



Law Enforcement Against Foreign Nationals Regarding the Misuse of Visa on Arrival: A Study within the Legal Jurisdiction of the Mataram Immigration Office

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Abstract

This research aims to analyze the implementation of immigration enforcement by immigration authorities against foreign nationals who misuse their visas and to evaluate the constraints and efforts needed to enhance the effectiveness of immigration enforcement in addressing stay permit violations. This study is an empirical legal research employing statutory, conceptual, and socio-legal approaches. The findings indicate that law enforcement against the misuse of the Visa on Arrival (VoA) generally falls into two categories: immigration administrative measures and Pro Justitia (criminal proceedings). The Mataram Class I Immigration Office faces several constraints in addressing foreigners who enter Indonesian territory by abusing visit permits, categorized into three factors: 1) Substance factors, 2) Structural factors, and 3) Cultural factors. To mitigate such violations, the Mataram Class I Immigration Office has implemented several strategic measures: 1) Conducting direct field surveillance to monitor the presence of foreigners; 2) Participating in Regional Intelligence Community (KOMINDA) activities; 3) Implementing socialization programs for both the public and foreign nationals; 4) Performing administrative supervision; 5) Increasing staff numbers through merit-based recruitment systems; and 6) Executing administrative legal actions.

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1. Introduction

Indonesia is a constitutional state (*rechtsstaat*). As explicitly stated in the Constitution of the Republic of Indonesia, the nation is governed by law and not by mere power (*machtstaat*). The law establishes the boundaries of what is required, permitted, and prohibited. Furthermore, the Preamble of the 1945 Constitution mandates that the fundamental objectives of the Indonesian state include advancing public welfare and enriching the nation's intellectual life. ^[1]

The increasingly dynamic and complex nature of global developments requires Indonesia to remain adaptable to change. ^[2] Globalization has permeated all aspects of life, particularly the economy, thereby necessitating updates to national legal frameworks, including immigration regulations. Fundamentally, law enforcement is an effort to realize societal ideals and expectations; it is defined as the process of ensuring that legal norms function effectively as behavioral guidelines. In the current era, immigration law enforcement has become paramount. Technological advancements in development have accelerated human

¹ A. Sofyan, *et al.*, "Criminal Liability of Business Actors in Food Labeling Violations," *Justitia*, (2014): p. 1.

² Riki Riyadi, Lalu Husni, and RR. Cahyowati, "Obligations of Guarantors of Foreign Nationals (WNA) in Indonesia based on Article 63 Paragraph (3) of Law No. 6 of 2011 Concerning Immigration," *International Journal of Multicultural and Multireligious Understanding*, vol. 9, no. 6, (2022): p. 203.

mobility, not only domestically but also internationally.^[3] Immigration serves as a manifestation of state sovereignty over Indonesian territory, aimed at maintaining national order to achieve a just and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). The factual reality of global shifts drives international population mobility, which brings both beneficial and detrimental impacts to the nation. Aspects of service and supervision are inextricably linked to Indonesia's geography—an archipelago with close proximity and direct borders with neighboring countries. The execution of immigration functions along these borders falls under the direct authority of immigration agencies.

National interest represents the collective interest of the Indonesian people. Therefore, the supervision of foreign nationals requires community participation to report foreigners known or suspected of being in Indonesian territory illegally or misusing immigration permits. To enhance this participation, efforts must be made to increase public legal awareness. Pursuant to Law Number 6 of 2011 concerning Immigration, immigration encompasses the movement of people entering or leaving Indonesian territory and the supervision thereof. It serves as a guardian of state sovereignty, providing services in immigration law enforcement, national security, and facilitating community welfare development.

Factually, the influx of foreign nationals into Indonesia increases foreign exchange, investment, and trade activities, while accelerating modernization through economic growth.^[4] However, this mobility also influences social and cultural patterns, sometimes leading to negative impacts. Furthermore, international human traffic affects national security and resilience on a macro level. This is particularly evident in policies like the ASEAN Economic Community (AEC), which facilitates the free movement of professional, business, and skilled labor.^[5]

Consequently, immigration plays an increasingly vital role. Operationally, immigration law enforcement is both administrative and *pro justitia*. Administrative actions include the refusal of entry or exit permits and other immigration sanctions. Meanwhile, *pro justitia* enforcement involves investigative powers, including summoning, arrest, detention, examination, search, and seizure, as well as the submission of case files to public prosecutors.

The presence of foreign nationals is not always based on benign intentions; some enter with the intent to violate regulations. Field data often shows foreign nationals committing stay permit violations. In Indonesia, the service and supervision of foreigners are governed by a "selective principle." Under this principle, only foreigners who provide benefits to the welfare of the people, nation, and state, and who do not pose a threat to security, order, or state sovereignty, are permitted entry.

Currently, immigration crimes related to stay permit misuse are frequent. In practice, law enforcement against such violators remains suboptimal. Only a small fraction of misuse

cases reach the courts; many are resolved solely through administrative measures. Ideally, there should be legal certainty and proportionality between administrative sanctions and criminal penalties.

For instance, the Mataram Class I Immigration Office recently deported a Bulgarian national (GKP, 35) after he served a two-year prison sentence for ATM skimming in Mataram. Skimming is a crime involving the theft of debit or credit card information using a "skimmer" device. GKP was found guilty of violating Law No. 19 of 2016 (the ITE Law). Pursuant to Article 75 of Law No. 6 of 2011, he was deported and placed on the deterrence list (*penangkalan*).^[6]

One prevalent form of violation involves the Visa on Arrival (VoA). The VoA is a temporary entry permit for specific countries, valid for 30 days and extendable once, intended to facilitate tourism or business. Data from the Directorate General of Immigration shows that in 2024 (as of mid-December), 4,635,858 VoAs were issued, accounting for 89% of all Indonesian visa services—a 7.2% increase from the previous year. Total foreign arrivals reached approximately 12.3 million, with the highest numbers coming from Australia, China, Malaysia, Singapore, and India. Digitalization through e-VoA and autogates has significantly accelerated this process.

Law enforcement against stay permit misuse is strictly regulated by Law Number 6 of 2011, carrying administrative sanctions and criminal penalties (up to 5 years imprisonment and a Rp500 million fine). Future expectations involve technology-based supervision, inter-agency coordination, and improved human resources to safeguard state sovereignty.

Based on this background, this research addresses two primary problems:

1. How is law enforcement executed by immigration authorities against foreign nationals who misuse Visas on Arrival?
2. What are the constraints and efforts required to enhance the effectiveness of immigration law enforcement regarding visa misuse by foreign nationals?

2. Research Method

This study employs normative-empirical legal research, which examines the implementation of positive legal provisions (statutory regulations) and contracts within concrete legal events occurring in society.^[7]

The methodological approaches used in this research are as follows:

- **Conceptual Approach:** This approach originates from evolving views and doctrines within legal science. By studying these doctrines, the researcher identifies ideas that give rise to legal definitions, concepts, and principles relevant to the issues at hand. Understanding these perspectives serves as the foundation for building legal arguments to resolve the research problems.
- **Statutory Approach (*Statute Approach*):** This approach is conducted by examining legal norms and

³ M. Imam Santoso, *Immigration Perspective in the United Nations Convention Against Transnational Organized Crime*, (Jakarta: Perum Percetakan Negara Republik Indonesia, 2007), p. 1.

⁴ M. Imam Santoso, *Immigration Perspective in Economic Development and National Resilience*, (Jakarta: UI Press, 2004), pp. 2-4.

⁵ "Harmonization of Immigration Law within the AEC Framework 2015," accessed Nov 24, 2025, from https://www.academia.edu/Harmonisasi_Hukum_Keimigrasian_dalam_Kerangka_MEA_2015.

⁶ "Mataram Immigration Depots Bulgarian National for Skimming Crimes," accessed Dec 21, 2025, from <https://www.imigrasi.go.id/berita/2021/07/26/imigrasi-mataram-deportasi-wn-bulgaria-pelaku-kejahatan-skimming>

⁷ Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: Citra Aditya Bakti, 2004), p. 154.

various statutory regulations related to the issues formulated in this study.

- **Socio-Legal Approach:** This method views the law not merely as a series of articles or written texts (*law in books*), but also analyzes how the law functions within society (*law in action*).

The data collection techniques employed by the author include primary data collection through field research, conducted via interviews. Secondary data is gathered through literary studies and the collection of documents relevant to the research problem, including materials sourced from official websites.

Data analysis is a critical process in providing answers to the research questions. This study utilizes descriptive-qualitative analysis. Data obtained through both field and literary research are processed and presented as a series of descriptive narratives to provide a clear overview of the subject matter. These findings are then analyzed to draw comprehensive conclusions regarding the issues under investigation.

3. Discussion

3.1. Implementation of Law Enforcement by Immigration Authorities Against Foreign Nationals Misusing Visas on Arrival

According to the legal expert Soerjono Soekanto, the quality of legal compliance is determined by societal factors that influence the law, including the role of law enforcement. High levels of compliance indicate that the legal system is functioning effectively. Law enforcement itself is a process of translating legal aspirations into reality aspirations which represent the intentions of the legislature as formulated within legal regulations.^[8]

Law enforcement is not an isolated activity; it maintains a close, reciprocal relationship with society. Enforcement within a community possesses its own tendencies shaped by the social structure. This structure can act either as a facilitator by providing the social means necessary for enforcement—or as a constraint that hinders the thorough execution of the law.

The legal system adopted and implemented in Indonesia is categorized as modern law. This modernity is evidenced by several key characteristics:^[9]

1. **Requirement for Written Form:** As reflected in the Preamble of the 1945 Constitution, which mandates that Indonesia's national independence be organized within a written Constitution.
2. **Universal Territorial Application:** This principle is derived from the Preamble's mandate to "protect the entire Indonesian nation and all the territory of Indonesia." This aligns with Marc Galanter's theory of modern law, which posits that modern law consists of uniform rules applied without variation. These regulations are territorial rather than personal, meaning the same rules apply to all individuals regardless of ethnicity, religion, region, or gender.

3. Any recognized differences are not based on intrinsic qualities (such as caste or social status) but rather on functions, conditions, and individual achievements within secular life.
4. **Instrument of Political Will:** Law serves as a conscious instrument used to implement the political decisions of society.

These characteristics define the modern legal framework in Indonesia. To achieve effective law enforcement, the process must maintain a reciprocal synergy with society. Soerjono Soekanto explains that the essence of law enforcement lies in harmonizing values established in firm norms with actual conduct, aiming to create, maintain, and defend peace in social coexistence.^[10]

Law enforcement against visa misuse is critical and must be balanced with rigorous supervision standards. Immigration supervision of foreign nationals occurs not only upon entry and exit but also during their stay within Indonesian territory. This supervision ensures that their activities align with the specific permissions granted in their visas. Furthermore, the monitoring of foreigners is conducted collaboratively with other agencies related to immigration traffic.

The juridical foundations for the regulation of foreign national supervision in Indonesia include Law Number 6 of 2011 concerning Immigration, Government Regulation Number 31 of 2013, and various ministerial regulations, including the Regulation of the Minister of Immigration and Correctional Affairs (*Permen Impas*) Number 2 of 2025 concerning Immigration Supervision, and regulations regarding the Foreigner Oversight Team (TIMPORA).

The forms of supervision over foreign nationals are categorized as follows:^[11]

1. **Administrative Supervision:** Oversight conducted through the examination of documents and records, involving data collection and information dissemination, handled either manually or electronically, regarding the traffic and presence of foreigners.
2. **Field Supervision:** Proactive oversight involving monitoring, patrols, and raids to gather information, locate individuals, and secure evidence related to immigration offenses.

To perform supervision effectively and efficiently, immigration authorities must possess high sensitivity toward events that may indicate or contain elements of immigration violations.

Every legal act regulated by written law provides specific mechanisms for resolution. Each regulation defines its own problem-solving process and designates specific enforcement officials. Law enforcement in this context is the administration of law by authorized officials and interested parties in accordance with their respective mandates under the prevailing legal framework. Immigration law enforcement is vital because it is inextricably linked to state sovereignty.

⁸ Soerjono Soekanto, *Efektivikasi Hukum dan Peranan Sanksi* [Legal Effectiveness and the Role of Sanctions], (Bandung: CV. Remadja Karya, 1985).

⁹ *Ibid.*, p. 31.

¹⁰ *Ibid.*

¹¹ *Ibid.*, p. 50.

Through firm enforcement, the integrity and sovereignty of the Republic of Indonesia are respected and upheld by the international community.^[12]

In general, law enforcement against the misuse of a Visa on Arrival (VoA) consists of two primary types: Immigration Administrative Measures and Investigative Actions (*Pro Justicia*).

1. Immigration Administrative Measures

Immigration administrative measures refer to actions or steps taken by authorized immigration officials to address cases involving administrative violations committed by foreign nationals, in accordance with applicable laws. These measures serve as a mechanism to handle statutory violations without proceeding through a formal judicial trial.^[13]

In Law Number 6 of 2011 concerning Immigration, these measures are regulated under Articles 75 through 80. They are imposed on foreign nationals who commit immigration violations within Indonesian territory to uphold the law and safeguard national sovereignty. The Immigration Officer is the authority empowered to impose administrative measures on foreigners whose presence is deemed a threat to public security and order, or who fail to respect and comply with Indonesian laws and regulations. These administrative actions include:

- Inclusion in the prevention (*pencegahan*) or deterrence (*penangkalan*) list;
- Restriction, modification, or revocation of stay permits;
- Prohibition from being in one or several specific locations within Indonesian territory;
- Requirement to reside in a designated location within Indonesian territory;
- Imposition of administrative fees (*overstay fines*);
- Deportation from Indonesian territory.

A recent example of administrative action was carried out by the Mataram Class I Immigration Office against a New Zealand national, Miranda Lee Pearson. The individual was reported for causing a public disturbance in Gili Trawangan, specifically by disrupting a local religious gathering (*pengajian*) in Gili Indah Village, North Lombok. This incident caused tension and sparked a reaction from the local community.

Upon following up on the report, immigration officers from the East Lombok office requested the individual's presence for questioning. The investigation revealed that the individual had overstayed their permit. Based on travel records, the individual entered Indonesia on December 8, 2025, using a Visa on Arrival (VoA), which was valid only for 30 days until January 6, 2026. Consequently, the individual was found to have violated the Minister of Law and Human Rights Decree regarding Visa Classification due to overstaying. Following Article 75, paragraph (1) of Law Number 6 of 2011, the Mataram Class I Immigration Office imposed administrative sanctions in the form of deportation and inclusion on the deterrence list.

2. Pro Justicia Actions

The economic integration of the ASEAN region, through the ASEAN Economic Community (AEC), is a national policy that must be supported to provide benefits for the Indonesian people. This integration has facilitated policies such as the Visa-Free Visit (BVKW) facility for foreigners within the integrated zone.^[14] However, the openness brought by such facilities introduces new challenges, particularly regarding *pro justicia* law enforcement against international human traffic.

Immigration crimes represent the *pro justicia* aspect of law enforcement. Immigration officials at Immigration Checkpoints (TPI) possess the authority to refuse entry to foreigners by marking their passports with a rejection stamp. For foreign nationals involved in criminal cases where there is sufficient evidence of an immigration crime, the case may be brought to court. Immigration authorities are granted investigative powers, which include summoning, arrest, detention, examination, search, and seizure, as well as the preparation of case files for submission to the public prosecutor. This authority is mandated by Law Number 6 of 2011 and the Indonesian Criminal Procedure Code (KUHAP).

Investigation (*Penyidikan*) is regulated under Articles 105 and 106, detention under Article 109, and administrative measures under Article 70. Immigration Civil Servant Investigators (PPNS Keimigrasian) are authorized to:

1. Receive reports regarding immigration crimes;
2. Gather information and evidence;
3. Take initial actions at the crime scene;
4. Prohibit persons from entering or leaving the scene for investigative purposes;
5. Summon, examine, search, arrest, or detain suspects;
6. Detain, examine, and seize travel documents;
7. Stop and check the identity of suspicious persons or suspects;
8. Examine or seize letters, documents, or objects related to immigration crimes;
9. Summon individuals to be heard as suspects or witnesses;
10. Bring in necessary experts for case examination;
11. Conduct searches in specific locations suspected of containing evidence;
12. Take photographs and fingerprints of suspects;
13. Request information from the public or competent sources;
14. Terminate investigations or take other actions according to the law.

In conducting the investigative process, Immigration Civil Servant Investigators (PPNS Keimigrasian) may coordinate with investigators from the National Police of the Republic of Indonesia. Upon completion of the investigation, the PPNS may submit the case files to the Public Prosecutor. The evidence used in immigration criminal cases follows the provisions of the Criminal Procedure Code (KUHAP),

¹² Olyvia Sindiawaty, "Kebijakan Tindak Administratif Keimigrasian dan Urgensi Penerapan di Indonesia" [Immigration Administrative Action Policy and the Urgency of Its Application in Indonesia], *JLBP*, Vol. 2, No. 2, (2020): p. 83.

¹³ Herlin Wijayati, *Hukum Kewarganegaraan dan Keimigrasian* [Citizenship and Immigration Law], (Malang: Bayumedia Publishing, 2022), p. 153.

¹⁴ Abdullah Syariful, *Memperkenalkan Hukum Keimigrasian* [Introducing Immigration Law], (Jakarta: Ghalia, 1993), p. 40.

which includes information spoken, sent, received, or stored electronically. Furthermore, written statements from authorized immigration officials serve as valid evidence in the evidentiary process for immigration crimes.

For immigration offenses as stipulated in Articles 116 and 117, a summary examination procedure (*acara pemeriksaan singkat*) is applied in accordance with the Criminal Procedure Code. The PPNS Keimigrasian hands over the suspect and evidence to the public prosecutor, accompanied by records of the immigration crimes alleged against the suspect.

Article 116 states:

"Any foreigner who fails to perform their obligations as referred to in Article 71 shall be punished with a maximum imprisonment of 3 (three) months or a maximum fine of Rp25,000,000 (twenty-five million rupiah)."

Article 117 states:

"Any owner or manager of a lodging facility who fails to provide information or data regarding foreigners staying at their premises upon request by an immigration officer, as referred to in Article 72 paragraph (2), shall be punished with a maximum imprisonment of 3 (three) months or a maximum fine of Rp25,000,000 (twenty-five million rupiah)."

The issue of Immigration *Pro Justitia* has become a focal point for the government following the increased implementation of technology-based services, such as the Integrated Passport Service System (SPPT) or One-Stop Service (OSS).^[15] The positioning of *pro justitia* issues at the forefront aligns with the mandate of Law Number 6 of 2011 concerning Immigration. Beyond administrative removal, immigration is also recognized for its role in investigating criminal offenses. This process is conducted by Immigration Civil Servant Investigators (PASN) within the criminal justice system as governed by the KUHAP. The Immigration Law adopts a "double-track system," utilizing both criminal penalties and administrative measures (*punishment and measurement*).

Immigration law is founded on the Selective Policy principle, which dictates that only foreigners who benefit the welfare of the people, nation, and state and who do not pose a threat to security, order, or state sovereignty based on Pancasila and the 1945 Constitution are granted entry and exit permits. The rising number of illegal immigrant cases highlights the paradox of immigration management in Indonesia. Legally, the criminal justice system requires the integrated cooperation of four components: the police, the prosecutor's office, the courts, and correctional institutions.

However, the handling of major immigration cases is often hindered by local cultural factors. Not all regional officials within the Ministry of Law and Human Rights possess the capacity to trace specific data from countries of origin regarding immigration violators. Foreigners entering Indonesia generally fall into three categories: (1) those who enter procedurally and legally (*clear*); (2) those who enter legally or illegally for specific missions; and (3) those who enter clandestinely without documents, with forged documents, or by bypassing Immigration Checkpoints (TPI). Monitoring this third category is complex; the current intelligence infrastructure at the regional, sub-district, and village levels is limited in its ability to monitor foreign

activities in remote areas, as immigration structures do not yet extend to the lowest administrative levels.

The *Pro Justitia* process for immigration crimes involves fulfilling formal requirements, including the Examination Minutes (BAP), evidence collection, issuance of the Notice of Commencement of Investigation (SPDP), and notification to the National Police (Polri). Once files are complete, they are submitted to the Public Prosecutor via Polri investigators. If evidence is insufficient, files are returned to Immigration. If complete, the case proceeds to prosecution and trial to determine the defendant's guilt. If convicted, the defendant serves their sentence and is subsequently returned to Immigration for deportation. Notably, regarding VoA violations within the jurisdiction of the Mataram Immigration Office as of July 2024, cases have primarily involved overstaying and stay permit misuse, resulting in administrative actions rather than *pro justitia* proceedings.^[16]

The legal perspective on immigration violations has evolved since the Dutch colonial era, where such issues were treated merely as administrative infractions (*overtrading*) punishable by fines. Since the Emergency Law Number 9 of 1953, these violations have been classified as crimes. Under the current Law Number 6 of 2011, actions against immigration violations are divided into two forms:

1. Through Immigration Administrative Measures.
2. Through the Judicial Process, where Immigration Officers are appointed as Civil Servant Investigators (PPNS).

As defined in Article 1 point 31 of Law Number 6 of 2011: *"Immigration Administrative Measures are administrative sanctions imposed by Immigration Officers against Foreigners outside of the judicial process."*

3.2. Constraints and Efforts to Enhance the Effectiveness of Immigration Law Enforcement Against Visa Violations by Foreign Nationals

a. Constraints in Immigration Law Enforcement Against Visa Violations by Foreign Nationals

In practice, the implementation of any policy often encounters various obstacles that can affect the effectiveness of established regulations. When analyzed through the lens of legal effectiveness theory, these constraints can be identified based on five primary factors that determine the optimal application of law: legal substance, law enforcement apparatus, legal culture, supporting facilities, and the role of the community in either supporting or hindering enforcement.

A persistent view remains among the public and certain stakeholders that limited stay permit violations are not serious crimes, but merely administrative infractions. This perception weakens support for decisive action by immigration officials and potentially obstructs legal processes that should proceed according to applicable provisions. Therefore, a comprehensive strategy is required to overcome these hurdles, including increasing the capacity of immigration officers, optimizing infrastructure, raising public legal awareness, and strengthening a firmer legal

¹⁵ Directorate General of Immigration, *Lintas Sejarah Imigrasi Indonesia* [The Historical Journey of Indonesian Immigration], (Jakarta: Department of Law and Human Rights, 2005), p. 50.

¹⁶ Lalu Hartadi, *Pelaksanaan Pengawasan Wisatawan Asing Yang Menggunakan Visa Kunjungan Saat Kedatangan (Visa on Arrival)* [Implementation of Supervision of Foreign Tourists Using Visa on Arrival], (University of Mataram, 2015), pp. 57-58.

culture in handling stay permit violations by foreign nationals within the jurisdiction of the Mataram Class I Immigration Office.

Based on an interview with Mr. Radi, a staff officer in the supervision department, the issues frequently occurring in the Mataram Class I Immigration Office's working area are mapped into five categories:^[17]

1. Characteristics of Violations in the Mataram Region

The Mataram working area covers popular tourist destinations for both local and international visitors. Consequently, many foreign tourists misuse the Visa on Arrival (VoA) facility. These foreign nationals often exploit the ease of access to gain profit without fulfilling the required administrative obligations, such as working while on a visa that is strictly intended for tourism and leisure purposes.

In the legal jurisdiction of the Mataram Immigration Office including areas like Senggigi, Gili Trawangan, and Kuta Mandalika the most common trend is foreign nationals entering on Visit Visas (B1/B2) but engaging in commercial activities. Examples include working as water sports instructors, professional photographers, or conducting business management in villas. These actions violate Article 122 letter (a) of the Immigration Law, as they engage in activities inconsistent with the intent and purpose of their granted stay permits.

2. Field Supervision Mechanisms

Supervision is conducted through two primary methods:

- **Administrative Supervision:** Monitoring visa expiration dates through the digital system.
- **Field Supervision:** Executed through *Operasi Jagratarata* (independent operations) or routine operations. The Mataram Immigration Office relies heavily on the Foreigner Oversight Team (TIMPORA), which involves sub-district heads (*Camat*), the Police, and the Military down to the village level to gather information on suspicious activities in remote areas of Lombok.

3. Enforcement and Deportation

When foreign nationals are proven to have violated legal provisions regarding visa misuse, the following steps are taken:

- **Examination (BAP):** Officers secure the passport and request an official statement.
- **Immigration Administrative Measures (TAK):** The most common sanction in Mataram, involving the cancellation of stay permits, deportation, and inclusion on the deterrence (blacklist) list.
- **Pro Justicia:** For severe or repeated violations, cases can be brought to criminal court, carrying a maximum prison sentence of five years.

4. Responsibility of the Guarantor (Sponsor)

Sponsors are fully responsible for the presence and behavior of the foreign nationals they guarantee. If a violation occurs, the sponsor may face sanctions including:

- Administrative fines.
- Blacklisting, where the sponsor is prohibited from

guaranteeing foreigners for a specific period.

- Imprisonment, if proven to have intentionally provided false information or hidden a foreigner who violated the law.

5. Use of Technology and Services

The Immigration Office currently utilizes technology within its service systems to prevent the entry of foreign nationals who previously had issues with visa misuse, such as biometric integration at airports and seaports.

The primary constraints in the Lombok region often involve geographical access to remote villas in the hills or on small islands. Additionally, there is resistance from certain members of the local community who feel economically benefited by the presence of these foreigners, without realizing the underlying legal risks.

A. Efforts to Enhance the Effectiveness of Immigration Law Enforcement Against Visa Violations by Foreign Nationals

The Mataram Class I Immigration Office has implemented several strategic measures to mitigate the misuse of visit permits by foreign nationals, as follows:^[18]

1. **Direct Field Supervision to Monitor the Presence of Foreign Nationals** Direct field supervision is a primary method employed by the Mataram Class I Immigration Office, involving monitoring, raids, and patrols to gather information and evidence related to immigration crimes. This approach aims to verify the actual activities of foreigners while in Indonesia. Community participation is vital, as local residents often have firsthand knowledge of the presence of foreign nationals in their surroundings. Additionally, the office collaborates with other agencies through the Coordination Team for Monitoring Foreigner Activities, which includes the Department of Education, the Department of Religious Affairs, and the Department of Law and Human Rights.
2. **Participation in Regional Intelligence Community (KOMINDA) Activities** The Regional Intelligence Community is a routine annual activity organized by the local government. Its objective is to synergize cooperation regarding supervision and enforcement among relevant institutions, including the Immigration Office, the National Police (Polri), the State Intelligence Agency (BIN), the Attorney General's Office, and other related departments.
3. **Implementing Socialization Programs for the Public and Foreign Nationals** A lack of legal understanding among foreigners is a frequent cause of visa misuse. Foreign nationals need to understand the laws and regulations of the country they enter. The Mataram Class I Immigration Office plays a pivotal role in providing this information, often facilitated by sponsors such as the Education Office and the Manpower and Transmigration Office. The office also actively responds to community reports regarding the presence of foreigners.
4. **Administrative Supervision** The Mataram Class I Immigration Office conducts administrative oversight by examining documents and records. This involves

¹⁷ Interview with Mr. Radi, Staff Officer at the Supervision Department of the Mataram Class I Immigration Office, Monday, March 30, 2026, 11:00 AM WITA.

¹⁸ Interview with Mr. Radhi, Staff Officer at the Supervision Department of the Mataram Class I Immigration Office, Monday, February 23, 2026, 11:00 AM WITA. (Note: Reference number follows previous sections).

collecting, presenting, and disseminating information both manually and electronically regarding the traffic and presence of foreign nationals.

5. **Increasing Staff Numbers via Merit-Based Recruitment** Expanding the workforce through a merit-based recruitment system is a strategy used to reach geographically challenging areas. By increasing staff capacity, the office can maximize its supervision and enforcement capabilities, particularly in imposing sanctions on violators. This is expected to address the challenges posed by the extensive jurisdiction of the Mataram Class I Immigration Office.
6. **Executing Immigration Actions.** Immigration actions encompass various forms, ranging from deportation, prevention, and deterrence to *pro justitia* proceedings. These actions are considered highly effective in addressing the misuse of visit permits by foreign nationals.

B. Theoretical Analysis of Legal Effectiveness

The effectiveness of immigration law enforcement in Indonesia can be analyzed using Soerjono Soekanto's Theory of Legal Effectiveness, which identifies five determining factors:

- **Legal Substance:** Efforts focus on revising regulations to be more adaptive to modern violations, such as immigration-related cybercrime. Enforcement must be rooted in the *selective policy* principle, ensuring only beneficial foreigners are permitted entry. Furthermore, immigration rules must be harmonized with other sectors, such as labor and investment, to prevent overlapping regulations.
- **Legal Structure (Law Enforcement Apparatus):** This pertains to the competence and professionalism of immigration officers and investigators. Capacity building through training in intelligence and investigation is essential. Moreover, integrity must be upheld by strictly sanctioning officials who abuse their authority, while the use of discretion must remain responsible and accountable.
- **Facilities and Infrastructure:** Effectiveness relies heavily on supporting technology. This includes the implementation of facial recognition, Big Data/AI, and IoT for real-time monitoring. Additionally, adequate immigration detention facilities are required to house violators, especially in border regions.
- **Society and Legal Culture:** Enhancing public participation is key. This involves optimizing TIMPORA (Foreigner Oversight Team) to accelerate information exchange between agencies. Legal awareness must also be raised through socialization, particularly among lodging owners, regarding their obligation to report suspicious foreign activity.

4. Conclusion

Based on the research and discussion regarding law enforcement against the misuse of Visas on Arrival (VoA) at the Mataram Class I Immigration Office, the following conclusions can be drawn:

- **Implementation of Law Enforcement:** Law enforcement against foreign nationals who misuse their VoA is executed through a "selective policy" principle, which ensures that only foreigners who provide benefits

to the nation and do not pose a security threat are permitted entry. In practice, enforcement is divided into two primary categories: Immigration Administrative Measures (TAK) and *Pro Justitia* actions. Administrative measures, such as deportation and inclusion on the deterrence list, are the most frequent sanctions applied in the Mataram jurisdiction. Meanwhile, *pro justitia* actions involve criminal investigations and judicial proceedings for severe or repetitive violations, although these are less common for VoA cases compared to administrative sanctions.

- **Constraints in Enforcement:** Several obstacles hinder the effectiveness of law enforcement, categorized into five determining factors: legal substance, legal structure, facilities, community participation, and legal culture. Specific challenges in Mataram include geographical difficulties in accessing remote tourist villas on small islands and hills. Furthermore, there is a lack of legal awareness among the public and stakeholders who often perceive stay permit violations as minor administrative issues rather than serious legal breaches, sometimes leading to local resistance due to perceived economic benefits from the presence of foreign nationals.
- **Efforts to Enhance Effectiveness:** To optimize enforcement, the Mataram Immigration Office has implemented strategic measures, including direct field supervision (patrols and raids), routine participation in the Regional Intelligence Community (KOMINDA), and the optimization of the Foreigner Oversight Team (TIMPORA). Additionally, the office focuses on digitalizing supervision through biometric systems and e-VoA services, increasing staff capacity through merit-based recruitment, and conducting continuous socialization for both foreign nationals and the local community to improve legal compliance and awareness.

In conclusion, maintaining state sovereignty requires a balanced approach between facilitating tourism through VoA and strictly enforcing immigration regulations to prevent misuse that could jeopardize national security and order.

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