

JURIDICAL ANALYSIS OF THE EFFECTIVENESS OF IMMIGRATION REGULATIONS ON VISA ON ARRIVAL (VOA) 7 DAYS IN INCREASING FOREIGN TOURIST VISITS

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Received : 25 July 2025

Published : 06 September 2025

Revised : 11 August 2025

DOI : <https://doi.org/10.54443/ijevas.v5i5.4005>

Accepted : 29 August 2025

Link Publish : <https://radjapublika.com/index.php/IJEBAJ>

Abstract

The 7-day Visa on Arrival (VOA) policy is one of the innovations in Indonesia's immigration system aimed at increasing the number of foreign tourist visits, mainly in strategic border areas such as Batam City. The implementation of this policy is based on Government Regulation Number 45 of 2024 concerning PNPB, Circular Letter of the Director General of Immigration Number IMI-272. KU.01.03 of 2024, as well as the Decree of the Minister of Law and Human Rights Number M. HH-06.01.01 of 2023. Although normatively this policy already has a strong legal basis, the effectiveness of its implementation still needs to be studied comprehensively. This study aims to analyze the legal arrangements of the 7-day VOA policy from the perspective of immigration and tourism, evaluate its implementation in increasing foreign tourist visits to Batam City, and identify obstacles and provide solutions to improve the policy's effectiveness. The research methods used are normative and empirical juridical approaches, with data collection techniques through literature studies and field interviews at the Batam City Immigration Checkpoint. They also use socio-legal approaches and theoretical analysis from Lawrence M. Friedman and Soerjono Soekanto. The study results show that even though the 7-day VOA policy has been implemented administratively and has legitimate regulations, its implementation is still not optimal. The main obstacles are limited human resources, a lack of socialization, and low legal awareness among tourists. Therefore, it is necessary to strengthen the substance of policies, increase the capacity of the apparatus, integrate technology, and socialize with tourism industry players. Thus, this policy is expected to be not only normatively legal but also substantively effective in encouraging the growth of the national tourism sector

Keywords: *Policy Effectiveness, Visa on Arrival (VOA), Immigration Law, Foreign Tourists, Batam City*

INTRODUCTION

Tourism represents a crucial sector that plays a substantial role in driving national economic growth. This sector enhances foreign exchange, promotes job creation, fosters creative industry development, and expands international relations (Sukadana, 2019). Batam City is a significant destination in Indonesia, attributed to its strategic location along international trade routes and proximity to Singapore and Malaysia. Batam, serving as Indonesia's western gateway, possesses considerable potential for attracting international tourists (Batam City Statistics Agency, 2023). The government instituted a Visa on Arrival (VOA) policy to optimize this potential, which includes a 7-day VOA option for short-stay tourists. This policy seeks to simplify entry for foreign tourists by eliminating the visa process, thus improving national tourism competitiveness (Law No. 6 of 2011 concerning Immigration; Minister of Law and Human Rights Regulation No. 26 of 2020). In border regions such as Batam, the 7-day Visa on Arrival (VOA) is essential for promoting tourist influx, especially from Singapore and Malaysia. The effectiveness of this policy is still subject to debate. Implementation has faced several obstacles, including limited human resources at Immigration Checkpoints (TPI), long queues, inadequate supporting facilities, and low legal awareness among tourists concerning stay duration regulations (Baker, 2021). Additionally, competition from adjacent nations with more adaptable visa regulations challenges Indonesia. This situation prompts an inquiry into the effectiveness of the 7-day VOA policy in enhancing international tourist arrivals to Batam City. In addition to the economic dimension, the visa policy must be analyzed through legal and implementation lenses. Friedman (1975) identified three elements determining legal effectiveness: structure, substance, and culture. The efficacy of

the 7-day VOA is contingent upon clear regulations, the preparedness of immigration officials, and the legal awareness of tourists. This corresponds with Soerjono Soekanto's (1983) assertion that the effectiveness of a law is contingent upon the consistent compliance and enforcement of legal norms by officials and the public.

Research on the effectiveness of immigration regulations concerning the 7-day VOA is pertinent for legal and empirical analysis. This study is significant for assessing policy implementation in Batam City and offers insights for enhancing immigration policies that facilitate national tourism development. This article examines the effectiveness of immigration regulations concerning 7-Day Visas on Arrival (VOA) for strengthening foreign tourist visits to Batam City.

RESEARCH METHOD

This research uses both normative and empirical legal approaches. The normative legal approach was conducted through a literature review analyzing immigration laws and regulations, specifically the 7-day Visa on Arrival (VOA) policy. Primary legal sources include Law Number 6 of 2011 concerning Immigration, Government Regulation Number 45 of 2024 concerning Non-Tax State Revenue (PNBP), Regulation of the Minister of Law and Human Rights Number 26 of 2020 concerning Visas and Stay Permits, and Circular Letter of the Director General of Immigration Number IMI-272.KU.01.03 of 2024. Meanwhile, the empirical legal approach was conducted through field observations and interviews with immigration officers at the Batam City Immigration Checkpoint (TPI) and several tourism industry players directly involved with international tourists. This approach aims to obtain a concrete picture of the implementation of the 7-day VOA policy in the field. The types of data used include:

1. Primary data, obtained through interviews with immigration officers, relevant officials, and tourism stakeholders in Batam.
2. Secondary data, obtained from laws and regulations, books, scientific journals, official reports, and documents relevant to the research topic.

Data collection techniques included literature review, documentation, and in-depth interviews. Furthermore, the data were analyzed using a socio-legal approach grounded in Lawrence M. Friedman's Legal System theory (legal structure, substance, and culture) and Soerjono Soekanto's Theory of Legal Effectiveness. This allows the research results to be analyzed comprehensively from normative and implementative perspectives.

RESEARCH RESULT

The research results show that the 7-day Visa on Arrival (VOA) policy in Batam City has a strong legal basis. This policy is based on Law Number 6 of 2011 concerning Immigration, Government Regulation Number 45 of 2024 concerning Non-Tax State Revenue (PNBP), Decree of the Minister of Law and Human Rights Number M. HH-06.01.01 of 2023, and Circular Letter of the Director General of Immigration Number IMI-272.KU.01.03 of 2024. These regulations emphasize that the 7-day VOA is part of the government's strategy to increase tourism attractiveness in border areas, including Batam.

1. Legal Regulations for the 7-Day VOA Policy

Typically, the 7-day VOA regulation stipulates the implementation mechanism, including a non-tax state revenue (PNBP) rate of IDR 250,000, a maximum stay of 7 days without extension, and official entry points at several Immigration Checkpoints (TPIs) in the Riau Islands, such as Batam Center, Nongsa Bahari Terminal, and Tanjung Balai Karimun. This demonstrates that, in terms of legal substance, this policy complies with the principles of legality, transparency, and legal certainty.

2. Implementation in Batam City

Observations and interviews with immigration officials indicate that the 7-day VOA has been in effect in Batam since December 2024. Data from the Batam Central Statistics Agency (BPS) for 2023–2024 recorded an increase in the number of foreign tourists using the VOA facility, particularly from Singapore and Malaysia. Tourists using the 7-day VOA generally come for short visits, such as golfing, shopping, culinary tours, or business activities. The economic contribution of this policy is evident in the increased revenue from the hotel, restaurant, and shopping center sectors. In fact, the tourism sector contributed more than 15% to Batam's Gross Regional Domestic Product (GRDP) in 2023 and continues to show a positive trend since the implementation of the 7-day VOA.

3. Obstacles Encountered

Despite its positive contributions, the implementation of the 7-day VOA policy faces several obstacles, including:

- a. Limited human resources at the TPI (Travel Terminals), which results in long queues and slow service.
- b. Lack of supporting infrastructure, such as inadequate facilities at ports and airports to accommodate the surge in tourists.
- c. Minimal outreach to foreign tourists regarding the 7-day maximum stay, resulting in frequent immigration violations.
- d. Suboptimal coordination between the central government, regional governments, and tourism industry players.
- e. Competition with neighboring countries such as Singapore, which offers a visa-free policy and more advanced tourism infrastructure.

4. Improvement Efforts

The government has taken several improvement measures, including expanding the number of TPI locations serving 7-day VOA, enhancing collaboration with local governments and tourism industry players, and promoting the digitalization of immigration services to expedite the process. Furthermore, Batam tourism promotion is being intensified to attract international tourists.

5. Potential and Impact

Batam's seven-day VOA policy has the potential to expand the travel industry. By boosting employment in the service and tourist industries, this program not only boosts foreign exchange and regional income but also opens doors for local populations. However, the best possible execution on the ground is crucial to the policy's efficacy.

Therefore, the study demonstrates that although the 7-day VOA policy has benefited, it is still not operating at its full potential. Strengthening regulations, expanding the capability of immigration human resources, improving infrastructure, integrating digital technologies, and reaching out to more visitors are all necessary to achieve significant efficacy.

Discussion

1. Legal Foundations and Principles of the Rule of Law

The 7-day Visa on Arrival (VOA) policy in Batam City is legally grounded in Law Number 6 of 2011 regarding Immigration, Government Regulation Number 45 of 2024 about Non-Tax State Revenue (PNBP), and Circular Letter of the Director General of Immigration Number IMI-272.KU.01.03 of 2024. According to the doctrine of the rule of law (*rechtsstaat*), a robust legal foundation is an essential requirement for public policy to attain legitimacy. Dicey (1959) asserted that the rule of law underscores the supremacy of law, whereas Jimly Asshiddiqie (2006) contended that the law must ensure certainty, justice, and utility. The 7-day VOA policy satisfies the criteria of legal certainty as it is explicitly governed by statute. Nonetheless, substantive fairness requires examination, as a mere 7-day stay is seen as insufficient by some tourists, resulting in the policy's advantages being predominantly experienced by the state and tourism stakeholders rather than the tourists themselves.

2. Examining the Implementation of the 7-Day VOA through the Lens of Friedman's Legal Framework

Friedman's (1975) legal system theory posits that the effectiveness of a law is contingent upon its legal structure, legal substance, and legal culture. Implementing the 7-day VOA in Batam encounters challenges from a legal structure standpoint, primarily due to the constraints posed by limited human resources at the Immigration Checkpoint (TPI). The current circumstances lead to extended wait times and diminished service efficiency, ultimately impacting the comfort of tourists. The 7-day VOA policy is straightforward and unambiguous from a legal substance standpoint, allowing for a maximum stay of seven days at a fee of IDR 250,000, with no possibility for extension. This substance is consistent with the principle of legal certainty as highlighted by Radbruch (2006). Nevertheless, this substance fails to completely meet the requirements of tourists seeking an extended visit. Examining the legal culture reveals that tourist adherence to the length of stay regulations is insufficient, as many lack comprehension of the seven-day time limit, leading to immigration violations. According to Friedman's framework, the 7-day VOA policy exhibits greater strength in legal substance but demonstrates weaknesses in legal structure and culture.

3. Effectiveness of Law According to Soerjono Soekanto

Three primary variables affect a law's success, according to Soerjono Soekanto (1983): the degree of public legal awareness, the competence of the implementing officials, and the clarity of the law's content. The legal content of the 7-day VOA policy is actually apparent because the tariffs and duration of stay rules have been thoroughly

regulated. However, this strategy is less adaptable to the needs of tourists due to its strict nature. According to studies conducted by implementing officials, the quality of service and the small number of immigration officers continue to be significant barriers, which lower the visitor experience at Batam's entrance points. Many visitors are not fully aware of the regulations about the duration of stay, which might result in inadvertent infractions. As a result, according to Soerjono Soekanto's thesis, this policy is only effective in terms of norms; it is not yet effective in actual execution.

4. Economic Impact and Regional Challenges

The 7-day VOA policy has exerted a beneficial economic influence. Data from Statistics Indonesia (BPS) (2023) indicates that the tourist sector accounts for almost 15% of Batam City's Gross Regional Domestic Product (GRDP). Visitors from Singapore and Malaysia predominantly utilize this facility for brief stays focused on shopping, gastronomy, golfing, and business engagements. Nonetheless, this economic impact is constrained as short-stay tourists contribute solely to certain consuming activities, lacking a substantial multiplier effect. Moreover, Batam remains less competitive on a regional scale than Singapore and Malaysia, which provide visa-free policies for a broader array of nations (Ryan, 2010). This regional competition necessitates that Batam enhance its competitiveness by improving immigration services, upgrading infrastructure, and intensifying tourism promotion efforts.

5. Implementation Barriers

The execution of the 7-day VOA strategy in Batam encounters numerous significant challenges. The primary impediment is the scarcity of immigration personnel, leading to inadequate service at the TPI (Travel Terminal). Moreover, several international ports remain insufficiently equipped to accommodate the rising influx of tourists. Tourists are unaware of the VOA requirements, making many oblivious that stay permits are valid for only seven days without extension. Collaboration among central and regional agencies is inadequate, hindering the integrated implementation of the policy. A further impediment arises from competition with adjacent nations that provide more appealing visa regulations. These limitations illustrate that a normatively robust strategy may be ineffective without the backing of sufficient institutions and resources for implementation.

6. Policy Implications and Legal Development

The implications of this research are the need for policy evaluation to improve regulatory, institutional, and outreach aspects. Regulations should be more flexible in extending the length of stay, making the policy more attractive to tourists. The capacity of immigration officials should also be increased, both in terms of numbers and professionalism, to optimize service. Digitizing immigration services through e-Visa and online payments can speed up the service process and reduce long queues (Baker, 2021). Furthermore, more intensive outreach to tourists regarding the length of stay regulations is essential to raise legal awareness. Integrated tourism promotion between the central and regional governments and industry players is also crucial to strengthening Batam's appeal as an international tourist destination.

7. Theoretical and Practical Synthesis

Friedman's theory highlights that while the 7-day VOA policy possesses significant legal substance, it exhibits deficiencies in its implementation framework and the prevailing legal culture within the community. From Soerjono Soekanto's perspective, this policy demonstrates normative effectiveness; however, its implementation remains lacking. Evaluating the economic implications, this policy has yielded a beneficial impact; however, its effectiveness remains constrained, and it is not as competitive as neighboring countries. Consequently, while the 7-day VOA policy in Batam may be deemed normatively suitable, it is not empirically the most effective option. To attain significant effectiveness, it is essential to implement regulatory enhancements, expand apparatus capacity, develop infrastructure, digitize services, and foster a more robust legal culture among tourists.

CONCLUSION

Based on the description obtained, the following conclusions can be drawn:

1. The legal provisions for the 7-day Visa on Arrival (VOA) policy in Batam City, particularly in the context of immigration and tourism, demonstrate that this policy has a valid and comprehensive legal basis, ranging from Law Number 6 of 2011 concerning Immigration, Government Regulation Number 45 of 2024 concerning Non-Tax State Revenue (PNBP), to Circular Letters and Decrees of the Minister of Law and Human Rights

regarding the locations of implementation. This policy is intended not only as an immigration administration tool but also as a supporting instrument for developing the tourism sector in border areas such as Batam City. This aligns with the principles of the rule of law that guarantee legality, accountability, and justice in every public policy.

2. The implementation of the immigration regulations regarding the 7-day Visa on Arrival (VOA) in increasing international tourist visits indicates that although this policy has been implemented according to administrative procedures by immigration officials, its effectiveness remains limited in attracting a significant number of visa users. The use of 7-day VOAs remains low compared to total tourist visits, due to low publicity, limited access to information, and suboptimal acceptance of the policy among tourists and tourism industry players. Therefore, the policy's functional effectiveness has not been fully achieved, despite its legality being met.
3. Obstacles and solutions to the effectiveness of immigration regulations on 7-day Visas on Arrival (VOA) in increasing international tourist visits include structural barriers in the form of limited human resources and facilities at the TPIs (Traditional Tourist Attractions), substantial barriers related to minimal publicity and clarity of regulations, and legal culture barriers resulting from low tourist awareness and understanding. To address these issues, recommended strategies include strengthening the substance of the regulation, increasing the capacity of officials, digitizing services, and integrating education and promotion of the policy to tourists and tourism players. These efforts are crucial so that the policy is not only normative but has a real impact on increasing tourism in Batam City.

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