



LEGAL ANALYSIS OF THE AMENDMENT OF LAW NUMBER 6 OF 2011 THROUGH LAW NUMBER 63 OF 2024 TO ADDRESS IMMIGRATION VIOLATIONS BY FOREIGN NATIONALS (A RESEARCH STUDY AT THE BATAM SPECIAL CLASS I IMMIGRATION OFFICE, TPI)

Josua H.V.S Manalu¹, Soerya Respationo², Erniyanti³, Siti Nurkhotijah⁴

^{1,2,3,4} Universitas Batam, Indonesia

e-mail: josuavictor9@gmail.com, 1012095902@univbatam.ac.id, erniyanti@univbatam.ac.id,
Sitinurkhotijah@univbatam.ac.id

Received: 03/08/2026 | Revised: 10/08/2026 | Accepted: 29/08/2026 | Published: 25/09/2026

Abstract

The enactment of Law Number 63 of 2024 concerning the Third Amendment to Law Number 6 of 2011 concerning Immigration represents a normative transformation to strengthen state sovereignty and public order in Indonesia. This study analyzes the implementation of immigration regulatory reforms in addressing violations by foreign nationals and identifies obstacles and strategic legal solutions. Guided by the Selective Policy, enforcement focuses on definite durations for exit and entry bans, lifetime entry bans for serious crimes, firearm use by Immigration Officers, and mandatory accommodation data reporting. Using normative-empirical legal research, Lawrence M. Friedman's Legal System Theory, and Soerjono Soekanto's Law Enforcement Theory, the study finds that the reforms provide a clear legal basis. However, implementation faces inadequate implementing regulations, limited numbers and capacities of Immigration Civil Servant Investigators, inadequate border patrol facilities, deportation funding difficulties, weak data integration within the Foreign National Supervision Team, and widespread fictitious sponsorship. Proposed solutions include expediting technical implementing regulations, modernizing biometric technology and border patrols, integrating national databases, strengthening immigration diplomacy, and periodically auditing sponsor credibility.

Keywords: Immigration, Addressing Violations, Foreign Nationals, Selective Policy, Law Enforcement.

INTRODUCTION

A. Background

Immigration forms part of the exercise of state sovereignty. Law Number 6 of 2011 concerning Immigration regulates the movement of persons entering or leaving Indonesian territory and the supervision of that movement. Its functions encompass immigration services, law enforcement, national security, and the facilitation of development for public welfare. Foreign-national mobility supports investment, tourism, trade, education, and international cooperation, but also creates risks involving overstaying, visa misuse, invalid travel documents, unauthorized employment, and unlawful entry or residence. Immigration policy must therefore balance openness with the protection of national interests, while enforcement remains consistent with legality, proportionality, accountability, and human rights.¹

Law Number 6 of 2011 provides administrative and criminal enforcement instruments. Article 75 authorizes Immigration Administrative Action against foreign nationals who engage in dangerous activities, are reasonably suspected of endangering security and public order, or fail to respect and comply with legislation. Measures include

¹ Hendrawan, H., Siregar, L. M., & Shatrya, M. (2022). Peran dan Pengawasan Keimigrasian dalam Menghadapi Ancaman Kedaulatan Negara. *JIIP - Jurnal Ilmiah Ilmu Pendidikan*, 5(12), 5534–5543.

stay permit restrictions or cancellation, restrictions on residence, charges, deportation, and exit or entry bans. Articles 119 and 122 address invalid or falsified travel documents and intentional stay permit misuse. This distinction demonstrates that immigration violations cannot always be resolved solely through administrative action.²

Law Number 63 of 2024 constitutes the third amendment to Law Number 6 of 2011 and entered into force on 17 October 2024. The amendment strengthens the relationship between immigration administration and criminal law enforcement through changes to refusal of departure, exit and entry bans, operational authority, and reporting obligations. These powers require a clear legal basis and accountable procedures. Stronger authority alone is insufficient unless officers can determine when particular measures are justified and how individual rights remain protected during enforcement.

Batam is a strategic international entry point close to Singapore and Malaysia. Tourism, business, investment, employment, and daily cross-border interactions generate substantial foreign-national mobility.³ The visa-free visit policy discussed in this study permits foreign nationals holding Singapore permanent residence to visit Batam, Bintan, and Karimun for up to four days through designated ports. This openness increases the need for rapid, accurate, and integrated supervision, particularly concerning stay permit misuse, unauthorized activities, and the presence of foreign nationals without valid documents.

The national enforcement data cited in this study record 1,503 deportations in the first half of 2024, an increase of 135.21% compared with the same period in 2023. During that period, 2,041 foreign nationals were subject to enforcement action, with deportation accounting for 73.64% of Immigration Administrative Action. Batam recorded 118 enforcement actions and was among the three immigration offices with the highest totals. These figures establish the practical relevance of examining how legal norms operate at frontline implementing units.⁴

Local cases also illustrate recurring enforcement needs. Phase III of Operation Jagratara in 2024 was followed by the deportation of two Singaporean nationals.⁵ The study further reports that Batam Immigration imposed Immigration Administrative Action on 186 foreign nationals and investigated three foreign nationals for suspected immigration crimes between January and October 2025. The research accordingly examines whether the amendment provides sufficient normative and operational support for addressing violations at the Batam Special Class I Immigration Office (TPI). Its focus includes procedural clarity, effective supervision, interagency cooperation, and the protection of rights.

B. Research Questions

1. What legal framework governs the amendment of Law Number 6 of 2011 through Law Number 63 of 2024 in addressing immigration violations by foreign nationals?
2. How is the amendment implemented to address immigration violations by foreign nationals?
3. What obstacles and solutions arise in implementing the amendment?

C. Research Objectives

The study aims to identify and analyze the legal framework, practical implementation, and obstacles and solutions associated with the amendment of Law Number 6 of 2011 through Law Number 63 of 2024 in addressing immigration violations by foreign nationals.

D. Significance of the Study

Theoretically, the study contributes to immigration law, administrative law, and scholarship on national security enforcement by connecting normative reform with institutional practice. Practically, it provides input for the Batam Special Class I Immigration Office (TPI), the Directorate General of Immigration, and related agencies to improve supervision, enforcement, coordination, and policy implementation in strategic border regions.

E. Originality of the Study

Previous studies examine stay permit enforcement, supervision, state sovereignty, human security, visa-free visits, and automated border inspections. Their principal findings are summarized below. The present study differs

² Hafidz, S. A., Tambunan, A., & Hamdi, M. A. (n.d.). *Rekonstruksi Norma Pasal 119 UU Keimigrasian: Optimalisasi Asas Ultimum Remedium dalam Penegakan Hukum Keimigrasian*. *Innovative: Journal Of Social Science Research*, 5(4).

³ Amalia, E., Arieta, S., & Pangestoeti, W. (2023). *Analisa Pest Arti Penting Batam Dan Bintan Sebagai Entry Point Border Tourism Dengan Singapura*. *Jurnal Mata Pariwisata*, 2(1), 8–15.

⁴ Direktorat Jenderal Imigrasi. (n.d.). *Dirjen Imigrasi: Semester Satu 2024, Imigrasi Deportasi 1.503 orang asing, Naik 135,21% dari tahun 2023*. Situs Web Resmi Imigrasi Republik Indonesia.

⁵ Kantor Imigrasi Kelas I Khusus TPI Batam. (2024). *Imigrasi Batam Deportasi 2 WN Singapura Sebagai Tindak Lanjut Atas Operasi Jagratara Tahap III Pengawasan Orang Asing Tahun 2024*.

LEGAL ANALYSIS OF THE AMENDMENT OF LAW NUMBER 6 OF 2011 THROUGH LAW NUMBER 63 OF 2024 TO ADDRESS IMMIGRATION VIOLATIONS BY FOREIGN NATIONALS

Josua H.V.S Manalu et al

by using Law Number 63 of 2024 as its analytical basis and examining administrative action, criminal investigation, deportation, entry bans, and interagency coordination together within Batam's operational setting.

No.	Author(s)	Year	Research Focus	Research Findings
1	Elsaida Hotmauli Siagian ⁶	2020	Stay permit enforcement in Medan	Overstaying, permit misuse, and document falsification are examined under Law Number 6 of 2011.
2	Riza Safin Nabila ⁷	2022	Stay permit supervision in Jember	Supervision focuses on permit applications, implementation obstacles, and administrative responses.
3	M. Rafly Qalandy and M. Alvi Syahrin ⁸	2021	Enforcement against foreign workers	Administrative action and pro justitia proceedings coexist; deportation is used more frequently because criminal proceedings require greater resources.
4	Mega Bintang Ninage and Amalia Diamantina ⁹	2022	Prevention of visit permit misuse	Limited personnel, extensive supervision areas, weak coordination, and low public participation constrain prevention.
5	Hendrawan, Lidya Marsaulina Siregar, and Maulana Shatrya ¹⁰	2022	Immigration and state sovereignty	Selective Policy, foreign-national supervision, and exit and entry bans support sovereignty protection.
6	Muhammad Iqbal Saputra, Ramon Nofrial, Bachtiar Simatupang, Erniyanti ¹¹	2025	Stay permit misuse in Batam	The research examines legal regulation, enforcement implementation, obstacles, and solutions.
7	Randy Asmoro Dwi Purnomo, Ramlan, Dahlan, Erniyanti ¹²	2025	Human security and trafficking	Prevention and enforcement require stronger institutional capacity and interagency cooperation.

⁶ Siagian, E. H. (2020). *Penegakan Hukum terhadap Warga Negara Asing yang Melanggar Izin Tinggal di Indonesia Berdasarkan Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian (Studi di Kantor Imigrasi Kelas I Medan)*.

⁷ Nabila, R. S. (2022). *Pengawasan Keimigrasian terhadap Warga Negara Asing yang Mengajukan Izin Tinggal di Wilayah Indonesia Berdasarkan Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian (Studi Kasus di Kantor Imigrasi Kelas I TPI Jember)*.

⁸ Qalandy, M. R., & Syahrin, M. A. (2021). *Instrumen Penegakan Hukum Bagi Tenaga Kerja Asing Yang Menyalahgunakan Izin Tinggal Keimigrasian*. *JLR - Jurnal Legal Reasoning*, 4(1), 1–16.

⁹ Safin, R. (2022). *Pencegah Penyalahgunaan Izin Tinggal Kunjungan Warga Negara Asing Oleh Kantor Imigrasi Semarang*.

¹⁰ Hendrawan, Siregar, L. M., & Shatrya, M. (2022). *Peran dan Pengawasan Keimigrasian dalam Menghadapi Ancaman Kedaulatan Negara*.

¹¹ Saputra, M. I., Nofrial, R., Simatupang, B., & Erniyanti. (2025). Law Enforcement On The Misuse Of Residence Permits By Foreign Nationals (A Research Study At The Special Class I Immigration Office TPI Batam). *IJERLAS (International Journal of Educational Review*, 5(5).

¹² Purnomo, R. A. D., Ramlan, Dahlan, & Erniyanti. (2025). Legal Analysis Of The Application Of The Concept Of ‘Human Security’ In Immigration Policy To Combat Human Trafficking In Indonesia (A Research Study At The Class I Special Immigration Office In Batam). *IJERLAS (International Journal of Educational Review*, 5(5).

No.	Author(s)	Year	Research Focus	Research Findings
8	Iwan Sahat Maruli Simanjuntak, Erniyanti, Dahlan ¹³	2025	Visa-free visits and permanent residence	Selective entry policies, interagency supervision, and public legal education balance economic and security interests.
9	Immanuel Simanjuntak, Ramlan, Bachtiar Simatupang, Erniyanti ¹⁴	2025	Legal certainty of autogates	Updated technical rules, personnel training, public outreach, coordination, and digital monitoring are recommended.
10	Lazuardi Farisco, Siti Nurkhotijah, Sayid Fadhil, Erniyanti ¹⁵	2025	Effectiveness of autogates	Technical policies, technology, personnel capacity, and continuing outreach support effective automated inspections.

Unlike earlier research centered on the original Immigration Law or individual enforcement instruments, this study connects legislative change with the comprehensive handling of violations in a high-mobility border region. Its contribution lies in assessing how stronger legal norms interact with immigration institutions, operational resources, and legal culture, rather than treating legal reform as a change in statutory wording alone.¹⁶

LITERATURE REVIEW

A. Theoretical Framework

1. Legal System Theory

Lawrence M. Friedman's Legal System Theory identifies legal substance, legal structure, and legal culture as interconnected determinants of effectiveness. Substance comprises immigration legislation and implementing rules. Structure includes Immigration Offices, Immigration Officers, Civil Servant Investigators, coordination mechanisms, and supporting facilities. Culture concerns the attitudes, integrity, and compliance of officers, foreign nationals, businesses, and the public. Applied to this study, the framework explains why clearer authority under Law Number 63 of 2024 must be accompanied by institutional readiness and consistent legal awareness to produce effective enforcement.¹⁷

2. Rule of Law Theory

Rule of Law Theory, or Rechtsstaat, requires government action to rest on lawful authority, clear rules, and the protection of individual rights. Article 1(3) of the 1945 Constitution establishes Indonesia as a state based on law. Immigration decisions restricting movement or residence must therefore satisfy legality, legal certainty, accountability, and reviewable procedures. The theory provides a normative basis for assessing whether stronger enforcement powers remain proportionate and compatible with human rights rather than becoming an arbitrary exercise of state authority.¹⁸

¹³ Simanjuntak, I. S. M., Erniyanti, & Dahlan. (2025). Legal Analysis Of The Impact Of Singapore's Visa-Free Visit (BVK) And Permanent Residence (PR) Policies On The Security And Economic Stability Of Batam City (A Research Study In Batam City). *IJSET (International Journal of Science, Educational, Economics, Agriculture Research and Technology)*, 4(10).

¹⁴ Simanjuntak, I., Ramlan, Simatupang, B., & Erniyanti. (2025). Legal Analysis Of Legal Certainty Regarding The Use Of Automatic Gates (Autogate) At The Immigration Checkpoint Of The International Port Of Citra Tritunas (A Research Study At The Class I Special Immigration Office Of TPI Batam) Authors. *IJERLAS (International Journal of Educational Review)*, 5(5).

¹⁵ Farisco, L., Nurkhotijah, S., Fadhil, S., & Erniyanti. (2025). Legal Analysis Of The Effectiveness Of The Autogate System In Facilitating The Traffic Of Foreigners At International Ports (Research Study In Batam City). *IJERLAS (International Journal of Educational Review)*, 5(5).

¹⁶ Putra, R. S., Zahidi, M. S., & Yumitro, G. (2025). *Batam Immigration Officers' Perception of the Revocation of Visa-Free Visits: An Analysis in a National Security Perspective*. *PERSPEKTIF*, 14(2), 387–396.

¹⁷ Ab. Halim, M. 'Afifi, & Amni, S. Z. (2023). Legal System in the Perspectives of H.L.A Hart and Lawrence M. Friedman. *Peradaban Journal of Law and Society*, 2(1), 51–61.

¹⁸ Manurung, M., Rambe, A. S., Ihsan, M. N., & Ritonga, R. A. (2025). *Rule of Law / Negara Hukum*. *Jurnal Pendidikan Tambusai*, 9(2).

3. Law Enforcement Theory

Satjipto Rahardjo understands law enforcement as the process of translating legal ideals into social reality. It involves interpretation, procedures, institutional practices, and social conditions rather than merely applying statutory text. This study also applies Soerjono Soekanto's five enforcement factors: the law, enforcement personnel, supporting facilities, society, and culture. Together, these perspectives connect the objectives of immigration reform with professional personnel, adequate resources, interagency coordination, and consistent implementation in the field.¹⁹

B. Conceptual Framework

1. Legal Analysis

Legal analysis examines legislation, principles, authority, procedures, and legal consequences. Here, it assesses how the third amendment changes the normative and practical basis for addressing immigration violations and whether the resulting powers can be exercised consistently with legal certainty and state sovereignty.²⁰

2. Immigration

Immigration encompasses the movement of persons entering or leaving Indonesian territory and its supervision to uphold sovereignty. It combines services, law enforcement, national security, and development facilitation. Supervision extends beyond checkpoint examinations to foreign nationals' legal status, permitted duration of stay, purposes of arrival, and activities within Indonesia.²¹

3. Foreign Nationals

A foreign national is a person who is not an Indonesian citizen, consistent with Article 1, point 9, of Law Number 6 of 2011. Foreign nationals within Indonesian jurisdiction must hold valid travel documents and appropriate permission, observe permitted periods of stay, and undertake activities consistent with their authorization.²²

4. Immigration Violations

Immigration violations are acts, circumstances, or omissions contrary to immigration law. They include overstaying, stay permit misuse, invalid or falsified documents, unauthorized employment, and unlawful entry. Administrative violations are addressed through Immigration Administrative Action, whereas conduct meeting statutory criminal elements may be processed through *pro justitia* proceedings.²³

5. Batam Special Class I Immigration Office (TPI)

The Batam Special Class I Immigration Office (TPI) is the operational institution responsible for immigration services, examinations, supervision, and enforcement in its jurisdiction. TPI means *Tempat Pemeriksaan Imigrasi*, or Immigration Checkpoint. Its international ports, proximity to neighboring countries, and substantial cross-border activity make the office an appropriate setting for examining the practical operation of legal reform.²⁴

C. Assumptions

The study assumes that the amendment strengthens the legal basis for supervision and enforcement, that violations remain a concern in Batam's high-mobility setting, and that effectiveness depends on clear norms, professional personnel, adequate facilities, interagency coordination, and public participation.

RESEARCH METHODS

A. Type of Research

This study employs normative-empirical legal research. The normative component examines the immigration rules established by Law Number 6 of 2011 and amended through Law Number 63 of 2024. The empirical component examines their implementation in supervising and addressing violations by foreign nationals at the Batam Special Class I Immigration Office (TPI).²⁵

¹⁹ Rahardjo, Satjipto. (2009). *Penegakan hukum : suatu tinjauan sosiologis*. Genta Pub.

²⁰ Sitorus, H., Manik, A. Y. S., Ameytia Rizka Aulia, Desinta, Zahra Nur Aqila, Saragih, R. R., Herlinda, Ramsul Nababan, & Maulana Ibrahim. (2024). *Analisis Yuridis terhadap Prinsip Kejelasan dan Kepastian Hukum dalam Peraturan Perundang-Undangan : Studi Kasus Uu No. 12 Tahun 2011*. *Civics Education and Social Science Journal (CESSJ)*, 6(2), 231–242.

²¹ Hamidi, J., & Christian, C. (2021). *Hukum Keimigrasian Bagi Orang Asing di Indonesia*.

²² Sahetapy, T. J. A., Peilouw, J. S. F., & Hanafi, I. H. (2023). Orang Asing Yang Berada Di Indonesia Berdasarkan Ketentuan Undang – Undang Nomor 6 Tahun 2011 Tentang Keimigrasian. *LUTUR Law Journal*, 4(1), 53–62.

²³ Simatupang, J., Anggusti, M., & Sihotang, L. (2025). Study Of Law No.6 of 2011 on Criminal Liability of Foreigners Who Violate Their Stay Permit In Indonesia (Overstay). *Indonesian Journal of Law and Justice*, 2(3), 9. <https://doi.org/10.47134/ijlj.v2i3.3679>

²⁴ Kantor Imigrasi Kelas I Khusus TPI Batam. (2013). *Tugas & Fungsi Imigrasi Batam*.

²⁵ Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram University Press.

B. Research Approaches

A statute approach examines relevant immigration legislation; a conceptual approach addresses the rule of law, sovereignty, legal certainty, enforcement, and immigration violations; and an empirical approach examines how immigration personnel apply those provisions in practice.²⁶

C. Research Location and Data Sources

The research was conducted at the Batam Special Class I Immigration Office (TPI). Primary data are obtained from interviews with officials or personnel possessing relevant authority or knowledge. Secondary data comprise primary, secondary, and tertiary legal materials obtained through the literature review.

D. Data Collection Techniques

Data collection combines literature review, document review, and interviews. Legislation, books, journals, and prior research establish the legal and conceptual basis. Immigration supervision and enforcement documents provide implementation information, while interviews address operational practices, obstacles, and efforts to resolve violations.²⁷

E. Data Analysis

Data are analyzed qualitatively by describing, interpreting, and relating legal materials and field information to the selected theories and statutory provisions. Findings are presented descriptively and analytically. Conclusions are drawn deductively, moving from general immigration norms to their application in the specific Batam enforcement setting.²⁸

RESULTS AND DISCUSSION

A. Legal Framework for the Amendment of Law Number 6 of 2011 through Law Number 63 of 2024 in Addressing Immigration Violations by Foreign Nationals

Law Number 63 of 2024 renews immigration governance by strengthening authority while clarifying limits on its exercise. Promulgated on 17 October 2024, it is recorded in State Gazette Number 227 of 2024 and Supplement Number 6996. The amendment responds to constitutional requirements that restrictions on movement have a defined legal basis, clear time limits, and accountable mechanisms. Its significance therefore lies not only in expanding operational instruments but also in reducing uncertainty concerning the scope and duration of administrative restrictions.

The amendment to Article 16(1)(b) authorizes Immigration Officers to refuse departure from Indonesian territory when a person is required for investigation and prosecution at the request of an authorized official. This connects checkpoint control with the criminal justice process and supports efforts to prevent persons required in proceedings from leaving the jurisdiction. The authority is not an unrestricted power: its exercise depends on the relevant legal grounds and the request of an authorized official. In Batam, where international ports enable rapid cross-border movement, procedural clarity is particularly important for timely and accountable action.

Article 97(1) establishes an exit ban of no more than six months, extendable for a maximum of six months. Definite limits address uncertainty arising from restrictions that could otherwise continue without a clear endpoint. They provide officers and requesting agencies with a defined period for completing the relevant investigation or prosecution. From the rule of law perspective, the provision links enforcement needs with predictable treatment and limits on administrative power. Clear timeframes also require effective coordination so that the legal basis for any continuing restriction can be assessed within the applicable period.

The amended Article 102 provides entry bans of up to ten years, extendable for a maximum of ten years, and allows lifetime entry bans in specified serious cases. The study discusses serious security threats, terrorism, organized transnational crime, and other extraordinary crimes as the principal concerns underlying this instrument. Longer bans are intended to prevent high-risk foreign nationals from returning and repeating violations. Their application nevertheless requires objective criteria and clear technical guidance so that differences in local practice do not undermine proportionality, legal certainty, or the protection of rights.

²⁶ Yanova, M. H., Komarudin, P., & Hadi, H. (2023). Metode Penelitian Hukum: Analisis Problematika Hukum Dengan Metode Penelitian Normatif Dan Empiris. *Badamai Law Journal*.

²⁷ Tan, D. (2021). Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum. *Nusantara : Jurnal Ilmu Pengetahuan Sosial*,

²⁸ Adiyanta, F. C. S. (2019). *Hukum dan Studi Penelitian Empiris: Penggunaan Metode Survey sebagai Instrumen Penelitian Hukum Empiris*. *Administrative Law & Governance Journal*, 2.

The wider legal framework retains two complementary enforcement avenues. Article 75 regulates Immigration Administrative Action, including restrictions or cancellation of stay permits, restrictions on place of residence, charges, deportation, and exit or entry bans. Article 78 addresses overstaying: foreign nationals remaining for fewer than sixty days after permit expiry are subject to charges, while failure to pay may lead to deportation and an entry ban. For those remaining more than sixty days after expiry, the framework provides deportation and an entry ban. These provisions establish a practical basis for responding to common stay permit violations.²⁹

Criminal enforcement addresses conduct satisfying statutory offense elements. Article 119 concerns entry or residence without lawful and valid travel documents and visas, including the use of false or falsified travel documents. Article 122 concerns intentional stay permit misuse or activities inconsistent with the purposes for which permission was granted. The coexistence of administrative and criminal measures allows enforcement to respond to different forms of noncompliance. Administrative efficiency should therefore be considered alongside the need for criminal accountability where the conduct falls within the relevant statutory provisions.

The amendment also strengthens foreign-guest data reporting under Article 72 and provides for certain Immigration Officers to be equipped with firearms when performing supervision and enforcement duties. Reporting broadens supervision from checkpoints to accommodation and inland activity. Operational self-protection addresses the risks encountered in high-risk enforcement, but requires clear eligibility, training, storage, use, and oversight procedures. These provisions illustrate the dependence of legal substance on supporting institutions and technical regulation: formal authorization alone cannot determine whether implementation is safe, consistent, and accountable.

Viewed through Friedman's framework, these changes reform legal substance, while their effectiveness depends on legal structure and culture. Immigration Offices must possess sufficient personnel, facilities, and coordination mechanisms to translate authority into action. Officers must also exercise that authority objectively and with integrity. The rule of law and Rahardjo's enforcement perspective reinforce the same conclusion: the protection of sovereignty is achieved through lawful, proportionate, and practically effective decisions rather than through the existence of stronger statutory language alone.

B. Implementation of the Amendment of Law Number 6 of 2011 through Law Number 63 of 2024 to Address Immigration Violations by Foreign Nationals

Implementation is guided by the Selective Policy, under which foreign nationals may enter, remain, and conduct activities in Indonesia when their presence contributes to national welfare and does not endanger security or public order. The doctrine balances development facilitation with protective supervision. Its operational application extends from visa and document checks to monitoring residence and activities, detecting violations, and selecting an appropriate enforcement response. For Batam, this balance is especially important because immigration controls operate within an economy closely connected to tourism, investment, trade, and neighboring states.

At Immigration Checkpoints, officers examine travel documents, visas, stay permits, and relevant exit or entry restrictions. Clear departure-refusal procedures help connect immigration examinations with the needs of investigators and prosecutors. Supervision cannot stop at the point of arrival, however. Field monitoring in industrial areas, business centers, tourism locations, and foreign-national residential concentrations is needed to establish whether actual activities remain consistent with immigration permission. Document control and inland supervision consequently operate as connected stages rather than separate administrative tasks.

Preventive measures include mapping vulnerable locations, improving document examinations, explaining immigration requirements to businesses and tourism operators, and receiving public information through complaint channels. Repressive measures include field inspections, examination of suspected violations, administrative decisions, investigation, and deportation where the legal requirements are met. Operation Jagratara illustrates the role of targeted supervision in identifying violations and following them with enforcement. Effective implementation requires these measures to be systematic rather than relying only on action after a violation has already produced broader consequences.

The study's Batam data demonstrate the continuing use of both administrative and criminal instruments. The 186 foreign nationals subject to Immigration Administrative Action between January and October 2025 and the three foreign nationals investigated for suspected immigration crimes show that administrative action remains a prominent operational response. The reported violations encompass stay permit misuse, overstaying, invalid documents, and

²⁹ Sembiring, B. Y. A., Nugraha, D. A., & Sabilla, D. P. (2024). Peran Keimigrasian Dalam Upaya Preventif Dan Represif Terhadap Pelanggaran Orang Asing Yang Melebihi Masa Izin Tinggal (Overstay) Di Indonesia. *Journal of Law and Border Protection*, 6(2), 101–110.

activities affecting public order. These findings connect the legal distinction between enforcement avenues with the practical workload of a frontline immigration institution.

Administrative action provides a relatively direct response to violations that can be addressed through immigration authority without criminal adjudication. Measures affecting stay permission and residence, followed where appropriate by deportation and an entry ban, serve to restore immigration order. Criminal proceedings, by contrast, require Immigration Civil Servant Investigators to establish the relevant offense elements and prepare cases for prosecution. Such proceedings may result in imprisonment and fines, followed by immigration measures after the sentence is completed. Their different procedures and resource requirements explain the importance of professional assessment when determining the appropriate route.

The responsibilities of Immigration Officers and Immigration Civil Servant Investigators extend beyond individual case handling. Additional powers require adjustments to standard operating procedures, particularly for requests affecting departure, entry-ban decisions, investigative coordination, and high-risk operations. Investigators must work with police investigators and the Public Prosecution Service when immigration cases intersect with general criminal offenses. Clear allocation of responsibilities helps ensure that evidence, immigration status, and movement restrictions are addressed through consistent institutional procedures rather than fragmented decisions.

The Foreign National Supervision Team provides the principal interagency coordination mechanism. Its membership includes immigration, the police, the armed forces, the prosecution service, labor offices, population administration offices, and intelligence agencies. Through information exchange and joint operations, the team can connect immigration status with employment permission, residence information, and suspected criminal activity. Its effectiveness depends on practical cooperation and timely access to usable information, not merely the existence of a formal organizational arrangement. Shared intelligence and coordinated field action are therefore central to implementing the amended framework.

Information technology supports these functions through automated inspection systems, biometric identification, integrated stay permit databases, intelligence analysis, and digital reporting of foreign guests. Accommodation providers occupy a particularly important position because they often have direct information about where foreign nationals are staying. Consistent reporting enables officers to compare residence information with immigration records and identify potential noncompliance earlier. The study treats these systems as supporting infrastructure for continuous supervision, while recognizing that incomplete integration remains an obstacle to achieving the intended operational benefits.

Legal culture also shapes implementation. Accommodation managers may fail to report because they perceive procedures as complicated, fear losing customers, or do not understand the relevant obligations. Foreign nationals may lack adequate knowledge of permit conditions and local legal requirements. Legal education in international languages, clear conduct guidance at entry points, accessible reporting channels, and consistent enforcement can strengthen compliance. At the same time, officer integrity, ethical standards, and internal oversight are required so that greater operational authority does not encourage corruption, collusion, or abuse.

Implementation thus requires an integrated response across legal substance, institutional capacity, technology, and community participation. Stronger powers improve the legal basis for action, but their practical value depends on trained personnel, coordinated procedures, and reliable information. In Batam, the relationship between facilitated mobility and security protection makes this alignment particularly important. Enforcement should remain firm toward violations while maintaining lawful procedures and the development-facilitation functions that form part of immigration's statutory role.

C. Obstacles and Solutions in Implementing the Amendment of Law Number 6 of 2011 through Law Number 63 of 2024 to Address Immigration Violations by Foreign Nationals

The obstacles identified in this study concern legal substance, personnel, infrastructure, interagency coordination, detention and deportation resources, and legal culture. They interact rather than operating independently. Unclear technical rules can limit officers' confidence; insufficient staff and technology can weaken detection; and poor reporting or fragmented databases can obstruct verification. Friedman's three legal-system elements and Soekanto's five enforcement factors therefore provide a basis for connecting each obstacle with a corresponding legal and institutional response.

First, incomplete or delayed implementing regulations create uncertainty in applying the new powers. Firearm authorization requires detailed eligibility criteria, permitted equipment, storage arrangements, operating standards, and accountability mechanisms. Lifetime entry bans likewise require precise qualifications and objective parameters. Without common standards, immigration offices may interpret comparable circumstances differently,

creating inconsistent sanctions and the possibility of challenges against administrative decisions. The existence of a statutory power does not remove the need for detailed rules governing its practical exercise.

The corresponding solution is to accelerate the preparation and enactment of implementing regulations and technical guidance. Firearm procedures should include psychological assessment, periodic proficiency certification, clearly defined circumstances of use, and internal and external oversight. Guidance on long-term and lifetime entry bans should use measurable risk criteria and provide clear decision-making parameters. Consistent technical regulation can improve legal certainty for frontline officers while reducing the risks of arbitrary or discriminatory action against foreign nationals.

Second, the number and technical competence of Immigration Officers and Immigration Civil Servant Investigators are not proportionate to the demands of extensive supervision and substantial foreign-national arrivals. High workloads can reduce the accuracy of document examinations and the detection of inappropriate visas or listed persons. More complex cases involving unauthorized foreign-worker networks, human trafficking, and cross-border cybercrime also require specialized investigative capabilities. Limited digital evidence and intelligence skills may result in cases ending with administrative deportation without reaching the organizers responsible for the underlying activity.

Personnel development should therefore combine workforce planning with advanced training. Additional officers and investigators are needed in border regions, outermost islands, and high-risk destinations. Recruitment should be followed by education in immigration intelligence, criminal procedure, digital evidence, cybercrime, foreign languages, and human rights. The study also proposes a specialized rapid enforcement unit for high-risk violations. Professional development must remain linked to ethical standards and supervision so that stronger tactical and investigative capabilities produce accountable enforcement rather than an unchecked expansion of discretion.

Third, supervision is constrained by archipelagic geography and inadequate infrastructure. Unofficial maritime and land routes create opportunities for entry outside Immigration Checkpoints. Border supervision faces limited patrol vessels, insufficient inspection posts, and weaknesses in electricity, internet connectivity, and monitoring equipment. Disparities between well-equipped urban entry points and more remote locations reduce the consistency of prevention. These conditions require resources suited to the actual territory being supervised, rather than relying exclusively on conventional examinations at established international gateways.

Infrastructure modernization should include additional high-speed maritime patrol vessels, stronger inspection posts, and broader use of biometric automated gates. Facial recognition and biometric matching can support the identification of persons using different identities or appearing on entry ban lists. Remote monitoring stations and border surveillance drones are proposed to extend coverage in difficult-to-access coastal areas. The purpose is to combine technology with trained personnel and field operations so that monitoring capacity increases without depending solely on a larger physical deployment at every vulnerable location.

Fourth, interagency coordination is weakened by institutional self-interest, overlapping responsibilities, incompatible databases, and delays in information exchange. Employment authorization data may not be synchronized with immigration stay permit records, making it more difficult to identify foreign nationals misusing visit permission for work. Data confidentiality concerns and technical differences can further slow verification. These weaknesses reduce the operational value of the Foreign National Supervision Team and may allow offenders time to move, leave the jurisdiction, or remove evidence before coordinated action is taken.

A nationally integrated platform for supervising foreign nationals is proposed to connect immigration, police, employment, intelligence, foreign affairs, and population administration systems. The platform would support access to relevant biometric information, visa histories, stay permits, work permits, and criminal records. Faster verification would reduce bureaucratic delays and support coordinated decisions during field operations. Data integration should be accompanied by clear mechanisms for electronic exchange and secure data protection, so that technological modernization strengthens usable cooperation rather than simply collecting additional information in disconnected systems.

Fifth, detention capacity and deportation funding constrain case resolution. Increased enforcement can raise the number of persons accommodated in Immigration Detention Centers or Immigration Detention Rooms. Limited capacity creates potential health, security, and humanitarian concerns. Deportation may also be delayed when foreign nationals lack return-ticket funds or valid travel documents and their diplomatic representatives are slow to provide assistance. Prolonged detention increases public expenditure and prevents the prompt completion of immigration measures even where an enforcement decision has already been made.

The study proposes stronger immigration diplomacy and bilateral cooperation to expedite nationality verification, emergency travel documents, and repatriation arrangements. Cooperation with international

organizations can support technical assistance, humanitarian accommodation, and voluntary return programs for persons without adequate resources. In minor administrative cases involving cooperative individuals with return tickets, direct deportation without prolonged detention is proposed as a means of reducing pressure on facilities. These measures should be supported by adequate operational budgets so that implementation does not depend only on external cooperation.

Sixth, limited legal awareness and weak reporting practices obstruct inland supervision. Accommodation providers may treat foreign-guest reporting as burdensome, while foreign nationals may not fully understand the restrictions attached to their permission. Fictitious sponsors and false guarantors further complicate verification because the person or corporation formally responsible may provide unreliable information or abandon the sponsored individual. These practices create opportunities for unauthorized employment, overstaying, and activities inconsistent with the declared purpose of residence.

Legal-culture improvement should combine multilingual information, practical reporting tools, consistent sanctions, and sponsor supervision. A user-friendly reporting application with travel-document scanning can simplify accommodation reporting. Outreach should explain rights, obligations, prohibited conduct, and the consequences of noncompliance. Periodic audits and sponsor credibility assessments can identify false information or misuse of sponsorship. The study recommends restrictions on future sponsorship and prosecution where the applicable legal requirements are met, together with recognition of accommodation providers that comply consistently.

These solutions form a coordinated reform agenda rather than isolated interventions. Technical rules establish operational certainty; personnel development and equipment provide enforcement capacity; integrated information improves detection and coordination; diplomacy and funding support case completion; and legal education and sponsorship audits improve compliance. Their combined application reflects the study's central conclusion that renewed legal substance must be supported by an effective legal structure and a legal culture grounded in integrity, accountability, and respect for national law.

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

The amendment of Law Number 6 of 2011 through Law Number 63 of 2024 strengthens the normative basis for addressing immigration violations by foreign nationals. The reform clarifies refusal-of-departure authority and the duration of exit and entry bans, reinforces reporting obligations, and provides additional operational protection for certain Immigration Officers. Guided by the Selective Policy, these instruments seek to safeguard sovereignty, security, public order, and legal certainty while maintaining the benefits of international mobility.

Implementation combines preventive supervision, Immigration Administrative Action, and pro justitia proceedings. The Batam setting demonstrates the continuing need to connect checkpoint examinations, inland monitoring, accommodation reporting, and interagency cooperation. Nevertheless, incomplete technical regulation, limited investigator capacity, inadequate patrol facilities, fragmented databases, detention constraints, deportation costs, and fictitious sponsorship impede effective enforcement. In line with Friedman and Soekanto, the study concludes that legislative change alone is insufficient without coordinated improvements in institutions, resources, and legal culture.

B. Recommendations

The government should prioritize implementing regulations on operational powers and entry-ban criteria, strengthen workforce planning and advanced investigative training, and provide adequate budgets for supervision, detention, and deportation. Biometric inspection systems, remote monitoring, and maritime patrol capacity should support field enforcement. Interagency databases should be integrated through clear cooperation mechanisms, while bilateral arrangements should accelerate travel-document issuance and repatriation.

The Directorate General of Immigration should also simplify foreign-guest reporting, provide multilingual legal guidance, and conduct periodic sponsor audits and credibility assessments. These measures should be accompanied by consistent enforcement, ethical oversight, and human rights safeguards. An integrated approach to legal substance, structure, and culture is necessary to improve immigration governance at the Batam Special Class I Immigration Office (TPI) and other strategic entry points.

REFERENCES

- Farisco, L., Nurkhotijah, S., Fadhil, S., & Erniyanti. (2025). Legal Analysis Of The Effectiveness Of The Autogate System In Facilitating The Traffic Of Foreigners At International Ports (Research Study In Batam City). *IJERLAS (International Journal of Educational Review)*, 5(5).

- Manurung, M., Rambe, A. S., Ihsan, M. N., & Ritonga, R. A. (2025). Rule of Law / Negara Hukum. *Jurnal Pendidikan Tambusai*, 9(2).
- Purnomo, R. A. D., Ramlan, Dahlan, & Erniyanti. (2025). Legal Analysis Of The Application Of The Concept Of 'Human Security' In Immigration Policy To Combat Human Trafficking In Indonesia (A Research Study At The Class I Special Immigration Office In Batam). *IJERLAS (International Journal of Educational Review*, 5(5).
- Putra, R. S., Zahidi, M. S., & Yumitro, G. (2025). Batam Immigration Officers' Perception of the Revocation of Visa-Free Visits: An Analysis in a National Security Perspective. *PERSPEKTIF*, 14(2), 387–396.
- Saputra, M. I., Nofrial, R., Simatupang, B., & Erniyanti. (2025). Law Enforcement On The Misuse Of Residence Permits By Foreign Nationals (A Research Study At The Special Class I Immigration Office TPI Batam). *IJERLAS (International Journal of Educational Review*, 5(5).
- Simanjuntak, I., Ramlan, Simatupang, B., & Erniyanti. (2025). Legal Analysis Of Legal Certainty Regarding The Use Of Au-Tomatic Gates (Autogate) At The Immigration Checkpoint Of The International Port Of Citra Tritunas (A Research Study At The Class I Special Immigration Office Of Tpi Batam) Authors. *IJERLAS (International Journal of Educational Review*, 5(5).
- Simanjuntak, I. S. M., Erniyanti, & Dahlan. (2025). Legal Analysis Of The Impact Of Singapore's Visa-Free Visit (BVK) And Permanent Residence (PR) Policies On The Security And Economic Stability Of Batam City (A Research Study In Batam City). *IJSET (International Journal of Science, Educational, Economics, Agriculture Research and Technology*, 4(10).
- Simatupang, J., Anggusti, M., & Sihotang, L. (2025). Study Of Law No.6 of 2011 on Criminal Liability of Foreigners Who Violate Their Stay Permit In Indonesia (Overstay). *Indonesian Journal of Law and Justice*, 2(3), 9.
- Kantor Imigrasi Kelas I Khusus TPI Batam. (2024). Imigrasi Batam Deportasi 2 WN Singapura Sebagai Tindak Lanjut Atas Operasi Jagrata Tahap III Pengawasan Orang Asing Tahun 2024.
- Sembiring, B. Y. A., Nugraha, D. A., & Sabilla, D. P. (2024). Peran Keimigrasian Dalam Upaya Preventif Dan Represif Terhadap Pelanggaran Orang Asing Yang Melebihi Masa Izin Tinggal (Overstay) Di Indonesia. *Journal of Law and Border Protection*, 6(2), 101–110.
- Sitorus, H., Manik, A. Y. S., Ameytia Rizka Aulia, Desinta, Zahra Nur Aqila, Saragih, R. R., Herlinda, Ramsul Nababan, & Maulana Ibrahim. (2024). Analisis Yuridis terhadap Prinsip Kejelasan dan Kepastian Hukum dalam Peraturan Perundang-Undangan : Studi Kasus Uu No. 12 Tahun 2011. *Civics Education and Social Science Journal (CESSJ)*, 6(2), 231–242.
- Ab. Halim, M. 'Afifi, & Amni, S. Z. (2023). Legal System in the Perspectives of H.L.A Hart and Lawrence M. Friedman. *Peradaban Journal of Law and Society*, 2(1), 51–61.
- Amalia, E., Arieta, S., & Pangestoeti, W. (2023). Analisa Pest Arti Penting Batam Dan Bintang Sebagai Entry Point Border Tourism Dengan Singapura. *Jurnal Mata Pariwisata*, 2(1), 8–15.
- Sahetapy, T. J. A., Peilouw, J. S. F., & Hanafi, I. H. (2023). Orang Asing Yang Berada Di Indonesia Berdasarkan Ketentuan Undang – Undang Nomor 6 Tahun 2011 Tentang Keimigrasian. *LUTUR Law Journal*, 4(1), 53–62.
- Yanova, M. H., Komarudin, P., & Hadi, H. (2023). Metode Penelitian Hukum: Analisis Problematika Hukum Dengan Metode Penelitian Normatif Dan Empiris. *Badamai Law Journal*.
- Hendrawan, H., Siregar, L. M., & Shatrya, M. (2022). Peran dan Pengawasan Keimigrasian dalam Menghadapi Ancaman Kedaulatan Negara. *JIIP - Jurnal Ilmiah Ilmu Pendidikan*, 5(12), 5534–5543.
- Nabila, R. S. (2022). Pengawasan Keimigrasian terhadap Warga Negara Asing yang Mengajukan Izin Tinggal di Wilayah Indonesia Berdasarkan Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian (Studi Kasus di Kantor Imigrasi Kelas I TPI Jember).
- Safin, R. (2022). Pencegah Penyalahgunaan Izin Tinggal Kunjungan Warga Negara Asing Oleh Kantor Imigrasi Semarang.
- Hamidi, J., & Christian, C. (2021). Hukum Keimigrasian Bagi Orang Asing di Indonesia.
- Qalandy, M. R., & Syahrin, M. A. (2021). Instrumen Penegakan Hukum Bagi Tenaga Kerja Asing Yang Menyalahgunakan Izin Tinggal Keimigrasian. *JLR - Jurnal Legal Reasoning*, 4(1), 1–16.
- Tan, D. (2021). Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum. *Nusantara : Jurnal Ilmu Pengetahuan Sosial*, 8
- Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram University Press.

- Siagian, E. H. (2020). Penegakan Hukum terhadap Warga Negara Asing yang Melanggar Izin Tinggal di Indonesia Berdasarkan Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian (Studi di Kantor Imigrasi Kelas I Medan).
- Adiyanta, F. C. S. (2019). Hukum dan Studi Penelitian Empiris: Penggunaan Metode Survey sebagai Instrumen Penelitian Hukum Empiris. *Administrative Law & Governance Journal*, 2.
- Kantor Imigrasi Kelas I Khusus TPI Batam. (2013). Tugas & Fungsi Imigrasi Batam.
- Rahardjo, Satjipto. (2009). Penegakan hukum : suatu tinjauan sosiologis. Genta Pub.
- Direktorat Jenderal Imigrasi. (n.d.). Dirjen Imigrasi: Semester Satu 2024, Imigrasi Deportasi 1.503 orang asing, Naik 135,21% dari tahun 2023. Situs Web Resmi Imigrasi Republik Indones.
- Hafidz, S. A., Tambunan, A., & Hamdi, M. A. (n.d.). Rekonstruksi Norma Pasal 119 UU Keimigrasian: Optimalisasi Asas Ultimum Remedium dalam Penegakan Hukum Keimigrasian. *Innovative: Journal Of Social Science Research*, 5(4).