Jurnal Ilmiah Kebijakan Hukum

Volume 19 Number 2, July 2025: 111-128
p-ISSN: 1978-2292 (print) e-ISSN: 2579-7425 (online)
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Administrative Immigration Enforcement in Indonesia: A Case Study of Residence Permit Violations at the Palembang Immigration Office

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Submitted:
16-04-2025
Accepted:
21-07-2025
DOI:
https://doi.org/10.30641/kebijakan.2025.V19.111-128

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Keywords:
Administrative Sanctions; Immigration Enforcement; Public Policy; Residence Permit Violations.

How to Cite:
Arief Febrianto, Gunawan Ari Nursanto, Rasona Sunara Akbar. "Administrative Immigration Enforcement in Indonesia: A Case Study of Residence Permit Violations at the Palembang Immigration Office". Journal JIKH. Vol. 19 No. 2, July 2025, 111-128, DOI.10.30641/kebijakan.2025.19.111-128

Abstract

This study explores the enforcement of administrative immigration measures in response to residence permit violations committed by foreign nationals. Using a qualitative case study approach, it examines how such violations are managed by immigration authorities, focusing on enforcement patterns, operational challenges, and the effectiveness of administrative responses. Data were gathered through document analysis, field observations, and interviews with key personnel, supported by legal and policy reviews. The findings highlight a range of violations, including overstaying, misuse of residence permits, and lack of valid documentation. Administrative actions such as deportation, revocation of permits, and blacklisting were commonly applied. However, the enforcement process was found to be constrained by inconsistent interpretations of legal provisions, limited technological and human resources, and inadequate coordination among relevant institutions. Enforcement practices tended to be reactive, triggered by referrals or specific incidents, rather than part of a continuous monitoring system.

Comparative legal and policy analyses across jurisdictions indicate that immigration enforcement regimes grounded in preventive, integrated, and rights-respecting frameworks tend to produce higher levels of voluntary compliance and systemic legitimacy. The study recommends key improvements, including clearer operational guidelines, the deployment of interoperable digital surveillance, inter-institutional coordination, and increased public engagement. By addressing these challenges, immigration authorities can enhance the consistency, efficiency, and accountability of their enforcement systems, contributing to improved migration governance and public order.

1. INTRODUCTION

Indonesia, as a prominent archipelagic state and a strategic gateway in Southeast Asia, has increasingly become an attractive destination for foreign nationals or Warga Negara Asing (WNA) for tourism, education, and employment. However, this growing influx of foreigners also presents significant challenges, particularly in terms of immigration law enforcement, with visa violations and overstays becoming more prevalent. Violations of residence permits by foreign nationals in Indonesia can generally be classified into three main categories: (1) misuse of residence permits; (2) overstaying beyond the permitted duration; and (3) illegal stay without valid documentation. Misuse of residence permits occurs when foreign nationals engage in activities inconsistent with their visa type—for example, working while on a tourist visa—which is a common occurrence in various regions of Indonesia.[1]Overstays typically happen when individuals remain in the country past the validity of their visas, either unintentionally or deliberately, and may result in administrative sanctions or deportation.[2]Illegal stays refer to instances where individuals enter or remain in Indonesia without any valid immigration documents.[3]

These immigration violations not only give rise to significant legal and regulatory concerns but also generate boarder raise social and economic risks. For instance, in 2024, the Regional Immigration Office in Palembang apprehended 103 foreign nationals for allegedly misusing their stay permits and engaging in cybercrime activities.[4] These individuals held various permits, including Limited Stay Permits or Izin Tinggal Terbatas (ITAS) and Visit Stay Permits or Izin Tinggal Kunjungan (ITK).[5] In response to issues, the Indonesian government has enacted Law Number 6 of 2011 concerning Immigration. Pursuant to this statute, any foreign national who intentionally misuses their stay permit or engages in activities inconsistent with their visa type may be subject to a prison sentence of up to five years and a fine of up to IDR 500 million. Notwithstanding the existence of these statutory provisions, enforcement remains challenging due to resource constraints, inter-institutional coordination gaps, and limited public awareness about immigration regulations.[6] Therefore, understanding the patterns and enforcement practices related to residence permit violations is crucial. This paper seeks to analyze the dynamics of immigration administrative measures, particularly through the case of the Palembang Immigration Office, to contribute to more effective policy implementation and immigration governance in Indonesia.

Effective enforcement of immigration laws is crucial for maintaining national sovereignty, ensuring public safety, and promoting economic stability. The urgency of immigration law enforcement and the role of the Immigration Office in this regard cannot be overstated. In Indonesia, the Directorate General of Immigration (DGI), which previously operated under the Ministry of Law and Human Rights, and now operates under the newly established Ministry of Immigration and Corrections, highlighting the importance of a more focused and integrated approach to immigration law enforcement at the national and regional levels. The DGI's mandate encompasses the issuance of travel documents, visas, residence permits, and the enforcement of immigration laws, including the prevention of illegal entry and stay of foreign nationals.[7] The urgency of enforcing immigration laws in Indonesia has been underscored by recent incidents involving foreign nationals

1 N. A. Wardani, "Legal Protection Against Misuse of Visit Visas by Foreign Nationals," *Pandecta: Jurnal Ilmu Hukum* 7, no. 1 (2012): 18–26.

2 H. M. Pontoh, "Tinjauan Yuridis Terhadap Overstay Oleh Warga Negara Asing Di Indonesia," *Lex Privatum* 10, no. 3 (2022): 45–56.

3 H. J. Lee, "Digital Surveillance in Japanese Immigration Control," *Asian Journal of Law and Society* 8, no. 2 (2021): 345–67.

4 Gunawan Ari Nursanto and Radica Arino Rahman, "Systematic Literature Review: Metode Penilaian Tingkat Kepuasan Pengguna AplikasI" 09 (2024). 9(1), 12–28. analysis, and contribution of literature in the field of education and science. Using the Systematic Literature Review (SLR)

5 Kantor Wilayah Kementerian Hukum dan HAM Bali. (2024). Immigration secures 103 foreign nationals misusing residence permits and suspected of cyber-related crimes. Kemenkumham Bali. https://bali.kemenkum.go.id/berita-utama/imigrasi-amankan-103-wna (Accessed February 16, 2025, at 4:00 PM WIB).

6 Putri, D. P. (2023). Penegakan hukum keimigrasian terhadap warga negara asing: Studi implementasi Undang-Undang Nomor 6 Tahun 2011. 1–110.

7 SSEK Law Firm, "A General Introduction to Immigration Law and Policy in Indonesia," *Lexology*, May 24, 2022. 10–19.

violating immigration regulations. For example, in 2024, Indonesian authorities arrested a Chinese national accused of laundering $17.8 million linked to an online gambling syndicate. The individual was apprehended at a ferry terminal on Batam Island, highlighting the critical role of immigration enforcement in combating transnational crimes.[8]

The enforcement of immigration laws in Indonesia is a critical component of national security and public order. The DGI plays a pivotal role in implementing these laws through comprehensive strategies that encompass intelligence operations, interagency cooperation, and public engagement. Sustained institutional and regulatory reforms remain imperative to strengthen these areas to effectively address the evolving challenges associated with immigration in Indonesia.

The increasing trend of residence permit violations by foreign nationals in Indonesia raises serious concerns about the efficacy of current immigration law enforcement mechanisms. This situation presents the core problem statement, despite Law No. 6 of 2011 concerning Immigration providing a legal foundation for managing the entry and stay of foreigners, the persistent occurrence of overstays, misuse of visas, and illegal stays suggests a gap between regulatory frameworks and their implementation.[9]

Immigration Offices, as frontline agencies under the Directorate General of Immigration, are mandated to oversee and enforce immigration laws at the regional level. However, challenges such as limited personnel, insufficient inter-institutional coordination, and evolving modes of transnational crime have complicated the task of maintaining legal order related to foreign nationals (SSEK Law Firm, 2022). Recent high-profile cases involving immigration violations-\including cases tied to cybercrime and financial fraud-highlight the need for a more integrated and proactive enforcement approach.[10]

Based on the context above, the study addresses the following key research questions:

1. What are the patterns and characteristics of residence permit violations committed by foreign nationals in Indonesia, particularly in the case of the Palembang Immigration Office?
2. How effectively has the Immigration Office implemented administrative immigration measures (Tindakan Administratif Keimigrasian) in response to these violations?
3. What are the main challenges and constraints faced by the Immigration Office in enforcing immigration laws?

How can immigration law enforcement in Indonesia be strengthened to ensure greater compliance among foreign nationals?

Robust and consistent enforcement of immigration laws is crucial for maintaining national sovereignty. This study aims to explore the dynamics of immigration law enforcement in Indonesia, with a specific focus on the administrative immigration measures applied by the Palembang Immigration Office. The research objectives are to identify the key challenges faced by immigration officers in enforcing immigration laws, assess the effectiveness of current immigration administrative measures, and propose recommendations for improving immigration law enforcement practices at the regional level. The objectives of this research are as follows:

1. To identify and describe the patterns and trends of residence permit violations committed by foreign nationals in the jurisdiction of the Palembang Immigration Office.
2. To analyze the implementation of administrative immigration actions (Tindakan Administratif Keimigrasian) as stipulated in Law No. 6 of 2011 on Immigration.

8 Associated Press, "Indonesia Arrests a Chinese Man Wanted by Beijing Over," December 1, 2024, https://apnews.com/article/indonesia-china-money-laundering-online-gambling-fugitive-a80c29c2b9d3ec5768547ebb8dc9ae42 (Accessed February 20, 2025, at 7:00 PM WIB).

9 Putri, "Penegakan Hukum Keimigrasian Terhadap Warga Negara Asing: Studi Implementasi Undang-Undang Nomor 6 Tahun 2011," 2023.

10 Associated Press, "Indonesia Arrests a Chinese Man Wanted by Beijing Over Associated Press, "Indonesia Arrests a Chinese Man Wanted by Beijing Over," December 1, 2024, https://apnews.com/article/indonesia-china-money-laundering-online-gambling-fugitive-a80c29c2b9d3ec5768547ebb8dc9ae42 (Accessed February 20, 2025, at 7:00 PM WIB).

3. To examine the challenges and institutional constraints faced by immigration officers in enforcing immigration regulations at the operational level.
4. To provide policy recommendations for strengthening the effectiveness and responsiveness of immigration law enforcement in Indonesia.

This research holds both theoretical and practical significance in the field of immigration law and public administration. The research significance lies in its substantial contribution to both theoretical and practical dimensions within the field. Theoretically, it enriches academic discourse on immigration governance by providing empirical insights into the operationalization of Law No. 6 of 2011 at the institutional level. By focusing on Tindakan Administratif Keimigrasian (TAK), this study contributes substantively depth to the existing literature regarding the implementation of immigration policies, legal enforcement mechanisms, and the critical role of frontline bureaucracies such as Immigration Offices in ensuring effective immigration law enforcement.

Practically, the findings of this study offer valuable contributions to policymakers, immigration authorities, and law enforcement agencies involved in managing foreign nationals in Indonesia. Through an evidence-based analysis of residence permit violations and the enforcement of TAK, this research highlights key institutional challenges and operational inefficiencies that hinder effective law enforcement at the regional level. These insights provide an evidence-based foundation for the formulation of informed policy adjustments, the strengthening of inter-institutional coordination mechanism, strategic allocation of enforcement and administrative resources resource allocation, and improved public awareness regarding immigration compliance.

Moreover, this study provides a reference framework that can be adopted and replicated by other regional immigration offices seeking to strengthen the application of TAK. By integrating empirical findings with best practice recommendations, the research supports the broader goal of fostering a more accountable, effective, and responsive immigration governance system across Indonesia.

2. METHOD

2.1. Research Design

This study employs a descriptive qualitative method approach to explore the implementation of administrative immigration actions (Tindakan Administratif Keimigrasian or TAK) in response to residence permit violations by foreign nationals. The case study method enables an in-depth examination of the operational dynamics, challenges, and decision-making processes at the Palembang Immigration Office, which serves as the primary unit of analysis.

2.2. Type and Approach of Research

The research adopts a normative-empirical legal approach, combining legal analysis of statutory frameworks (particularly Law No. 6 of 2011) with field-based empirical insights. The normative component examines the legal basis for TAK and immigration enforcement, while the empirical component focuses on how those laws are implemented in practice.

2.3. Data Sources

This study draws upon a combination of primary and secondary data sources to ensure a comprehensive and well-rounded analysis of immigration enforcement practices.

The primary data consists of direct observations at the detention house, while the secondary data comprises official records from the Immigration Office, including documentation of enforcement actions such as deportation cases, blacklisting decisions, and the revocation of stay permits. Additionally, direct observations of operational procedures related to the handling of residence permit violations were conducted to capture the practical implementation of administrative immigration actions (Tindakan Administratif Keimigrasian or TAK) in the field.

The secondary data includes a review of both national and international legal frameworks, particularly Law No. 6 of 2011 on Immigration and its corresponding implementing regulations. It also encompasses relevant academic literature and prior empirical studies that examine immigration law enforcement and policy implementation in various jurisdictions. Furthermore, comparative analysis data were utilized to contextualize Indonesia's approach within a broader international perspective. To support institutional context and policy alignment, the study also references official publications and policy documents issued by the Directorate General of Immigration.

2.4. Data Collection Techniques

To obtain a comprehensive understanding of immigration enforcement practices, this study employed multiple data collection techniques tailored to both normative and empirical components of the research.

First, document analysis was conducted by systematically reviewing official documents and legal instruments relevant to immigration enforcement. These included enforcement records, internal reports, standard operating procedures, and applicable legal provisions such as Law No. 6 of 2011 on Immigration. This method enabled the researcher to trace the legal foundation and administrative framework underpinning Tindakan Administratif Keimigrasian (TAK).

In addition, non-participant observation was carried out during field visits to the Immigration Office. This involved direct observation of administrative processes related to the handling of violations by foreign nationals, including case screening, decision-making procedures, and the implementation of TAK measures. The observations provided contextual insights into the operational dynamics and institutional behavior of immigration officers in their day-to-day enforcement activities.

2.5. Data Analysis Techniques

The data is analyzed using a descriptive qualitative method, employing content analysis to interpret legal texts and interview transcripts. Thematic coding is used to categorize data into key themes: implementation practices, institutional challenges, discretionary authority, and policy outcomes. The findings are then compared to international practices as outlined in the literature review.

The legal component will use legal interpretation techniques (grammatical, systematic, and teleological) to analyze the application of Articles 75, 78, and 122 of Law No. 6/2011.

2.6. Validity and Reliability

To ensure validity and reliability, the research employs triangulation of sources—cross-referencing interview data, documents, and observational findings. Member-checking with selected interviewees will also be used to verify the interpretation of field data.

3. FINDINGS AND DISCUSSION

The Results and Findings present the findings and analysis of administrative immigration actions in response to residence permit violations handled by the Class I Immigration Office of TPI Palembang between January and August 2024. The research is grounded in both primary and secondary data. Primary data were obtained through direct observation at the detention house, in-depth interviews with immigration enforcement officers, and analysis of internal decision-making processes regarding each enforcement case. Secondary data comprises official records and legal documents, including case files, deportation orders, blacklisting decisions, and permits revoked, all of which provide valuable insights into how immigration officers interpret and apply Law No. 6 of 2011, particularly Articles 75, 78, and 122. The data are further presented through charts illustrating the distribution of cases by nationality, type of legal violation, and enforcement timeline, revealing patterns such as the predominance of overstaying offenses and the discretionary use of Article 75 in cases where legal ambiguity or humanitarian considerations were present.

The discussion focuses on interpreting these findings in direct relation to the research questions. The first question, concerning how residence permit violations are administratively enforced, is answered by documenting consistent application of Article 78 for overstays and Article 122 for fraudulent documents.

However, the more discretionary Article 75 is employed when decisions must balance legal enforcement with situational ethics, such as for elderly violators or those with family ties in Indonesia. This demonstrates the strategic, albeit inconsistent, use of discretion in immigration enforcement. Applying Van Meter and Van Horn's policy implementation model, the study identifies implementation gaps caused by the lack of clear procedural standards, uneven officer discretion, and technological constraints in verifying stay status in real time. The second research question, which seeks to assess the institutional and operational barriers, finds that the absence of a structured decision-making framework and limited integration with external monitoring agencies contribute to the fragmentation of TAK enforcement at the local level.

As part of the research's novelty, this study proposes a new and context-specific Administrative Immigration Action Model (AIAM) for residence permit violations at the Palembang Immigration Office. The model introduces a categorization system that classifies violators by intent and risk level, ranging from inadvertent overstayers to high-risk intentional violators. This classification guides officers through a standardized enforcement flowchart, aligning legal articles with situational profiles to determine the most appropriate administrative action. The model also incorporates a digital case tracking system that aids decision-making by providing real-time case status, legal references, and enforcement history. Furthermore, it includes a community-based early warning mechanism to detect irregular residence patterns before they escalate into violations. This model not only improves the consistency and transparency of enforcement but also enhances inter-institutional coordination and public accountability.

The findings affirm that administrative immigration actions are indispensable tools for enforcing immigration law, yet their effectiveness is hindered by discretionary inconsistency, technological limitations, and institutional silos. Therefore, the study recommends formalizing discretion guidelines, investing in digital verification infrastructure, fostering inter-institutional database integration, and engaging the community in monitoring efforts. By offering a structured and replicable model grounded in real enforcement challenges, this research contributes a practical innovation to the field of immigration governance and reinforces the importance of rule-based, data-informed, and citizen-sensitive enforcement in Indonesia's administrative legal framework.

The Enforcement of Immigration Law Empirical and Comparative Perspectives, particularly through administrative immigration actions (Tindakan Administratif Keimigrasian/TAK) as stipulated in Article 75 of Law No. 6 of 2011, has received significant scholarly attention in both domestic and international contexts. Prior research suggests that the exercise of discretion within immigration law must be carefully balanced with due process principles to prevent arbitrary practices and uphold the rule of law. This empirical and comparative approach provides valuable insights into the effectiveness and challenges of immigration enforcement mechanisms across different jurisdictions, thereby informing broader discourses on regulatory coherence and institutional capacity.

Sumigar emphasizes the importance of aligning national legal frameworks with universal human rights standards, particularly in situations where state action directly impacts individual freedoms. Although his focus was on criminal law reform, his concerns about due process and proportionality are equally applicable to immigration procedures involving foreign nationals in Indonesia.[11]

At the operational level, Arthana and Zahidi found that deportation practices at the Class II Immigration Office in Tarakan were frequently hindered by inconsistent policy interpretations and weak inter-institutional coordination. Their findings highlight the need for standardized implementation protocols for TAK to ensure procedural fairness and minimize discretionary abuse.[12]

Similarly, Ramdani et al. examined deportation as an administrative action from an international legal perspective, advocating for the incorporation of the non-refoulement principle into Indonesia's immigration enforcement framework. This reflects a broader demand for harmonizing domestic discretion with international

11 Bernhard Ruben Fritz Sumigar, "Pelanggaran Berat HAM Dalam RUU KUHP: Tinjauan Dari Hukum Internasional (Gross Violations of Human Rights in the Criminal Code Bill: An Overview from International Law)," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 11, no. 2 (2020): 125–44.

12 Halimul Nabil Arfardila Arthana and M. Syaprin Zahidi, "Analisis Kebijakan Deportasi Warga Negara Asing Pada Kantor Imigrasi Kelas II TPI Tarakan, Indonesia," *Reformasi* 12, no. 2 (2022): 251–61.

legal norms and human rights obligations.[13]

Martendi et al. offer a normative legal analysis on deportation under international law and argue that Indonesia must strengthen judicial oversight mechanisms to prevent the arbitrary use of administrative powers. Their study underscores the importance of transparent criteria in the application of Article 75 to uphold institutional accountability.[14]

In a more applied study, Putri critiques the implementation of Article 75 in the field, noting that many immigration officers operate without clear Standard Operating Procedures (SOPs), resulting in inconsistent outcomes for similar violations. Her work reveals the risks of a fragmented enforcement system and the potential erosion of public trust in immigration governance.[15]

From a comparative policy standpoint, Tan analyzes immigration control in Singapore, a country known for its zero-tolerance approach and strong institutional discipline.[16] Singapore's use of real-time surveillance and integrated immigration databases provides a model for Indonesia to emulate in enhancing procedural efficiency and minimizing abuse of discretionary powers.

Taken together, these studies point to several recurring themes: the need for legal clarity, institutional coordination, human rights safeguards, and technological integration in immigration law enforcement. This research builds on these insights by examining the implementation of administrative immigration actions in Indonesia, specifically through a case study of the Palembang Immigration Office, thereby contributing both empirical depth and policy-relevant recommendations to the broader discourse on immigration governance.

The conceptual framework of Immigration Law in Indonesia is primarily governed by Law Number 6 of 2011 concerning Immigration, which constitutes the primary legislative instrument regulating the cross-border mobility involving of foreign nationals. The law articulates the principles, objectives, and authorities responsible for managing immigration affairs, while also providing legal instruments to enforce compliance and maintain national security. It emphasizes the sovereignty of the state in controlling the entry, stay, and exit of foreign nationals. Additionally, the law defines immigration as a series of processes in the service and supervision of the movement of people entering or exiting the territory of Indonesia and the legal status of foreigners residing in the country.[17]

Three key provisions of the law that are particularly relevant to the enforcement of administrative immigration actions include:

> Article 75: Discretionary Powers of Immigration Officials authorizes immigration officers to take administrative actions against foreign nationals who are considered a threat to national security, public order, or morality. The discretionary powers granted under this article include the revocation of stay permits, deportation, and the imposition of other restrictive measures deemed necessary in the interest of public welfare. This provision highlights the flexibility given to immigration officials in managing cases that may not be explicitly addressed by the law but require swift action to protect the nation's interests.
>
> "Immigration officials are authorized to carry out Immigration Administrative Actions against Foreigners who carry out dangerous activities and are reasonably suspected to endanger security and public order or fail to respect or disobey the laws and regulations."[18]
>
> Article 78: Overstay Regulations govern foreign nationals who overstay their residence permits. It

13 Varda Oktavia Ramdani et al., "Deportasi Sebagai Tindakan Administratif Keimigrasian Ditinjau Dalam Perspektif Hukum Internasional," *Jurnal Pacta Sunt Servanda* 3, no. 2 (2022): 78–87.

14 Afrisyab Zacki Martendi, Ika Kurnia Hardianty, and Jeane Christine Siahaan, "Sudut Pandang Deportasi Pada Hukum Internasional (Deportation In Point View Of International Law)," *Cross-Border* 4, no. 1 (2021): 127–44.

15 D. P. (2023). Penegakan hukum keimigrasian terhadap warga negara asing: Studi implementasi Undang-Undang Nomor 6 Tahun 2011 (Undergraduate thesis, Universitas Sriwijaya), 1–110.

16 L. Tan, "Immigration Control in Singapore: Legal Frameworks and Enforcement Efficiency," *Singapore Journal of Legal Studies* 32, no. 1 (2018): 21–39.

17 Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Keimigrasian.

18 Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Keimigrasian.

stipulates that any foreigner who remains in Indonesia beyond the validity period of their permit is subject to administrative sanctions, including fines and/or deportation. Foreign nationals who overstay more than 60 days after their residence permit expires are subject to deportation and inclusion in the list of deterrence (daftar penangkalan). This provision plays a pivotal role in addressing the issue of unintentional or intentional overstays, one of the most common violations committed by foreign nationals in Indonesia, and highlights the legal framework for managing and mitigating such infractions.

Article 122: Misuse of Visas or Permits outlines criminal sanctions for foreign nationals who misuse their visas or residence permits. This includes engaging in work or other unauthorized activities while on a visa that does not permit such activities. Any foreigner who deliberately provides false information or misuses their stay permit for purposes other than those for which it was granted may be subject to imprisonment for up to five years and/or a fine of up to IDR 500 million.[19] This article serves as the legal basis for the prosecution of foreign nationals who are found to be abusing their permitted status in the country. In sum, Articles 75, 78, and 122 serve as the backbone of immigration law enforcement in Indonesia. They provide legal justification for a wide range of administrative and penal actions, from deportation to criminal prosecution, thereby supporting the operational authority of immigration offices across the country.

Administrative Immigration Actions (Tindakan Administratif Keimigrasian) Definition and Legal Basis refer to non-judicial measures imposed by immigration authorities on foreign nationals who violate immigration laws and regulations. These actions are grounded in Article 75 of Law No. 6 of 2011 on Immigration, which grants discretionary power to immigration officers to ensure public order, safety, and legal compliance without requiring court proceedings. TAK serves as a flexible and immediate legal instrument for handling foreign nationals who pose administrative, rather than criminal, concerns. According to the law, these actions may be executed when a foreign national is suspected of conducting activities that endanger public security or violate the terms and purposes of their stay permit.[20]

Based on Article 75 as further elaborated in its implementing regulations, immigration officials are empowered to enforce various types of Administrative Immigration Actions (Tindakan Administratif Keimigrasian/TAK). One of the primary actions is the revocation of stay permits, where immigration officers may annul a foreigner's stay permit if it is proven that the individual has violated immigration rules or misused their visa for unauthorized activities. Another significant action is deportation, which is typically applied to foreigners who overstay their residence permits, commit public order offenses, or engage in activities that threaten national security. Additionally, immigration authorities are vested with the discretionary authority to place individuals on the deterrence list, thereby lawfully prohibiting their re-entry, Indonesian territory for a specified period. Furthermore, restrictions may be imposed. on certain activities or areas, where foreign nationals may be prohibited from participating in certain activities or entering specific areas deemed sensitive by immigration authorities. Finally, supervision measures may be imposed, which include requiring regular reporting or monitoring of foreigners who are under suspicion but not yet subject to deportation or criminal charges. These types of actions reflect the preventive and corrective nature of TAK, allowing immigration authorities to respond quickly to non-criminal violations without waiting for lengthy judicial processes.

Administrative Immigration Actions (TAK) play a crucial role in addressing residence permit violations, such as overstays, misuse of visas, and illegal stays, by offering a mechanism for swift administrative enforcement. For instance, foreign nationals who overstay their residence permits by more than 60 days may face direct deportation and be placed on the deterrence list, as outlined under Article 78(3). This provides an efficient means of enforcing compliance and maintaining control over immigration processes in Indonesia.[21] Similarly, misuse of residence permits, for instance, engaging in unauthorized employment while on a tourist visa, falls under the jurisdiction of both Article 75 and Article 122. While Article 122 provides criminal

19 Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Keimigrasian.
20 Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Keimigrasian.
21 Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Keimigrasian.

sanctions, TAK allows for immediate administrative responses, especially in cases where deportation is prioritized over prosecution for expediency or resource efficiency. TAK thus serves as a strategic enforcement tool for immigration officers, balancing the need for legal compliance with administrative efficiency. It is particularly relevant in the context of increased international mobility and the complexity of transnational violations that may not always fit neatly into criminal frameworks.

The enforcement of immigration laws against foreign nationals (Warga Negara Asing/WNA) remains a critical concern for many countries, particularly in the context of increased global mobility, transnational crime, and the misuse of stay permits. Law Enforcement Against Foreign Nationals: A Comparative Perspective reveals that while Indonesia applies both administrative and criminal approaches in accordance with Law No. 6 of 2011, a comparative analysis shows that various jurisdictions use diverse strategies. This research highlights the differences in enforcement mechanisms and offers insights into how these global practices can inform and enhance Indonesia's immigration policies.

Indonesia adopts a dual-track system combining Administrative Immigration Actions (Tindakan Administratif Keimigrasian/TAK) and criminal sanctions. The Immigration Office has discretionary authority to act swiftly through deportation, permit revocation, and blacklisting, as outlined in Article 75, while criminal violations such as false statements or illegal employment are punishable under Article 122. This system, which emphasizes administrative actions supported by criminal enforcement, prioritizes state sovereignty, administrative responsiveness, and public order.

When examining international approaches to immigration enforcement, several key models stand out. Malaysia adopts a strict punitive approach, with a heavy emphasis on detention and deportation. Foreign nationals found violating immigration laws may face mandatory detention before deportation, often coupled with corporal punishment, such as caning, for serious offenses like illegal entry or overstaying beyond a specific threshold. This approach is deterrence-oriented and highly securitized. Singapore takes a zero-tolerance stance, enforcing clear legal thresholds and efficient legal processing. Foreign nationals who overstay by even a few days face penalties, including fines, imprisonment, and bans on re-entry. The system is characterized by its efficiency, strict adherence to immigration laws, and the support of real-time surveillance and the deployment of interoperable digital surveillance. In contrast, Australia balances legal due process with a structured visa compliance system. Overstayers are tracked through interlinked government databases, and the system prioritizes options for voluntary return before enforcement actions are taken. Criminal penalties are generally reserved for repeat offenders or those involved in identity fraud and trafficking. The United States combines civil and criminal enforcement, treating many visa overstays as civil violations that lead to removal proceedings. However, serious offenses can result in detention and prosecution. Immigration and Customs Enforcement (ICE) focuses on individuals who pose threats to national security or public safety. Lastly, Japan employs a managed compliance model, emphasizing voluntary departure programs and regularization options before resorting to forced deportation. Strict work visa regulations are complemented by measures holding employers accountable for violations.

Compared to other countries, Indonesia's immigration enforcement framework shows distinct characteristics. It leans more toward administrative discretion rather than legal adjudication, offering flexibility but also presenting challenges in consistent application. The system faces implementation hurdles, including limited human resources, outdated systems, and low inter-institutional integration, which hinder effective enforcement. Additionally, there is significant potential for improvement by incorporating technology-enhanced monitoring, as seen in Singapore, and compliance incentive systems, similar to those in Japan and Australia. The comparative evidence suggests that immigration enforcement is most effective when supported by clear legal guidelines, advanced technological infrastructure, and strong inter-institutional coordination. Indonesia's continued progress in these areas will be essential to strengthening its immigration governance, ensuring public order, and protecting human rights.

Previous research on immigration policy and enforcement has examined a wide array of factors influencing the success and failure of national immigration strategies. A synthesis of key academic works highlights that the effectiveness of immigration policy is shaped by several interrelated dimensions, including legal clarity, institutional coordination, technological infrastructure, political will, and public perception. These dimensions collectively determine how well immigration systems function and how they address challenges

such as enforcement consistency, compliance, and public trust.

The comparative analysis of studies from countries such as Singapore, Australia, the United States, and Japan reveals several key success factors that emerge as essential for effective immigration enforcement.

1. Clear legal definitions and strict adherence to statutory procedures enhance enforcement, as demonstrated by Singapore's streamlined immigration law framework, which supports rapid enforcement and minimizes the potential for discretionary abuse.[22]
2. Countries with well-coordinated inter-institutional systems, such as Australia and the U.S., tend to implement immigration laws more effectively, with efficient collaboration between immigration, police, labor, and intelligence agencies often cited as a pillar of effective control.[23]
3. The use of real-time surveillance, biometric identification, and integrated immigration databases significantly improves detection and response, as exemplified by Japan's "Entry/Exit Information System" and Singapore's "iEnforce" platform, which are highlighted as best practices.[24]
4. Successful enforcement also relies on public participation, with campaigns to educate communities about visa misuse and channels for reporting violations proving especially effective in urban areas, as observed in the United Kingdom and Canada.[25]
5. Jurisdictions that integrate human rights protections into immigration enforcement, such as offering appeal mechanisms or voluntary departure options, tend to receive higher compliance rates from migrants, especially in cases of minor infractions.[26]

In the Indonesian context, immigration enforcement largely relies on manual systems, discretionary authority, and a reactive model, with the absence of centralized immigration data systems and limited integration with labor or local government databases contributing to enforcement delays and inconsistencies.

Findings from the comparative literature suggest that Indonesia's immigration policy implementation could be significantly improved by several key measures. First, codifying standardized enforcement procedures across immigration offices would help ensure consistency and clarity in immigration law enforcement. Additionally, investing in digital infrastructure for monitoring and case tracking would streamline the enforcement process and improve efficiency. Enhancing coordination between central and regional authorities is also crucial for a more cohesive and effective system. Finally, establishing public-facing tools to report suspected immigration violations could increase community involvement and enhance enforcement efforts.

3.1. Overview of Residence Permit Violations (January–August 2024)

Between January and August 2024, the Palembang Immigration Office handled six cases of Tindakan Administratif Keimigrasian (TAK) involving foreign nationals from China, Singapore, and Turkey. These individuals were found to have violated immigration regulations through misuse of stay permits, overstaying their legal duration, or lacking proper documentation. The primary legal provisions applied in these cases were Articles 122, 78(3), and 75 of Law No. 6 of 2011, resulting in actions such as deportation, revocation of permits, and blacklisting. With an equal number of cases across the three nationalities, the data highlights a pattern of diverse administrative violations, underscoring the importance of consistent and non-discriminatory enforcement across varying visa categories.

22 Tan, "Immigration Control in Singapore: Legal Frameworks and Enforcement Efficiency," 20.
23 B. Smith and T. O'Brien, "Integrated Governance and Immigration Enforcement: A Study of Australia's Interagency Model," Public Administration Quarterly 44, no. 3 (2020): 356–79.
24 Lee, T. (2023). Digital surveillance in Japanese immigration control. Asia Pacific Journal of Migration Studies, 12(3), 150–167.
25 M. Jones, "Community-Based Approaches to Immigration Enforcement: Lessons from Canada and the UK," *International Migration Review* 53, no. 4 (2019): 912–34.\\uc0\\u8221{} {\\i{}International Migration Review} 53, no. 4 (2019
26 K. Yamamoto, "Human Rights Compliance in Immigration Detention and Deportation," *Tokyo Law Review* 11, no. 2 (2020): 101–20.

3.2. Legal Application of Articles 75, 78, and 122

The legal analysis of TAK enforcement in Palembang reveals a dominant reliance on Article 122, which was applied in five out of six cases—primarily involving Chinese and Singaporean nationals—due to the misuse of residence permits for unauthorized work-related activities. In each of these instances, Article 75 served as the operational basis for administrative actions such as deportation, permit revocation, and blacklisting, reflecting the discretionary authority granted to immigration officers under Indonesian law. A single case involving a Turkish minor triggered the application of Article 78(3), addressing a significant overstay and demonstrating Indonesia's commitment to procedural enforcement, irrespective of the violator's age. These patterns highlight a broader trend: the use of TAK as a preventive, non-criminal enforcement mechanism, enabling swift administrative responses to immigration violations without engaging the judicial system. This aligns with Indonesia's strategic emphasis on maintaining public order through discretionary and administrative immigration control.

3.3. Operational Practices and Discretionary Challenges

Field data and interviews reveal several operational and institutional challenges affecting the implementation of Tindakan Administratif Keimigrasian (TAK) in Palembang. Prior studies highlight that discretionary interpretation without clear SOPs contributes to disparities in immigration law enforcement.[27]The application of Article 75, which grants broad discretionary powers to immigration officers, varies in practice due to differing interpretations of what constitutes a "threat to public order." This legal ambiguity has contributed to inconsistencies in enforcement decisions. Additionally, resource limitationsincluding the lack of surveillance tools, legal translators, and biometric systemshave hindered comprehensive and timely enforcement. Furthermore, weak inter-institutional coordination, particularly between immigration authorities and institutions such as the police and manpower ministries, has complicated joint operations and delayed case referrals.

The temporal distribution of TAK enforcement, as illustrated in Figure 3, also reflects underlying operational patterns and institutional rhythms in the exercise of immigration control function. Enforcement activity peaked in April and May 2024, with two decisions each month, while no actions were recorded in the first quarter or during June and July. This irregular pattern suggests a reactive enforcement model, influenced by case-specific referrals or intelligence triggers, rather than a systematic monitoring system. These findings are consistent with empirical evidence and comparative analyses presented in international research by Smith & O'Brien, which emphasizes that institutional capacity and cross-agency integration are critical factors in the success of immigration law enforcement.[28] The identified challenges underscore the need for stronger infrastructure, clearer legal guidance, and more consistent operational protocols to support effective and proactive TAK implementation.

3.1. Comparative Reflections and Policy Implications

When compared with countries such as Singapore and Australia, Indonesia's immigration enforcement remains largely reactive rather than preventive. While Singapore and Australia rely on digitized, highly integrated systems for real-time visa monitoring and inter-institutional coordination, Indonesia lacks a centralized violation tracking database, and mechanisms for public engagement remain minimal. This aligns with Nursanto et al., who noted that the quality of web-based services in immigration institutions still requires substantial optimization.[29]These limitations reduce the responsiveness and reach of enforcement, particularly in identifying and addressing residence permit violations. However, Indonesia's reliance on Tindakan Administratif Keimigrasian (TAK) offers a distinct institutional advantage in the form of administrative

27 Gunawan Ari Nursanto et al., "Enhancing Public Wellbeing Through Autogate at Soekarno-Hatta International Airports," *Return: Study of Management, Economic and Bussines* 3, no. 3 (2024): 149–57.

28 Smith, J. A., & O'Brien, L. M. (2022). Integrated governance and immigration enforcement: A study of Australia's interagency model. Australian Journal of Public Administration, 81(2), 230–245.

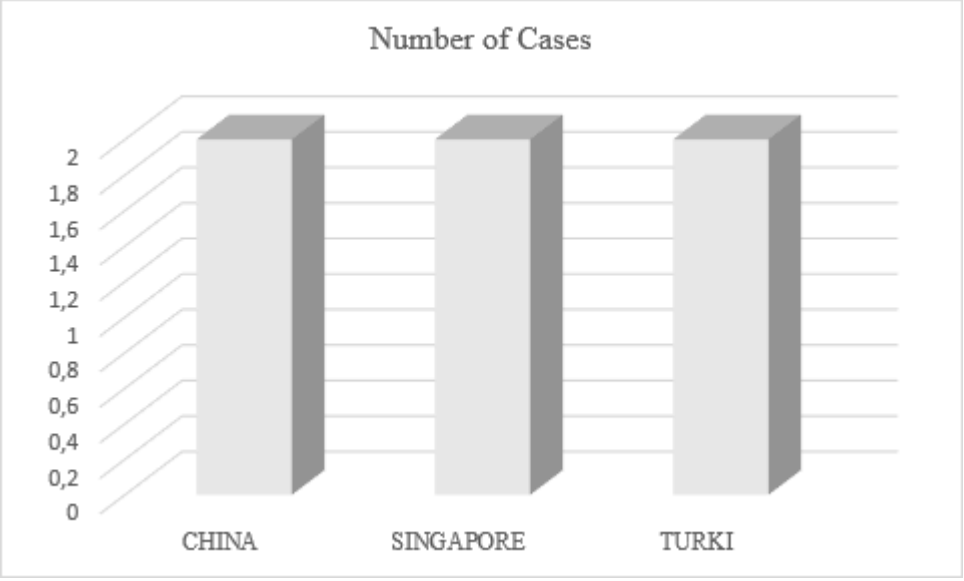
29 Gunawan Ari Nursanto, Galuh Boy Hertantyo, and R Yohanes Dhimas Agung, "Analysis Of The Quality Of The Website of The Immigration Office Class I Tpi Yogyakarta on The Satisfaction of Its Users With The Pieces Method," *TEMATICS: Technology Management and Informatics Research Journals* 3, no. 2 (2021): 93–117.

flexibility. The administrative authority to undertake the non-judicial actions—such as deportation, revocation of permits, and blacklisting—provides swift responses to violations without the delays of judicial proceedings. However, this discretionary flexibility necessitates further institutional refinement to ensure consistency and procedural fairness in its application.

Key areas for enhancement in Indonesia's immigration enforcement system include codifying clear thresholds under Article 75 to reduce arbitrary or inconsistent discretionary decisions. Additionally, modernizing immigration monitoring systems, particularly through digitization and the integration of biometric and case-tracking tools, would significantly improve efficiency and effectiveness. Furthermore, strengthening officer capacity in legal interpretation, technology use, and inter-institutional cooperation through targeted training would enhance overall performance and ensure more consistent application of immigration laws.

Visual data from January to August 2024 at the Palembang Immigration Office supports these reflections. Figure 1 shows the bar chart by nationality, TAK cases were evenly distributed among foreign nationals from China, Singapore, and Turkey, with two cases each. This balanced representation suggests that compliance issues are broadly spread rather than concentrated among specific nationalities.

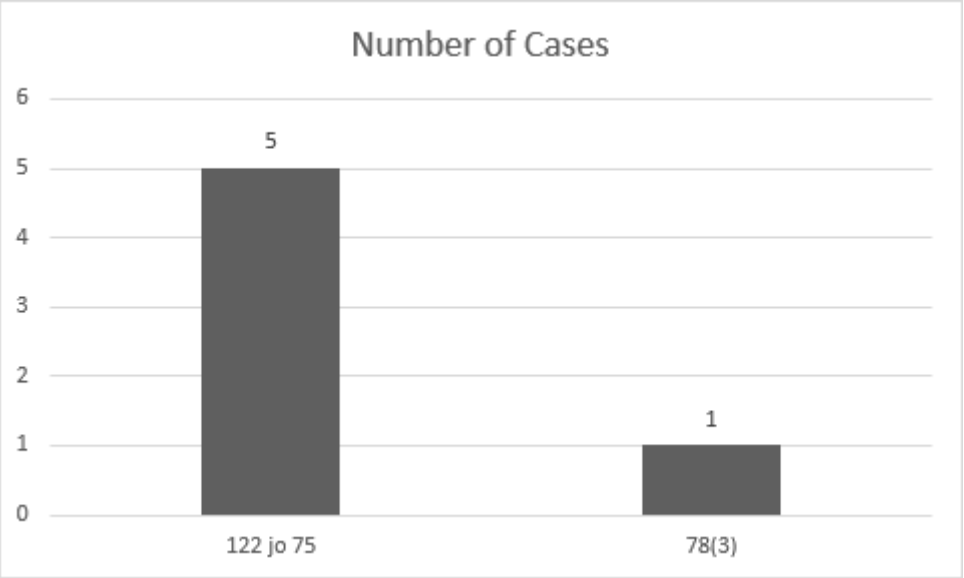
Figure 1. Number of TAK Cases by Nationality



Source: Palembang Immigration Office TAK Report 2024

The legal article distribution chart in Figure 2, highlights that Article 122 jo 75 of Law Number 6 of 2011, which addresses the misuse of stay permits, was invoked in five of six cases, confirming a dominant reliance on administrative sanctions for non-criminal violations. Meanwhile, Article 78(3), which governs overstays exceeding 60 days, was applied in only one instance, indicating that while overstays are relatively less frequent, they remain part of the enforcement framework.

Figure 2. Number of TAK Cases by Legal Article



Source: Palembang Immigration Office TAK Report 2024

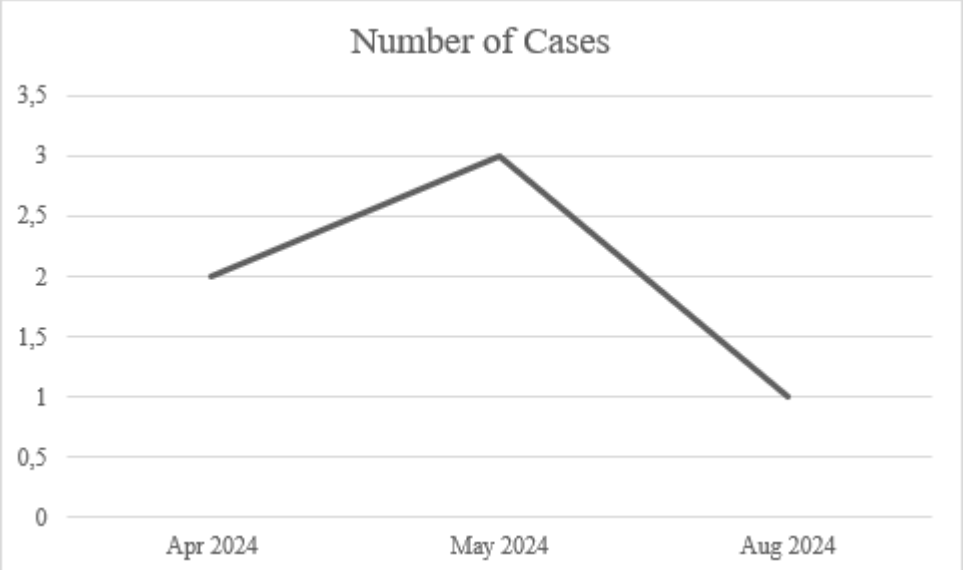
A timeline analysis of enforcement actions as illustrated in figure 3 reveals notable activity peaks in April and May, with two recorded cases per month, and a single isolated enforcement case in August. The absence of recorded actions during the first quarter or during June–July, suggest that the implementation of TAK may be predominantly reactive, event-driven, or initiated through external referral, rather than part of a continuous monitoring regime.

These patterns further validate the institutional challenges identified in field observations:

1. Discretion vs. Legal Certainty: Field data gathered from structured interviews with four immigration enforcement officers at the Class I Immigration Office of TPI Palembang revealed that Article 75 of Law No. 6 of 2011 is frequently applied with broad discretion, especially in cases involving humanitarian grounds, incomplete documentation, or overstays under 60 days. One officer explained, “Without detailed SOPs, we rely on case-by-case judgment, which often results in different outcomes for similar cases.” This admission reflects a lack of interpretive consistency and operational guidelines, leading to disparities in enforcement decisions. Direct observation of several case reviews showed that some officers opted for deportation, while others issued temporary stay extensions for similar offenses. These findings confirm that the absence of clear procedural standards undermines legal certainty and allows for uneven implementation of administrative immigration actions.
2. Human Resource and Technological Constraints: Interviews and internal documentation show that the Palembang Immigration Office faces significant operational barriers. Officers reported challenges such as limited access to the national Immigration Intelligence Database, which restricts real-time verification of overstayers’ travel history. Surveillance operations rely on manually monitored CCTV due to the absence of automated detection or analytics tools. One staff member stated, “We still use paper forms and manual logbooks to track detainee activities.” Language barriers were also cited as recurring issues, especially in handling cases involving Mandarin- and Bengali-speaking foreigners. This lack of multilingual support has led to delayed investigations and misinterpretation during interviews, as confirmed through direct observation and case file reviews. These constraints hinder proactive enforcement and contribute to inefficiencies in case processing.
3. Minimal Public Engagement Mechanisms: According to statements from senior officers and a review of office SOPs, there is currently no structured digital platform or anonymous reporting system for the public to report suspected immigration violations. Complaints must be submitted in person and in writing, which discourages community participation. During fieldwork, officers acknowledged that “community involvement in immigration control is minimal and not formally facilitated.” This is further

corroborated by the absence of any outreach or public complaint channels displayed at the office or on its official website. In contrast, document reviews show that countries like Japan and Singapore have adopted anonymous digital portals that allow residents to report suspicious immigration activity securely and without bureaucratic barriers. The lack of similar mechanisms in Indonesia reduces opportunities for early detection and community-driven oversight, weakening the preventive capacity of immigration enforcement.[30]

Figure 3. Timeline of TAK Case



Source: Palembang Immigration Office TAK Report 2024

Overall, while TAK remains a valuable administrative tool, its full potential will only be realized through systemic improvements in legal clarity, technological modernization, inter-institutional integration, and public participation. These reforms are essential for Indonesia to transition toward a more preventive, accountable, and effective immigration enforcement system.

3.2. Reflections from Comparative Models

As discussed in the comparative studies presented in Section 2.4, the implementation of Tindakan Administratif Keimigrasian (TAK) in Indonesia reveals substantial potential for institutional modernization and policy refinement, particularly when evaluated in light of comparative international practices. In Singapore, immigration enforcement follows a zero-tolerance approach, underpinned by advanced technological infrastructure. Enforcement is seamlessly integrated with real-time visa monitoring systems and labor market databases, enabling proactive detection and swift responses to violations. This model prioritizes efficiency, accuracy, and regulatory compliance.[31]

Recent scholarship further emphasizes the multidimensional consequences of immigration enforcement across legal, health, and social domains. For example, Kiester and Vasquez-Merino describe how restrictive enforcement policies during the COVID-19 pandemic disproportionately impacted immigrant communities in the U.S., undermining both public health and human rights.[32] Similarly, Barajas-Gonzalez et al. expand the adverse childhood experiences (ACEs) framework to account for trauma induced by aggressive enforcement

30 Jones, R. P. (2021). Community-based approaches to immigration enforcement: Lessons from Canada and the UK. Journal of Migration and Human Security, 9(4), 320–338.

31 Brenda SA Yeoh and Theodora Lam, "Managing the Non-Integration of Transient Migrant Workers: Urban Strategies of Enclavisation and Enclosure in Singapore," *Urban Studies* 59, no. 16 (December 1, 2022): 3292–3311, https://doi.org/10.1177/00420980221114316.

32 Kiester E. and Vasquez-Merino J., "A Virus Without Papers: Understanding COVID-19 and the Impact on Immigrant Communities," *Journal on Migration and Human Security* 9, no. 2 (2021): 80.

actions, suggesting long-term developmental consequences for children in migrant households.[33]

In the European context, Nordling and Persdotter analyze how the exclusion of migrants from access to social services in Sweden functions as a form of border control through destitution, while Tize explores the psychological toll of living under temporary legal toleration in Germany.[34] These findings resonate with Patler and Gonzalez, who highlight how immigration detention weakens institutional trust and system participation among mixed-status families.[35]

Meanwhile, Australia and Japan adopt a more balanced approach that merges firm legal enforcement with compliance incentives. These countries emphasize voluntary departure schemes and mechanisms for status regularization, allowing foreign nationals to resolve immigration issues without punitive repercussions. This approach reflects an effort to harmonize state control with human rights protections, fostering cooperation while maintaining legal order. In contrast, Malaysia implements a more punitive framework, particularly for overstayers. Enforcement strategies include mandatory detention and, in certain cases, corporal punishment, such as caning. While effective in deterrence, this model has drawn international human rights concerns for its severity and lack of rehabilitative options. Finally, studies by Benavides et al. and Enriquez and Millán underscore the role of community support networks and "safe zones" in mitigating enforcement-related trauma, while Fine and Walters critique the evolving political imaginaries of deportation led by international institutions.[36]Taken together, these global insights reinforce the importance of harmonizing Indonesia's TAK implementation with international principles, ensuring not only administrative efficiency but also safeguarding human dignity and societal resilience.

4. CONCLUSION

This study has examined the implementation of Tindakan Administratif Keimigrasian (TAK) as a primary mechanism in enforcing immigration laws against foreign nationals who violate residence permit regulations in Indonesia. Through a case study at the Palembang Immigration Office, it was found that TAK actions—such as deportation, permit revocation, and blacklisting—were consistently used to address administrative violations, especially those related to misuse of stay permits under Article 122 jo. 75 of Law No. 6 of 2011. Overstay cases, regulated under Article 78(3), were less frequent but still present.

The findings confirm that TAK functions as a flexible, non-judicial enforcement tool. However, its implementation is challenged by legal ambiguity in discretionary authority (Article 75), operational limitations such as a lack of technological and linguistic resources, and weak inter-institutional coordination. These challenges result in inconsistent enforcement outcomes and hinder proactive monitoring.

When compared to countries like Singapore, Australia, and Japan, Indonesia's model is still reactive and fragmented. These countries demonstrate how digital systems, legal certainty, and community engagement can contribute to more preventive and rights-balanced immigration enforcement.

33 Barajas-Gonzalez R.G. et al., "An Ecological Expansion of the Adverse Childhood Experiences (ACEs) Framework to Include Threat and Deprivation Associated with U.S. Immigration Policies and Enforcement Practices: An Examination of the Latinx Immigrant Experience," *Social Science and Medicine* 282 (2021).

34 Nordling V. and Persdotter M., "Bordering through Destitution: The Case of Social Assistance to Irregularised Migrants in Malmö, Sweden," *Nordic Social Work Research* 11, no. 2 (2021): 155; Tize C., "Living in Permanent Temporariness: The Multigenerational Ordeal of Living under Germany's Toleration Status," *Journal of Refugee Studies* 34, no. 3 (2021): 3024.

35 Patler C. and Gonzalez G., "Compounded Vulnerability: The Consequences of Immigration Detention for Institutional Attachment and System Avoidance in Mixed-Immigration-Status Families," *Social Problems* 68, no. 4 (2021): 886.\\uc0\\u8221{} {\\i{}Social Problems} 68, no. 4 (2021

36 Q. Benavides et al., "Immigration Law Enforcement, Social Support, and Health for Latino Immigrant Families in Southeastern Michigan," *Social Science & Medicine* 280 (2021): 114027, https://doi.org/10.1016/j.socscimed.2021.114027; Enriquez L.E. and Millán D., "Situational Triggers and Protective Locations: Conceptualising the Salience of Deportability in Everyday Life," *Journal of Ethnic and Migration Studies* 47, no. 9 (2021): 2089; Fine S. and Walters W., "No Place like Home? The International Organization for Migration and the New Political Imaginary of Deportation," *Journal of Ethnic and Migration Studies* 48, no. 13 (2022): 3060.

5. ACKNOWLEDGMENT

In writing scientific work, the authors would like to thank all who have helped the writing, especially the Leaders and Colleagues at the Politeknik Pengayoman Indonesia and Indonesia Immigration who have been pleases to take the time to discuss about immigration administrative action.

6. CONFLICT OF INTEREST

No conflict of interest exists in this research manuscript article.

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