

The Urgency of Monitoring and Enforcement of Foreigners in the Province of Central Java

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Abstract. *This study aims to identify and analyze the surveillance and prosecution of foreigners in the Central Java Province. This study uses a sociological juridical approach. Based on the research, it was concluded that more and more foreigners came and left the Central Java region with a variety of different motives, of course, bringing positive and negative influences on national interests, both in the ideological, social, cultural, political, economic, defense and security fields. Supervision of the presence of foreigners is important due to the increasing number of international crimes. Examples include people smuggling, human trafficking, terrorism, narcotics, money laundering, etc. Supervision is carried out on foreigners not only when they are about to enter Indonesian territory, but also when foreigners live, this is Indonesia, you leave Indonesia territory. Oversight of foreigners is not the only task of Immigration. Where the supervision of foreigners is a sectoral part of the duties and functions of several related government agencies. Immigration administration actions are important to take if there is an abuse of residence permit by foreign nationals living in the territory of the Republic of Indonesia. Immigration administrative actions are administrative sanctions set by Immigration Officers against foreigners outside of the judicial process. Deportation is an act of forcibly removing foreigners from Indonesian territory.*

Keywords: Foreigners; Prosecution; Supervision.

1. Introduction

The country of Indonesia, which has an area from Sabang to Merauke, is a fertile country, rich in natural resources such as raw materials and spices, and has natural potential in the form of land and sea to be explored, resulting in many foreign

tourists visiting or working in Indonesia. along with the times in the era of globalization and free trade and the flow of people's traffic is getting higher.¹

Abundant natural resources have economic value, and the beauty of the panorama is the main attraction for everyone. It is not surprising that the State of Indonesia is one of the central points of attention for other countries, both in the political and other fields such as social, cultural, economic and security. This is what then makes foreign nationals want to live in Indonesia.² Along with the rapid development of science, technology, transportation, and communication, the distance between one country and another is getting closer. Today's people can easily travel from one country to another in a relatively short time.

Foreigners who enter an area of the country, will be bound by the rules that exist in that country. Likewise, foreigners who enter the territory of the State of Indonesia must submit and comply with the legal rules that exist in the State of Indonesia. Indonesia as a sovereign and independent country has the 1945 Constitution of the Republic of Indonesia which forms the basis for the formulation of government policies. There are many things regulated in the 1945 Constitution, including regarding residence status, as stated in Article 26 Paragraph (2) which reads, "Residents are Indonesian citizens and foreigners residing in Indonesia".³

Immigration is a vital state institution for the movement of people between countries. Bagir Manan argues that, the function of immigration is a function of administering state administration or administering government administration.⁴ As a subsystem, immigration law in Indonesia has existed since the Dutch colonial era.⁵ Legislation is needed that guarantees legal certainty on immigration, namely Act No. 6 of 2011 concerning Immigration. The existence of immigration regulations is a very important attribute in upholding the legal sovereignty of a country within the territory of the country concerned, and every foreign citizen who will enter or leave the territory of a country must be subject to the laws of that country as well as the citizens themselves.⁶

Supervision is carried out on foreigners not only when they are about to enter Indonesian territory, but also when foreigners live in Indonesia and leave Indonesian territory. This is regulated in Permenkumham Number 4 of 2017 concerning Procedures for Immigration Control. Supervision is an activity that is

¹Sihar Sihombing, 2013, *Immigration Law*, Nuansa Aulia, Bandung, p. 14

²Dwidjowijoto, RN, 2007, *Policy Analysis*, Elek Media Komputindo, Jakarta, p. 24

³The 1945 Constitution Article 26 Paragraph (2)

⁴Bagir Manan, January 14, 2000, *Immigration Law in the National Legal System*, Presented at the National Immigration Work Meeting, Jakarta, p. 7

⁵M. Iman Santoso, 2004, *Immigration Perspectives in Economic Development and National Resilience*, UI Press, Jakarta, p. 1

⁶Yudha Bhakti, 2003, *International Law, Anthology of Alumni*, Bandung, p. 19

very important so that the work and tasks assigned to the implementing apparatus are carried out in accordance with the established plan.⁷Therefore, a supervisory system is needed in the administration of government in order to provide legal protection for citizens as well as for the state administration agencies/officials themselves.⁸Supervision of the presence of foreigners is important due to the increasing number of international crimes. Examples include people smuggling, human trafficking, terrorism, narcotics, money laundering, etc.

Immigration actions are usually carried out when there is an abuse of residence permit by foreign nationals living in the territory of the Republic of Indonesia. With the enactment of Act No. 6 of 2011 concerning Immigration, prosecution of violations and irregularities in the field of immigration can be carried out through a process of immigration administration and court action. An understanding of the process of enforcing immigration law is very important, because the determination of a violation case to be resolved by criminal or administrative legal processes is placed on the authority of immigration officials. For this reason, it is necessary to have strict boundaries and categorizations in the law enforcement process that can be taken, namely between criminal law actions and administrative legal actions.⁹

Today the broad scope of immigration no longer includes regulation, administration of entry and exit of people from and into Indonesian territory, as well as supervision of foreigners who are in Indonesian territory, but also related to preventing people from leaving Indonesian territory and deterring people from entering Indonesian territory for the sake of public interest, investigations into allegations of immigration crimes, as well as regulation of immigration procedures and mechanisms for granting immigration permits. Based on the selective politics of immigration law, it is determined that only foreigners who:

- 1) Providing benefits for the welfare of the people, nation and the Republic of Indonesia;
- 2) Does not endanger security and public order;
- 3) Not hostile to the people, nation and state of the republic of Indonesia, allowed to enter and are allowed to be in Indonesian territory, and given permission to stay in accordance with the intent and purpose of arrival in Indonesia.¹⁰

⁷Nurmayani, *State Administrative Law (Textbook)*, University of Lampung, Badar Lampung, p. 8

⁸SF Marbun, 2013, *State Administrative Law II, Print 1*, FH UII Press, Yogyakarta, p. 2

⁹Muhammad Indra, 2008, *Perspective of Law Enforcement in the Indonesian Immigration Legal System*, Postgraduate Doctoral Program at Padjadjaran University, Bandung, p. 16

¹⁰Sumyar SH, M.Hum., *Immigration Law Hand Out*, p. 3

Central Java province in Indonesia's regional map is designated as a tourist destination province, work destination and study destination. Therefore, you can be sure there will be lots of foreigners passing by who just want to travel, work or study in this province. Central Java was administratively designated as a province by Act No. 10 of 1950 on July 4, 1950. Central Java Province is divided into 29 Regencies and 6 Cities and has an area of 32,548 km² or around 25.04 percent of the area of the island of Java. Kindly geographically located between 5° 4' and 8° 3' south latitude and between 108° 30' and 111° 30' east longitude. Central Java Province is bordered by West Java Province in the west, while in the east it is bordered by East Java Province. On the north side of the Java Sea, while on the south side it is bordered by the Special Province of Yogyakarta. The official language of the people of Central Java is the national language, namely Indonesian. While the daily language is Javanese, which consists of various dialects. Among other things, the Javanese language is spoken in Banyumas, Tegal, Pekalongan, Pati and the Surakarta area.¹¹ In other words, there are many foreigners or immigrants living in Central Java. Thus the supervision and prosecution of foreigners in the area of Central Java Province is very important. Immigration and related government agencies play an active role in carrying out their duties and functions in accordance with statutory regulations for foreigners who come to the territory of Central Java Province who do not comply and violate the residence permit granted.

2. Research Methods

The method used in this research is sociological juridical. The sociological juridical approach is not only viewed from the rule of law, but also tries to examine the relationship between juridical and sociological factors.¹² The method used in this study is descriptive analysis, namely research that aims to systematically describe the actual situation and the characteristics studied accurately, precisely and in accordance with the actual events.¹³

3. Results and Discussion

3.1. Supervision of Foreigners in Central Java Province

¹¹<https://visitjawatengah.jatengprov.go.id/about-us/id>, Article entitled About Central Java, accessed on October 20 2022, 15.23 WIB

¹²<http://jurnal.unissula.ac.id/index.php/RH/article/view/2565>, Article entitled Duties and Functions of the Semarang Treasure Hall as Curator of Bankruptcy Based on Law Number 37 of 2004 concerning Bankruptcy and Suspension of Obligations for Payment of Debt, by Moh. Kurniawan, accessed on November 22, 2022, at 3.54 WIB

¹³Ronny Hanijipto Soemitro, 1995, Legal and Jurimetric Research Methodology, Ghalia Indonesia, Jakarta, p. 22

Supervision in the Big Indonesian Dictionary comes from the word *awas* which means paying close attention, in the sense of looking at something carefully and thoroughly, there is no activity except giving reports based on the actual facts of what is being watched.¹⁴ According to Sujamto, supervision is all efforts or activities to find out and assess the actual reality regarding the implementation of tasks or activities, whether they are appropriate or not.¹⁵ According to the Act No. 6 of 2011 concerning Immigration Article 1 Paragraph (9) states that, Foreigners are people who are not Indonesian citizens. Foreign Citizens can also be given the understanding that people who are not Indonesian citizens and are currently in Indonesia.¹⁶ Foreigners in the Indonesian-English translation dictionary are defined as strangers, foreigners and aliens. In the legal dictionary, aliens or foreigners are defined as people in a country who are not citizens of that country.¹⁷

Oversight of foreigners is not the only task of Immigration. Where the supervision of foreigners is a sectoral part of the duties and functions of several related government agencies. The foundation is Article 69 of Act No. 6 of 2011 concerning Immigration, where it is explained that in order to supervise the activities of foreigners in Indonesian territory, the Minister forms a Team for Monitoring Foreigners whose members consist of related government agencies or agencies, both at the central and regional levels. Based on this reference, a team for monitoring foreigners was formed in that area. The Decree of the Regional Alien Monitoring Team is signed by the Head of the Regional Office, which is chaired by the Head of the Immigration Division and the secretary can be determined by the Immigration Division, may be the Head of the Intelligence and Immigration Enforcement Division.

To carry out immigration control of foreigners in Indonesian territory, the Minister forms a team of foreign control whose members consist of related government agencies or agencies, both at the central and regional levels. The Minister or the appointed Immigration Officer acts as the head of the foreigner surveillance team. The implementation of coordination between Immigration and other relevant government agencies in the supervision and prosecution of foreigners has the aim of knowing the whereabouts and activities of foreigners in the Central Java region, and can carry out statutory orders to realize the sovereignty of the Republic of Indonesia, and can carry out legal actions in accordance with the applicable laws and regulations. The *pورا* team at the Central Java province level is a forum for expressing opinions.

¹⁴Sujanto, 1986, *Several Understandings in the Field of Supervision*, Ghalia Indonesia, Jakarta, p. 2

¹⁵Sujamto, 1990, *Real and Responsible Regional Autonomy*, Sinar Graphic, Jakarta, p. 17

¹⁶Gatot Supramono, 2012, *Foreigner Law in Indonesia*, Sinar Graphic, Jakarta, p. 4

¹⁷Najaruddin Safaat, 2008, *Analysis of Immigration Law Enforcement at Soekarno Hatta Special Class I Immigration Office Based on the Immigration Law and Criminal Procedure Code*, Thesis, University of Indonesia, Jakarta, p. 112

The composition of the membership of the provincial-level foreign surveillance team for 2022 consists of the Head of the Central Java Ministry of Law and Human Rights Regional Office as the person in charge, the Head of the Immigration Division as the Chair, the Head of the Central Java Province Kesbangpolinmas Agency as the Secretary and the members consist of the Head of the Regional State Intelligence Agency Central Java, Head of the Central Java Customs and DIY Regional Office, Head of the Legal Bureau of the Regional Secretariat of Central Java Province, Director of Intelligence for the Central Java Regional Police, Commander Lanal Semarang, Commander Lanumad Ahmad Yani Semarang, Assistant to the Central Java High Prosecutor's Office, Assistant to Kodam IV Diponegoro, Head of Education and Culture Office of Central Java Province, Head of Office of Village Community Empowerment, Population and Civil Registration of Central Java Province, Head of Youth Sports and Tourism Office of Central Java Province, Head of National Narcotics Agency of Central Java Province, Head of Intelligence and Enforcement of Immigration Regional Office of the Ministry of Law and Human Rights of Central Java, Head of Workforce Placement Development Division of the Office of Manpower and Transmigration of Central Java Province, Head of the Urais and Binsyar Division of the Regional Office of the Ministry of Religion of Central Java Province, Head of the Regional Office of the Directorate General of Taxes of Central Java, Head of the Central Java Strategic Intelligence Agency, Head of the Central Java Provincial Investment and One-Stop Services Office, Head of Class I Immigration Office TPI Semarang, Head of Class I Immigration Office TPI Surakarta, Head of Immigration Office Class I TPI Cilacap, Head of Immigration Office Class I Non TPI Pemalang, Head of Immigration Office Class I Non TPI Pati, Head of Immigration Office Class II Non TPI Wonosobo, and Head of Semarang Immigration Detention Center.

The activities of the Central Java Immigration Division Pora Team for 2019-2022 will be carried out on:

- 1) In 2019 it was held 2 times, namely on Monday, 11 March 2019 at the Harris Hotel in Semarang City and on Wednesday, 11 September 2019 at the Grandika Hotel in Semarang City;
- 2) In 2020 it was held 1 time, namely on Wednesday, 22 July 2020 at the Pesona Hotel, Semarang City;
- 3) In 2021 it will be held 1 time, namely on Wednesday, March 17, 2021 at the Pesona Hotel, Semarang City;
- 4) In 2022 it will be held once, namely on Tuesday, June 21, 2022 at the Grandika Hotel, Semarang City.

More and more foreigners are coming and leaving the Central Java region with a variety of different motives, of course, bringing positive and negative influences on national interests, both in the ideological, social, cultural, political, economic, defense and security fields. Many modes are used by foreigners to be able to live and settle in Central Java, where recently many immigration violations have occurred, for example abuse of residence permits, overstaying, illegal / illegal immigrants, fake immigration documents, cyber crime, dissemination of certain teachings that are not in accordance with ideology of the Indonesian nation under the pretext of religion.

According to the Act No. 6 of 2011 concerning Immigration Article 66 states that, the Minister carries out immigration control. Immigration supervision includes supervision of Indonesian citizens who apply for travel documents, exit or enter Indonesian Territory, and who are outside Indonesian Territory, and control of the traffic of Foreigners entering or leaving Indonesian Territory as well as monitoring of the presence and activities of Foreigners in the Territory. Indonesia. Article 68 states that, Immigration Control of Foreigners is carried out at the time of applying for a Visa, entry or exit, and the issuance of a Stay Permit is carried out by:

- 1) Collection, processing, and presentation of data and information;
- 2) Compilation of a list of names of Foreigners who are subject to Deterrence or Prevention;
- 3) Supervision of the existence and activities of Foreigners in Indonesian Territory;
- 4) Taking photos and fingerprints; And
- 5) Other activities that can be legally justified.

Immigration officials or those appointed in the context of immigration control are required to:

- 1) Collection of data on immigration services, both Indonesian citizens and foreign nationals;
- 2) Collection of traffic data, both Indonesian citizens and foreign nationals entering or leaving the Indonesian Territory;
- 3) Collection of data on foreign nationals who have received detention decisions, both in the Immigration Detention Room at the Immigration Office and at the Immigration Detention Center; And

4) Collection of data on foreign nationals who are in the process of taking action on immigration.

The Immigration Officer on duty can request information from any person who gives the opportunity to stay to a foreigner regarding the data of the foreigner concerned. The owner or manager of the accommodation must provide data regarding the Foreigner staying at his accommodation if requested by the Immigration Officer on duty. Every Foreigner who is in Indonesian Territory must:

- 1) Provide all necessary information regarding the identity of himself and/or his family and report any change in civil status, citizenship, employment, guarantor, or change of address to the local Immigration Office; or
- 2) Show and submit your Travel Documents or Stay Permit if requested by the Immigration Officer in charge of immigration control.

Table 1

Data on the Number of Foreigners in the Province of Central Java for the 2020-2022 Period

No.	STAY PERMIT	2020	2021	2022
1.	VISIT STAY PERMIT	129	344	510
2.	LIMITED STAY PERMIT	4586	5389	5834
3.	PERMANENT STAY PERMIT	489	541	889
TOTAL		5204	6274	7233

Source: Documentation of the Immigration Division Regional Office of the Ministry of Law and Human Rights Central Java 2022

The early detection process goes through various stages, namely processing foreigner data (visa and passport) and analyzing it in depth to produce accurate and integrated information in the immigration management information system (SIMKIM). Existing information is made in the form of intelligence products that

originate from information from the public, government agencies, visiting places or buildings where information can be found regarding the whereabouts and activities of foreigners and conducting intelligence operations. Anticipatory steps that can be taken are:

- 1) Building an alien reporting system (APOA) by involving all elements of society and entertainment associations, hotels, restaurants to report the presence and activities of foreigners. This application was made in the context of immigration control to monitor the whereabouts and residence of foreign nationals while in Indonesia. This is expected to facilitate immigration in providing services to foreigners in the context of providing protection, for example if the foreigner is missing and cannot be contacted by the family concerned and provides a means of conveying the aspirations of the public, especially the owner/manager of the accommodation, to immigration when finding a person. foreigners who are suspected of violating legal provisions;
- 2) Form an intelligence community, namely the State Intelligence Agency, TNI, Polri, and ministries/agencies that carry out state intelligence at the central and regional levels (Kominpus and Kominda) as a forum for exchanging information regarding the presence of foreigners;
- 3) Collaborating with Interpol (Immigration will have / be connected to Interpol data so that data from all countries). Migration Intelligence (Immigration) also cooperates with POLRI by signing the use of the I-24/7 application to detect data on lost or stolen passport holders or fugitives wanted by a country.

3.2. Enforcement of Foreigners in Central Java Province

Enforcement in the Big Indonesian Dictionary comes from the word action which means the process, method and act of taking action. According to the Act No. 6 of 2011 concerning Immigration Article 1 Paragraph (31) states that, Immigration Administrative Actions are administrative sanctions set by Immigration Officers against foreigners outside the judicial process.¹⁸According to Lucky Agung Binarto stated that, enforcement is taking an administrative legal action against people who do not comply with regulations and or carry out activities that are dangerous to security and public order.¹⁹

¹⁸Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration Article 1 Paragraph (31)

¹⁹Lucky Agung Binarto, 2006, Implementation of Investigations by Civil Servant Investigators at the Directorate General of Immigration in the Context of Law Enforcement Against Violations of the Immigration Law, Thesis, Diponegoro University, Semarang.

Immigration Administrative Actions are administrative sanctions set by Immigration Officers against Foreigners outside of the judicial process. Deportation is an act of forcibly removing foreigners from Indonesian Territory. Immigration officials have the authority to carry out Immigration Administrative Actions against Foreigners who are in Indonesian Territory who carry out dangerous activities and are reasonably suspected of endangering security and public order or not respecting or disobeying laws and regulations. Immigration Administrative Actions can be in the form of:

- 1) Inclusion in the list of Prevention or Deterrence;
- 2) Restriction, change, or cancellation of Stay Permit;
- 3) Prohibition to be in one or several certain places in the Indonesian Territory;
- 4) The obligation to reside in a certain place in the Indonesian Territory;
- 5) Imposition of expenses; and/or
- 6) Deportation from Indonesian Territory. Immigration Administrative Actions in the form of deportation can also be carried out against foreigners who are in Indonesian Territory for trying to avoid threats and execution of punishment in their country of origin.

Foreigners who are subject to Immigration Administrative Actions can submit objections to the Minister. The Minister can grant or reject objections submitted by Foreigners. The Minister's decision is final. Submission of objections submitted by Foreigners does not delay the implementation of Immigration Administrative Actions against those concerned. Immigration Administrative Actions against Foreign Citizens who overstay or exceed the time of residence permit are carried out based on Article 78 of Act No. 6 of 2011 concerning Immigration, namely:

- a. Foreigners holding a Stay Permit whose validity period has expired and are still in the Territory of the State of Indonesia for less than 60 (sixty) days the deadline for a Stay Permit are subject to a fee in accordance with the provisions of the laws and regulations;
- b. Foreigners who do not pay the fees as referred to in paragraph (1) are subject to Immigration Administrative Actions in the form of Deportation and Detention;
- c. Foreigners holding Stay Permits whose validity period has expired and are still in the Territory of the State of Indonesia for more than 60 (sixty) days from the deadline for Stay Permits are subject to Immigration Administrative Actions in the form of Deportation and Detention.

According to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 38 of 2021 concerning Procedures for Prevention and Deterrence Article 2 states that, "The Minister has the authority and responsibility to carry out prevention relating to the field of immigration. The Minister has the authority to carry out deterrence. The Minister's authority is carried out by the Director General or the appointed Immigration Officer. Article 4 states that the Minister implements Prevention based on:

- a. Immigration control results and Immigration Administration Action decisions;
- b. Decisions of the Minister of Finance and the Attorney General in accordance with their respective fields of work and the provisions of laws and regulations;
- c. Request from the Head of the State Police of the Republic of Indonesia in accordance with the provisions of the laws and regulations;
- d. Orders from the Chairperson of the Corruption Eradication Commission in accordance with statutory provisions;
- e. Request from the Head of the National Narcotics Agency in accordance with the provisions of the laws and regulations; and/or
- f. Decisions, orders, or requests from the heads of ministries/agencies that are based on the law have authority.

4. Conclusion

More and more foreigners are coming and leaving the Central Java region with a variety of different motives, of course, bringing positive and negative influences on national interests, both in the ideological, social, cultural, political, economic, defense and security fields. Immigration Administrative Actions in the form of deportation can also be carried out against foreigners who are in Indonesian Territory for trying to avoid threats and execution of punishment in their country of origin.

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