control to maintain national sovereignty.
2. The effectiveness of the entry refusal policy is influenced by legal regulations, implementing officials, and supporting facilities.
3. Batam City Sea TPI has a strategic position in maintaining national sovereignty because it is a border area with high foreign mobility.

Core research:

The study analyzes the effectiveness of the policy of refusing entry to foreign nationals at the Batam City Sea TPI using the perspective of the rule of law, legal system, and law enforcement to see the suitability between regulations, implementation, and protection of legal certainty.

METHOD

A. Type of Research

This study employs empirical legal research, that is, research that not only examines the legal provisions regarding the denial of entry to foreign nationals but also examines the implementation of these regulations in practice by Immigration Officers at the Batam City Sea Immigration Checkpoint (TPI). The focus of the research is to determine the alignment between legal provisions and the implementation of the denial of entry policy in the field.

B. Approach Method

The research used three approaches:

1. Statute Approach
Used to analyze regulations related to the refusal of entry of foreign nationals, especially Law Number 6 of 2011 concerning Immigration and Regulation of the Minister of Law and Human Rights Number 9 of 2024.
2. Conceptual Approach
Used to study legal concepts and theories such as legal effectiveness, authority, law enforcement, immigration control, and state sovereignty.
3. Empirical Approach
Used to obtain field data regarding the implementation of the policy of refusing entry to foreign nationals at the Batam City Sea TPI.

C. Location and Data Source

Research location:

Class I Special Immigration Office TPI Batam.

Data source:

- Primary data: obtained through interviews with Immigration Officers and TPI officers involved in the examination, supervision and refusal of entry of foreign nationals.
- Secondary data: comes from laws and regulations, books, journals, scientific articles, and previous research related to immigration law.

D. Data Collection Techniques

Data is collected through:

1. Observation
Directly observing the immigration inspection process at the Batam City Sea TPI.
2. Interviews
were conducted in depth with sources who have authority and experience regarding the entry refusal policy.
3. Documentation
Reviewing legal documents, administrative documents, and other written sources.

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The selection of sources used purposive sampling techniques, namely based on the relevance, authority, and experience of the sources regarding the research object.

E. Data Analysis

The data was analyzed qualitatively by organizing, categorizing, and interpreting field data based on the applicable theories and legal regulations. The analysis aimed to determine the effectiveness of the foreign national entry denial policy, the factors influencing its implementation, and its contribution to safeguarding national sovereignty.

Core research methods:

This study combines normative legal studies and field facts to assess the effectiveness of the implementation of the policy of refusing entry to foreign nationals at the Batam City Sea TPI based on aspects of legal regulations, implementation by officers, and immigration supervision practices.

RESULTS AND DISCUSSION

The Effectiveness of the Foreign Citizen Entry Refusal Policy at the Batam City Sea TPI

A. Legal Regulations for Refusal of Entry Policy

The policy of denying entry to foreign nationals is a form of exercising state sovereignty in regulating and monitoring the entry and exit of foreigners. The state has the authority to determine the requirements and procedures for foreign nationals seeking entry into Indonesian territory to maintain security, order, and national interests.

The legal basis for this policy is contained in Law Number 6 of 2011 concerning Immigration, specifically Article 13, which gives Immigration Officers the authority to refuse entry to foreign nationals who do not meet the requirements, such as not having valid travel documents, visas, providing false information, being a security risk, or being involved in certain criminal acts.

The technical implementation of refusal of entry is regulated through Minister of Law and Human Rights Regulation Number 9 of 2024, which regulates the inspection process, document verification, biometric checks, interviews, risk analysis, issuance of Refusal of Entry Signs, and Refusal of Entry Certificates.

This policy applies the principle of selective policy, namely only accepting foreign citizens who provide benefits and do not endanger security and public order.

B. Implementation of Entry Denial Policy

The implementation of the entry refusal policy at the Batam City Sea TPI has a strategic role because Batam is a maritime border area adjacent to Singapore and Malaysia and has high international mobility.

The inspection process is carried out in several stages:

1. Primary examination
 - Passport and travel document verification.
 - Identity and biometric matching.
 - Visa checks and deterrent list.
2. Secondary examination
 - In-depth interview.
 - Checking the purpose of the visit.
 - Financial capacity assessment.
 - Analysis of potential legal violations.

If a violation is found, the Immigration Officer issues a decision to refuse entry, provides a refusal mark, issues a Certificate of Refusal of Entry, and coordinates the repatriation of foreign nationals via the means of transport carrying them.

Policy effectiveness is analyzed through Lawrence M. Friedman's theory which includes:

- Legal substance: the rules already provide the basis for the authority to refuse entry.
- Legal structure: supported by the organization, technology, and competence of Immigration Officers.
- Legal culture: seen from the professionalism of the authorities and the compliance of related parties.

C. Obstacles and Solutions

Main obstacles:

1. Limited facilities and infrastructure

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- Passenger density during rush hour.
- Limited secondary examination space.
- Immigration system network disruption.
- 2. Ambiguity of certain legal indicators
 - Some criteria such as the purpose of the visit and the adequacy of living costs do not yet have detailed technical standards.
 - This condition can cause differences in interpretation between officers.
- 3. Transnational crime mode
 - Document forgery.
 - Use of dual identity.
 - Human trafficking and human smuggling.
- 4. Obstacles to the repatriation of foreign citizens
 - Ship schedule limitations.
 - Refusal of readmission by the country of origin.
 - Coordination between agencies is not yet optimal.

Recommended solution:

- Modernization of biometric and artificial intelligence-based inspection technology.
- Strengthening the immigration information system network.
- Provision of adequate secondary examination rooms.
- Preparation of clearer technical indicators regarding cost of living, purpose of visit, and supporting documents.
- Improving inter-agency intelligence cooperation and competency training for Immigration Officers.

Brief Conclusion

The policy of denying entry to foreign nationals at the Batam City Sea Terminal (TPI Laut) has a strong legal basis and is effective as an instrument for safeguarding state sovereignty. However, its effectiveness is still influenced by the clarity of technical standards, technological readiness, inspection facilities, and the development of immigration violation methods. Optimizing regulations, technology, and the quality of human resources is necessary to ensure the policy remains firm, professional, and in accordance with the principles of the rule of law.

CONCLUSION

1. Legal Regulations on the Effectiveness of the Policy of Refusing Entry of Foreign Nationals in the Context of Maintaining State Sovereignty at the Batam City Maritime Immigration Checkpoint

It is recommended that legal regulations regarding the policy of denying entry to foreign nationals continue to be refined, particularly by providing clearer, more objective, and measurable indicators for reasons for denial that are still open to interpretation. These technical guidelines should clarify parameters regarding the purpose and objective of the visit, the adequacy of living expenses, the validity of documents, and other risk indicators so that Immigration Officers have uniform standards of examination in making decisions. These improvements are crucial to strengthen legal certainty while preventing differences in interpretation and the potential for subjective actions in exercising the authority to deny entry. Furthermore, harmonization of statutory provisions with the Standard Operating Procedures at the Batam City Sea Immigration Checkpoint is necessary. Every denial action must be supported by complete, digitally integrated documentation and administrative evidence, so that the decision-making process can be legally accountable. Thus, the authority of Immigration Officers in safeguarding national sovereignty can still be exercised firmly, while remaining grounded in the principles of legality, legal certainty, accuracy, transparency, and accountability.

2. Implementation of the Effectiveness of the Entry Refusal Policy for Foreign Nationals in the Context of Maintaining State Sovereignty at the Batam City Maritime Immigration Checkpoint

It is recommended that the Batam Class I Special Immigration Office (TPI) continue to improve the effectiveness of its entry denial policy implementation by strengthening the quality of human resources, infrastructure, and the use of information technology. Continuous improvement of the competence of Immigration Officers is necessary, particularly in interview techniques, risk profile analysis, forged document detection, and understanding the development of transnational crime modes. Furthermore, optimization of biometric-based inspection systems and immigration data integration are necessary to expedite the screening of low-risk passengers and provide officers with greater space to conduct in-depth checks on high-risk passengers. Coordination and

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information exchange between the Immigration Office and relevant agencies, shipping operators, and immigration authorities in neighboring countries also need to be strengthened. Rapid data exchange on high-risk passengers, wanted lists, crime modes, and other immigration information will support early detection of potential threats. This strengthened coordination should also include a repatriation mechanism so that rejected foreign nationals can be promptly returned without causing operational obstacles or legal issues.

3. **Obstacles and Solutions to the Effectiveness of the Policy of Refusing Entry for Foreign Nationals in the Context of Maintaining State Sovereignty at the Batam City Maritime Immigration Checkpoint**

It is recommended that the Batam Class I Special Immigration Office (TPI) conduct an integrated mapping and handling of obstacles by prioritizing improvements to inspection facilities and infrastructure, the stability of the information technology network, and the availability of adequate secondary inspection rooms. Technological modernization through biometric inspections, document detection systems, passenger data integration, and backup network systems needs to be developed to reduce reliance on manual processes. Furthermore, the development of a measurable inspection matrix and rejection indicators needs to be prioritized so that Immigration Officers have uniform guidelines for dealing with rapid and complex inspection conditions. Furthermore, strengthening policy effectiveness needs to be done by improving intelligence synergy and the legal culture of all parties involved in maritime crossings. The Immigration Office needs to strengthen information exchange with the police, intelligence agencies, maritime security authorities, and immigration authorities of neighboring countries, while simultaneously improving compliance with shipping operators' obligations to inspect and repatriate rejected foreign nationals. Continuous improvement of the capacity and integrity of the apparatus and the involvement of coastal communities are also needed so that the entry rejection system does not rely solely on inspections at ports, but becomes a comprehensive and sustainable border control system.

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