

## LAW ENFORCEMENT ON THE MISUSE OF RESIDENCE PERMITS BY FOREIGN NATIONALS (A RESEARCH STUDY AT THE SPECIAL CLASS I IMMIGRATION OFFICE TPI BATAM)

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### Abstract

The increasing number of Foreign Nationals (WNA) entering Indonesia, especially Batam City, which directly borders Singapore and Malaysia, strategically impacts the dynamics of immigration supervision and law enforcement. One of the prominent issues is the misuse of residence permits, which threatens the country's legal sovereignty and creates social and security problems. This study aims to analyze the legal regulations, the implementation of law enforcement, and the obstacles and solutions in addressing the misuse of residence permits by foreigners, using a case study at the Class I Special Immigration Office TPI Batam. This study employs normative and empirical juridical methods with statutory, sociological, and conceptual approaches. Primary data were obtained through in-depth interviews with immigration officers, foreign nationals, and the surrounding community, while secondary data were examined from legislation, official documents, and academic literature. The analysis was conducted using the Theory of State Sovereignty (Hans Kelsen) as the grand theory, the Legal System Theory (Lawrence M. Friedman) as the middle theory, and the Law Enforcement Theory (Kelling & Moore) as the applied theory. The research findings indicate that although the legal regulations regarding residence permits have been stipulated in Law Number 6 of 2011, their implementation still faces obstacles such as limited human resources, regulatory loopholes, weak technological systems, and low legal awareness among both officials and foreign nationals. Therefore, institutional reform, capacity building of human resources, drafting of more operational technical regulations, and strengthening community-based supervision are needed. Effective law enforcement requires synergy between legal structure, substance, and a consistently applied legal culture.

**Keywords:** (*Law Enforcement*), (*Residence Permit*), (*Foreign Nationals*).

### INTRODUCTION

Immigration regulation is crucial in upholding national sovereignty, especially in managing foreign entry and exit within Indonesian jurisdiction. Immigration operates not merely on an administrative level but also as a legal and security mechanism for the state (Kusumaatmadja, 2018). As an archipelagic nation comprising numerous border crossings, Indonesia encounters significant challenges in overseeing the presence of foreign nationals. Batam City, positioned strategically next to Singapore and Malaysia, is a significant gateway characterised by considerable mobility for foreign nationals. This geographic location offers a range of economic prospects alongside the risk of improper use of stay permits, including overstaying, unauthorised employment, and engagement in illicit activities, all of which carry significant implications for social, economic, and national security (Saputra, 2025). The Indonesian government has established regulations regarding stay permits through Law Number 6 of 2011 on Immigration, which empowers immigration officials to execute administrative measures, including deportation, detention, and fee assessment. Nevertheless, practical experience indicates that executing these provisions encounters numerous challenges, such as insufficient human resources, inadequate inter-agency collaboration, and a lack of legal awareness among officials and foreign nationals (Hendra Saputra, 2020; Natsir, 2019). Information from the Batam Class I Special Immigration Office (TPI) indicates a variable pattern in the infractions related to stay permits. In 2022, the recorded instances of deportations

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stood at 107, accompanied by 88 cases of detainment. However, a marked escalation was observed in 2023, with deportations rising to 226 and detainment cases increasing to 210. In 2024, there was a notable decline in the number of deportations, which fell to 151 cases; however, the instances of detainment persisted at a significant level, totalling 176 cases, as reported by the Batam Class I Special Immigration Office (TPI). The data suggests that Batam is significantly susceptible to violations of stay permits, highlighting the need for a more rigorous monitoring approach that leverages institutional collaboration and active community involvement. Numerous prior studies have examined the abuse of residency permits in various countries. Rina Wulandari (2020) emphasised the inadequate inter-agency collaboration in law enforcement in Bali. Muhammad Ridho (2019) discovered that deportations in Jakarta frequently fail to deter due to inadequate post-deportation supervision. Yuni Rahmawati (2021) underscored the necessity of enhancing technology to supervise residency permits in Surabaya. Simultaneously, Andi Muhammad Reza's (2021) study in Makassar identified challenges, including insufficient human resources and little community collaboration. The current contrast indicates that prior research emphasised technical factors or non-border regions, but the current study concentrates on Batam as a pivotal border area and international economic hub. This research is essential for examining legal rules, law enforcement implementation, and the challenges and remedies related to foreign nationals' misuse of residency permits in Batam. This paper is anticipated to provide both theoretical and practical contributions. Theoretically, the research enhances the literature on immigration law, specifically concerning the efficacy of administrative measures (Friedman, 2009). These findings help inform immigration officials in developing policies that are more adaptable and sensitive to the dynamics of international migration, while also enhancing law enforcement activities in Indonesia's border regions.

## **RESEARCH METHOD**

This study employs both normative and empirical legal methodologies. The normative approach examines the relevant positive legal norms regarding residency permits for foreign nationals (WNA), particularly those outlined in Law Number 6 of 2011 on Immigration and its subsequent regulations. The analysis evaluates legal substance, doctrine, and pertinent rulings to determine the efficacy of these legal standards in combating residency permit abuse (Soekanto & Mamudji, 2015). Simultaneously, the empirical juridical technique is employed to acquire an accurate representation of law enforcement implementation in practice. Primary data was acquired via comprehensive interviews with officials from the Batam Class I Special Immigration Office (TPI), foreign people facing residence permit challenges, and local inhabitants impacted by the presence of foreign nationals. Secondary data was sourced from government sources, scholarly literature, and the Batam Immigration Office's annual report.

The categories of data utilised comprise:

1. Primary data, specifically interviews with key informants pertinent to the issue of resident permit misuse.
2. Secondary data comprising statutes and regulations, legal literature, prior study findings, and official papers from pertinent agencies.

The data collection methods encompassed library research, documentation, and comprehensive interviews. All data were subjected to qualitative analysis methodologies, linking relevant legal norms with practical applications in the field. The analysis employed a deductive methodology, deriving findings from overarching legal concepts to specific facts identified in the research. This study employed three legal theoretical frameworks to enhance the analysis: Hans Kelsen's Theory of State Sovereignty as a grand theory, Lawrence M. Friedman's Theory of Legal Systems as an intermediate theory, and Kelling & Moore's Theory of Law Enforcement as an applied theory. Theories were employed to evaluate how legal structure, substance, and culture affect the efficacy of law enforcement in addressing the misuse of stay permits by foreign nationals in Batam.

## **RESEARCH RESULT**

### **1. Legal Regulations on Misuse of Residence Permits**

The regulations governing residence permits for foreign nationals (WNA) in Indonesia are formally outlined in Law Number 6 of 2011 on Immigration, particularly in Articles 48–62, which delineate the categories of residence permits: Visit Stay Permit (ITK), Limited Stay Permit (ITAS), and Permanent Stay Permit (ITAP). Furthermore, Article 75 of the Immigration Law authorises immigration officials to take administrative action against violators, including deportation, detention, and the imposition of fees. This rule unequivocally illustrates that a residency permit is not only an administrative document, but a legal instrument embodying state sovereignty (Kelsen, 2006). Nevertheless, studies indicate that deficiencies persist in the enforcement regulations. For example, ministerial regulations, derivatives of the

law, do not detail the technical mechanisms for handling residence permit violations, creating legal loopholes that violators can exploit. This corresponds with the findings of Rahmawati (2021), which indicated that inadequate technical regulations frequently hinder immigration agents in prosecuting cases of residency permit misuse. Conversely, restricting residency permits signifies Indonesia's dedication to human rights values, wherein every administrative action must account for justice and proportionality (Asshiddiqie, 2010). The legal management of residence permits has a dual purpose: it acts as a mechanism for controlling the presence of foreign people and provides legal protection for them.

## **2. Implementation of Law Enforcement at the Class I Special Immigration Office, TPI Batam**

The Batam Immigration Office plays a central role in overseeing stay permits, as Batam is the main entry point from Singapore and Malaysia. Law enforcement is carried out through administrative measures such as deportations, deterrence, and the imposition of fees, as stipulated in Article 75 of the Immigration Law.

Data shows a fluctuating trend in cases over the past three years:

- a. In 2022, there were 107 deportations and 88 deterrence cases.
- b. In 2023, this increased to 226 deportations and 210 deterrence cases.
- c. In 2024, deportations decreased to 151, but deterrence cases remained high at 176 (Batam Class I Special Immigration Office, 2024).

The sharp increase in 2023 reflects the intensity of stricter post-pandemic oversight and the surge in cross-border mobility. According to Kelling & Moore (1988), this aligns with the concept of law enforcement, which states that law enforcement is not only repressive but also preventative by strengthening controls at the point of entry. Interviews with immigration officials revealed that most violations involved overstaying and working without a permit. This finding aligns with Wulandari's (2020) research in Bali, which emphasised that residence permit violations generally occur due to a weak oversight system. Furthermore, several cases in Batam also involved illegal activities such as human trafficking and drug smuggling, confirming that residence permit violations do not occur in isolation but are often linked to transnational crimes (Juwana, 2017).

## **3. Obstacles in Law Enforcement**

Research has identified five primary obstacles to law enforcement in Batam:

1. Insufficient human resources (HR). The quantity of immigration officers remains insufficient relative to the significant influx of foreign nationals. Friedman (2009) noted that an inadequate legal framework diminishes the efficacy of law enforcement, regardless of the sufficiency of the legal substance.
2. Regulatory deficiencies. Specific technical regulations lack clarity, leading to indecision among authorities regarding action. This finding aligns with Ridho's (2019) study conducted in Jakarta, which indicated that inadequate post-deportation regulations facilitate the re-entry of perpetrators into Indonesia.
3. Restricted access to information technology. The foreign national data system remains inadequately integrated with law enforcement, the Indonesian National Armed Forces (TNI), and local governmental entities. Consequently, tracking violators is often challenging.
4. Limited legal awareness exists among both officers and foreign nationals. Certain officers exhibit leniency, whereas numerous foreign nationals perceive stay permit violations as trivial. This corresponds with Friedman's (2009) notion of legal culture, highlighting the significance of legal awareness as a fundamental component of an effective legal system.
5. Insufficient inter-agency coordination. Immigration law enforcement in Batam is fragmented, whereas it should ideally operate in synergy with other institutions. This obstacle resembles what Siti Hajar (2021) identified in the context of the Indonesia-Malaysia border.

## **4. Implemented Solutions**

To overcome these obstacles, the Batam Immigration Office has developed several strategies:

- a. Increasing human resource capacity through technical training and continuing education.
- b. Information technology can be optimised by developing a more integrated border control management system.
- c. Institutional reform to strengthen oversight functions and expedite the handling of violations.

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- d. Improving cross-agency coordination, including joint operations with the police, the Indonesian National Armed Forces (TNI), and local governments.
- e. Community involvement through community-based oversight programs.

These steps align with Kelling & Moore's (1988) law enforcement theory, which states that regulations, strategy, officer integrity, and policy consistency determine successful law enforcement.

## **DISCUSSION**

### **1. Legal Regulations on Misuse of Residence Permits**

The research results show that the regulation of foreign national residence permits in Indonesia is quite clear normatively through Law No. 6 of 2011 concerning Immigration, which regulates the types of residence permits and administrative sanctions for violations. This aligns with the Theory of State Sovereignty (Hans Kelsen, 2006), which asserts that the state has absolute authority to regulate who may enter and reside within its territory. From this perspective, the existence of residence permit regulations is a manifestation of the implementation of state legal sovereignty. However, despite adequate legal norms, gaps remain in technical regulations. Implementing regulations do not provide sufficient detail regarding the oversight mechanism for residence permits, leaving room for diverse interpretations in the field. Rahmawati (2021) also identified this condition in her research in Surabaya, finding that weaknesses in technical regulations were a major obstacle to effective immigration law enforcement. Thus, weaknesses in legal substance remain a contributing factor to the high number of cases of residence permit abuse in Batam.

### **2. Implementation of Law Enforcement in Batam**

The enforcement actions taken by the Batam Class I Special Immigration Office (TPI) indicate that deportation and deterrence serve as the principal mechanisms for addressing violations of stay permits. The rise in cases in 2023, accompanied by a reduction in deportations, yet a consistently elevated deterrence rate in 2024, suggests an enhancement in the surveillance strategy at entry points. This aligns with Law Enforcement Theory (Kelling & Moore, 1988), highlighting the significance of preventive strategies in sustaining social order. The prevalence of violations related to overstaying and unauthorised work suggests inherent issues within the surveillance system. Wulandari (2020) identified a comparable issue in Bali, noting that violations of stay permits frequently arise from inadequate early detection by authorities. Batam, positioned as a border city, encounters heightened risks attributable to its role as an international transit route. Therefore, the effectiveness of law enforcement in Batam depends heavily on strong inter-agency coordination and the support of surveillance technology.

### **3. Obstacles in Law Enforcement**

The obstacles identified in this study reveal a gap between normative regulations and practice. From the perspective of Friedman's Legal System Theory (2009), failures in law enforcement can be traced to three elements: structure, substance, and legal culture. First, regarding legal structure, the number of immigration officers in Batam is inadequate compared to the high mobility of foreign nationals. The lack of human resources also impacts the speed and accuracy of the oversight process. Second, regarding legal substance, the lack of detailed technical regulations often leaves officers facing dilemmas. This situation was also noted by Ridho (2019) in his research in Jakarta, which demonstrated weak post-deportation regulations. Third, regarding legal culture, low legal awareness among officers and foreign nationals means violations are still tolerable. In line with Friedman's concept, a weak legal culture will hamper the effectiveness of the law even if the structure and substance are in place. Another obstacle, weak cross-institutional coordination, is also a classic problem in law enforcement in Indonesia. Siti Hajar (2021) shows that the lack of synergy between agencies increases the potential for transnational crimes, including residence permit violations. Thus, the obstacles encountered in Batam are similar to those in other regions, but are more complex, given that Batam is an international gateway with a very high influx of foreigners.

### **4. Law Enforcement Solutions**

The Batam Immigration Office has implemented several strategic initiatives, including enhancing human resource capabilities, advancing information technology, reforming institutional structures, and fostering public engagement. These endeavours correspond with the principles of strategic law enforcement articulated by Kelling & Moore (1988), highlighting that successful law enforcement is contingent not solely upon legal frameworks but also on institutional

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strategy and the ethical standards upheld by officers. Implementing information technology, exemplified by a border control management system, significantly enhances the efficacy of oversight mechanisms. This discovery corresponds with Rahmawati's (2021) assertion, which underscores the necessity of digitising the oversight of stay permits to avert infractions. Moreover, engaging the public in participatory oversight represents a novel approach that has the potential to enhance the function of immigration oversight. Consequently, the measures adopted in Batam illustrate that the enforcement of immigration law necessitates a comprehensive strategy, incorporating legal frameworks, institutional support, technological advancements, and active public engagement. This corresponds with Juwana's (2017) perspective that the efficacy of immigration law enforcement hinges on the harmonious integration of a robust legal framework, well-defined legal principles, and a legal culture committed to compliance with established norms. Overall, the results of this study confirm that although residence permit regulations are in place, their effectiveness still depends on consistent implementation on the ground. Barriers such as limited human resources, regulatory gaps, and weak coordination are dominant factors slowing down effective law enforcement. However, the strategic steps taken in Batam indicate progress toward strengthening a more adaptive immigration legal system. This research complements previous studies by emphasising Batam's context as a strategic border region facing more complex challenges than other regions.

## **CONCLUSION**

Based on the discussion in the previous chapter, the following conclusions can be drawn:

1. Legal provisions regarding the misuse of stay permits by foreign nationals in Indonesia are regulated normatively in Law Number 6 of 2011 concerning Immigration, which authorises immigration officials to take administrative action in the form of deportation, travel bans, and revocation of stay permits. Furthermore, Regulation of the Minister of Law and Human Rights Number 22 of 2023 concerning Visas and Stay Permits, and Regulation of the Minister of Immigration and Correctional Services Number 3 of 2025 concerning Visas, Stay Permits, Facilities, and Conveniences, are also enacted. These normative provisions still face challenges in their implementation, primarily due to regulatory loopholes open to multiple interpretations and a lack of operational technical regulations. This leads to inconsistent application of sanctions and potential legal uncertainty in prosecuting foreign nationals who violate their stay permits in Indonesia.
2. Law enforcement at the Batam Class I Special Immigration Office (TPI) is implemented through identifying violations, verifying stay permits, gathering evidence, and making decisions regarding administrative action. This process is carried out based on internal SOPs and coordination with relevant parties, such as the Indonesian National Armed Forces (TNI/Polri), intelligence agencies, and local governments. Although law enforcement structures and procedures are in place, gaps remain in terms of limited human resources and data integration. However, law enforcement implementation has not been optimal because law enforcement is not simply a matter of repressive action, strategy, and institutional integrity.
3. The main obstacles to law enforcement in Batam include a limited organisational structure, requiring 22 officers but only 11 available, and inadequate information technology facilities. Solutions offered include increasing officer capacity through training, optimising information technology such as SIMKIM (Standard of Information Security) and biometrics, developing more operational technical regulations, and improving legal integrity and education for foreign nationals. A strategic approach based on law enforcement theory is a crucial foundation for building an efficient, responsive, and equitable law enforcement system.

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