

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 6 OF 2011
ON
IMMIGRATION

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that Immigration is an embodiment of upholding the sovereignty of Indonesian Territory in the interest of maintaining order of the nation and state towards a just and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia;
 - b. that current global developments drive greater mobility of people around the world causing a variety of impacts both advantageous and disadvantageous to the nation and state interests and life in the Republic of Indonesia, so that legislation ensuring legal certainty in line with the respect, protection and promotion of human rights are required;
 - c. that Law Number 9 of 1992 on Immigration is no longer adequate to comply with the various needs and developments for management, services, and supervision in immigration affairs, such that it needs to be revoked and replaced with new more comprehensive law which is able to address existing challenges;
 - d. that based on the consideration as referred to in point a, point b, and point c, it is necessary to establish a Law on Immigration;

Observing : Article 5 section (1), Article 20, Article 26 section (2), and Article 28E section (1) of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAVE DECIDED:

To enact : LAW ON IMMIGRATION.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law:

1. Immigration means the movement of people to enter or exit Indonesian Territory and its oversight in order to safeguard and uphold state sovereignty.
2. The State Territory of the Republic of Indonesia hereinafter referred to as Indonesian Territory means the entire Indonesian Territory and specific zones defined under the law.
3. Immigration Functions means part of the national government affairs providing Immigration services, law enforcement, national security, and facilitating the development of public welfare.
4. Minister means the minister administering government affairs in law and human rights.
5. Director General means the Director General of Immigration.
6. Directorate General of Immigration means the apparatus of the Ministry of Law and Human Rights with the tasks and functions in Immigration affairs.
7. Immigration Officer means an employee who has passed a special training program in Immigration affairs, has technical expertise in Immigration affairs and has the

authority to carry out the duties and responsibilities under this Law.

8. Civil Servant Investigator (*Penyidik Pegawai Negeri Sipil*) of Immigration hereinafter referred to as PPNS of Immigration means an Immigration Officer who is authorized by law to conduct the investigation of Immigration criminal offences.
9. Foreign National means a person who is a non-Indonesian citizen.
10. Immigration Management Information System means the information and communication technology system used for collecting, processing and presenting information to support operations, management, and decision-making in carrying out Immigration Functions.
11. Immigration Office means a technical implementation unit performing Immigration Functions at regency, municipality or sub district levels.
12. Immigration Checkpoint means a checkpoint at seaports, airports, border-crossing stations or other checkpoints of entry and exit in Indonesian Territory.
13. Travel Document means an official document issued by the authority of a state, the United Nations, or other international organizations for international travel containing the identity of the bearer.
14. Immigration Document means a Travel Document of the Republic of Indonesia and a Stay Permit issued by an Immigration Officer or an Indonesian foreign service officer.
15. Travel Document of the Republic of Indonesia consists of a Passport of the Republic of Indonesia and Travel Document in Lieu of a Passport of the Republic of Indonesia.
16. Passport of the Republic of Indonesia, hereinafter referred to as a Passport means a document issued by the Government of the Republic of Indonesia to an Indonesian citizen for international travel valid for a certain period of time.
17. Travel Document in Lieu of a Passport of the Republic of Indonesia, hereinafter referred to as Travel Document in Lieu of a Passport means a document replacing a passport issued under particular circumstances valid for a certain period of time.

18. Visa of the Republic of Indonesia, hereinafter referred to as Visa means a written statement given by an authorized officer at Indonesia Missions Abroad or other places determined by the Government of the Republic of Indonesia containing an approval for a Foreign National to travel into Indonesian Territory and a prerequisite for granting a Stay Permit.
19. Entry Stamp means a specific mark in the form of a stamp on a Travel Document of an Indonesian citizen and a Foreign National, either manually or electronically, approved by an Immigration Officer as a sign that the holder has entered Indonesian Territory.
20. Exit Stamp means a specific mark in the form of a stamp on a Travel Document of an Indonesian citizen and a Foreign National, either manually or electronically, approved by an Immigration Officer as a sign that the holder has exited Indonesian Territory.
21. Stay Permit means a permit granted to a Foreign National by an Immigration Officer or Indonesian foreign service officer to reside in Indonesian Territory.
22. Declaration of Integration means a statement of a Foreign National to the Government of the Republic of Indonesia as a requirement to obtain a Permanent Stay Permit.
23. Permanent Stay Permit means a permit granted to a certain Foreign National to reside and remain in Indonesian Territory as an Indonesian resident.
24. Re-entry Permit means a written permit granted by an Immigration Officer to a Foreign National holding a temporary Stay Permit and a Permanent Stay Permit to re-enter Indonesian Territory.
25. Corporation means a group of organized people and/or properties, either in the form of a legal entity or a non-legal entity.
26. Sponsor means an individual or a Corporation responsible for the residency and activities of a Foreign National while residing in Indonesian Territory.

27. Means of Transport means a ship, aircraft or other means of transport commonly used, either for carrying people or goods.
28. Exit Ban means a temporary prohibition against a person to exit Indonesian Territory for Immigration reasons or other reasons as prescribed by law.
29. Entry Ban means a prohibition against a Foreign National from entering Indonesian Territory for Immigration reasons.
30. Immigration Intelligence means an Immigration preliminary investigation and Immigration security intelligence to present information through analysis to estimate current or future Immigration situations.
31. Immigration Administrative Action means any administrative sanction imposed by an Immigration Officer against a Foreign National without judicial process.
32. People Smuggling means an activity to gain benefit, either directly or indirectly, for oneself or other people, by transporting an individual or a group of people, either in an organized or unorganized manner, or ordering other people to transport an individual or a group of people, either in an organized or unorganized manner, who do not have the legal right to enter or exit Indonesian Territory and/or enter other countries into which they have no legal right of entry, either using valid documents or false documents, or without using Travel Documents, either undergoing an immigration clearance or not.
33. Immigration Detention Center means a technical implementation unit that performs an Immigration Function as a temporary shelter for a Foreign National who is subject to Immigration Administrative Action.
34. Immigration Detention Room means a temporary shelter for a Foreign National who is subject to Immigration Administrative Action located at the Directorate General of Immigration and Immigration Offices.
35. Detainee means a Foreign National who is held in an Immigration Detention Center or Immigration Detention Room upon obtaining a detention order from an Immigration Officer.

36. Deportation means an action to forcibly remove a Foreign National from Indonesian Territory.
37. Person in Charge of Means of Transport means an owner, an administrator, an agent, a ship master, a ship captain, a pilot captain or a driver of the means of transport.
38. Passenger means any person carried on board the means of transport other than the crew.
39. Indonesia Missions Abroad consist of an Embassy of the Republic of Indonesia, a Consulate General of the Republic of Indonesia and a Consulate of the Republic of Indonesia.

Article 2

Every Indonesian citizen has the right to enter and exit Indonesian Territory.

CHAPTER II

IMPLEMENTATION OF IMMIGRATION FUNCTIONS

Part One

General

Article 3

- (1) To perform Immigration Functions, the Government establishes an Immigration policy.
- (2) An Immigration Policy is carried out by the Minister.
- (3) Immigration Functions along the borderlines of Indonesian Territory, which covers Immigration Checkpoints and border-crossing stations, are performed by Immigration Officers.

Article 4

- (1) To perform Immigration Functions as referred to in Article 3, an Immigration Office may be established in a regency, municipality, or sub district.
- (2) Immigration Checkpoint may be established at any territorial authority of an Immigration Office.

- (3) The Immigration Checkpoint as referred to in section (2) is established under a Ministerial Decision.
- (4) In addition to the Immigration Office as referred to in section (1), Immigration Detention Center may be established in the capital city, a province, a regency, or a municipality.
- (5) Immigration Offices and Immigration Detention Centers are the technical implementation units under the Directorate General of Immigration.

Article 5

Immigration Functions in every Indonesia Missions Abroad or elsewhere overseas are performed by a designated Indonesian foreign service officer and/or Immigration Officer.

Article 6

The Government may undertake an international cooperation on Immigration affairs with other countries and/or with international agencies or organizations under the provisions of legislation.

Part Two

Immigration Management Information System

Article 7

- (1) The Director General is responsible for developing and managing the Immigration Management Information System as a means to perform Immigration Functions across or outside Indonesian Territory.
- (2) The Immigration Management Information System is accessible to relevant government institutions and/or agencies in accordance with their respective duties and functions.

CHAPTER III
ENTERING AND EXITING INDONESIAN TERRITORY

Part One
General

Article 8

- (1) Any person who enters or exits Indonesian Territory is obligated to have a legal and valid Travel Document.
- (2) Every Foreign National who enters Indonesian Territory is obligated to have a legal and valid Visa, unless otherwise stated under this Law and international agreements.

Article 9

- (1) Every person who enters or exits Indonesian Territory is obligated to undergo immigration clearance conducted by an Immigration Officer at an Immigration Checkpoint.
- (2) The immigration clearance as referred to in section (1) covers examination the validity of the travel document and/or identity of the holder.
- (3) In the event of any doubt over the validity of a person's Travel Document and/or identity, an Immigration Officer is authorized to frisk their body and luggage and may proceed with an Immigration preliminary investigation process.

Part Two
Entering Indonesian Territory

Article 10

A Foreign National who has complied with the requirements is allowed to enter Indonesian Territory after obtaining an Entry Stamp.

Article 11

- (1) In the event of an emergency, an Immigration Officer may issue an Entry Stamp for emergency to a Foreign National.

- (2) The Entry Stamp as referred to in section (1) is valid as a visitor Stay Permit for a certain period of time.

Article 12

The Minister has the authority to prohibit a Foreign National from residing in any particular areas in Indonesian Territory.

Article 13

- (1) Immigration Officer refuses any Foreign National to enter into Indonesian Territory in the event that the foreign nationals:
 - a. are included in the Entry Ban list;
 - b. do not have a legal and valid Travel Document;
 - c. have a false Immigration document;
 - d. do not have a Visa, unless those who are exempted from the obligation to have a Visa;
 - e. provided false statement when applying for a Visa;
 - f. suffer from a contagious or infectious disease harmful to public health;
 - g. are involved in any international crime and transnational organized crime;
 - h. are included in a wanted person list to arrest of a foreign country;
 - i. are involved in any insurgency against the Government of the Republic of Indonesia; or
 - j. are affiliated with any network of prostitution, human trafficking, and people smuggling activities or practices.
- (2) Refused entry Foreign Nationals as referred to in section (1) are placed under supervision while waiting for the process of removal.

Article 14

- (1) Every Indonesian citizen cannot be refused entry to Indonesian Territory.
- (2) In the event that any doubt arises regarding Travel Documents of an Indonesian citizens and/or their nationality status, the person must provide other valid and

convincing identification to proof that the person concerned is an Indonesian citizen.

- (3) While the proof is being completed as referred to in section (2), the person may be placed in the Immigration Detention Center or Immigration Detention Room.

Part Three

Exiting Indonesian Territory

Article 15

Any person may exit Indonesian Territory after complying with the requirements and obtaining an Exit Stamp from an Immigration Officer.

Article 16

- (1) Immigration Officer refuses a person from exiting Indonesian Territory in the event that the person:
 - a. has no legal and valid Travel Document;
 - b. is required for preliminary investigation and investigation purposes upon the request of an authorized official; or
 - c. is included in the Exit Ban list.
- (2) Immigration Officer also has the authority to refuse the Foreign National's exit from Indonesian Territory in the event that the Foreign National still has obligations in Indonesia that must be fulfilled in accordance with the provisions of legislation.

Part Four

Obligation of Person in Charge of Means of Transport

Article 17

- (1) A Person in Charge of a Means of Transport entering or exiting Indonesian Territory by their means of transport is obligated to pass through the Immigration Checkpoint.
- (2) A Person in Charge of a means of transport carrying the passengers who enter or exit Indonesian Territory may only

disembark or embark the passengers at an Immigration Checkpoint.

- (3) A ship master is obligated to prohibit any Foreign Nationals who does not comply with requirements from leaving their means of transport while the means of transport remains in Indonesian Territory.

Article 18

- (1) A Person in Charge of means of transport coming from outside Indonesian Territory or who will leave from Indonesian Territory is obligated to:
 - a. provide prior notification of the arrival or departure plans in writing or electronically to an Immigration Officer;
 - b. submit a passenger list and transport crew list signed by the Person in Charge of means of transport to an Immigration Officer;
 - c. give a sign or hoist a signal flag for ships coming from outside Indonesian Territory carrying passengers;
 - d. prohibit any person from embarking or disembarking means of transport without any permits from an Immigration Officer before and during the Immigration clearance.
 - e. prohibit any person from embarking or disembarking means of transport upon Immigration clearance while awaiting departure.
 - f. transport away from Indonesian Territory at the earliest opportunity every inadmissible Foreign Nationals coming by their means of transport.
 - g. ensure that the alleged or suspected Foreign Nationals who intends to unlawfully enter Indonesian Territory, not to disembark from their means of transport; and
 - h. bear any expenses incurred due to removal of each passenger and/or crew of the means of transport.
- (2) A Person in Charge of the regular means of transport is obligated to use the advanced passenger data information

system and cooperate in providing notification of passenger information through the Immigration Management Information System.

Article 19

- (1) The Person in Charge of means of transport is obligated to check any Travel Document and/or Visa of each passenger who will travel to Indonesian Territory.
- (2) The check as referred to in section (1) is conducted before passengers embarking their means of transport that will depart to Indonesian Territory.
- (3) The Person in Charge of means of transport as referred to in section (1) is obligated to refuse to transport any passenger who does not have any legal and valid Travel Document, Visa, and/or Immigration Document.
- (4) If a passenger as referred to in section (3) is found during Immigration clearance by an Immigration Officer, the Person in Charge of means of transport is imposed sanction of fines and is obligated to transport the passenger out of Indonesian Territory.

Article 20

Assigned Immigration Officers have the authority to board means of transport anchoring at a seaport, landing at an airport, or crossing a border-station for an Immigration clearance.

Article 21

In the event of an alleged violation of the provisions as referred to in Article 17 or Article 18, the Immigration Officer has the authority to order the Person in Charge of Means of Transport to stop or direct their means of transport to another place for Immigration clearance.

Part Five
Immigration Area

Article 22

- (1) At every Immigration Checkpoint, specific areas are designated for Immigration clearance, referred to as immigration area.
- (2) Immigration area is a restricted area that may only be passed by the passengers or crew of a means of transport exiting or entering Indonesian Territory or the authorized officers and personnel.
- (3) The Head of Immigration Office and the administrators of the airport, seaport, or border-crossing station designate the immigration area as referred to in section (1).
- (4) The administrators of the airport, seaport, and border-crossing station may issue an access pass to enter the immigration area after obtaining approval from the head of the Immigration Office.

Article 23

Further provisions regarding requirements and procedures to enter and exit Indonesian Territory are regulated by Government Regulation.

CHAPTER IV

TRAVEL DOCUMENTS OF THE REPUBLIC OF INDONESIA

Article 24

- (1) Travel Document of the Republic of Indonesia consists of:
 - a. Passport; and
 - b. Travel Document in Lieu of a Passport.
- (2) Passport consists of:
 - a. diplomatic Passport;
 - b. service Passport; and
 - c. ordinary Passport.
- (3) Travel Document in Lieu of a Passport consists of:

- a. Travel Document in Lieu of a Passport for an Indonesian citizen;
 - b. Travel Document in Lieu of a Passport for a Foreign National;
 - c. border crossing travel document or border crossing pass;
- (4) Travel Documents of the Republic of Indonesia as referred to in section (1) are the public documents.

Article 25

- (1) A diplomatic passport is issued to Indonesian citizens traveling out of Indonesian Territory for a diplomatic posting or mission.
- (2) A service passport is issued to Indonesian citizens traveling out of Indonesian Territory for non-diplomatic posting or assignment.
- (3) The diplomatic and service passports as referred to in section (1) and section (2) are issued by the Minister of Foreign Affairs.

Article 26

- (1) An ordinary passport is issued to an Indonesian citizen.
- (2) The ordinary passport as referred to in section (1) is issued by the Minister or appointed Immigration Officer.

Article 27

- (1) Travel Document in Lieu of a Passport for an Indonesian citizen is issued to an Indonesian citizen in a particular circumstance in which an ordinary Passport cannot be granted.
- (2) Travel Document in Lieu of a Passport for a Foreign National is issued to a Foreign National who has no valid Travel Document and whose country has no foreign mission in Indonesia.
- (3) Travel Document in Lieu of a Passport as referred to in section (2) is granted under the following conditions:
 - a. upon own request to exit Indonesian Territory unless subject to exit ban.

- b. subject to Deportation; or
 - c. repatriation.
- (4) Travel Document in Lieu of a Passport is issued by the Minister or appointed Immigration Officer.

Article 28

Travel Document in Lieu of a Passport may be issued to an individual or a group of people.

Article 29

- (1) Border crossing travel document or border crossing pass may be issued to Indonesian citizens residing in the border areas between the Republic of Indonesia and other countries in accordance with border crossing agreements.
- (2) Border crossing travel document or border crossing pass is issued by the Minister or appointed Immigration Officer.

Article 30

Every Indonesian citizen is allowed to hold only 1 (one) of each type of a valid Travel Document of the Republic of Indonesia in their own name.

Article 31

- (1) The Minister or appointed Immigration Officer has the authority to withdraw or revoke an ordinary Passport, Travel Document in Lieu of a Passport, and border crossing travel document or border crossing pass which have been issued.
- (2) The Minister of Foreign Affairs or appointed officer has the authority to withdraw or revoke a diplomatic Passport and a service Passport.
- (3) The withdrawal of an ordinary Passport is undertaken in the event that:
 - a. the bearer commits a criminal act or violates Indonesian legislation; or
 - b. the bearer's name is included in the Exit Ban list.

Article 32

- (1) The Minister or appointed Immigration Officers are responsible for the planning, procurement, storing, distributing, and securing blank documents and forms for:
 - a. ordinary Passports;
 - b. Travel Documents in Lieu of a Passport; and
 - c. border crossing travel document or border crossing pass.

- (2) The Minister or appointed Immigration Officer determines the technical specifications for security of standardized shape, size, design, security features, and contents based on international standard and its form for:
 - a. an ordinary Passport;
 - b. a Travel Document in Lieu of a Passport; and
 - c. a border crossing travel document or border crossing pass.

- (3) The Immigration Officer or appointed officer has the authority to fill in and record either manually or electronically the blank documents and forms for:
 - a. an ordinary Passport;
 - b. Travel Document in Lieu of a Passport; and
 - c. border crossing travel document or border crossing pass.

Article 33

Further provisions regarding procedures and requirements of the granting, withdrawal, cancellation, revocation, replacement, and procurement of the blank documents and standard of the Travel Documents of the Republic of Indonesia are regulated by Government Regulation.

CHAPTER V
VISA, ENTRY STAMP, AND STAY PERMIT

Part One

Visa

Article 34

Visa consists of:

- a. diplomatic Visa;
- b. service Visa;
- c. visitor Visa; and
- d. temporary stay Visa.

Article 35

A diplomatic Visa is granted to a Foreign National holding a diplomatic Passport and other passports to enter Indonesian Territory for a diplomatic mission.

Article 36

A service Visa is granted to a Foreign National holding a service Passport and other Passports who travels to Indonesian Territory for a non-diplomatic assignment of their national government or an international organization.

Article 37

The granting of diplomatic and service Visas is the authority of the Minister of Foreign Affairs and their issuance is carried out by the foreign service officer at Indonesia Missions Abroad.

Article 38

A visitor Visa is granted to a Foreign National traveling to Indonesian Territory for a government official visit, education, socio-cultural visits, tourism, business, family visits, journalism, or transit to other countries.

Article 39

Temporary stay visa is granted to the following Foreign National:

- a. clerics, experts, workers, researchers, students, investors, elderly, and their family, as well as a Foreign Nationals who are legally married to an Indonesian citizen, who travel to Indonesian Territory to reside for a limited period of time; or
- b. a Foreign National working on a vessels, floating infrastructures, or installation operating in the Indonesia's archipelago waters, territorial seas, continental shelves, and/or Exclusive Economic Zone of Indonesia.

Article 40

- (1) The granting of a visitor Visa and a temporary stay Visa is under the authority of the Minister.
- (2) The Visas as referred to in section (1) are granted and signed by the Immigration Officer at the Indonesia Missions Abroad.
- (3) In the event that the Indonesia Missions Abroad has no Immigration Officer as referred to in section (2), a visitor Visa and a temporary stay Visa are granted by an Indonesian foreign service officer.
- (4) The Indonesian foreign service officer as referred to in section (3) has the authority to grant the Visas after obtaining a Ministerial Decision.

Article 41

- (1) Visitor Visa may also be granted to a Foreign National upon arrival at an Immigration Checkpoint.
- (2) A Foreign National who may be granted a Visa on arrival is a citizen of a specified country under a Ministerial Regulation.
- (3) The Visa on arrival at an Immigration Checkpoint as referred to in section (1) is granted by Immigration Officer.

Article 42

Visa application is refused in the event that:

- a. the applicant's name is included in the Entry Ban list;

- b. the applicant has no legal and a valid travel document;
- c. the applicant has insufficient funds to cover the living cost for an applicant themselves and/or their family while staying in Indonesia;
- d. the applicant does not have a return ticket or onward ticket to continue their travel to another country;
- e. the applicant does not have a Re-entry Permit to their country of origin nor a visa to other countries;
- f. the applicant is suffering from a contagious or infectious disease, mental disorder, or other illnesses that might be detrimental to public health or order.
- g. the applicant is engaged in a transnational organized crime or is a threat to the Unitary State of the Republic of Indonesia; and/or
- h. the applicant is affiliated with any network of prostitution, human trafficking, and people smuggling activities or practices.

Article 43

- (1) In a particular circumstance, a Foreign National may be exempted from the obligation to obtain a Visa.
- (2) A Foreign National who is exempted from the obligation to obtain a Visa as referred to in section (1) includes:
 - a. a citizen of a specified country under a Presidential Regulation by taking into account principles of reciprocity and mutuality;
 - b. a foreign citizen who holds a valid Stay Permit and Re-entry Permit;
 - c. a ship master, pilot captain, or crew on duty on a means of transport;
 - d. a ship master, ship crew, or foreign expert on a vessel or floating infrastructure entering directly with his or her means of transport to operate in Indonesia's archipelago waters, territorial seas, continental shelves, and/or the Exclusive Economic Zone of Indonesia.

Part Two
Entry Stamp

Article 44

- (1) A Foreign National may enter Indonesian Territory after obtaining an Entry Stamp.
- (2) An Entry Stamp is granted by an Immigration Officer at an Immigration Checkpoint to a Foreign National who comply with requirements to enter Indonesian Territory.

Article 45

- (1) An Entry Stamp for a Foreign National holding a diplomatic Visa or service Visa for a short visit in Indonesia is also valid as a diplomatic Stay Permit or service Stay Permit.
- (2) An Entry Stamp for a Foreign National exempted from the obligation to obtain a Visa or a visitor Visa is also valid as a visitor Stay Permit.

Article 46

- (1) A Foreign National who holds a diplomatic or service Visa in order to reside in Indonesian Territory, after obtaining an Entry Stamp is obligated to submit an application to the Minister of Foreign Affairs or appointed officer in order to obtain a diplomatic Stay Permit or service Stay Permit.
- (2) A Foreign National who holds a temporary residence Visa after obtaining an Entry Stamp is obligated to submit an application to the Head of Immigration Office in order to obtain a temporary Stay Permit.
- (3) If the Foreign National as referred to in section (1) and section (2) fails to fulfill the obligation, the Foreign National is unlawful to reside in Indonesian Territory.

Article 47

Further provisions regarding procedures and requirements for the application, type of purposes, and validity of Visa, as well as procedures for granting an Entry Stamp are regulated by Government Regulation.

Part Three
Stay Permit

Article 48

- (1) Every Foreign National residing in Indonesian Territory is obligated to have a Stay Permit.
- (2) A Stay Permit is granted to Foreign Nationals in accordance with their Visa.
- (3) The Stay Permit as referred to in section (1) consists of:
 - a. diplomatic Stay Permit
 - b. service Stay Permit;
 - c. visitor Stay Permit;
 - d. temporary Stay Permit; and
 - e. Permanent Stay Permit.
- (4) The Minister has the authority to prohibit a Foreign National granted a Stay Permit from being in a particular area within Indonesian Territory.
- (5) A Foreign National being detained for the purposes of investigation, prosecution, and on trial or confinement or imprisonment in a correctional institution, whose stay permit has expired, is exempted from the obligation as referred to in section (1).

Article 49

- (1) A diplomatic Stay Permit is granted to a Foreign National entering Indonesian Territory with a diplomatic Visa.
- (2) A service Stay Permit is granted to a Foreign National entering Indonesian Territory with a service Visa.
- (3) A diplomatic Stay Permit and a service Stay Permit as well as its extension are granted by the Minister of Foreign Affairs.

Article 50

- (1) A visitor Stay Permit is granted to:
 - a. a Foreign National entering Indonesian Territory with a visitor Visa; or

- b. a child who is newly born in Indonesian Territory and at the moment of the child's birth, his or her father and/or mother holding a visitor Stay Permit.
- (2) The visitor Stay Permit as referred to in section (1) point b is granted in accordance with visitor Stay Permit of the father and/or mother.

Article 51

A visitor Stay Permit terminates when:

- a. the holder returns to his or her country of origin;
- b. the permit's validity period has expired;
- c. his or her permit status is changed into a temporary Stay Permit;
- d. his or her permit is canceled by the Minister or appointed Immigration Officer;
- e. the holder is subject to Deportation; or
- f. the holder is deceased.

Article 52

A temporary Stay Permit is granted to:

- a. a Foreign National entering Indonesian Territory with a temporary residence Visa;
- b. a child born in Indonesian Territory, whose father and/or mother at the time of birth is holding a temporary Stay Permit;
- c. a Foreign National who is granted a change of status from a visitor Stay Permit;
- d. a ship master, ship crew, or foreign expert on a vessel, floating infrastructure, or installation operating in the territorial waters of Indonesia and under the jurisdiction of Indonesia in accordance with legislation.
- e. a Foreign National who is lawfully married to an Indonesian citizen.
- f. a child of a Foreign National who is lawfully married to an Indonesian citizen.

Article 53

A temporary Stay Permit terminates when:

- a. the holder returns to his or her country of origin and has no intention to re-enter Indonesian Territory;
- b. the holder returns to his or her country of origin and does not enter Indonesia after his or her Re-entry Permit expires;
- c. the holder acquires a citizenship of the Republic of Indonesia;
- d. the holder's permit validity period has expired.
- e. the holder's permit status is changed to a Permanent Stay Permit;
- f. the holder's permit is canceled by the Minister or appointed Immigration Officer;
- g. the holder is subject to Deportation; or
- h. the holder is deceased.

Article 54

- (1) A Permanent Stay Permit may be granted to:
 - a. a Foreign National holding a temporary Stay Permit as clerics, workers, investors, and the elderly;
 - b. a family member of a mixed nationality marriages;
 - c. the husband, wife, and/or children of a Foreign National holding a Permanent Stay Permit; and
 - d. a Foreign National of a former Indonesian citizen and a child of a former Indonesian dual citizenship subject;
- (2) The Permanent Stay Permit as referred to in section (1) is not granted to a Foreign National who does not have a passport pertaining to any country;
- (3) A Foreign National holding a Permanent Stay Permit is an Indonesian resident.

Article 55

The granting, extension, and cancelation of a visitor Stay Permit, a temporary Stay Permit, and a Permanent Stay Permit is carried out by the Minister or appointed Immigration Officer.

Article 56

- (1) A Stay Permit's status granted to a Foreign National may be changed.
- (2) Stay Permits may be changed in status from a visitor Stay Permit to a temporary Stay Permit, and from a temporary Stay Permit to a Permanent Stay Permit.
- (3) The change of status of a Stay Permit as referred to in section (2) is established by a Ministerial Decision.

Article 57

- (1) A visitor Stay Permit and a temporary Stay Permit may also be changed in status to a service Stay Permit.
- (2) The change of status as referred to in section (1) may only be carried out under a Ministerial Decision approval of the Minister of Foreign Affairs.

Article 58

In the event that an Immigration Officer is in doubt with the status of a Foreign National's Stay Permit and citizenship, the Immigration Officer has the authority to review and examine the status of his or her Stay Permit and citizenship.

Article 59

- (1) A Permanent Stay Permit is granted for a period of 5 (five) years and may be extended for an indefinite period of time provided that the permit has not been canceled.
- (2) The holder of the Permanent Stay Permit for an indefinite period of time as referred to in section (1) is obligated to report to the Immigration Office every 5 (five) years and is not subject to any charges.

Article 60

- (1) A Permanent Stay Permit for the applicant as referred to in Article 54 section (1) point a, is granted to an applicant after residing for 3 (three) consecutive years and signed a Declaration of Integration to the Government of the Republic of Indonesia.

- (2) To obtain the Permanent Stay Permit, the applicant as referred to in Article 54 section (1) point b should have been married for at least 2 (two) years and signed a Declaration of Integration to the Government of the Republic of Indonesia.
- (3) The Permanent Stay Permit for the applicant as referred to in Article 54 section (1) point c and point d may be granted directly.

Article 61

The holder of the temporary Stay Permit as referred to in Article 52 point e and point f and the holder of the Permanent Stay Permit as referred to in Article 54 section (1) point b and point d, may be employed and/or engaged in business to fulfil their daily needs and/or their family.

Article 62

- (1) A Permanent Stay Permit may terminate when:
 - a. the holder leaves Indonesian Territory for more than 1 (one) year or has no intention to re-enter Indonesian Territory.
 - b. the holder does not apply for an extension of the Permanent Stay Permit after 5 (five) years;
 - c. the holder acquires the citizenship of the Republic of Indonesia;
 - d. the holder's permit is cancelled by the Minister or appointed Immigration Officer;
 - e. the holder is subject to Deportation; or
 - f. the holder is deceased.
- (2) A Permanent Stay Permit is cancelled when the holder:
 - a. is proven to have committed a criminal act against the state as regulated in legislation;
 - b. is doing any activities that threaten national security;
 - c. violates his or her Declaration of Integration;
 - d. employs foreign workers without work permits;
 - e. provides false information to apply for a Permanent Stay Permit;

- f. is subject to an Immigration Administrative Action; or
- g. ends up their lawful marriage with an Indonesian citizen due to a divorce and/or a court ruling, unless the marriage is 10 (ten) years old or more.

Article 63

- (1) A certain Foreign National residing in Indonesian Territory is obligated to have a Sponsor to guarantee his or her residency.
- (2) The Sponsor is responsible for the residency and activities of the sponsored Foreign National while residing in Indonesian Territory and is obligated to report any changes in the Foreign National's civil status, Immigration status, and changes of address.
- (3) The Sponsor is obligated to pay any costs incurred from returning or removing the sponsored Foreign National from Indonesian Territory in the following cases:
 - a. the Foreign National's Stay Permit has expired; and/or
 - b. the Foreign National is subject to an Immigration Administrative Action in the form of Deportation.
- (4) Provisions regarding the sponsorship are not applicable to a Foreign National who is lawfully married to an Indonesian citizen.
- (5) The provision as referred to in Article 62 section (2) point g is not valid in the event that the Permanent Stay Permit holder, whose marriage is ending up with an Indonesian citizen, obtain the sponsorship to guarantee his or her residency, as referred to in section (1).

Article 64

- (1) A Re-entry Permit is granted to a Foreign National holding a temporary Stay Permit or Permanent Stay Permit.
- (2) A holder of a temporary Stay Permit is granted a Re-entry Permit with a validity period equal to that of the temporary Stay Permit.
- (3) A holder of a Permanent Stay Permit is granted a 2 (two) year period of Re-entry Permit provided that this does not exceed the validity period of the Permanent Stay Permit.

- (4) A Re-entry Permit is valid for a multiple entry.

Article 65

Further provisions regarding procedures and requirements of application, expiry period, provision, extension, or cancelation of a Stay Permit, and change of status of a Stay Permit are regulated by Government Regulation.

CHAPTER VI IMMIGRATION OVERSIGHT

Part One

General

Article 66

- (1) The Minister performs oversight of Immigration.
- (2) Immigration oversight comprises:
 - a. oversight of Indonesian citizens who apply for travel documents to exit or enter Indonesian Territory, and reside outside Indonesian Territory; and
 - b. oversight of Foreign Nationals entering or exiting Indonesian Territory and their residency and activities in Indonesian Territory.

Article 67

- (1) Immigration oversight of Indonesian citizens is performed when they apply for Travel Documents, exit or enter, or are residing outside Indonesian Territory by:
 - a. collecting, processing, and presenting data and information;
 - b. compiling a list of names of Indonesian citizens subject to Exit Ban from Indonesian Territory;
 - c. monitoring every Indonesian citizen applying for Travel Documents to exit or enter Indonesian Territory, and when residing outside Indonesian Territory; and
 - d. taking their photographs and fingerprints.

- (2) The result of the Immigration oversight as referred to in section (1) is considered to be classified Immigration data.

Article 68

- (1) Immigration oversight including Foreign Nationals is performed when they apply for Visa, enter or exit, and are granted a Stay Permit by:
 - a. collecting, processing, and presenting of data and information;
 - b. compiling a list of names of Foreign Nationals subject to Entry Ban or Exit Ban;
 - c. conducting oversight over the residency and activities of Foreign Nationals in Indonesian Territory;
 - d. taking their photographs and fingerprints; and
 - e. doing other activities accountable under the law.
- (2) The result of the Immigration oversight as referred to in section (1) is considered to be classified Immigration data.

Article 69

- (1) To carry out Immigration oversight of Foreign National activity in Indonesian Territory, the Minister establishes a Foreign National oversight team consisting of officials from relevant government agencies or institutions, either at central or regional level.
- (2) The Minister or appointed Immigration Officer acts as the head of Foreign National oversight team.

Article 70

- (1) Immigration Officers or other officials appointed for the Immigration oversight as referred to in Article 67 and Article 68 are obligated to:
 - a. collect Immigration service data, from both Indonesian citizens and from foreign citizens;
 - b. compile the movement records, of both Indonesian citizens and foreign citizens who enter or exit Indonesian Territory;

- c. compile the foreign citizen data to whom a detention order has been issued, in both Immigration Detention Room at Immigration Office or in an Immigration Detention Center; and
 - d. compile foreign citizen data upon process of Immigration sanctions.
- (2) The data collection as referred to in section (1) is to input the data into the Immigration Management Information System which is built and developed by the Directorate General.

Article 71

Every Foreign National residing in Indonesian Territory is obligated to:

- a. provide any required information on his or her personal identity and/or family identity and report any changes of civil status, citizenship, occupation, Sponsor, or change of address to the local Immigration Office; or
- b. present and submit his or her Travel Document or Stay Permit when requested by an Immigration Officer on duty for Immigration oversight.

Article 72

- (1) An Immigration Officer on duty may request for information about a Foreign National's data, from any person providing accommodation for the Foreign National.
- (2) The Owner or person in charge of the accommodation is obligated to provide data of Foreign National staying in his or her accommodation when requested by an Immigration Officer on duty.

Article 73

The provisions regarding the oversight of Foreign Nationals as referred to in Article 68 section (1) point b, point c, point d, and point e, are not applicable to Foreign Nationals residing in Indonesian Territory for a diplomatic mission.

Part Two
Immigration Intelligence

Article 74

- (1) Immigration Officers perform the function of Immigration Intelligence.
- (2) To perform the function of Immigration Intelligence, Immigration Officers conduct a preliminary investigation of Immigration and Immigration security intelligence and has the authority to:
 - a. collect information from the public or government institutions;
 - b. check out any suspected premises or building where information and data are provided about the residency and activities of Foreign National;
 - c. conduct an Immigration Intelligence operation; or
 - d. secure any Immigration data and information, as well as secure all of Immigration duties.

CHAPTER VII
IMMIGRATION ADMINISTRATIVE ACTION

Article 75

- (1) An Immigration Officer has the authority to enforce Immigration Administrative Action to Foreign National residing in Indonesian Territory who engage in harmful activities and which presumably threatening security and public order or disrespectful or contravene the applicable legislation.
- (2) Immigration Administrative Action as referred to in section (1) may take the form of:
 - a. including their names in the list of Exit Ban or Entry Ban;
 - b. restriction, change, or cancellation of their Stay Permit;
 - c. prohibition from residing in one or some particular places in Indonesian Territory;

- d. obligation to reside at a certain place in Indonesian Territory;
 - e. liable to a fine; and/or
 - f. Deportation from Indonesian Territory.
- (3) Immigration Administrative Action in the form of Deportation may also be imposed on Foreign National residing in Indonesian Territory due to an attempt to avoid a final sentence and execution by court in their country of origin.

Article 76

A decision on Immigration Administrative Action as referred to in Article 75 section (1) and section (3) is made in writing and must include the grounds of the decision.

Article 77

- (1) A Foreign National who is subject to Immigration Administrative Action can file an appeal to the Minister.
- (2) The Minister can grant or refuse the appeal filed by the Foreign National as referred to in section (1) by a Ministerial Decision.
- (3) The Ministerial Decision as referred to in section (2) is final.
- (4) The appeal filed by the Foreign National does not delay the implementation of the Immigration Administrative Action imposed to the Foreign National.

Article 78

- (1) A Foreign National holding a Stay Permit which validity period has expired and still remaining in Indonesian Territory not exceeding 60 (sixty) days from the Stay Permit expiry date is liable to a fine in accordance with the provisions of legislation.
- (2) The Foreign National who fails to pay fines as referred to in section (1) is subject to Immigration Administrative Action in the form of Deportation and Entry Ban.
- (3) A Foreign National who holds a Stay Permit which validity period has expired and still remaining in Indonesian

Territory exceeding 60 (sixty) days from the Stay Permit expiry date is subject to Immigration Administrative Action in the form of Deportation and Entry Ban.

Article 79

A Person in Charge of a Means of Transport who does not fulfil the obligations as referred to in Article 18 section (1) is liable to a fine.

Article 80

The fines as referred to in Article 19 section (4) and Article 79 constitute Non-Tax State Revenues from the Immigration sector.

CHAPTER VIII
IMMIGRATION DETENTION CENTER AND
IMMIGRATION DETENTION ROOM

Part One

General

Article 81

- (1) Immigration Detention Center may be established in the capital city, provinces, regencies, or municipalities.
- (2) An Immigration Detention Center is led by a head.

Article 82

Immigration Detention Room is a special room and a part of the Directorate General office, Immigration Offices, or Immigration Checkpoints.

Part Two

Execution of Detention

Article 83

- (1) An Immigration Officer has the authority to detain a Foreign National in the Immigration Detention Center or Immigration Detention Room, if the Foreign National:
 - a. is residing in Indonesian Territory without a valid Stay Permit or the Stay Permit has expired;

- b. is residing in Indonesian Territory without any lawful Travel Document;
 - c. is subject to Immigration Administrative Action by canceling his or her Stay Permit because he or she contravenes the legislation or threatens the security and public order;
 - d. awaits Deportation; or
 - e. awaits his or her departure from Indonesian Territory because the Entry Stamp is not approved.
- (2) The Immigration Officer may detain the Foreign National as referred to in section (1) in other places when the Foreign National gets ill, is about to give birth, or is a minor.

Article 84

- (1) The detention of Foreign National is executed with a written order from the Minister or appointed Immigration Officer.
- (2) The order as referred to in section (1) includes at least:
- a. data of the detained Foreign National;
 - b. grounds for detention; and
 - c. place of detention.

Part Three

Period of Detention

Article 85

- (1) The Foreign Nationals are detained in custody until they are deported.
- (2) In the event that the Deportation as referred to in section (1) has not been executed, the detention may last to a maximum of 10 (ten) years.
- (3) The Minister or appointed Immigration Officer may release a Detainee from an Immigration Detention Center when the period as referred to in section (2) is exceeded and allow the Detainee to stay outside of the Immigration Detention Center by a compulsory periodical report.
- (4) The Minister or appointed Immigration Officer supervise and ensure that the Detainee as referred to in section (3) is deported.

Part Four
Handling of Victims of Human Trafficking
and People Smuggling

Article 86

The provisions on the Immigration Administrative Action are not applicable to the victims of human trafficking and People Smuggling.

Article 87

- (1) Victims of human trafficking and People Smuggling residing in Indonesian Territory are placed in an Immigration Detention Center or other designated premises.
- (2) Victims of human trafficking and People Smuggling as referred to in section (1) receive special treatment which differs from other Detainees in general.

Article 88

The Minister or appointed Immigration Officer ensures that foreign citizen victims of human trafficking and People Smuggling are immediately returned to their country of origin and issued travel documents if they do not have any.

Article 89

- (1) The Minister or appointed Immigration Officers take preventive and repressive measures against criminal act of human trafficking and People Smuggling.
- (2) The preventive measures as referred to in section (1) are taken by means of:
 - a. exchange of information with other countries and relevant domestic agencies, covering modus operandi, Travel Document control and security, and legality and validity of documents.
 - b. technical cooperation and training with other countries comprises humane treatment of victims, security and quality of Travel Documents, detection of false

documents, information exchange, and monitoring and detection of People Smuggling by conventional and non-conventional means.

- c. legal knowledge dissemination to the public about human trafficking and People Smuggling which is considered criminal acts, and preventing them from being victims;
 - d. ensuring that Travel Documents or any identification issued are of good quality so that such documents are not easily misused, falsified, altered, imitated, or issued in contravention of the law; and
 - e. ensuring the integrity and security of Travel Documents distributed or issued by or on behalf of the State to prevent illegal production of such documents in terms of issuance and use.
- (3) The repressive measures as referred to in section (1) are taken by means of:
- a. Immigration investigation of the perpetrators of criminal act of human trafficking and People Smuggling;
 - b. Immigration Administrative Action against the perpetrators of criminal act of human trafficking and People Smuggling; and
 - c. cooperation on investigations with other law enforcement institutions.

Article 90

Further provisions regarding Immigration oversight, Immigration Intelligence, Immigration Detention Centers and Immigration Detention Rooms, and handling of human trafficking and People Smuggling victims are regulated by Government Regulation.

CHAPTER IX
EXIT BAN AND ENTRY BAN

Part One

Exit Ban

Article 91

- (1) The Minister has the authority and responsibility to impose Exit Ban subject to Immigration matters.
- (2) The Minister imposes Exit Ban based on:
 - a. the results of Immigration oversight and the decision of Immigration Administrative Action;
 - b. the Decision of the Minister of Finance and the Attorney General in accordance with their respective duties and the provisions of legislation;
 - c. a request of the Chief of Indonesian National Police in accordance with the provisions of legislation;
 - d. an order of the Head of the Corruption Eradication Commission in accordance with the provisions of legislation;
 - e. a request of the Head of the National Narcotics Board in accordance with the provisions of legislation; and/or
 - f. decisions, orders, or requests from the heads of other ministries/agencies that have the legal authority related to Exit Ban.
- (3) The Minister of Finance, the Attorney General, the Chief of the National Police of the Republic of Indonesia, the Head of the Corruption Eradication Commission, the Head of the National Narcotics Board, or the Heads of ministries/agencies who have the authority related to Exit Ban as referred to in section (2) point f, are responsible for any decisions, requests, and orders issued by them.

Article 92

In urgent circumstances, the officials as referred to in Article 92 section (2) may directly request to the appointed Immigration Officer to execute the Exit Ban.

Article 93

The decision on Exit Ban as referred to in Article 91 is implemented by the Minister or appointed Immigration Officer.

Article 94

- (1) The Exit Ban as referred to in Article 91 is established by a written decision from an authorized official.
- (2) The decision as referred to in section (1) contains at least:
 - a. name, sex, place and date of birth or age, and photograph of the person subject to Exit Ban;
 - b. grounds for Exit Ban; and
 - c. period of the Exit Ban.
- (3) The decision of Exit Ban is delivered to the person subject to Exit Ban no later than 7 (seven) days from the date the decision is made.
- (4) In the event that the decision of Exit Ban is issued by the official as referred to in Article 91 section (2), the decision is also delivered to the Minister no later than 3 (three) days from the date the decision is made with a request for execution.
- (5) The Minister may refuse any request to execute Exit Ban when the decision of Exit Ban does not comply with the provisions as referred to in section (2).
- (6) Notification of the refusal to execute Exit Ban as referred to in section (5), along with the grounds for rejection, is informed to the officials as referred to in Article 91 section (2) no later than 7 (seven) days since the date of the Exit Ban request received.
- (7) The Minister or appointed Immigration Officer inputs the identity of the person subject to Exit Ban decision into the Exit Ban list on the Immigration Management Information System.

Article 95

Based on the Exit Ban list as referred to in Article 94 section (7), the Immigration Officer has the obligation to prevent a person who is subject to Exit Ban from leaving Indonesian Territory.

Article 96

- (1) Any person who is subject to Exit Ban may file an appeal to the officials issuing the decision of Exit Ban.
- (2) The appeal as referred to in section (1) is made in writing along with its grounds and submitted within the period of the Exit Ban.
- (3) The appeal does not delay the execution of the Exit Ban.

Article 97

- (1) The period of Exit Ban lasts for a maximum of 6 (six) months and may be extended each time for a maximum of 6 (six) months.
- (2) In the absence of a decision to extend the period of Exit Ban, the Exit Ban is terminated by operation of law.
- (3) If there is a final and legally binding court verdict releasing the person from all charges which were the grounds for imposing an Exit Ban on a person, the Exit Ban is terminated by operation of law.

Part Two
Entry Ban

Article 98

- (1) The Minister has the authority to impose Entry Ban.
- (2) Authorized officials may request the Minister to impose Entry Ban.

Article 99

The Entry Ban as referred to in Article 98 is imposed by the Minister or appointed Immigration Officer.

Article 100

- (1) Entry Ban as referred to in Article 98 is established by a written decision.
- (2) The decision of Entry Ban based on the request of the authorized officials as referred to in Article 98 section (2) is issued by the Minister no later than 3 (three) days since the date of the Entry Ban request is notified.

- (3) The Entry Ban request as referred to in section (2) contains at least:
 - a. name, sex, place and date of birth or age, and photograph of the person subject to Entry Ban;
 - b. grounds for Entry Ban; and
 - c. period of Entry Ban.
- (4) The Minister may refuse the request for Entry Ban when the request for Entry Ban does not comply with the provisions as referred to in section (3).
- (5) Notification of the refusal to execute Entry Ban as referred to in section (4), along with the grounds for refusal, is informed to the officials as referred to in Article 98 section (2) no later than 7 (seven) days since the date of the Entry Ban request is received.
- (6) The Minister or appointed Immigration Officer input the identity of the person subject to the decision of Entry Ban into the Entry Ban list on the Immigration Management Information System.

Article 101

Based on the Entry Ban list as referred to in Article 100 section (6), the Immigration Officer has the obligation to prevent a Foreign National who is subject to Entry Ban from entering Indonesian Territory.

Article 102

- (1) The period of Entry Ban is valid for a maximum of 6 (six) months and may be extended, each time for a maximum of 6 (six) months.
- (2) In the absence of a decision on the extension of Entry Ban, the Entry Ban is terminated by law.
- (3) The decision on lifetime Entry Ban can be imposed on a Foreign National considered as a threat to the public order and security.

Article 103

Further provisions regarding the execution of Exit Ban and Entry Ban are regulated by Government Regulation.

CHAPTER X
INVESTIGATION

Article 104

Investigation of any Immigration criminal act is conducted under the code of criminal procedure.

Article 105

PPNS of Immigration is given the authority as an investigator of Immigration criminal acts in accordance with the provisions of this law.

Article 106

PPNS of Immigration has the authority to:

- a. receive reports on Immigration criminal acts;
- b. seek any information and admissible evidence;
- c. take initial actions on a crime scene;
- d. prohibit any person from leaving or entering the crime scene for the purpose of investigation;
- e. summon, examine, search, arrest, or detain a person suspected of committing any Immigration criminal acts.
- f. withhold, examine, and confiscate any Travel Documents;
- g. order an alleged or suspected person to stop to check his or her identity;
- h. examine or confiscate letters, documents, or objects related to any Immigration criminal acts;
- i. summon a person to be questioned and obtain information from him/her as a suspect or witness;
- j. invite relevant experts for case examination;
- k. conduct an examination in certain locations presumed to contain letters, documents, or other objects related to any Immigration criminal acts;
- l. take the suspect's photograph and collect fingerprints;
- m. request any information from the public or any reliable sources;
- n. cease the investigation; and/or
- o. take other actions according to law.

Article 107

- (1) In conducting an investigation, PPNS of Immigration may establish coordination with an investigator of the Indonesian National Police.
- (2) Upon completion of the investigation, the PPNS of Immigration submits the case files to a public prosecutor.

Article 108

Admissible evidence in the examination of Immigration criminal acts consists of:

- a. admissible evidence as referred to in the code of criminal procedure;
- b. other admissible evidence in the form of information which are spoken, delivered, and received or stored electronically or in any similar manner; and
- c. written statement by an authorized Immigration Officer.

Article 109

Suspects and defendants who commit the Immigration criminal acts as referred to 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 point b, Article 134 point b, and Article 135 may be subject to detention.

Article 110

- (1) To the immigration criminal acts as referred to in Article 116 and Article 117, brief minutes of examination as referred to in the criminal procedure code are conducted.
- (2) PPNS of Immigration hands over the suspect and any admissible evidence to the public prosecutor along with records of the Immigration criminal acts alleged to have been committed by the suspect.

Article 111

PPNS of Immigration may cooperate with national and other international law enforcement agencies in the preliminary investigation and the investigation of Immigration criminal acts

in accordance with legislation or based on international agreement ratified by the Government of the Republic of Indonesia.

Article 112

Further provisions regarding requirements, procedures for the appointment of PPNS of Immigration, and investigations administrative procedures are regulated by Government Regulation.

CHAPTER XI CRIMINAL PROVISIONS

Article 113

Any person deliberately entering or exiting Indonesian Territory without undergoing an immigration clearance by Immigration Officer at Immigration Checkpoint as referred to in Article 9 section (1) is sentenced to imprisonment for a maximum of 1 (one) year and/or a fine for a maximum of Rp100,000,000,00 (one hundred million rupiah).

Article 114

- (1) The Person in Charge of a Means of Transport entering or exiting Indonesian Territory by its means of transport without passing through an Immigration Checkpoint as referred to in Article 17 section (1) is sentenced to imprisonment for a maximum of 1 (one) year and/or a fine for a maximum of Rp100,000,000,00 (one hundred million rupiah).
- (2) A Person in Charge of a Means of Transport deliberately disembarking or embarking a passenger without undergoing an immigration clearance by an Immigration Officer or Immigration frontline inspector at an Immigration Checkpoint as referred to in Article 17 section (2) is sentenced to imprisonment for a maximum of 2 (two) years and/or a fine for a maximum of Rp200,000,000,00 (two hundred million rupiah).

Article 115

Any Person in Charge of a Means of Transport failing to pay the fine as referred to in Article 19 section (4) and Article 79 is sentenced to imprisonment for a maximum of 1 (one) year and/or a fine for a maximum of Rp100,000,000,00 (one hundred million rupiah).

Article 116

A Foreign National failing to fulfill the obligations as referred to in Article 71 is sentenced to imprisonment for a maximum of 3 (three) months or a fine for a maximum of Rp25,000,000,00 (twenty five million rupiah).

Article 117

Any owner or person in charge of the accommodation failing to provide information or data on a Foreign National staying in their house or accommodation upon the request of an Immigration Officer on duty as referred to in Article 72 section (2) is sentenced to imprisonment for a maximum of 3 (three) months or a fine for a maximum of Rp25,000,000.00 (twenty five million rupiah).

Article 118

Any Sponsor deliberately providing incorrect information or failing to honor the guarantees offered as referred to in Article 63 (2) and (3) is sentenced to imprisonment for a maximum of 5 (five) years or a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 119

(1) Any Foreign National entering and/or residing in Indonesian Territory without the legal and valid Visa and Travel Documents as referred to in Article 8, is sentenced to imprisonment for a maximum of 5 (five) years or a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

- (2) Any Foreign National deliberately using Travel Document, which is known or reasonably presumed to be false or forged, is sentenced to imprisonment for a maximum of 5 (five) years or a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 120

- (1) Any person committing acts with the intention of obtaining benefit, either directly or indirectly, for themselves or other people by transporting an individual or a group of people, either in an organized or unorganized manner, or ordering other people to take an individual or a group of people, either in an organized or unorganized manner, who do not have the lawful rights to enter or exit Indonesian Territory and/or enter other countries into which they have no lawful right of entry, either using valid documents or false documents, or without using Travel Documents, whether or not undergoing immigration clearance, is charged with People Smuggling and is sentenced to imprisonment for a minimum of 5 (five) years and for a maximum of 15 (fifteen) years and a fine no less than 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) An attempt to commit the criminal act of People Smuggling is subject to similar punishment as referred to in section (1).

Article 121

A sentence of imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah) are imposed on:

- a. any person deliberately producing a fraudulent or forged Visa, Entry Stamp, or Stay Permit for personal use or that of other people to enter, exit, or reside in Indonesian Territory;
- b. any Foreign National deliberately using a false or forged Visa, Entry Stamp, or Stay Permit to enter or exit or reside in Indonesian Territory.

Article 122

A sentence of imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah) are imposed on:

- a. any Foreign National deliberately misusing or conducting activities that do not comply with the purposes and objectives of the Stay Permit granted to them;
- b. any person inciting or allowing a Foreign National to misuse their Stay Permit or conduct activities that do not comply with the purposes and objectives of the Stay Permit granted to them.

Article 123

A sentence of imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah) are imposed on:

- a. any person deliberately providing false or forged letters or data, or incorrect information for the purpose of obtaining Visa or Stay Permit for themselves or for other people;
- b. any Foreign National deliberately using the Visa or Stay Permit as referred to in point a, to enter and/or reside in Indonesian Territory.

Article 124

Any person who deliberately hides or protects or provides housing or livelihood or provides an employment opportunity to a Foreign National who is known or reasonably presumed to be:

- a. residing illegally in Indonesian Territory is sentenced with imprisonment for a maximum of 2 (two) years and/or a fine for a maximum of Rp200,000,000.00 (two hundred million rupiah);
- b. having an expired Stay Permit is sentenced with imprisonment for a maximum of 3 (three) months or a fine for a maximum of Rp25,000,000.00 (twenty five million rupiah).

Article 125

Any Foreign National without authorization to reside in a particular region declared as a restricted area for Foreign National as referred to in Article 48 (4) is sentenced with imprisonment for a maximum of 3 (three) years and/or a fine for a maximum of Rp300,000,000.00 (three hundred million rupiah).

Article 126

Any person who deliberately:

- a. uses Travel Document of the Republic of Indonesia to enter or exit Indonesian Territory, but it is known or reasonably presumed that the Travel Document of the Republic of Indonesia are false or forged, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah);
- b. uses Travel Document of the Republic of Indonesia belonging to other people or which has been revoked or canceled, to enter and exit Indonesian Territory or to hand over their own or someone's Travel Document of the Republic of Indonesia to other people for unlawful purposes, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah);
- c. provides invalid data or false statement to obtain Travel Documents of the Republic of Indonesia for themselves or other people, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000,00 (five hundred million rupiah);
- d. unlawfully possesses or uses 2 (two) or more similar Travel Documents of the Republic of Indonesia which are still valid, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of a maximum of Rp500,000,000.00 (five hundred million rupiah);
- e. forges Travel Document of the Republic of Indonesia or produces false Travel Documents of the Republic of Indonesia with the intention for their own use or for other

people, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 127

Any person who deliberately and unlawfully keeps any false or forged Travel Documents of the Republic of Indonesia with the intention for their own use or for other people, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 128

A sentence of imprisonment for a maximum of 5 (five) years and a fine of for a maximum of a maximum of Rp500,000,000.00 (five hundred million rupiah) is imposed on:

- a. any person deliberately and unlawfully prints, possesses, keeps, or commercializes blank of Travel Document of the Republic of Indonesia or other blanks of immigration Documents;
- b. any person deliberately and unlawfully produces, possesses, keeps, or commercializes stamps or other equipment used to validate Travel Documents of the Republic of Indonesia or other immigration Documents;

Article 129

Any person deliberately and unlawfully for their own or for other peoples' interest, damages, alters, adds, cuts, or removes, either in part or entirely, data or stamps over the Travel Documents of the Republic of Indonesia or other Immigration Documents, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 130

Any person deliberately and unlawfully possesses Travel Documents or other Immigration Documents belong to other people, is sentenced with imprisonment for a maximum of 2 (two)

years and/or a fine for a maximum of Rp200,000,000,00 (two hundred million rupiah).

Article 131

Any person deliberately, not rightfully and unlawfully possesses, keeps, damages, removes, alters, copies, uses and/or accesses Immigration data, either manually or electronically, for their interest or other people, is sentenced with imprisonment for a maximum of 5 (five) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 132

An Immigration Officer or other appointed officer who deliberately and unlawfully issues Travel Documents of the Republic of Indonesia and/or issues or renews Immigration Documents to a person known to have no rights to possess, is sentenced with imprisonment for a maximum of 7 (seven) years.

Article 133

An Immigration Officer or other officer who:

- a. allows a person to commit Immigration criminal acts as referred to 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 point b, Article 134 point b, and Article 135 presumably known by the officer, is sentenced with imprisonment for a maximum of 5 (five) years;
- b. deliberately discloses confidential Immigration data to the unauthorized party as referred to in Article 67 (2) and Article 68 (2), is sentenced with imprisonment for a maximum of 5 (five) years;
- c. deliberately does not implement standard operating procedure on the clearance process for departure or arrival at the Immigration Checkpoint resulting the Foreign National to enter to Indonesian Territory as referred to in Article 13 section (1) or to exit from Indonesian Territory as referred to in Article 16 section (1), is sentenced with imprisonment for a maximum of 2 (two) years;

- d. deliberately and unlawfully does not implement standard operating procedure of guard duty of Detainees at an Immigration Detention Center or Immigration Detention Room resulting the Detainees to escape, is sentenced with imprisonment for a maximum of 2 (two) years;
- e. deliberately and unlawfully does not input data into the Immigration Management Information System as referred to in Article 70, is sentenced with imprisonment for a maximum of 6 (six) months.

Article 134

Any Detainee deliberately:

- a. makes, owns, uses, and/or distributes weapons, is sentenced with imprisonment for a maximum of 3 (three) years;
- b. escapes from an Immigration Detention Center or an Immigration Detention Room, is sentenced with imprisonment for a maximum of 5 (five) years.

Article 135

Any person who engages in a fraudulent marriage to obtain Immigration Documents and/or citizenship status of the Republic of Indonesia, is sentenced with imprisonment for a maximum of 5 (lima) years and a fine for a maximum of Rp500,000,00.00 (five hundred million rupiah).

Article 136

- (1) In the case that the criminal acts as referred to in Article 114, Article 116, Article 117, Article 118, Article 120, Article 124, Article 128, and Article 129 are committed by a Corporation, the criminal sentence is imposed on the sponsors and its corporation.
- (2) Imposition for the criminal sentence on the Corporation is liable only to a fine provided that the fine is 3 (three) times the fine as referred to in section (1).
- (3) The criminal provision as referred to in Article 113, Article 119, Article 121 point b, Article 123 point b, and Article 126

point a and point b is not applicable to the victims of human trafficking and People Smuggling.

CHAPTER XII

FEES

Article 137

Funding to implement this Law is borne by the State Budget.

Article 138

- (1) Application for a Travel Document, Visa, Stay Permit, Re-entry Permit and fine under this Law is subject to immigration fee.
- (2) The immigration fee as referred to in section (1) constitutes one of the Non-Tax State Revenue in Immigration.
- (3) Further provision regarding the immigration fee as referred to in section (1) is regulated by Government Regulation.

CHAPTER XIII

MISCELLANEOUS PROVISIONS

Article 139

- (1) Immigration Provision on the movement of people who enter or exit Indonesian Territory at border regions is regulated separately under border crossing agreements between the Government of the Republic of Indonesia and governments of neighboring countries which share borders, by taking into account the provisions under this Law.
- (2) Immigration Provision on the movement of people who enter or exit Indonesian Territory with an Entry Stamp or Exit Stamp by electronic devices may be regulated separately under a bilateral or multilateral agreement, by taking into account the provisions under this Law.

Article 140

- (1) To become an Immigration Officer, an Immigration special training program is conducted.

- (2) To participate in the Immigration special training program, the participant must have a bachelor's degree.
- (3) The Immigration special training program as referred to in section (1) is regulated by Ministerial Regulation.

CHAPTER XIV TRANSITIONAL PROVISIONS

Article 141

At the time this Law comes into force:

- a. a visitor Stay Permit, temporary Stay Permit and Permanent Stay Permit issued under Law Number 9 of 1992 on Immigration is declared valid until its validity period ends.
- b. a husband or wife in a lawful marriage with an Indonesian citizen whose marriage is more than 2 (two) years and who holds a temporary Stay Permit under Law Number 9 of 1992 on Immigration may be granted a permanent Stay Permit directly, in accordance with the provisions of this law.
- c. the Travel Document of the Republic of Indonesia issued under Law Number 9 of 1992 on Immigration is declared valid until its validity period ends; and
- d. cases of Immigration criminal acts which are under an investigation process continue to be processed based on the Law on Code of Criminal Procedure.

CHAPTER XV CLOSING PROVISIONS

Article 142

At the time this Law comes into force:

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

to Law Number 9 of 1992 on Immigration into Law (the State Gazette of the Republic of Indonesia of 2009 Number 145, Supplement to the State Gazette of the Republic of Indonesia Number 5064); and

- c. all legislation related to Immigration that contravene or not in accordance with this Law, are repealed and declared ineffective.

Article 143

At the time this Law comes into force, the implementing regulations of Law Number 9 of 1992 on Immigration (the State Gazette of the Republic of Indonesia of 1992 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3474) remain in effect insofar as it is not contrary with or has not been replaced by a new law under this Law.

Article 144

The implementing regulation of this Law must be issued not later than 1 (one) year since the promulgation of this Law.

Article 145

This Law comes into effect on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on May 5, 2011

PRESIDENT OF THE REPUBLIC OF INDONESIA

signed.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on May 5, 2011

MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA

signed.

PATRIALIS AKBAR

Jakarta, 28 June 2019

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 6 OF 2011
ON
IMMIGRATION

I. GENERAL

Entering the third millennium marked by the expansion of globalization in all sectors of the world and the development of information and communication technology in the field of information and communication which is beyond nation state borders, human interaction has become more international in nature. At the same time, the growth and the increasing demands for equality in all aspects of human life, has also encouraged the obligation to respect and uphold human rights as a part of universal life.

Along with the developments in the international community, there has been a paradigm change in Indonesian constitutionality aspect as it reforms in all areas. Such changes have led to enormous impact to the equality of rights and obligations for every Indonesian citizen as part of human rights. Given these developments, every citizen has equal opportunities in their right to exit or enter the Indonesian territory. Hence, under this Law Indonesian citizens are not subject to Entry Ban.

The impacts of globalization have influenced the economic system of the Republic of Indonesia and it requires amendment of legislation in economics, industry, commerce, transportation, labor, as well as regulations in the field of the movement of people and goods to anticipate it. Such changes are needed to intensify global relationships of the

Republic of Indonesia which will have a huge impact on the implementation of the functions and duties of Immigration. Streamlining Immigration procedures for foreign investors to invest in Indonesia is imperative, such as ease of granting Permanent Stay Permits for investors who comply with specific requirements. Thus, it is expected to create a conducive investment climate and to attract foreign investors to invest more in Indonesia.

In the international relationship a new law has been developed in the form of international convention which the Republic of Indonesia is one of the signatories. This convention would include the United Nations Convention Against Transnational Organized Crime, 2000, which is ratified by Law Number 5 of 2009 with its two protocols which has led to the increasing role of Immigration institution because the convention has required adoption and implementation by each member country.

On the other hand, the oversight of Foreign Nationals should be enhanced with the incremental growth of international crime or transnational crime, such as human trafficking, People Smuggling and narcotics offenses that are widely committed by organized international crime syndicates. The perpetrators of these crimes in fact cannot be punished by the previous Immigration Law because Law Number 9 of 1992 does not provide any provisions on criminal sanctions for those who organize international crime. Those who may be punished pursuant to Law Number 9 of 1992 are those that are organized as victims to illegally enter Indonesian Territory.

Oversight over Foreign Nationals is not only conducted when they are entering, but also during their stay in Indonesian Territory, including their activities. Immigration oversight includes Immigration law enforcement, both in terms of immigration administrative action and Immigration criminal offenses. Thus, Immigration PPNS needs to be administered to carry out specific duties and authorities based on this Law. Immigration criminal offenses constitute specific crimes; therefore, its formal law and material law are different from the general criminal law, such as a special minimum penalty.

The implementation of the Immigration function along the border is the authority of the immigration institution, so that the Immigration service and oversight is an integral part of geographical condition of Indonesian Territory which comprises islands that have close proximity

and bordering with neighboring countries. At certain places along the border there are traditional points of entry and exit passed by Indonesian citizens and citizens of neighboring countries. To improve services and facilitate oversight, border crossing agreement may be established and the Immigration Checkpoints are expanded. Thus, the people entering and exiting Indonesian Territory without undergoing immigration clearance through Immigration Checkpoint can be avoided.

The national interest is the interest of all the people of Indonesia, so that the oversight of Foreign Nationals also requires the participation of the public to report Foreign Nationals who are known or presumed to be illegally residing in Indonesian Territory or who misuse their Immigration permits. To increase the public's participation, efforts are needed to raise legal awareness of the community.

Foreign National's entry to Indonesian Territory is regulated based on the selective policy upholding the values of human rights. As well as the Foreign National's Stay Permit in Indonesian Territory has to be used in accordance with its purposes. Based on that policy and in order to protect national interests, only Foreign Nationals who benefit the country and those who are not a threat to security and public order are allowed to enter and reside in Indonesian Territory.

To Indonesian citizen applies a principle that Indonesian citizen reserves the right to exit or enter Indonesian Territory. However, under a particular reason and for a specific period, an Indonesian citizen may be banned from exiting Indonesian Territory.

Indonesian citizens cannot be subject to Entry Ban because it is not in accordance with International principles and practices stating that citizens should not be banned from entering their own country.

In addition to the above issues, there are several considerations in updating Law Number 9 of 1992 on Immigration, namely:

- a. Indonesian geographical position with its complexity of cross-border issues closely relates to the aspect of state sovereignty in its relation to other countries;
- b. international agreements or conventions which directly or indirectly impact the implementation of Immigration Functions;
- c. the increase of international and transnational crime, such as illegal migrants, People Smuggling, human trafficking, terrorism, narcotics, and money laundering;

- d. regulations on Detainees and time limits for detention has not been comprehensively outlined;
- e. the implementation of the specific and general Immigration Function requires a systematic approach utilizing information technology and modern communications, as well as the establishment of Immigration Offices and Immigration Detention Centers structure as the technical implementation units under the Directorate General of Immigration;
- f. the changes in citizenship system of the Republic of Indonesia under Law Number 12 of 2006 on the Citizenship of the Republic of Indonesia is related to the implementation of the Immigration Functions, among others regarding limited dual citizenship;
- g. the sovereign right of the country in the application of the principles of reciprocity concerning the granting of Visa to Foreign Nationals;
- h. agreement to globally harmonize and standardize the system and the type of travel documents security, particularly the Regional Asean Plus and also efforts to align or harmonize the criminal actions or punishment against the perpetrators syndicate who organize human trafficking and people smuggling;
- i. the enforcement of Immigration law is ineffective, so that policy regarding conviction needs to include a minimum punishment for people smuggling;
- j. expanding the range of Immigration criminal perpetrators subjects, so as to include not only individuals but also corporations and Sponsor of Foreign National entry into Indonesian Territory which violate Immigration regulations; and
- k. imposing more severe criminal sanctions against Foreign Nationals who violate the Immigration law for a deterrent effect which insofar is ineffective.

Given the aforementioned considerations, it is deemed necessary to amend Law Number 9 of 1992 by establishing a more comprehensive new law in order to adapt to the development of Indonesian society and statehood, relevant policies or legislation, and to anticipate future problems.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Section (1)

Immigration Function under this provision is part of state administration tasks in public service and public protection, Immigration law enforcement, and facilitators of national economic development.

Section (2)

Sufficiently clear.

Section (3)

Immigration Function along the border is in accordance with the duty as the guard of the state gate, not the guard of the state borders.

Article 4

Sufficiently clear

Article 5

In the event that there is no Immigration Officer at an Indonesia Mission Abroad or other location abroad, the immigration duties and the Immigration Functions are undertaken by a local foreign service officer in accordance with the provision of legislation. The appointed foreign service officer under this provision is a functional diplomat official.

A foreign service officer performing immigration duties and Immigration Functions has formerly acquired knowledge in Immigration.

Article 6

Sufficiently clear.

Article 7

The Immigration Management Information System is an integrated management process of data and information, application, and information and communication technology-based devices which are

built to integrate and connect information system in all administrators of the integrated Immigration Function.

Article 8

Section (1)

The term "legal and valid Travel Document" means any travel document issued by authorized officials and valid for at least 6 (six) months before its expiry date.

Section (2)

Sufficiently clear.

Article 9

Section (1)

Sufficiently clear.

Section (2)

In addition to the Travel Document, for accuracy, thoroughness, and precision object, if necessary, examination may be conducted to personal identity to support the authenticity of the Travel document.

Section (3)

The frisk is carried out to seek clarity over the validity of Travel Document and a person's identity. When any indication of Immigration criminal acts is found as a result of the frisk, the process may proceed to the Immigration investigation.

Article 10

Sufficiently clear.

Article 11

Section (1)

The term "emergency" includes any means of transport landing in Indonesian Territory for a humanitarian assistance in a natural disaster area in Indonesian Territory or in the event that any means of transport which carries Foreign National docking or landing somewhere in Indonesia due to mechanical failure or bad weather, where such means of transport do not intend to dock or land in Indonesian Territory.

Section (2)

Sufficiently clear.

Article 12

The term “particular areas” means a conflict zone which will endanger the residency and safety of a Foreign National.

Article 13

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Based on a letter of request from an authorized institution.

Point g

The term "international crime and transnational organized crime" means terrorism, people smuggling, human trafficking, money laundering, narcotics and psychotropic crimes.

Based on a letter of request from an authorized institution.

Point h

Based on a letter of request from an authorized institution.

Point i

Based on a letter of request from an authorized institution.

Point j

Based on a letter of request from an authorized institution.

Section (2)

The term “placed under supervision” means to detain a Foreign Nationals in an Immigration Detention Center or an Immigration Detention Room or a special room awaiting their removal from

Indonesian Territory. In the event that a Foreign National arrives by a ship, the person is placed on the ship and prohibited to disembark while the ship is in Indonesian Territory, until leaving Indonesian Territory.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

Sufficiently clear.

Section (2)

This provision is intended to protect the national interest or to avoid public loss, for example the foreign nationals have not fulfilled or are not willing to fulfil their tax obligation.

Article 17

Sufficiently clear.

Article 18

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term “to give a sign or hoist a signal flag” means to hoist the “N” flag that is commonly used in international practices.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

In this provision, "each passenger and/or crew of means of transport" means a passenger who has no Entry Stamp, crew, or a passenger who was left behind.

Section (2)

The Advanced Passenger Data Information System is also commonly referred to as Advance Passenger Information System. Any means of transport which has not used the Advanced Passenger Data Information System is given an opportunity with a particular deadline.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

The term "another place" means seaport, airport, border-crossing station or other appropriate places for immigration clearance.

Article 22

Section (1)

The term "immigration area" means an area at the Immigration Checkpoint, starting from queue area for Immigration clearance at the departure terminal to the means of transport or from the means of transport to the Immigration clearance booth at the arrival terminal.

It is very important to designate the immigration area in order to decide the status of a person whether they are considered to have been exited from or entered into Indonesian Territory.

Section (2)

Sufficiently clear.

Section (3)

Head of Immigration Office, under this provision, supervises Immigration Checkpoint at airports, seaports, or border-crossing stations.

Section (4)

This provision is implemented in accordance with the principles of reciprocity, if it is issued to a foreign national undertaking diplomatic mission.

Article 23

Sufficiently clear.

Article 24

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term “public documents” means any document which may be withdrawn anytime, if required for the interest of the state. This document is not securities, so that the Travel Document of the Republic of Indonesia cannot be used under civil law, among others for debt collateral.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Section (1)

The term “particular circumstance” means among others, returning an Indonesian citizen from another country.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 28

Travel Document in Lieu of a Passport may be issued collectively for some Indonesian citizens who encounter problems abroad and are returned together by the government of a foreign country.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term “commits a criminal act or violates Indonesian legislation” means any person who is an Indonesian citizen presumed to commit any act which causes a state loss and/or violate laws which are threatened with five (5) years sanction or more, who still remains inside or outside Indonesian Territory. Ordinary passport withdrawal from a suspect who has been residing abroad must be followed by the issuance of Travel Document in Lieu of a Passport of the Republic of Indonesia which will be used to return the suspect to Indonesia.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Diplomatic Visa is granted to Foreign Nationals including their family, based on international agreement, principles of reciprocity and courtesy.

Article 36

Official Visa is granted to Foreign Nationals including their family, under international agreement, principles of reciprocity, and courtesy in undertaking non-diplomatic official duties.

Article 37

Sufficiently clear.

Article 38

A visitor Visa in practice may be granted for the following activities, among others:

1. tourism;
2. families;
3. social;
4. art and culture;
5. government duties;
6. non-commercial sports;
7. comparative study, short courses, and short training;
8. providing consultation, dissemination, and training for the application and innovation of industrial technology to improve quality and design of industrial products as well as collaboration in global marketing for Indonesia;
9. undertaking emergency and urgent works;
10. journalistic coverage which has obtained a permit from the authorized institution;

11. non-commercial filmmaking which has obtained a permit from the authorized institution;
12. business meetings;
13. purchase of goods;
14. delivering speeches or participating in seminars;
15. participating in international exhibitions;
16. attending meetings held by a headquarter or a representative office in Indonesia;
17. undertaking audits, production quality control, or inspection to subsidiaries in Indonesia;
18. a probationary work for a candidate of foreign worker;
19. transiting to another country; and
20. joining a means of transport in Indonesian Territory.

Article 39

A temporary stay Visa is granted to a Foreign National who intends to reside temporarily and may also be granted to a Foreign National who is a former Indonesian citizen who has lost his or her Nationality of the Republic of Indonesia based on the Law on Citizenship of the Republic of Indonesia and intends to return to Indonesia in accordance with the provision of legislation.

A temporary stay Visa in practice can be granted to undertake the following activities, among others:

1. For working:
 - a. as an expert;
 - b. to join a ship, floating infrastructure, or installation operating in Indonesia's archipelago waters, territorial seas, continental shelves, and/or Exclusive Economic Zone of Indonesia;
 - c. as clerics;
 - d. as paid professionals, such as a person engaged in sports, arts, entertainment, medications, consultations, lawyers, trades, and other professional activities which have been granted a permit from the authorized institution;
 - e. in activities for commercial filmmaking and have been granted a permit from the authorized institution;
 - f. in supervising the quality control of goods or productions;

- g. in undertaking inspections or audits in subsidiaries in Indonesia;
 - h. in after-sales service;
 - i. in machinery installation and repair;
 - j. in non-permanent job in construction work;
 - k. to organize performance;
 - l. to organize professional sport events;
 - m. in medications; and
 - n. as a candidate for a foreign worker in probationary work;
2. For non-working:
- a. as foreign investors;
 - b. to participate in training and scientific research;
 - c. for education;
 - d. for joining family;
 - e. for repatriation; and
 - f. for elderly people.

Article 40

Sufficiently clear

Article 41

Section (1)

Sufficiently clear

Section (2)

Foreign Nationals from particular countries who are granted a Visa on Arrival, among others, Foreign Nationals from countries which are categorized as tourist generating countries or from countries with good diplomatic relationship with Indonesia but such country does not provide Visa exemption facilities to the Indonesian citizens.

Section (3)

Sufficiently clear.

Article 42

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Such refusal is in accordance with a letter of request from an authorized institution.

Point g

Such refusal is in accordance with a letter of request from an authorized institution.

Point h

Such refusal is in accordance with a letter of request from an authorized institution.

Article 43

Section (1)

Sufficiently clear.

Section (2)

Point a

The term "Visa exemption" in this provision means, for instance for a tourism purpose which benefits the improvement of national development by taking into account the principles of reciprocity, which means Visa exemption is only granted to Foreign Nationals whose countries also grant a Visa exemption to Indonesian citizen.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Section (1)

The term “reside in Indonesian Territory” means for an assignment in the country’s mission or representative office of international organization.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

In principle, any Foreign National entering Indonesian Territory must have a Visa. In accordance to the Visa, Foreign National is granted a Stay Permit in Indonesian Territory, but the provision is not applicable to Foreign Nationals residing in Indonesian Territory as victims of human trafficking.

Section (3)

Sufficiently clear.

Section (4)

The term “particular area” means any conflict zone which will harm the residency, safety and security of a Foreign National.

Section (5)

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

The term “territorial waters” means internal waters, archipelagic waters, and territorial seas.

The term “jurisdiction” means any territory outside of the territorial waters consisting of the Exclusive Economic Zones, Continental Shelves, and Additional Zones, the state has sovereign rights and particular authority as regulated in the provisions of legislation and international law.

Point e

Sufficiently clear.

Point f

The term “child” means a child of a Foreign National widower/widow/divorcee who is married to an Indonesian citizen or his or her adopted child.

Article 53

Sufficiently clear.

Article 54

Section (1)

Point a

The term “clerics” means religious leader of recognized religions under Indonesian laws.

Point b

The term “family member” means husband/wife, and their child/children.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Section (2)

Sufficiently clear

Section (3)

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Section (1)

The term “the change of status” means any change in the status of the Foreign National’s residency from a Visitor Stay Permit to a Temporary Stay Permit and from a Temporary Stay Permit to a Permanent Stay Permit.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

The term “in doubt with the status of a Foreign National’s Stay Permit and citizenship” means among others, any Immigration data which indicate that the Foreign National’s citizenship status is unclear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

The term “their family” means a husband/wife, and their child/children.

Article 62

Sufficiently clear.

Article 63

Section (1)

The term “certain Foreign National” means a Foreign National holding a Temporary Stay Permit or Permanent Stay Permit.

Section (2)

The term “changes in civil status” means among others, birth, marriage, divorce, death, and other changes, for instance sex change.

Section (3)

Sufficiently clear.

Section (4)

Provisions concerning the guarantee is not applicable because in principle a husband or wife in a marriage is responsible for his or her spouse and/or his or her child/children.

Section (5)

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Section (1)

Sufficiently clear.

Section (2)

Immigration oversight means any oversight of both Indonesian citizens and Foreign Nationals.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Section (1)

The term “relevant government agencies or institutions” means, for example, the Ministry of Home Affairs, the Ministry of Foreign Affairs, the Indonesian National Police, the Indonesian National Armed Forces, the Attorney General of the Republic of Indonesia, and the Ministry of Manpower and Transmigration.

Section (2)

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Point a

The term “change in civil status” means among others, birth, marriage, divorce, and death. In the event that the guarantor has reported the change of status, the Foreign National is not required to report it.

Point b

Sufficiently clear.

Article 72

Section (1)

Request for information about data can be carried out, either manually or electronically.

Section (2)

Sufficiently clear.

Article 73

Sufficiently clear.

Article 74

Section (1)

Sufficiently clear.

Section (2)

The term “preliminary investigation of Immigration” means any activities or actions by the Immigration Officer to look for and find out an event suspected to be an Immigration criminal act.

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

“Immigration Intelligence operation” means any activities carried out based on a plan to achieve a specific objective specified and implemented upon an order from an authorized Immigration Officer.

Point d

Sufficiently clear.

Article 75

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Such prohibition is addressed to a Foreign National whose residency in a particular Indonesian Territory is not allowed by the government.

Point d

The term “to reside at a certain place” means placement at the Immigration Detention Center, Immigration Detention Room, or other places.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Section (1)

Sufficiently clear.

Section (2)

The term “other places” means hospitals or accommodations that are easily controlled by Immigration Officers.

Article 84

Sufficiently clear.

Article 85

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

If detainees are unable to be deported after having the status as detainees for more than ten (10) years, they may be considered to be given a chance to live as is fundamental rights in general, outside the Detention Center under a particular status by considering their behavior during the detention; however, they remain under the supervision of the Minister or appointed Immigration Officer by obligation to report periodically.

Section (4)

This provision is intended so that the supervision of the Detainee's activities and residency would not bring negative impact to the public. In addition, endeavor to Deportation to their country of origin or to third country which is willing to receive them still continues.

Article 86

The term "victims of human trafficking" means a person who suffers from psychiatric, mental, and physical disorders, sexual harm, economic and/or social damages, caused by the criminal act of human trafficking.

Article 87

Section (1)

The term "other places" means among others, accommodations, houses, or dormitories which are determined by the Minister.

Section (2)

The term "special treatment" means a regulation in the Immigration Detention Center that is applicable to detainees, but is not fully applicable to the victims because the victims are not Detainees.

Article 88

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

In urgent circumstances, the Indonesian National Police have the authority to submit a direct request to an authorized Immigration Officer at an Immigration Checkpoint to ban a suspected person committing a criminal act from escaping abroad.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 92

In this provision, “urgent circumstances” means, for example, a person who is about to be the subject of exit ban and is feared to escape abroad at that time, or is already at the Immigration Checkpoint to go abroad prior to the issuance of the Exit Ban decision.

The term “a designated Immigration Officer” means an Immigration Officer at an Immigration Checkpoint or other technical implementation units.

Article 93

Sufficiently clear.

Article 94

Section (1)

A written Exit Ban decision is issued by institutions which ask or request for its implementation.

Section (2)

Sufficiently clear.

Section (3)

An institution which issues such Exit Ban decision is obligated to deliver the decision to the person who is subject to the Exit Ban.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 95

Sufficiently clear.

Article 96

The term “file an appeal” means a legal measure provided to the person who is subject to Exit Ban in order to defend him/herself from the Exit Ban decision.

Article 97

Section (1)

Sufficiently clear.

Section (2)

Termination by operation of law is a reason for lifting the Exit Ban and the person may travel out of Indonesian Territory.

Section (3)

Sufficiently clear.

Article 98

Section (1)

The authority for Entry Ban is an implementation of state sovereignty to maintain security and public order which are carried out based on Immigration reasons.

Section (2)

The authorized officials in this provision is the head of government institution.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Sufficiently clear.

Article 102

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Implementation of the provision under this section is based on the principle of double criminality by respective countries. For example, the crime of circulating counterfeit money, terrorism, or narcotics declared as criminal acts both in Indonesia and in the country of origin of such Foreign National.

Article 103

Sufficiently clear.

Article 104

Sufficiently clear.

Article 105

Sufficiently clear.

Article 106

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

The term “any person” means any individual or corporation.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

Sufficiently clear.

Point l

Sufficiently clear.

Point m

Sufficiently clear.

Point n

Sufficiently clear.

Point o

Sufficiently clear.

Article 107

Section (1)

Coordination with the investigator of the Indonesian National Police is conducted since the issuance of the notification of opening investigation, conducting the investigation until completing the files, and submitting the copy of case files to the Investigator of the Indonesian National Police. This coordination is undertaken to avoid overlapping investigations.

Section (2)

Sufficiently clear.

Article 108

Sufficiently clear.

Article 109

Sufficiently clear.

Article 110

Sufficiently clear.

Article 111

Sufficiently clear.

Article 112

Sufficiently clear.

Article 113

Sufficiently clear.

Article 114

Sufficiently clear.

Article 115

Sufficiently clear.

Article 116

Sufficiently clear.

Article 117

Sufficiently clear.

Article 118

Sufficiently clear.

Article 119

Sufficiently clear.

Article 120

Sufficiently clear.

Article 121

Sufficiently clear.

Article 122

Sufficiently clear.

Article 123

Sufficiently clear.

Article 124

Sufficiently clear.

Article 125

Sufficiently clear.

Article 126

Sufficiently clear.

Article 127

Sufficiently clear.

Article 128

Sufficiently clear.

Article 129

Sufficiently clear.

Article 130

Sufficiently clear.

Article 131

Sufficiently clear.

Article 132

Sufficiently clear.

Article 133

Sufficiently clear.

Article 134

Sufficiently clear.

Article 135

Fraudulent marriage is a marriage of an Indonesian citizen or a foreign national holding a Stay Permit with a foreign national and the marriage is not a real marriage, but only to obtain a Stay Permit or a Travel Document of the Republic of Indonesia. From a legal perspective, such marriage is an evasion of law.

Article 136

Sufficiently clear.

Article 137

Sufficiently clear.

Article 138

Sufficiently clear.

Article 139

Sufficiently clear.

Article 140

Sufficiently clear.

Article 141

Sufficiently clear.

Article 142

Sufficiently clear.

Article 143

Sufficiently clear.

Article 144

Sufficiently clear.

Article 145

Sufficiently clear.