

# Indonesian Immigration Law UU6-2011

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[Home](#) [Key Points](#) [English Version](#) [Indonesian Version](#) [FAQs](#)

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STATE GAZETTE

REPUBLIC OF INDONESIA

No. 52, 2011 (Explanation of the Republic of Indonesia Number 5216)

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 6 OF 2011

ABOUT

IMMIGRATION

BY THE GRACE OF GOD ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering:

- a. that immigration is part of the embodiment of the implementation of the enforcement of sovereignty over Indonesia's territory in order to maintain order life of the nation towards a just and prosperous society based on Pancasila and the Constitution of the Republic of Indonesia Year 1945;
- b. that the current global developments aimed at increasing mobility of people in the world that cause various effects, either beneficial or detrimental to the interests and life of the nation and the Republic of Indonesia, so that the necessary legislation to ensure legal certainty line with the respect, protection, and promotion of the rights human rights;
- c. that Law No. 9 of 1992 on Immigration is no longer sufficient to meet various development needs of the setting, service, and supervision in the field of immigration that need to be removed and replaced with new legislation is more comprehensive and able to meet the challenge;
- d. Based on the considerations referred to in letters a, b, and c need to establish the Law on Immigration;

In view of: Article 5 paragraph (1), Article 20, Article 26 paragraph (2), and Article 28E Paragraph (1) of the Constitution of the Republic of Indonesia Year 1945;

WITH THE APPROVAL

HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

and

## PRESIDENT OF THE REPUBLIC OF INDONESIA

DECIDES:

To stipulate: LAW ON IMMIGRATION.

## CHAPTER I

## GENERAL PROVISIONS

## Article 1

In this Act referred to as:

1. Immigration is a case history of traffic or people coming out of Indonesia's territory and surveillance in order to preserve the enforcement of state sovereignty.
2. Territory of the Republic of Indonesia, hereinafter called the Territory Indonesia Indonesia is the entire region as well as certain zones established under the legislation.
3. Immigration is part of the functions of state government affairs in providing immigration services, law enforcement, state security, and welfare of the community development facilitators.
4. Minister is the minister who conducted the affairs of government in the field of law and human rights.
5. Director-General means the Director General of Immigration.
6. Directorate General of Immigration is an element implementing the tasks and functions of the Ministry of Justice and Human Rights in Immigration.
7. Immigration officials are employees who have gone through special education and has the technical expertise of Immigration and Immigration has the authority to carry out the duties and responsibilities under this Act.
8. Investigators Civil Servants Immigration, hereinafter referred to investigators the Immigration Officer Immigration is authorized by law to conduct criminal investigations of Immigration.
9. Strangers are people who are not citizens of Indonesia.
10. Immigration Management Information System is a system of information and communication technologies are used to collect, process and present information to support operational, management, and decision making in carrying out immigration functions.
11. Immigration Office is the technical implementation unit that runs the Immigration Functions in the district, city, or district.
12. Immigration Check is a checkpoint at seaports, airports, border crossing, or other places as a place to go in and out of Indonesia's territory.
13. Travel documents are official documents issued by the competent authority of a country, the United Nations or other international organizations to travel interstate that contains the holder's identity.
14. Immigration documents are the Travel Documents of the Republic of Indonesia, and Stay Permit issued by immigration officers or officials of the foreign service.
15. Travel documents are the passport of the Republic of Indonesia Republic of Indonesia and the Republic of Letters Indonesia Travel Like a passport.

16. Passports of the Republic of Indonesia, hereinafter called the Passport is a document issued by the Government of the Republic of Indonesia to Indonesian citizens to travel between countries which is valid for a period of time.
17. Letters of the Republic of Indonesia Travel Like a passport, hereinafter referred to Laksana Passport Travel Letter is a document given a replacement passport in certain circumstances prevailing during the period of time.
18. Visa of the Republic of Indonesia, hereinafter referred to Visa is the written information given by the competent authority in the Republic of Indonesia Representative or elsewhere stipulated by the Government of the Republic of Indonesia, which includes approval for foreigners to travel to Indonesia and the region became the basis for granting permits Stay.
19. Signs Sign is a certain sign of a stamp affixed on Travel Documents of Indonesian citizens and foreigners, whether manual or electronic, provided by immigration officers as a sign that the person concerned entered Indonesia Region.
20. The sign outside is a certain sign of a stamp affixed on Travel Documents of Indonesian citizens and foreigners, whether manual or electronic, provided by immigration officers as a sign that the person concerned out of the Territory of Indonesia.
21. Stay Permit is a permit granted to foreigners by immigration officers or officials of the foreign service to be in Indonesia Region.
22. Integration Statement is a statement of Alien to the Government of the Republic of Indonesia as one of the requirements to obtain a Permanent Stay Permit.
23. Permanent Stay Permit is a permit granted to certain foreigners to reside and settle in the Territory Indonesia as the Indonesian population.
24. Re-entry Permit is a written permit granted by the Immigration Officer to Foreign holders of a Limited Stay Permit and Permanent Stay Permit for re-entry into the Territory of Indonesia.
25. Corporation is a group of people and / or assets of organized, well is not a legal entity or legal entity.
26. Guarantor is a person or corporation responsible for the existence and activities of foreigners during their stay in Indonesia Region.
27. Transportation is a tool of ships, aircraft, or other means of transport commonly used, both for transporting people and goods.
28. Prevention is a temporary ban on people to get out of Indonesia's territory based on the reasons for immigration or other reasons specified by law.
29. Deterrence is the prohibition against foreigners to enter Indonesia's territory on the grounds of Immigration.
30. Immigration is investigating intelligence activities Immigration Immigration and security in order to process the presentation of information through the analysis in order to establish a state estimate Immigration faced or will face.
31. Immigration Administrative action is defined administrative sanctions against the Alien Immigration officials outside the judicial process.
32. Smuggling is the act of aiming for profit, either directly or indirectly, for themselves or for others who bring a person or group of persons, whether organized or not organized, or ordered others to carry a person or group of persons, either organized or unorganized, who do not have the right legally to enter the Territory Indonesia or outside Indonesia's territory and / or enter the territory of the other person does not have the right to legally enter the territory, either by using legitimate documents or false documents, or without using the Travel Documents, either through

immigration or not.

33. Immigration detention house is a technical implementation unit that runs the Immigration Functions as a temporary shelter for foreigners who are Administrative Measures Immigration.

34. Immigration detention space is a temporary shelter for foreigners charged with Administrative Measures on Immigration residing Directorate General of Immigration and Immigration Office.

35. Deteni is Alien residents of House Immigration Detention Immigration Detention or space that has received a decision from the Immigration Officer pendetensian.

36. Deportation is the act of forcibly removing foreigners from the region of Indonesia.

37. Responsible Transportation Equipment is the owner, administrators, agents, skippers, captain, pilot captain, or the driver conveyance concerned.

38. Passenger is any person who is above the means of conveyance, unless the crew of a conveyance.

39. Representative of the Republic of Indonesia is the Indonesian Embassy, Consulate General of Republic of Indonesia, and the Consulate of the Republic of Indonesia.

## Article 2

Every citizen of Indonesia reserves the right to travel outside the Territory and into Indonesia.

## CHAPTER II

### FUNCTION OF IMMIGRATION

#### Part One

#### General

#### Article 3

- (1) To carry out the functions of Immigration, the Government set immigration policy.
- (2) The policy implemented by the Minister of Immigration.
- (3) The function of immigration along the border zone, Indonesia conducted by immigration officers who include the Immigration Check and cross-border post.

#### Article 4

- (1) To carry out immigration functions referred to in Article 3, may be formed Immigration Office in the district, city, or district.
- (2) In each work area can be established the Office of Immigration Immigration Check.
- (3) Establishment of Immigration Check Points referred to in paragraph (2) shall be determined based on the Decree of the Minister.
- (4) In addition to the Immigration Office as referred to in paragraph (1), can be formed House Immigration Detention in the national capital, provincial, county, or city.
- (5) Office of Immigration and Immigration Detention Home is a technical implementation unit

under the Directorate General of Immigration.

#### Article 5

Immigration functions at every Representative of the Republic of Indonesia or elsewhere abroad carried out by immigration officers and / or foreign service officer appointed.

#### Article 6

The government can conduct international cooperation in the field of Immigration to other countries and / or with the body or international organization under the provisions of the legislation.

#### Part Two

##### Immigration Management Information System

#### Article 7

(1) The Director-General responsible for preparing and managing the Immigration Management Information System as a means of implementation of Immigration Functions inside or outside the Territory of Indonesia.

(2) Immigration Management Information System can be accessed by the agency and / or relevant government agencies in accordance with the duties and functions.

### CHAPTER III

#### SIGN IN AND OUTSIDE THE REGION TO INDONESIA

#### Part One

##### General

#### Article 8

(1) Any person entering or outside the Territory Indonesia must have valid travel documents and valid.

(2) Any Alien who entered Indonesia Region shall have a valid visa and valid, unless stipulated otherwise by this Law and international treaties.

#### Article 9

(1) Any person entering or outside the Territory of Indonesia shall be through examination conducted by immigration officers at the Immigration Check.

(2) The examination referred to in paragraph (1) includes the examination of travel documents and / or legal identity.

(3) In the event there is any doubt over the validity of Travel Documents and / or the person's identity, immigration officers are authorized to conduct a search of bodies and luggage and can

proceed with the investigation of Immigration.

## Part Two

### Sign in Indonesia Region

#### Article 10

Foreigners who have met the requirements to enter Indonesia's territory after getting Signs Go.

#### Article 11

(1) In an emergency immigration officers can provide emergency nature Signs Go to Strangers.

(2) Signs Sign referred to in paragraph (1) applies as a residence visits within a certain timeframe.

#### Article 12

The Foreign Minister shall be authorized banned in certain areas in Indonesia Region.

#### Article 13

(1) Immigration Officer refused entry Alien Territory Indonesia in terms of the stranger:

- a. the listed deterrence;
- b. Travel Documents do not have a legitimate and valid;
- c. having a fake immigration documents;
- d. do not have a visa, except those exempted from the requirement to hold a visa;
- e. have given untrue in obtaining visas;
- f. suffering from infectious diseases that endanger public health;
- g. international crimes and transnational organized crime;
- h. included in the list of criminals to be captured from a foreign country;
- i. engaged in treason against the Government of the Republic of Indonesia; or
- j. included in the network or the practice of prostitution, trafficking and human smuggling.

(2) Foreigners were denied entry as referred to in paragraph (1) be placed under surveillance while waiting for the return process is concerned.

#### Article 14

(1) Every citizen of Indonesia can not be denied entry to Indonesia Region.

(2) In case of doubt on the travel document of a citizen of Indonesia and / or citizenship status, concerned must provide other evidence of legitimate and convincing showing that the person concerned is a citizen of Indonesia.

(3) In order to complete the proof referred to in paragraph (2), is concerned can be placed in a house or room Immigration Detention Immigration Detention.

### Part Three

#### Areas outside Indonesia

##### Article 15

Everyone can be out of Indonesia's territory after the qualify and get a sign to the outside of the immigration officers.

##### Article 16

(1) immigration officers refused to go out Indonesia's territory if that person:

- a. Travel Documents do not have a legitimate and valid;
- b. necessary for the sake of inquiry and investigation at the request of the competent authority; or
- c. the listed Prevention.

(2) immigration officers are also authorized to refuse Alien Territory out of Indonesia in terms of the Foreigners in Indonesia still have an obligation to be completed in accordance with the provisions of the legislation.

### Part Four

#### Obligations Responsible Transportation Equipment

##### Article 17

(1) Responsible Transportation Equipment incoming or out of Indonesia's territory with a transport means subject to the Immigration Check.

(2) Responsible Transportation Equipment carrying passengers who will go or out of Indonesia's territory can only decrease or increase the passenger at Immigration Check.

(3) shall prohibit a ship captain Foreigners who are not eligible to leave the transport means for conveyance is located in the Territory of Indonesia.

##### Article 18

(1) Responsible Transportation Equipment that comes from outside the region will travel to Indonesia or outside Indonesia's territory are required to:

- a. prior to the arrival or departure or arrival plans notify plan of departure in writing or electronically to the Immigration Officer;
- b. submit a list of passengers and crew list of the signing of the means of transport to the Immigration Officer;
- c. gives a sign or flag signal for the ships that come from outside the Territory Indonesia carrying passengers;
- d. prohibits any person up or down from the conveyance without a permit immigration officers before and during examination Immigration;
- e. prohibits any person up or down from the conveyance that has been awaiting completion of Immigration for departure;

- f. brought back to the outer region of Indonesia on the first occasion each Foreigners who do not meet the requirements that come with the transport means;
- g. ensure that the Foreigners suspected of or suspected of going into Indonesia's territory illegally not to come down from the transport means, and
- h. bear all costs incurred as a result of discharge of each passenger and / or crew transport means.

(2) Responsible Transportation Equipment required regular use of information systems data preliminary processing of passengers and do work together in order to notice the passenger data through Immigration Management Information System.

#### Article 19

- (1) Responsible Transportation Equipment Travel Documents required to inspect and / or Visa each passenger will travel into Indonesia territory.
- (2) The examination referred to in paragraph (1) done before the passengers climbed into the transport means will go to Indonesia Region.
- (3) Responsible Transportation Equipment referred to in paragraph (1) shall refuse to transport any passengers who do not have a Travel Document, Visa, and / or Immigration documents are legitimate and valid.
- (4) If the Immigration inspection by immigration officers found a passenger referred to in paragraph (3), Responsible Transport Equipment sanctions in the form of fees and expenses required to bring back the passengers out of the Territory of Indonesia.

#### Article 20

Immigration officials who served up to the conveyance authorized anchored at the port, landed at the airport, or at the border crossing for inspection by Immigration.

#### Article 21

In the event of an alleged violation of the provisions referred to in Article 17 or Article 18, immigration officers the authority to order the responsible Tools Transportation to stop or bring transport means to a place of examinations for the purpose of Immigration.

#### Section Five

##### Immigration Area

#### Article 22

- (1) Every Immigration Check assigned a specific area to conduct immigration checks called immigration area.
- (2) Area immigration is a restricted area that can only be traversed by passengers or crew of a conveyance that will be out or in. Territory Indonesia or officials and authorized personnel.
- (3) Head of Immigration Office together with the organizers of airports, seaports, and border crossing set immigration area as referred to in paragraph (1).
- (4) The operators of airports, seaports, and border crossing can be issued a sign to enter the



immigration area after receiving approval from the head of the Immigration Office.

#### Article 23

Further provisions concerning the requirements and procedures in and out of Indonesia's territory is regulated by the Government.

### CHAPTER IV

#### TRAVEL DOCUMENTS OF THE REPUBLIC OF INDONESIA

#### Article 24

(1) Travel Documents of the Republic of Indonesia consists of:

- a. Passport; and
- b. Laksana Passport Travel Letter.

(2) Passport consists of:

- a. Diplomatic passport;
- b. Passport offices, and
- c. Ordinary passports.

(3) Letter Laksana Travel Passport consists of:

- a. Letter Passport to Travel Like a citizen of Indonesia;
- b. Laksana Passport Travel Letter for Foreigners; and
- c. cross-border travel documents or fitting cross-border;

(4) Travel Documents of the Republic of Indonesia as referred to in paragraph (1) is a state document.

#### Article 25

(1) diplomatic passports issued to citizens of Indonesia who will be traveling out of Indonesia's territory in order placement or assignment that is a diplomatic trip.

(2) Passport office issued to Indonesian citizens who will travel out of Indonesia's territory in order placement or service trips are not diplomatic.

(3) diplomatic passports and service passports as referred to in paragraph (1) and paragraph (2) issued by the Minister of Foreign Affairs.

#### Article 26

(1) ordinary passports issued to citizens of Indonesia.

(2) ordinary passport referred to in paragraph (1) issued by the Minister or a designated Immigration Officer.

#### Article 27

- (1) The Passport to Travel Like a citizen of Indonesia Indonesia issued to citizens in certain circumstances when regular passport can not be given.
- (2) Travel Letter for Foreigners Like a passport issued to foreigners who do not have a valid travel document and the country has no representative in Indonesia.
- (3) Letter Travel Like a passport referred to in paragraph (2) is given in terms of:
  - a. its sole out along Indonesia's territory is not exposed to prevention;
  - b. subject to deportation, or
  - c. repatriation.
- (4) Letter Travel Like a passport issued by the Minister or a designated Immigration Officer.

#### Article 28

Laksana Passport Travel Letter can be issued to an individual or collective.

#### Article 29

- (1) Letter of traveling cross-border or cross-border fitting can be issued to citizens of Indonesia who live in border areas of the Republic of Indonesia and other countries in accordance with cross-border agreements.
- (2) The cross-border travel or cross-border pas issued by the Minister or a designated Immigration Officer.

#### Article 30

Every citizen of Indonesia only permitted to retain one (1) Travel Documents of the Republic of Indonesia the same type in its own name which is still valid.

#### Article 31

- (1) The Minister or a designated Immigration Officer is authorized to exercise the withdrawal or revocation of ordinary passports, Surat Travel Like a passport, travel documents and cross-border or cross-border fitting that has been issued.
- (2) Minister of Foreign Affairs or a designated official authorized to make withdrawal or revocation of diplomatic passports and official passports.
- (3) Withdrawal of Passport wont to do in terms of:
  - a. holder committing a criminal act or violation of laws and regulations in Indonesia; or
  - b. Prevention holder included in the list.

#### Article 32

- (1) The Minister or a designated Immigration Officer is responsible for planning, procurement, storage, distribution, and security forms and form:
  - a. Ordinary passport;
  - b. Laksana Passport Travel Letter, and
  - c. cross-border travel documents or cross-border fit.

(2) The Minister or a designated immigration officers who set the technical specifications of the standard security by the shape, size, design, security features, and fill the blank in accordance with international standards and forms:

- a. Ordinary passport;
- b. Laksana Passport Travel Letter, and
- c. cross-border travel documents or cross-border fit.

(3) Immigration Officer or a designated official authorized to perform charging and recording, either manually or electronically, in blank and form:

- a. Ordinary passport;
- b. Laksana Passport Travel Letter, and
- c. cross-border travel documents or cross-border fit.

#### Article 33

Further provisions concerning the procedures and requirements of the provision, withdrawal, cancellation, revocation, replacement, and procurement of standardized forms and Travel Documents of the Republic of Indonesia is regulated by the Government.

### CHAPTER V

#### VISA, ENTRY SIGNS, AND RESIDENCE PERMITS

##### Part One

##### Visa

#### Article 34

Visa consists of:

- a. Diplomatic visa;
- b. Visa service;
- c. Visitor's visa, and
- d. Visas.

#### Article 35

Diplomatic visas granted to foreigners and diplomatic passport holders of other passports to enter Indonesia's territory in order to carry out tasks that are diplomatic.

#### Article 36

Visa services provided to the Alien and official passport holders of other passports that will travel to Indonesia's territory in order to carry out non-diplomatic official of a foreign government or international organization concerned.

#### Article 37

Visa granting diplomatic and official visas under the authority of the Minister of Foreign Affairs and in its execution issued by a foreign service officer in the Representation of the Republic of Indonesia.

#### Article 38

Visas granted to foreigners who will be traveling to Indonesia's territory in order to visit the task of government, educational, social, cultural, tourism, business, family, journalism, or stop by to continue traveling to other countries.

#### Article 39

Visas granted to foreigners:

- a. as clergy, experts, workers, researchers, students, investors, elderly, and families, as well as foreigners who marry legally by citizens of Indonesia, who will travel to Indonesia's territory to reside in a limited period of time; or
- b. in order to join to work on ships, floating equipment, or installations that operate in the archipelago waters, territorial sea, continental shelf, and / or the Exclusive Economic Zone of Indonesia.

#### Article 40

- (1) Granting visa and residence visa limited the authority of the Minister.
- (2) visa referred to in paragraph (1) is given and signed by the Immigration Officer at the Indonesian Representative abroad.
- (3) In the case of Representative of the Republic of Indonesia has been no immigration officers referred to in paragraph (2), provision of visa and residence visa is limited undertaken by foreign service officials.
- (4) foreign service officer referred to in paragraph (3) authorized to provide visa after obtaining Ministerial Decree.

#### Article 41

- (1) visa may also be given to foreigners on arrival at the Immigration Check.
- (2) Foreigners can be given visa on arrival are citizens of certain countries which are established under Ministerial Regulation.
- (3) Granting visa upon arrival at Immigration Check Points referred to in paragraph (1) conducted by immigration officers.

#### Article 42

Visa application is rejected in the case of the applicant:

- a. the listed deterrence;
- b. do not have valid travel documents and valid;
- c. does not quite have the cost of living for himself and / or their families during their stay in

Indonesia;

- d. do not have a return ticket or tickets to continue the journey to another country;
- e. has no Entry Return to the home country or do not have a visa to another country;
- f. suffering from infectious diseases, mental disorders, or anything else that could endanger the health or public order;
- g. involvement of transnational organized crime or endanger the territorial integrity of the Unitary Republic of Indonesia; and / or
- h. included in the network or the practice of prostitution, trafficking and human smuggling.

#### Article 43

- (1) In the particular case of Alien could be exempted from the requirement to hold a visa.
- (2) Foreigners are exempt from the requirement to hold a visa referred to in paragraph (1) is:
  - a. nationals of certain countries which are established under Presidential Decree with regard to the principle of reciprocity and the principle of utility;
  - b. Permit holders of foreign nationals who have entry permits Stay Back which is still valid;
  - c. captain, pilot captain, or crew on duty on conveyances;
  - d. skippers, crew, or expatriate expert on board a ship or floating device that comes directly to the transport means to operate in the archipelago waters, territorial sea, continental shelf, and / or the Exclusive Economic Zone of Indonesia.

#### Part Two

##### Signs Login

#### Article 44

- (1) Foreigners can enter Indonesia's territory after receiving Signs Go.
- (2) Signs Sign is given by immigration officers at the Immigration Check to Foreigners who have met the entry requirements Indonesia Region.

#### Article 45

- (1) Signs Sign Visas for Foreigners holding diplomatic or official visas who made a brief visit in Indonesia as well as the Stay Permit valid diplomatic or official residence.
- (2) Signs Sign in for Foreigners are exempt from the requirement to hold a visa or a visit visa holder apply for Stay Permit requests.

#### Article 46

- (1) Alien Visa holders of diplomatic or official visa with the intention of residing in the Territory Indonesia after obtaining Signs Sign shall apply to the Minister of Foreign Affairs or a designated official to obtain a license or permit Stay Stay diplomatic service.
- (2) Alien limited stay visa holder after obtaining Signs Sign shall file an application to the head of the Immigration Office to obtain a limited residence.

(3) If the Alien as referred to in paragraph (1) and paragraph (2) does not carry out this obligation, the concerned Foreigners Regional considered to be in Indonesia illegally.

#### Article 47

Further provisions concerning the requirements and procedures for application, type of activity, and duration of Visa, as well as the procedures for granting Signs Sign is regulated by the Government.

#### Part Three

#### Stay Permit

#### Article 48

(1) Any Foreigners residing in Indonesia must have a Permit Region Living.

(2) Stay Permit granted to foreigners in accordance with Visa has.

(3) residence referred to in paragraph (1) consists of:

- a. Diplomatic residence;
- b. Official residence;
- c. Residence visits;
- d. Limited Stay Permit, and
- e. Permanent Stay Permit.

(4) The Minister has the authority prohibits foreigners who have been given permits Stay in certain areas in Indonesia Region.

(5) Against Foreigners who is serving detention for the purpose of the investigation, prosecution, and examination at trial or to undergo imprisonment or imprisonment in the penitentiary, while the residence permit has been past time, Foreigners are not subject to the obligation referred to in paragraph (1).

#### Article 49

(1) Permission granted to diplomatic Stay Foreigners who entered Indonesia's territory with a diplomatic visa.

(2) residence service given to foreigners who entered Indonesia's territory by Visa service.

(3) residence of diplomatic and official residence as well as any extension granted by the Minister of Foreign Affairs.

#### Article 50

(1) residence granted to visit:

- a. Foreigners who entered Indonesia's territory with a visa, or
- b. newborn child in Indonesia Region and at the birth father and / or mother visits Stay Permit holders.

(2) residence visits referred to in paragraph (1) letter b is given in accordance with the residence's

father visits and / or mother.

#### Article 51

Stay permit holder requests an end because of residence visit:

- a. returned to their home country;
- b. license has expired;
- c. permission to switch the status of a Limited Stay Permit;
- d. license revoked by the Minister or a designated Immigration Officer;
- e. subject to deportation, or
- f. died.

#### Article 52

Limited Stay Permits granted to:

- a. Foreigners who entered Indonesia's territory with a limited stay visa;
- b. children at birth in Indonesia Region and father / mother or the holder of a Limited Stay Permit;
- c. Foreigners granted residence over the status of requests;
- d. skippers, crew, or expatriate expert on ships, floating equipment, or installations which operate in territorial waters and jurisdiction of Indonesia in accordance with the provisions of legislation;
- e. Foreigners who are legally married with a citizen of Indonesia; or
- f. children of foreigners who are legally married to a citizen of Indonesia.

#### Article 53

Limited Stay Permit expired because the holder of a Limited Stay Permit:

- a. returned to their home country and do not intend to go back to Indonesia Region;
- b. returned to their home country and not coming back beyond the period of validity Entry Return owned;
- c. acquire citizenship of the Republic of Indonesia;
- d. license has expired;
- e. permission to switch the status of a Permanent Stay Permit;
- f. license revoked by the Minister or a designated Immigration Officer;
- g. subject to deportation, or
- h. died.

#### Article 54

(1) Permanent Stay Permit may be granted to:

- a. Foreigners Stay Permit holders are limited as the clergy, workers, investors, and the elderly;
- b. family because of intermarriage;

- c. husband, wife, and / or children of holders of Alien Permanent Stay Permit; and
  - d. Foreigners former Indonesian citizen and former child the subject of dual nationality of the Republic of Indonesia.
- (2) fixed residence permits referred to in paragraph (1) is not given to foreigners who do not have a passport nationality.
- (3) Alien Permanent Stay Permit holder is a resident of Indonesia.

#### Article 55

Granting, renewal, and cancellation requests Stay Permit, Limited Stay Permit, and Permanent Stay Permit by the Minister or a designated Immigration Officer.

#### Article 56

- (1) Stay Permit that has been given to foreigners can be converted.
- (2) that can be converted residence is residence to residence visits unlimited and Limited Stay Permit into a Permanent Stay Permit.
- (3) Transfer of status of residence as referred to in paragraph (2) stipulated by the Decree of the Minister.

#### Article 57

- (1) residence visits and limited residence can also be converted into official residence.
- (2) Transfer of status referred to in paragraph (1) can only be implemented based on the Decree of the Minister after obtaining the approval of the Minister of Foreign Affairs.

#### Article 58

In terms of immigration officials doubt the status of residence and citizenship of a person's Alien, Immigration Officers authorized to examine and check the status of residence and citizenship.

#### Article 59

- (1) Permanent Stay Permit granted for a period of 5 (five) years and may be extended for an indefinite period along the permission is not canceled.
- (2) The holder of a Permanent Stay Permit for an indefinite period as referred to in paragraph (1) shall report to the Immigration Office every 5 (five) years and is free of charge.

#### Article 60

- (1) Permanent Stay Permit for the applicant referred to in Article 54 paragraph (1) letter a is given after the applicant's permanent residence for 3 (three) consecutive years and signed a Statement of Integration to the Government of the Republic of Indonesia.
- (2) To obtain a Permanent Stay Permit for the applicant referred to in Article 54 paragraph (1) letter b is given after the marriage reaches the age of 2 (two) years and signed a Statement of Integration to the Government of the Republic of Indonesia.
- (3) Permanent Stay Permit for the applicant referred to in Article 54 paragraph (1) letters c and d



can be directly administered.

#### Article 61

Limited Stay Permit Holders referred to in Article 52 letter e and f, and the holder of a Permanent Stay Permit as referred to in Article 54 paragraph (1) letters b and d can do the job and / or effort to make ends meet and / or his family.

#### Article 62

(1) Permanent Stay Permit may be terminated because the holder of a Permanent Stay Permit:

- a. Indonesia to leave the area more than 1 (one) year or did not intend to go into the Territory of Indonesia;
- b. not perform a Permanent Stay Permit extension after 5 (five) years;
- c. acquire citizenship of the Republic of Indonesia;
- d. license revoked by the Minister or a designated Immigration Officer;
- e. subject to deportation action; or
- f. died.

(2) Permanent Stay Permit revoked because the holder of a Permanent Stay Permit:

- a. proven to have committed a crime against the state as stipulated in laws and regulations;
- b. carrying out activities which endanger state security;
- c. Integration Statement violated;
- d. employing foreign workers without work permits;
- e. provide false information in the filing of the petition Permanent Stay Permit;
- f. Foreigners who are concerned Immigration Administrative Measures, or
- g. marital breakup Foreigners who marry legally by citizens of Indonesia because of divorce and / or the court's decision, except marriages that have been aged 10 (ten) years or more.

#### Article 63

(1) Foreigners residing in certain areas of Indonesia must have a sponsor that guarantees its existence.

(2) the Guarantor responsible for the existence and activities of foreigners who live in the region are warranted for Indonesia and the duty to report any change in civil status, immigration status, and address changes.

(3) Guarantor shall pay the costs incurred to repatriate or release *dijaminnya* Foreign Persons of Indonesia when the Alien Territory concerned:

- a. expiration of the valid residence permit and / or
- b. be subject to Administrative Measures Immigration Deportation.

(4) The provisions concerning the guarantee does not apply to foreigners who are legally married with a citizen of Indonesia.

(5) The provisions referred to in Article 62 paragraph (2) letter g does not apply in the case of a Permanent Stay Permit holders are broken up his marriage to an Indonesian citizen to obtain

assurance that guarantees its existence as referred to in paragraph (1).

#### Article 64

- (1) Re-entry permits granted to foreigners holding Limited Stay Permit or a Permanent Stay Permit.
- (2) granted a Limited Stay Permit Holders Entry Back the same validity for a lifespan of a Limited Stay Permit.
- (3) The holder of a Permanent Stay Permit Re-entry Permit granted for a period of 2 (two) years as long as not exceed the validity period of a Permanent Stay Permit.
- (4) Re-entry permits valid for several trips.

#### Article 65

Further provisions on the procedures and application requirements, term, provision, extension or cancellation of residence, and over the status of residence stipulated by Government Regulation.

### CHAPTER VI

#### IMMIGRATION CONTROL

##### Part One

##### General

#### Article 66

- (1) The Minister supervising immigration.
- (2) Immigration Control include:
  - a. supervision of Indonesian citizens who pleaded travel documents, out of or entered Indonesia Region, and outside Indonesia Region; and
  - b. supervision of traffic Foreigners who enter or outside Indonesia Region and supervision of whereabouts and activities Foreigners in the Territory of Indonesia.

#### Article 67

- (1) Control of Immigration against Indonesian citizens held at the time of application for Travel Document, to the outside or inside, or outside the Territory Indonesia carried out by:
  - a. collection, processing, and presentation of data and information;
  - b. preparation of a list of Indonesian citizens who are outside the Territory to the Prevention of Indonesia;
  - c. monitoring of every Indonesian citizen who pleaded travel documents, out of or entered Indonesia Region, and outside Indonesia Region; and
  - d. taking photographs and fingerprints.
- (2) The immigration control as referred to in paragraph (1) Immigration is the data that can be specified as the data is confidential.

#### Article 68

(1) Control of Immigration of Foreigners held at the time of visa application, sign in or out, and the granting of residence made by:

- a. collection, processing, and presentation of data and information;
- b. preparation of a list of Stranger who are countering or Prevention;
- c. supervision of the existence and activities of Foreigners in the Territory of Indonesia;
- d. taking photographs and fingerprints; and
- e. other activities that can be legally defensible.

(2) The immigration control as referred to in paragraph (1) Immigration is the data that can be specified as the data is confidential.

#### Article 69

(1) To supervise the activities of Alien Immigration in Indonesia Region, the Minister formed a team supervision Foreigners whose members consist of bodies or government agencies, both at central and regional levels.

(2) The Minister or a designated Immigration Officer acted as chairman of the supervisory team of Alien.

#### Article 70

(1) Immigration Officer or designated in order to control immigration as referred to in Article 67 and Article 68 shall:

- a. Immigration service data collection, both Indonesian citizens and foreign citizens;
- b. traffic data collection, both Indonesian citizens and foreign nationals who enter or outside the Territory of Indonesia;
- c. Data collection of foreign nationals who have obtained pendetensian decisions, both in Room Immigration Detention at the Immigration Office and the Immigration Detention House, and
- d. Data collection of foreign nationals in immigration enforcement process.

(2) The collection of data as referred to in paragraph (1) conducted by entering data at the Immigration Management Information System developed by the Directorate-General.

#### Article 71

Each Foreigners residing in the Territory of Indonesia shall:

- a. provide all necessary information regarding the identity and / or their families, and report any changes in civil status, nationality, occupation, Guarantor, or a change of address to the local Immigration Office; or
- b. show and handed Stay Permits Travel Documents or owned if requested by immigration officers on duty in order to control immigration.

#### Article 72

(1) Immigration Officer on duty may request information from any person who gives the opportunity to stay to the Alien on Alien relevant data.

(2) The owner or caretaker of the inn shall provide data on Foreigners who stay in the inn if asked by immigration officers on duty.

#### Article 73

Provisions on the supervision of the Alien as referred to in Article 68 paragraph (1) b, c, d, and e does not apply to foreigners residing in Indonesia Region in the framework of diplomatic duties.

#### Part Two

#### Immigration Intelligence

#### Article 74

(1) Immigration Officer Immigration Intelligence performs the function.

(2) In order to carry out the functions of the Intelligence Immigration, immigration officers conduct immigration investigations and security and immigration authorities:

- a. get information from the public or government agencies;
- b. to the sites or buildings that could be expected to be found material information concerning the existence and activities of Foreigners;
- c. Immigration Intelligence operations; or
- d. secure the data and information on immigration and securing the implementation of the Immigration task.

### CHAPTER VII

#### ADMINISTRATIVE ACTION IMMIGRATION

#### Article 75

(1) immigration officers the authority to Administrative Measures on Foreign Immigration in Indonesia Region conducting dangerous and reasonably suspected to endanger security and public order or does not respect or do not obey laws and regulations.

(2) Administrative Measures Immigration as referred to in paragraph (1) can be:

- a. inclusion in the list of prevention or deterrence;
- b. restrictions, changes, or cancellation of residence;
- c. prohibition to be in one or a few specific places in the Territory of Indonesia;
- d. requirement to reside in a particular place in Indonesia Region;
- e. imposition of the burden of costs and / or
- f. Deportation from the Territory of Indonesia.

(3) Administrative Measures Immigration Deportation can also be made to the Foreigners

residing in the Territory Indonesia for attempting to refrain from the threat and execution in his home country.

#### Article 76

Decision of Administrative Measures on Immigration as referred to in Article 75 paragraph (1) and paragraph (3) be in writing and must be accompanied by reasons.

#### Article 77

(1) Foreigners who are Administrative Measures Immigration may file an objection to the Minister.

(2) The Minister may grant or reject the objection raised Alien referred to in paragraph (1) by the Decree of the Minister.

(3) The decision of the Minister referred to in paragraph (2) shall be final.

(4) Filing objections raised by the Alien does not delay the implementation of the Administrative Measures on Immigration is concerned.

#### Article 78

(1) Foreigners Stay Permit holders who have expired and are still in the Indonesian region of less than 60 (sixty) days from the deadline Permit Living expenses are charged in accordance with the provisions of the legislation.

(2) Foreigners who do not pay the expenses referred to in paragraph (1) subject to Administrative Measures Immigration and Deportation in the form of deterrence.

(3) Foreigners Stay Permit holders who have expired and are still in the Territory Indonesia more than 60 (sixty) days from the deadline Stay Permit subject to Administrative Measures Immigration and Deportation in the form of deterrence.

#### Article 79

Responsible Transportation Equipment that does not meet the obligation referred to in Article 18 paragraph (1) charge the load.

#### Article 80

The cost burden as set forth in Article 19 paragraph (4) and Article 79 is one of the State Revenue in the field of Immigration.

## CHAPTER VIII

### DETENTION IMMIGRATION AND SPACE

#### Part One

#### General

#### Article 81

(1) House Immigration Detention can be formed in the capital city of the state, provincial, county, or city.

(2) Immigration Detention House was led by a head.

#### Article 82

Immigration detention space in the form of a particular room and are part of the office of the Directorate-General, the Immigration Service or the Immigration Check.

#### Part Two

##### Implementation of Detention

#### Article 83

(1) immigration officers the authority to put Strangers in the House of Detention Immigration Detention or Space Alien Immigration if it:

- a. Areas in Indonesia without having a valid residence permit or a Licensed Stay no longer valid;
- b. Areas in Indonesia without having a valid travel document;
- c. Administrative Measures subject to a cancellation Immigration Stay Permit for committing acts that are contrary to legislation or disturb public order and security;
- d. Deportation awaiting execution; or
- e. waiting for departure out of Indonesia's territory since denied giving Alerts Sign.

(2) Immigration Officer may put the Alien as referred to in paragraph (1) in other places where foreigners are sick, give birth, or a kid.

#### Article 84

(1) The detention of Alien done with the written decision of the Minister or a designated Immigration Officer.

(2) The decision referred to in paragraph (1) at least contain:

- a. data of foreigners who are in detention;
- b. reason to do detention, and
- c. place of detention.

#### Part Three

##### Duration of detention

#### Article 85

(1) Detention of Foreigners made up Deteni deported.

(2) In the case of deportation as referred to in paragraph (1) can not be implemented, detention can be done within a maximum period of 10 (ten) years.

(3) The Minister or a designated Immigration Officer may issue Deteni of the House immigration detention if the period referred to in paragraph (2) is exceeded and granting Deteni to be outside the House Immigration Detention by setting the periodic reporting obligations.

(4) The Minister or a designated immigration officers who supervise and strive for Deteni referred to in paragraph (3) deportation.

#### Part Four

#### Treatment of the Victims of Trafficking in Persons and Smuggling

##### Article 86

Administrative Measures Immigration Provisions do not apply to victims of trafficking and human smuggling.

##### Article 87

(1) Victims of trafficking and human smuggling in Indonesia Region placed in immigration detention house or elsewhere specified.

(2) Victims of trafficking and human smuggling as referred to in paragraph (1) get the special treatment that is different from Deteni in general.

##### Article 88

Minister or a designated Immigration Officer strive for victims of trafficking and human smuggling foreign nationality immediately returned to their home country and be given travel documents if they do not have it.

##### Article 89

(1) The Minister or a designated immigration officers conduct preventive and repressive in order to prevent criminal acts of trafficking and human smuggling.

(2) Preventive efforts referred to in paragraph (1) conducted by:

a. exchange information with other countries and relevant agencies in the country, including the modus operandi, Travel Documents supervision and security, as well as the legitimacy and validity of documents;

b. technical cooperation and training with other countries include the treatment based on the humanity of the victim, security and quality of the Travel Documents, detection of false documents, information exchange, as well as monitoring and detection of human smuggling by means of conventional and unconventional;

c. provide legal counseling to the community that acts of trafficking and human smuggling is a crime that people do not become victims;

d. ensure that the Travel Document issued or identity documents are not qualified so easily misused, falsified, altered, duplicated, or published in contravention of the law; and

e. ensure that the integrity and security of travel documents issued or published by or on behalf of the state to prevent the manufacture of such documents is against the law in terms of issuance and

usage.

(3) repressive measure as referred to in paragraph (1) conducted by:

- a. Immigration investigations against perpetrators of criminal acts of trafficking and human smuggling;
- b. Immigration Administrative action against the perpetrators of the crime of trafficking in persons and human smuggling, and
- c. cooperation in the field of investigations with other law enforcement agencies.

Article 90

Further provisions regarding the supervision of Immigration, Immigration Intelligence Service, Immigration and Detention House Immigration Detention Room, and the handling of victims of human smuggling and trafficking is regulated by the Government.

## CHAPTER IX

### PREVENTION AND DETERRENCE

Part One

Prevention

Article 91

(1) The Minister in charge and responsible conduct concerning the Prevention of Immigration field.

(2) Minister for implementing prevention based on:

- a. result of supervision and decision of Immigration Immigration Administrative Measures;
- b. Decree of the Minister of Finance and the Attorney General in accordance with its respective duties and the provisions of legislation;
- c. request the Chief of Police of the Republic of Indonesia in accordance with the provisions of legislation;
- d. Chairman of the Corruption Eradication Commission orders in accordance with the provisions of legislation;
- e. request the Head of the National Narcotics Agency in accordance with the provisions of legislation and / or
- f. decisions, orders, or demand-led ministries / other institutions that by law has the authority Prevention.

(3) The Minister of Finance, the Attorney General, Chief of Police of the Republic of Indonesia, Chairman of the Corruption Eradication Commission, Head of the National Narcotics Agency, or head of the ministry / agency has the authority Prevention as referred to in paragraph (2) f is responsible for the decision, request, Prevention and orders made.

Article 92

In the urgency officials referred to in Article 91 paragraph (2) may request directly to a specific



immigration officers to perform Prevention.

#### Article 93

Implementation of the decision referred to in the Prevention of Article 91 made by the Minister or a designated Immigration Officer.

#### Article 94

(1) Prevention as referred to in Article 91 stipulated by the written decision by the competent authority.

(2) The decision referred to in paragraph (1) contains at least:

- a. name, gender, place and date of birth or age, as well as photos that are prevention;
- b. Prevention of reasons, and
- c. period of Prevention.

(3) Prevention Decision conveyed to the person subject to Prevention of at least 7 (seven) days from the date of enactment.

(4) In terms of prevention decisions issued by the official referred to in Article 91 paragraph (2), the decision was also conveyed to the Minister no later than 3 (three) days from the date of the decision determined by the demand to be implemented.

(5) The Minister may refuse the request if the decision Prevention Prevention implementation does not meet the provisions referred to in paragraph (2).

(6) Notice of denial of execution prevention referred to in subsection (5) must be submitted to the officials referred to in Article 91 paragraph (2) at least 7 (seven) days from the date the request is received accompanied by the prevention of rejection reasons.

(7) The Minister or a designated immigration officers to enter the identity of the person subject to the decision of prevention into the list of Prevention through Immigration Management Information System.

#### Article 95

Based on a list of prevention referred to in Article 94 paragraph (7), Immigration Officer must reject those who are outside the Territory Prevention to Indonesia.

#### Article 96

(1) Any person subject to the Prevention may file an objection to the officer who issued the decision Prevention.

(2) Submission of objection as referred to in paragraph (1) made in writing accompanied by reasons and delivered within the validity period of Prevention.

(3) Filing an objection does not suspend the implementation of Prevention.

#### Article 97

(1) The term applies Prevention of 6 (six) months and each time may be extended at most 6 (six) months.

(2) In case no decision extended periods of Prevention, Prevention expired by operation of law.

(3) In the event of a legally enforceable court decision that states remain free of a case which is the reason Prevention, Prevention expired by operation of law.

## Part Two

### Deterrence

#### Article 98

(1) The Minister is authorized to exercise deterrence.

(2) The competent authority may request the Minister to conduct deterrence.

#### Article 99

Implementation of deterrence as referred to in Article 98 carried by a Minister or a designated Immigration Officer.

#### Article 100

(1) deterrence as referred to in Article 98 stipulated by the written decision.

(2) Decision of deterrence at the request of officials referred to in Article 98 paragraph (2) issued by the Minister no later than 3 (three) days from the date the request was lodged deterrence.

(3) Request for deterrence as referred to in paragraph (2) contains at least:

- a. name, gender, place and date of birth or age, as well as photos that are deterrence;
- b. deterrence reasons, and
- c. period of deterrence.

(4) The Minister may refuse the request if the request deterrence deterrence does not meet the provisions referred to in paragraph (3).

(5) Notice of rejection of deterrence request referred to in paragraph (4) must be submitted to the officials referred to in Article 98 paragraph (2) at least 7 (seven) days from the date the request is received accompanied by reasons for rejection of deterrence.

(6) The Minister or a designated immigration officers to enter the identity of the person subject to the decision to list deterrence deterrence through Immigration Management Information System.

#### Article 101

Based on deterrence list referred to in Article 100 paragraph (6), immigration officers must refuse to be charged Alien Territory deterrence enter Indonesia.

#### Article 102

(1) The term deterrence effect no later than 6 (six) months and each time may be extended at most 6 (six) months.

(2) In case no decision extended periods of deterrence, deterrence ended by law.

(3) The decision may be subject to a lifetime of deterrence against foreigners deemed to disturb public order and security.

#### Article 103

Further provisions concerning the implementation of prevention and deterrence is regulated by the Government.

### CHAPTER X INVESTIGATION

#### Article 104

Immigration criminal investigations conducted under the laws of criminal procedure.

#### Article 105

Immigration investigators are empowered as a criminal investigator Immigration conducted in accordance with the provisions of this Act.

#### Article 106

Immigration investigators authorized to:

- a. received a report concerning a criminal act Immigration;
- b. seek information and evidence;
- c. act first on the scene;
- d. prohibit any person leaving or entering the crime scene for the sake of the investigation;
- e. call, examine, search, arrest, or detain a person suspected of committing criminal offenses Immigration;
- f. detain, inspect, and seize Travel Document;
- g. ordered to stop people suspected or accused and check her identity;
- h. examined or seized letters, documents, or objects that have anything to do with the crime of Immigration;
- i. call someone to check and heard as a suspect or witness;
- j. bring in experts who are needed in conjunction with the case investigation;
- k. checks in certain places that allegedly contained letters, documents, or other object that has to do with the crime of Immigration;
- l. taking photographs and fingerprints of the suspect;
- m. request information from the public or a competent source;
- n. perform termination of the investigation and / or
- o. hold another action according to law.

#### Article 107

(1) In conducting the investigation, investigators in coordination with the police investigation of Immigration of the Republic of Indonesia.

(2) After completing the investigation, Immigration investigators submit the case file to the prosecutor.

#### Article 108

Examination of criminal evidence in the form of Immigration:

- a. evidence referred to in the criminal procedural law;
- b. other pieces of evidence in the form of information uttered, sent, and received or stored electronically or other similar device, and
- c. written statement from an authorized immigration officers.

#### Article 109

Of suspects or defendants who commit criminal immigration 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 letter b, letter b of Article 134 and Article 135 can be subjected to detention.

#### Article 110

(1) Any immigration crime as referred to in Article 116 and Article 117 imposed a brief examination of the event referred to in the criminal procedure.

(2) Immigration investigators handed the suspect and evidence to the prosecutor general, accompanied by a note of the criminal acts alleged immigration to the suspects.

#### Section 111

Immigration investigators can carry out cooperation in investigations and criminal investigations by the Immigration law enforcement agencies in the country and other countries in accordance with the provisions of legislation or under international treaties that have been recognized by the Government of the Republic of Indonesia.

#### Article 112

Further provisions regarding the requirements, procedures for removal of Immigration investigators, and administrative investigations regulated by the Government.

### CHAPTER XI

### CRIMINAL PROVISIONS

#### Article 113

Any person who knowingly entering or out of Indonesia's territory is not through inspection by immigration officers at Immigration Check Points as set forth in Article 9 paragraph (1) shall be punished with imprisonment of at most 1 (one) year and / or a maximum fine of Rp 100 .000.000,00 (one hundred million rupiahs).

#### Article 114

(1) Responsible Transportation Equipment incoming or out of Indonesia's territory with a transport means not through the Immigration Check Points as set forth in Article 17 paragraph (1) shall be punished with imprisonment of at most 1 (one) year and / or a maximum fine Rp100.000.000, 00 (one hundred million rupiahs).

(2) Responsible Transportation Equipment deliberate lowering or raising of passengers who do not pass through immigration officers or inspectors landing at Immigration Check Points as set forth in Article 17 paragraph (2) shall be punished with imprisonment of 2 (two) years and / or maximum fine of Rp200.000.000, 00 (two hundred million rupiahs).

#### Article 115

Each Responsible Transportation Equipment that does not pay for expenses referred to in Article 19 paragraph (4) and Article 79 shall be punished with imprisonment of at most 1 (one) year and / or a fine of up Rp100.000.000, 00 (one hundred million rupiah) .

#### Article 116

Each Foreigners who do not perform their obligations as stipulated in Article 71 shall be punished with a maximum confinement of 3 (three) months or a fine of up to 25,000,000, 00 (twenty five million rupiah).

#### Article 117

The owner or caretaker of the inn that does not give information or do not provide data Foreigners who stay at home or at his lodgings after being asked by immigration officers on duty as referred to in Article 72 paragraph (2) is liable to a maximum confinement of 3 (three) months or a fine of up to 25,000,000, 00 (twenty five million rupiah).

#### Article 118

Any Guarantor who knowingly provide incorrect information or does not meet the assurances given as referred to in Article 63 paragraph (2) and paragraph (3) shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs).

#### Section 119

(1) Any Alien who entered and / or are in Region Indonesia that has no travel documents and visas are legitimate and valid as referred to in Article 8 shall be punished with imprisonment of 5 (five) years and a fine of up to 500. 000,000.00 (five hundred million rupiahs).

(2) Any person who intentionally uses a Foreign Travel Documents, but it is known or reasonably suspected that the Travel Document was false or falsified shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiah).

#### Article 120

(1) Any person doing any act aimed at for-profit, either directly or indirectly, for themselves or for others by carrying a person or group of persons, whether organized or not organized, or ordered others to carry a person or group person, whether organized or unorganized, who do not have the right legally to enter the Territory of Indonesia or outside Indonesia's territory and / or into the territory of other countries, that the person does not have the right to legally enter the territory, either by using the document legitimate and counterfeit documents, or without the use of Travel Documents, either through immigration clearance or not, was convicted of human smuggling with imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and fined at least Rp500.000.000, 00 (five hundred million rupiah) and at most Rp1.500.000.000, 00 (one billion five hundred million rupiahs).

(2) Attempt to make human smuggling a crime shall be punished with the same penalties as referred to in paragraph (1).

#### Article 121

Shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiah):

- a. any person who knowingly makes a false or falsified visas or sign Login or residence with the intent to use for himself or another person to enter or out or are in the Territory of Indonesia;
- b. every Foreigners who deliberately using Visa or sign Login or residence or a false or forged to go out or are in the Territory of Indonesia.

#### Article 122

Shall be punished with imprisonment of 5 (five) years and fined at most Rp500.000.000, 00 (five hundred million rupiah):

- a. every Foreigners who deliberately misuse or engaged in activities inconsistent with the intent and purpose of the residence provided to him;
- b. every person who ordered or provide an opportunity for foreigners to abuse or engage in activities inconsistent with the intent or purpose of the residence provided to him.

#### Article 123

Shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiah):

- a. any person who intentionally provides false data or a letter or a forged or incorrect information with a view to obtaining visas or residence for himself or others;
- b. every Foreigners who deliberately using Visa or residence referred to in letter a to enter and / or located in the Territory of Indonesia.

#### Article 124

Any person who intentionally conceals or protects or gives boarding or provide livelihood or providing employment to foreigners who are known or reasonably suspected:

- a. Areas in Indonesia illegally shall be punished with imprisonment of 2 (two) years and / or a fine

of up Rp200.000.000, 00 (two hundred million rupiahs);

b. Valid residence permit shall be sentenced up to a maximum confinement of 3 (three) months or a fine of up to 25,000,000, 00 (twenty five million rupiah).

#### Article 125

Any unauthorized foreigners who are in certain areas that have been declared off limits to foreigners as referred to in Article 48 paragraph (4) shall be punished with imprisonment of 3 (three) years and / or criminal penalties Rp300.000.000, 00 (three hundred million rupiah).

#### Article 126

Any person who knowingly:

a. use the Travel Documents of the Republic of Indonesia to enter the Territory or outside Indonesia, but it is known or reasonably suspected that the Travel Document of the Republic of Indonesia is false or falsified shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs);

b. use the Travel Documents of the Republic of Indonesia or other person who has been revoked or declared void for incoming or out of Indonesia's territory, or deliver to another person of the Republic of Indonesia Travel Documents provided to him or belonging to another person with intent to use it without right shall be punished with imprisonment 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs);

c. provide data that are not valid or untrue to obtain a Travel Document of the Republic of Indonesia for himself or others shall be punished by imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs);

d. owning or using unlawfully 2 (two) or more Travel Documents of the Republic of Indonesia are similar and are all still valid shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs);

e. Travel Documents falsify the Republic of Indonesia or the Republic of Indonesia to make false travel documents with the intent to use for himself or others shall be punished by imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs).

#### Article 127

Any person who intentionally and unlawfully storing Travel Documents of the Republic of Indonesia false or forged with the intent to use for himself or others shall be punished by imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiah).

#### Article 128

Shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiah):

a. any person who intentionally and unlawfully print, have, keep, or trade of the Republic of Indonesia Travel Documents blank blank immigration documents or other;

b. any person who knowingly and unlawfully makes, has, storing, or trading stamp or other tools that are used to certify the Travel Documents of the Republic of Indonesia or other immigration documents.

#### Section 129

Any person who intentionally and unlawfully for the benefit of themselves or others destroy, alter, add, reduce, or eliminate, either partially or wholly, or stamp information contained in the Travel Documents of the Republic of Indonesia or other immigration documents shall be punished with imprisonment 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs).

#### Article 130

Any person who intentionally and unlawfully master Travel Document or any other immigration documents owned by others shall be punished with imprisonment of 2 (two) years and / or a fine of up Rp200.000.000, 00 (two hundred million rupiahs).

#### Article 131

Any person who intentionally and without right of unlawfully possess, store, destroy, remove, modify, reproduce, use and or access to immigration data, either manually or electronically, for the benefit of themselves or others shall be punished by imprisonment of 5 ( five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs).

#### Article 132

Immigration Officer or other designated official who intentionally and unlawfully gave the Republic of Indonesia Travel Documents and / or grant or extend the Immigration document to someone who knows not entitled shall be punished with imprisonment of at most 7 (seven) years.

#### Article 133

Immigration officials or other officials:

- a. let someone committing a crime of Immigration as stipulated 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 letter b, Article 134 b, and Article 135 that should be known by him shall be punished with imprisonment of 5 (five) years;
- b. Immigration deliberately leaked confidential data to unauthorized parties referred to in Article 67 paragraph (2) and Article 68 paragraph (2) shall be punished with imprisonment of at most 5 (five) years;
- c. deliberately did not run standard operating procedures that apply in the examination process of departure or arrival at the Immigration Check that resulted in the entry of foreigners into the region of Indonesia as referred to in Article 13 paragraph (1) or to the people of the Territory outside Indonesia as referred to in Article 16 paragraph ( 1) shall be punished with imprisonment of 2 (two) years;
- d. intentionally and unlawfully does not run standard operating procedure in the House of Detention Deteni custody of Immigration or the space that resulted in Immigration Detention Deteni escape shall be punished with imprisonment of 2 (two) years;
- e. intentionally and unlawfully did not enter data into the Immigration Management Information System referred to in Article 70 shall be sentenced to confinement of 6 (six) months.



#### Article 134

Each Deteni who knowingly:

- a. make, possess, use, and / or distributing weapons shall be punished with imprisonment of 3 (three) years;
- b. escape from the House Immigration Detention Immigration Detention or space shall be punished with imprisonment of 5 (five) years.

#### Section 135

Anyone committing false marriage in order to obtain immigration documents and / or to obtain citizenship of the Republic of Indonesia shall be punished with imprisonment of 5 (five) years and a fine of up Rp500.000.000, 00 (five hundred million rupiahs).

#### Article 136

(1) In the case of a crime referred to in Article 114, Article 116, Article 117, Article 118, Article 120, Article 124, Article 128 and Article 129 made by the corporation, criminal meted out to officials and corporate.

(2) The imposition of criminal penalties against the corporation only with the criminal penalty provisions of the magnitude of 3 (three) times from any criminal penalties as referred to in paragraph (1).

(3) The penal provisions referred to in Article 113, Article 119, Article 121 letter b, letter b of Article 123 and Article 126 letters a and b does not apply to victims of trafficking and human smuggling.

## CHAPTER XII

### COST

#### Article 137

Funds to implement this Act imposed on the State Budget.

#### Article 138

(1) Application for Travel Documents, Visas, Residency, Re-entry Permit and fee expense is based on this Act is charged immigration.

(2) The cost of immigration as referred to in paragraph (1) is one of the State Revenue in the field of Immigration.

(3) Further provisions concerning immigration costs as referred to in paragraph (1) is regulated by the Government.

## CHAPTER XIII

### MISCELLANEOUS PROVISIONS

#### Article 139

(1) Immigration Provisions for traffic or people coming out of Indonesia's territory in the border area governed by a cross-border agreement between the Government of the Republic of Indonesia and neighboring governments that have the same border with regard to the provisions of this Act.

(2) Immigration Provisions for traffic or people coming out of Indonesia's territory by using the sign in or sign out with electronic tools can be regulated through bilateral or multilateral agreements with regard to the provisions of this Act.

#### Article 140

(1) To be an Immigration Officer, Immigration held special education.

(2) To participate in special education Immigration, participants must have passed the level of undergraduate education.

(3) The implementation of special education Immigration referred to in paragraph (1) regulated by Regulation of the Minister.

### CHAPTER XIV

#### TRANSITIONAL PROVISIONS

#### Article 141

By the time the Act comes into force:

a. Residence visits, restricted residence, and Permanent Stay Permit issued under Law No. 9 of 1992 on Immigration shall remain in force until the period is over;

b. husband or wife of a legitimate marriage with a citizen of Indonesia that marriage age is more than 2 (two) years and holds a Limited Stay Permit pursuant to Act No. 9 of 1992 on Immigration can immediately be given a Permanent Stay Permit under the provisions of this Act;

c. Travel Documents of the Republic of Indonesia that has been issued based on Law No. 9 of 1992 on Immigration shall remain in force until the period is over; and

d. criminal cases in the field of immigration that are processed in the stage of the investigation be processed according to the Law on Criminal Proceedings.

### CHAPTER XV

#### FINAL PROVISIONS

#### Article 142

By the time the Act comes into force:

a. Law Number 9 Year 1992 on Immigration (Republic of Indonesia Year 1992 Number 33, Supplementary State Gazette of the Republic of Indonesia Number 3474);

b. Act No. 37 of 2009 on Stipulation of Government Regulation in Lieu of Law Number 3 Year 2009 regarding Amendment to Law Number 9 Year 1992 on Immigration into the Act (State Gazette of the Republic of Indonesia Year 2009 Number 145, Supplementary State Gazette of the Republic of Indonesia Number 5064); and

c. all laws and regulations relating to the Immigration conflicting or inconsistent with this Act,

revoked and declared invalid.

Article 143

By the time the Act comes into force, the implementing regulations of Law No. 9 of 1992 on Immigration (Republic of Indonesia Year 1992 Number 33, Supplementary State Gazette of the Republic of Indonesia Number 3474) stated remain valid as long as not contrary to or have not been replaced by The new under this Act.

Article 144

Regulations implementing this Act shall have been established at least 1 (one) year from the promulgation of this Act.

Article 145

This Law shall come into force on the date of promulgation.

Cognizance, it is ordered that this Act be promulgated in State Gazette of the Republic of Indonesia.

Ratified in Jakarta

on May 5, 2011

PRESIDENT OF THE REPUBLIC OF INDONESIA

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

on May 5, 2011

MINISTER OF JUSTICE AND HUMAN RIGHTS

REPUBLIC OF INDONESIA,

PATRIALIS AKBAR