

Misuse of Residence Permits by Foreign Citizens in the Perspective of Law Number 6 of 2011 Concerning Immigration

Trisakti Rizky Amirullah¹, Nur Handayati², Wahyu Prawesthi³

^{1,2,3} Universitas Dr. Soetomo, Indonesia: trisaktirizky1999@gmail.com

ARTICLE INFO

Keywords:

Abuse, Foreign Citizens, Immigration, Immigration Law, Residence Permits.

Article history:

Received 2025-04-11

Revised 2025-07-30

Accepted 2025-09-24

ABSTRACT

The misuse of residence permits by foreign nationals (WNA) in Indonesia is a critical issue that impacts public order and national sovereignty. This study aims to analyze the forms of residence permit abuse by foreign nationals from an immigration law perspective, and the legal actions imposed under Law Number 6 of 2011 concerning Immigration. This study uses a normative legal research type. Normative legal research focuses on the study of legal principles, norms, and applicable laws and regulations. The results show that misuse of residence permits includes overstaying, working without permission, document falsification, and fake marriages. Legal actions include administrative sanctions such as deportation and fines, as well as criminal sanctions for serious violations. Although regulations are adequate, law enforcement is not optimal due to weak inter-agency coordination and a lack of deterrent effect. Therefore, strengthened supervision, firm criminal enforcement, and cross-sectoral cooperation are needed.

This is an open access article under the CC BY SA license.



Corresponding Author:

Trisakti Rizky Amirullah

Universitas Dr. Soetomo, Indonesia: trisaktirizky1999@gmail.com

1. INTRODUCTION

Globalization and advances in transportation and information technology have significantly impacted cross-border mobility. Indonesia, as an archipelagic nation with a strategic geographic location, has become a popular destination for many foreign nationals, whether for tourism, business, education, or employment. However, this ease of access also opens up opportunities for residency permit violations, such as overstaying, illegal work activities, or using visas that are inappropriate for the activities undertaken. Misuse of residency permits has serious legal consequences, as it concerns national sovereignty and the order of immigration administration.

Normatively, the existence of foreigners is regulated in Law Number 6 of 2011 concerning Immigration. One important provision is contained in Article 122 letter a, which states that any foreigner who intentionally misuses or engages in activities inconsistent with the intent and purpose of granting a residence permit can be punished with a maximum of five years' imprisonment and a maximum fine of

Rp500,000,000.00. Thus, immigration law in Indonesia places violations of residence permits not merely as administrative violations, but also as criminal offenses.

However, legal research shows that in practice, residence permit violations are more often resolved through administrative mechanisms, such as deportation and detention, rather than through criminal law enforcement. Limited human resources and budget are the main reasons why criminal channels are rarely used. In many cases, authorities prefer deportation because it is considered faster and requires less lengthy legal proceedings. This situation raises questions about the effectiveness of law enforcement and the alignment between legal norms and practice on the ground (Rio Meliala, 2025).

Misuse of residence permits violates the principles of legality and state sovereignty. The state has full authority to regulate the entry and stay of foreigners based on applicable legal provisions. If a residence permit is misused, such action can be classified as a violation of the law that threatens public order and national interests. Therefore, laws and regulations must be consistently enforced to avoid creating a legal vacuum or the appearance of discrimination in their application.

Strengthening the immigration system through digitalization is an urgent need, including through the use of the Immigration Management Information System (SIMKIM) and facial recognition technology at Immigration Checkpoints (TPI). Although these technologies are beginning to be implemented, challenges remain in terms of data integration and the ability of officials to utilize the system. This study emphasizes the importance of technological support to strengthen the implementation of immigration norms (Al Kindi et al., 2025).

The application of criminal sanctions against foreign nationals who violate their stay permits remains very minimal compared to the frequency of violations. Therefore, an evaluation of immigration regulations is necessary to ensure that criminal sanctions are not merely symbolic but are truly implemented as a tool for law enforcement and prevention. Harmonization between legal instruments, including the Immigration Law and its implementing regulations, is also crucial to ensure consistent law enforcement (Arga Wijayanto et al., 2023).

From a normative legal perspective, the approaches of state administrative law and criminal law are relevant. Administrative law regulates the relationship between the state and individuals, including foreigners, while criminal law legitimizes the state to impose sanctions for violations of imperative norms. Misuse of a residence permit can be interpreted as a deviation from the administrative rights granted by the state, thus subject to administrative and criminal sanctions in accordance with the principle of *lex specialis derogat legi generali*.

The distinction between *das sollen* (the ideal provisions in law) and *das sein* (practices in practice) demonstrates the need for in-depth normative study. Law, as a system of norms, not only contains provisions but also requires instruments for implementation and oversight to prevent these norms from becoming mere "dead law." Therefore, it is important to further analyze whether the legal substance of the Immigration Law is sufficiently robust and how it is implemented to address the phenomenon of residence permit abuse by foreign nationals.

Against this backdrop, the urgency of normative legal research is increasingly apparent. This research does not aim to measure empirical practices, but rather to explore, examine, and analyze applicable positive legal norms and relate them to relevant legal principles. The research focuses on Law No. 6 of 2011, Government Regulation No. 48 of 2021, immigration legal doctrine, and the principles of legality, justice, and legal certainty. This research is expected to provide academic contributions in the form of legal recommendations to strengthen immigration law enforcement, particularly in responding to the phenomenon of misuse of residence permits by foreign nationals.

2. METHODS

The research method used in this study is normative legal research, namely research that focuses on the analysis of applicable positive legal norms, legal principles, and relevant legal doctrines. Normative legal research is conducted using a statute approach, a conceptual approach, and a case approach. The research stages begin with identifying legal issues related to the misuse of residence

permits by foreign nationals, then continue with an examination of the provisions contained in Law Number 6 of 2011 concerning Immigration and its implementing regulations, such as Government Regulation Number 48 of 2021, as well as relevant immigration law literature. The research period is carried out from April to August 2025, with a library-based research location at Dr. Soetomo University Surabaya, which provides the necessary primary, secondary, and tertiary legal sources.

The data sources in this study consist of primary legal materials, namely laws and regulations directly related to residence permits and immigration sanctions; secondary legal materials, in the form of textbooks, scientific journals, previous research results, and opinions of legal experts; and tertiary legal materials, in the form of legal encyclopedias, legal dictionaries, and scientific articles that support the analysis. Data were collected through library research using documentation techniques, namely collecting, reviewing, and classifying various relevant legal sources. The analytical technique used is a juridical qualitative analysis, namely interpreting, comparing, and connecting legal norms with practices that occur in the field to find the conformity between *das sollen* and *das sein*. With this technique, it is hoped that a comprehensive picture can be obtained regarding the effectiveness of Indonesian immigration law in tackling the misuse of residence permits by foreign nationals.

3. FINDINGS AND DISCUSSION

Rapidly evolving globalization has led to increased mobility between countries, including the movement of people from one country to another. Indonesia, as an archipelagic nation with a strategic geographic location in Southeast Asia, has become a prime destination for foreign nationals (WNA), whether for tourism, education, employment, investment, or temporary or permanent residence. The presence of foreign nationals in Indonesia certainly brings benefits, such as supporting the growth of the tourism sector, expanding economic and technological cooperation, and enhancing international diplomacy. However, on the other hand, many WNA abuse the residence permits granted by immigration authorities, giving rise to various legal, social, and security issues.

A residence permit is a legal instrument granted by the state to a foreign national as a form of recognition of their right to reside and stay within the sovereign territory of Indonesia for a certain period of time. Law Number 6 of 2011 concerning Immigration has expressly regulated the types of residence permits, application requirements, as well as the obligations and prohibitions for holders. These types of residence permits include a Visit Residence Permit (ITK), a Limited Residence Permit (ITAS), and a Permanent Residence Permit (ITAP), each of which has a different purpose and time limit. In practice, every foreign national residing in Indonesia is obliged to comply with these provisions and use the residence permit in accordance with the purposes approved by the Immigration official.

In reality, many foreign nationals do not comply with the laws and regulations regarding residence permits. The forms of residence permit abuse vary widely, from overstaying (staying beyond the permit period), using visitor visas for work, falsifying visa supporting documents, to manipulative marriages with Indonesian citizens in order to obtain permanent residence permits. In some cases, residence permit abuse has even led to the involvement of foreign nationals in criminal acts, such as narcotics, online fraud, human trafficking, and subversive activities that endanger national security. This situation demonstrates that residence permit abuse is not only an administrative violation but can also pose a serious threat to the sovereignty of law and order in Indonesia.

The phenomenon of residence permit abuse by foreign nationals requires serious attention, given its far-reaching impact. Besides potentially triggering social conflict between local residents and foreign nationals, such abuse also undermines the credibility of Indonesia's immigration system internationally. Therefore, a thorough understanding of the various forms of residence permit abuse is crucial as a basis for formulating effective law enforcement policies and strengthening immigration oversight in the future.

The phenomenon of residence permit abuse is inextricably linked to a number of interrelated factors. One key factor is weak oversight and control of the movement and activities of foreign nationals (WNA) who have obtained residence permits. In some cases, the limited number of immigration

officers, the vast scope of oversight, and the lack of information technology facilities supporting data integration between institutions have resulted in suboptimal monitoring of the presence and activities of foreign nationals in various regions of Indonesia. This, in turn, creates opportunities for certain individuals to exploit the immigration system illegally.

Furthermore, the high level of interest from foreign nationals in Indonesia as a tourism and business destination also contributes to the complexity of managing stay permits. With the introduction of temporary visa-free entry policies for several countries, the number of foreign nationals entering Indonesia has increased significantly each year. While this policy aims to encourage tourism growth and strengthen international cooperation, in practice, it is often abused. Many foreign nationals enter for tourism purposes but then continue to stay illegally, even engaging in activities that violate national laws.

The *modus operandi* for residence permit abuse continues to evolve as foreign nationals become more aware of legal loopholes and receive support from illegal networks providing services for creating fake documents or acting as fictitious sponsors. In some cases, individuals within government agencies are also involved or negligent in verification and oversight. This further undermines the national immigration system, which should be selective, fair, and accountable.

Misuse of residence permits can be categorized into two types of violations: administrative violations and criminal violations. Administrative violations include acts such as overstaying, reporting an incorrect residence address, or changing the purpose of a visit without permission. Meanwhile, criminal violations include document falsification, data misuse, illegal work activities, and involvement in transnational crimes. Law Number 6 of 2011 provides a comprehensive legal framework to regulate and prosecute these violations, including sanctions such as deportation, revocation of residence permits, and imprisonment and fines.

However, the effectiveness of the law is not solely determined by the existence of adequate regulations, but also depends on the ability of law enforcement officials to implement them. Therefore, synergy is needed between relevant agencies such as the Directorate General of Immigration, the National Police, the Indonesian National Armed Forces, the Ministry of Foreign Affairs, and local governments to conduct integrated oversight of foreign national activities. Equally important, the public must also be actively involved as partners in monitoring foreigners, especially in their residential areas, workplaces, and businesses.

Through a balanced preventive and repressive approach, along with regulatory and information technology updates, it is hoped that the abuse of stay permits by foreign nationals (WNA) can be minimized. Fair and consistent law enforcement is key to maintaining the integrity of immigration law and ensuring that all foreigners in Indonesia comply with applicable norms and regulations. This way, the existence of immigration law as a tool to protect national sovereignty can be optimally maintained.

A residence permit is one of the primary instruments in the immigration legal system, serving as a control mechanism for the presence of foreign nationals (WNA) in a country. Generally speaking, a residence permit can be defined as permission granted by a country's government to a foreigner to reside and reside for a specified period of time for a specific purpose and purpose, in accordance with applicable law.

A residence permit is a form of administrative legality granted by the state to foreign nationals after they enter Indonesian territory and undergo inspection by immigration officials at an Immigration Checkpoint (TPI). This legality indicates that the foreign national has met the requirements for temporary or permanent residence in Indonesia and is required to comply with all applicable legal provisions for the duration of the residence permit.

A residence permit is a crucial element of the immigration system, not only regulating who is entitled to reside in Indonesia but also serving as a tool to screen and control the activities of foreign nationals within the country. In practice, a residence permit reflects a country's sovereignty in determining who may reside within its jurisdiction, in what capacity, and for how long.

According to the provisions of Law No. 6 of 2011 concerning Immigration, residence permits for foreign nationals are divided into several types based on the purpose of their visit and the duration of their stay. Generally, residence permits fall into three main categories:

1. Visit Residence Permit (ITK)

An ITK is granted to foreigners coming to Indonesia for short-term purposes, such as tourism, social visits, family visits, cultural activities, short-term training, or non-commercial business purposes. This permit is temporary and valid for a specific period, generally a maximum of 60 days, and can be extended up to a certain period.

An ITK cannot be used to engage in income-generating activities in Indonesia, such as working, starting a business, or engaging in professional activities. Violating the ITK's intended use, such as working on a visitor visa, constitutes misuse of the residence permit, which can result in administrative and criminal sanctions.

2. Limited Stay Permit (ITAS)

An ITAS is granted to foreigners residing in Indonesia for purposes requiring a longer period, such as legal employment, formal education, research, or family reunion. ITAS are valid for 6 months, 1 year, or 2 years and can be extended as needed and according to applicable regulations.

In practice, ITAS are often granted to foreign workers (TKA), foreign students, foreign researchers, or the legal spouses of Indonesian citizens. ITAS is also a prerequisite for applying for a Permanent Stay Permit (ITAP) after a certain period of stay has been fulfilled.

3. Permanent Residence Permit (ITAP)

ITAP is a long-term residence permit granted to foreigners who have fulfilled certain administrative and substantive requirements, including having resided legally in Indonesia for at least five consecutive years with an ITAS, or three consecutive years in the case of a mixed marriage with an Indonesian citizen.

ITAPs are typically granted to foreign investors, company owners, long-term professional workers, or legal spouses of Indonesian citizens. ITAPs last five years and can be automatically renewed as long as the holder has not committed any legal violations.

In addition to the three types of residence permits above, there are also Diplomatic Residence Permits and Service Residence Permits which are intended for officials representing foreign countries and international organizations in accordance with the provisions of international law and bilateral agreements.

The regulation of residence permits in Indonesia is regulated in several interrelated laws and regulations which form the legal basis for implementing immigration policies, namely:

1. Law Number 6 of 2011 concerning Immigration

This law is the primary instrument governing all aspects of immigration in Indonesia, including the granting, denial, revocation, and monitoring of residence permits for foreigners. Article 1, number 25 of the Immigration Law states that a residence permit is a permit granted to a foreigner by an immigration official or foreign official to remain in Indonesian territory.

In subsequent articles, this law also regulates the legal consequences for violating residence permits, ranging from fines and deportation to imprisonment. Articles 122 and 126 specifically regulate sanctions for misuse or falsification of residence permits.

2. Government Regulation Number 31 of 2013 in conjunction with Government Regulation Number 26 of 2016 concerning the Implementation of the Immigration Law

This regulation provides technical details regarding the implementation of the Immigration Law, including procedures for applying for a residence permit, the types of visas that can be converted into ITAS or ITAP, and procedures for examining and supervising residence permit holders.

This PP also regulates provisions related to immigration control, including reporting the whereabouts and changes in residence of foreign nationals, as well as the provision of administrative action by immigration officials.

3. Regulation of the Minister of Law and Human Rights (Permenkumham)

One important Ministerial Regulation is Regulation No. 27 of 2014 concerning the Granting and Rejection of Residence Permits, which provides technical guidelines regarding document requirements, the verification process, service times, and criteria for residence permit rejection. Other Ministerial Regulations, such as Regulation No. 24 of 2016, also regulate the use of electronic visas and the integration of online application data.

4. Directorate General of Immigration Regulations and Technical Circulars

The Directorate General of Immigration, as the technical implementing body, also issues internal regulations in the form of rules and circulars that serve as technical guidelines for immigration officers in the field when granting and monitoring residence permits. These regulations are continuously updated to respond to the dynamics of violations and developments in information technology.

The Residence Permit Regulation has a number of strategic objectives, including: a) Maintaining the sovereignty and security of the state from infiltration, subversive activities, or non-traditional threats; b) Filtering and controlling the influx of foreigners to align with national interests; c) Providing legal certainty for foreigners who wish to reside legally in Indonesia; d) Encouraging international cooperation through regulating the legality of foreigners; e) Optimizing state revenue through the imposition of immigration fees and administrative fines.

According to state administrative law, granting a residence permit is a discretionary administrative action by the government, which must be carried out selectively, transparently, and accountably. Therefore, every residence permit application must be strictly verified, and if violations occur, the state has the authority to take firm action in accordance with applicable law.

Given the complexity of residence permits and the numerous forms of abuse, immigration law plays a crucial role in ensuring that the presence of foreign nationals in Indonesia does not harm national interests. Law enforcement against residence permit violations, both administrative and criminal, is an integral part of the selective immigration policy, which aims to only permit the entry and stay of foreigners who benefit and do not endanger the country.

Therefore, immigration officials must be equipped with adequate authority, an integrated oversight system, and cross-sectoral collaboration with the police, the Indonesian National Armed Forces (TNI), the State Intelligence Agency (BIN), and local agencies. The public is also expected to actively participate by reporting suspected violations by foreign nationals in their area.

The abuse of residence permits by foreign nationals in Indonesia is a serious problem. This practice violates immigration law and has legal, social, security, and economic implications. The following is a detailed description of the most common forms of residence permit abuse in Indonesia, based on their categories, methods, and the legal framework governing them:

1. **Overstaying (Exceeding the Permit Period);** Overstaying is the most common form of residence permit violation committed by foreign nationals. This occurs when the residence permit has expired, but the person concerned remains in Indonesia without renewing it or without a valid legal basis.

Under Article 78 of Law Number 6 of 2011 concerning Immigration, foreign nationals who overstay for more than 60 days may be subject to deportation and detention. Overstays of less than 60 days are subject to an administrative fine of Rp 1,000,000 per day.

Overstays occur for various reasons, ranging from administrative negligence to deliberate attempts to avoid bureaucratic processes or extension fees. In practice, overstaying foreign nationals are often found in tourist destinations such as Bali, Lombok, or Yogyakarta.

2. **Misuse of Visit Visa for Work Activities**

A visitor visa (tourist visa) is intended only for non-commercial activities. However, many foreign nationals use this visa to work illegally, both in the formal and informal sectors. These jobs include yoga instructors, tour guides, photographers, freelancers, or even small businesses like cafes or guesthouses.

This action violates Article 122(a) of the Immigration Law, which states that any foreigner who misuses or engages in activities inconsistent with the intent and purpose of granting a residence

permit can be subject to a maximum prison sentence of five years and a maximum fine of IDR 500 million. This phenomenon is often found in tourist areas and occurs due to suboptimal field supervision and minimal reporting from local communities.

3. Falsification of Supporting Documents for Residence Permit

This form of abuse falls into the serious category of violations because it involves the crime of document falsification. The falsification can include sponsorship letters, marriage certificates, domicile certificates, company recommendation letters, or other documents required for a residence permit.

Article 126 of the Immigration Law stipulates that any person who intentionally provides false data or information to obtain a residence permit can be punished with a maximum of five years' imprisonment or a maximum fine of IDR 500 million.

This method is used by foreign nationals who do not meet the substantive requirements for an ITAS or ITAP but wish to stay in Indonesia longer. In some cases, illegal service syndicates also offer to produce fake documents for foreign nationals for a fee.

4. Manipulative Marriage (Pseudo Marriage)

Many foreign nationals enter into sham or manipulative marriages with Indonesian citizens to obtain limited stay permits (ITAS) or permanent stay permits (ITAP). After obtaining a stay permit, the marriage is not continued, often ending in a quick divorce or without ever actually living together.

Article 63 paragraph (2) of the Immigration Law stipulates that foreign nationals married to Indonesian citizens can be granted limited stay permits. However, this regulation is often misused due to weak verification by relevant officials.

This practice not only violates immigration laws but also violates marriage laws and social morality. In some cases, Indonesian citizens are used as "paid sponsors" for purely administrative purposes, without any legitimate or factual domestic relationship.

5. Illegal Activities by Valid Residence Permit Holders

There are also foreign nationals who hold official residence permits but then misuse them to engage in illegal activities such as: drug trafficking; online fraud (cyber fraud); disguised prostitution; online gambling; and smuggling of goods.

These actions not only constitute immigration violations but also fall under general and specific criminal law. Numerous cases have been uncovered in which foreign nationals operate transnational crime syndicates by exploiting rental properties in major cities like Jakarta, Surabaya, or Batam. A concrete example is a Chinese online fraud syndicate that used visitor visas to operate a fraudulent call center in a luxury apartment in Jakarta.

Fraudulent Refugee or Asylum Seeker Status

Although Indonesia has not ratified the 1951 Refugee Convention, the country continues to provide humanitarian space for foreign nationals with refugee status under the UNHCR mandate. Unfortunately, this status is often abused by foreign nationals who are not in an emergency situation but exploit the loophole to avoid deportation or obtain temporary residence permits. Foreign nationals who abuse their refugee status often change domiciles, work illegally, or even engage in criminal activity. This makes oversight difficult due to limitations in national refugee laws and a lack of facilities and assistance from the UNHCR.

Violation of Domicile and Reporting Provisions

Foreign nationals residing in Indonesia are required to report and state their domicile addresses in accordance with applicable regulations. However, many foreign nationals provide false addresses, move residence without reporting, or rent property illegally. These violations complicate the monitoring process and constitute a form of administrative abuse of their stay permits. In many cases, foreign nationals who commit crimes are often difficult to track due to inaccurate domicile data in the immigration system.

The abuse of residence permits by foreign nationals (WNA) is not an incidental or coincidental event, but rather part of a pattern and practice that is often organized and involves multiple actors. This pattern of abuse can be analyzed from various dimensions, such as the *modus operandi*, the actors involved, and the factors influencing the violations. By understanding this analysis in depth, countermeasures can be implemented in a more targeted and systematic manner.

Patterns of Residence Permit Abuse

The pattern of residence permit abuse by foreign nationals demonstrates a recurring trend that occurs in many regions of Indonesia. Some identifiable patterns include:

1. Systematic and organized abuse

In many cases, residence permit abuse is not carried out individually or spontaneously, but rather systematically, sometimes involving organized crime networks. Examples include syndicates providing fake sponsorship services, forging immigration documents, or providing visas for illegal workers. This indicates gaps in administrative oversight that allow manipulative practices to flourish.

2. Pattern of changing domicile without reporting

Many foreign nationals living in Indonesia move from one region to another without reporting to local immigration officials. This move is usually intended to avoid surveillance or complicate tracking by authorities. This situation indicates that reporting of domicile by foreign nationals is not carried out in a disciplined manner and there is minimal oversight by regional authorities.

3. Changing residence permit status illegally

Some foreign nationals attempt to change their residence permits from visit permits to limited or permanent residence permits without meeting the substantive requirements, such as by falsifying marriage documents or obtaining false employment certificates. These status changes are usually carried out with the assistance of third parties and demonstrate the weakness of the verification system.

4. Using a residence permit as a cover for illegal activities

There are numerous cases where foreign nationals use valid residency permits as a cover for illegal activities, such as opening illegal businesses, dealing drugs, or running online fraud syndicates. In many cases, their presence goes undetected for years before they are caught.

5. Abusing visa-free or visit visa policies

Indonesia offers visa-free or visitor visa policies to several countries to support the tourism sector. However, in practice, these facilities are often exploited by foreign nationals for work, permanent residency, or even criminal activity. This demonstrates that immigration policies are not always accompanied by a strict oversight system.

Factors Causing Abuse of Residence Permits

There are a number of factors that contribute to the misuse of residence permits. These factors can be grouped into two main categories: internal factors (from within the country) and external factors (from abroad/foreign nationals themselves).

1) Internal Factors; These include: a) Weak immigration oversight system; Indonesia's immigration oversight system still faces various challenges, ranging from limited staff, a lack of supporting technology, to weak inter-agency coordination. Many regional immigration offices do not yet have adequate information technology facilities to monitor the movements of foreign nationals in real time. As a result, stay permit violations often go undetected early. b) Lack of officer training and integrity; In several cases, the involvement of immigration officers who accept bribes or are negligent in verifying documents has been found. The lack of training and the uneven quality of immigration human resources across Indonesia also affect the effectiveness of immigration oversight and services. c) Lack of an integrated database between institutions; One of the main obstacles is the lack of good data integration between the Directorate General of Immigration and other agencies, such as the police, local governments, and educational institutions. As a result, the movements or activities of foreign nationals cannot be monitored comprehensively, making it difficult to track perpetrators of violations. d) Lack of community participation; The community is often unaware of their role in supporting the oversight of

foreign nationals. Lack of legal knowledge and sensitivity to the presence of suspicious foreign nationals means that many violations occur without being reported by the local community.

2) External Factors: a) Economic Motivation; Many foreign nationals come to Indonesia for economic reasons, whether to work, start a business, or seek a better life. Indonesia is considered a country with significant economic opportunities, but with less stringent controls compared to developed countries. This encourages foreign nationals to stay longer, even illegally. b) Political crises and conflicts in their countries of origin; Some foreign nationals abuse their refugee or asylum seeker status as a way to stay in Indonesia. Although Indonesia does not fully recognize refugee status under the 1951 Convention, humanitarian practices through the UNHCR still allow asylum seekers to stay temporarily in Indonesia, which is often abused. c) Widespread information and legal loopholes; In the digital era, information on "how to extend a stay permit" illegally or using fake sponsors for a fee is very easy to access. Many blogs, social media groups, and even illegal service agencies offer manipulative assistance to foreign nationals, indicating high levels of abuse through informal channels. d) Lack of deterrent effect; Sanctions for violations of stay permits are often considered to have no deterrent effect. Some foreign nationals are only subject to fines or deportation, without more severe criminal sanctions or deterrence. This has given rise to the perception that Indonesian law is "lax" in monitoring the presence of foreigners.

4. CONCLUSION

Misuse of residence permits by foreign nationals in Indonesia can occur in various forms, such as overstaying, using a visitor visa to work illegally, using forged documents to obtain a residence permit, sham marriages to obtain a limited or permanent residence permit, and violating the purpose of a residence permit, such as engaging in political or economic activities without official permission. These behaviors not only violate immigration law but also impact social order, local economic stability, and national security. From an immigration law perspective, these forms constitute administrative and/or criminal violations as regulated in Law Number 6 of 2011 concerning Immigration and its implementing regulations.

REFERENCES

- Al Kindri, I., Tempasati, D., Almaresas, P., Suryadinata, F., Indasari, L., & Sunara Akbar, R. (2025). Peran Sistem Informasi Keimigrasian dalam Meningkatkan Kepatuhan Izin Tinggal WNA: The Role of Immigration Information Systems in Improving Compliance with Foreign National Residence Permits. *Jurnal Kolaboratif Sains*, 8(6), 3211–3218. <https://doi.org/10.56338/jks.v8i6.7708>
- Arga Wijayanto, D., Hans Agustinus Sihombing, E., & Amri Setyawan, A. (2023). Penegakan Hukum Tindak Pidana Keimigrasian Penyalahgunaan Izin Tinggal: Sebuah Perspektif Kriminologi. *INNOVATIVE: Journal of Social Science Research*, 3, 11347–11362.
- Ernu Widodo, S. (2025). Penerapan Sanksi Administratif bagi WNA yang Melanggar Izin Tinggal di Indonesia. *Pidana*, 19. <https://binapatria.id/index.php/MBI/article/view/1337/1013>
- Hadi, A., & Syahputra, Y. (2020). Penerapan Sanksi Pidana terhadap Warga Negara Asing Pelaku Penyalahgunaan Izin Tinggal. *Jurnal Hukum*, 4(1), 76–87.
- Jatmiko, S., & Hartanto. (2023). Disparitas Penegakan Hukum Keimigrasian Indonesia (Prinsip Hukum Administrasi Negara). *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia*, 2(1), 47–64. <https://doi.org/10.37631/jrkhm.v2i1.17>
- Kresna Wardana, I. G. P. A., Putri, T. S., & Laksono, T. B. (2021). Pengawasan Hukum terhadap Penyalahgunaan Izin Tinggal Terbatas Penanaman Modal Asing. *Ganaya: Jurnal Ilmu Sosial dan Humaniora*, 4(2), 774–795. <https://doi.org/10.37329/ganaya.v4i2.1433>
- Leo Vernandho, D., & Juhana, U. (2024). Penegakan Hukum Keimigrasian terhadap Warga Negara Asing dalam Penyalahgunaan Visa Izin Tinggal yang Melewati Batas Waktu (Overstay) di Wilayah Kota Sukabumi. *Journal of Law and Nation (JOLN)*, 3(4), 966–973.
- Mongilala, A. J., Senewe, E. V. T., & Waha, C. J. J. (2025). Penegakan Hukum Pelanggaran Izin Tinggal

- yang Telah Melewati Batas Waktu oleh Warga Negara Asing di Indonesia Berdasarkan UU Nomor 6 Tahun 2011. *Jurnal Hukum*, 15(2). <https://beritamanado.com/kantor-imigrasi-tahun>
- Monoarfa, K. (2021). Sanksi atas Pelanggaran Izin Tinggal Warga Negara Asing menurut Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian. *Lex et Societatis*, 9(1). <https://doi.org/10.35796/les.v9i1.32057>
- Ni Ketut Yuni Andayani, & Ni Nyoman Sukerti. (n.d.). Tindakan Administratif Keimigrasian terhadap Penyalahgunaan Izin Tinggal Terbatas bagi Tenaga Kerja Asing di Wilayah Bali.
- Nielsen, S.S., Holm, R.K., & Rasmussen, P.O. (2020). Conveyor system with a highly integrated permanent magnet gear and motor. *IEEE Transactions on Industry Applications*, 56(3), 2550-2559.
- Priyambudi, A., & Basri, MH (2023). Optimizing Overall Equipment Effectiveness Using Kepner-Tregoe Decision Analysis: A Case Study of Semi-lean Pumps in Ammonia Plant 2 of PT Pupuk Kalimantan Timur. *European Journal of Business and Management Research*, 8(6), 49-58.
- Qalandy, M. R., & Syahrin, M. A. (2021). Instrumen Penegakan Hukum bagi Tenaga Kerja Asing yang Menyalahgunakan Izin Tinggal Keimigrasian. *JLR – Jurnal Legal Reasoning*, 4(1), 1–16. <https://doi.org/10.35814/jlr.v4i1.2962>
- Rahmadea, A. D., Nahuddin, Y. E., Purwanto, A., & Rifandhana, R. F. (2023). Analisis Yuridis Pertimbangan Hakim dalam Menjatuhkan Putusan terhadap Warga Negara Asing yang Menyalahgunakan Izin Tinggal Kunjungan untuk Bekerja di Indonesia. *Bhirawa Law Journal*, 4(1), 45–59. <https://doi.org/10.26905/blj.v4i1.10341>
- Rio Meliala, P. (2025). Analisis Hukum Peranan Imigrasi Tanjung Balai dalam Penindakan terhadap Orang Asing yang Menyalahgunakan Visa Izin Tinggal di Asahan. *Jurnal Cendekia Ilmiah*, 4(2).
- Shang, M., Zhang, Z., Yin, C., & Li, K. (2024). The development of the fuel saving control strategy for 48 V P0 system: Design and experimental investigation. *Advances in Mechanical Engineering*, 16(1), 16878132231222067.
- Solomashenko, AB, Afanaseva, OL, Shishova, MV, Gulianskii, IE, Sobolnikov, SA, & Petrov, NV (2025). Industrial applications of AR headsets: a review of the devices and experience. *Light: Advanced Manufacturing*, 6, 1-30.
- Tony Mirwanto. (2021). Sistem Hukum Pengawasan Tenaga Kerja Asing terhadap Penyalahgunaan Izin Tinggal Kunjungan untuk Bekerja pada Perusahaan Penanaman Modal Asing di Indonesia.
- Oztemel, E., & Gursev, S. (2020). Literature review of Industry 4.0 and related technologies. *Journal of intelligent manufacturing*, 31(1), 127-182.
- Zhang, M., Zhang, N., Guan, D., Ye, P., Song, K., Pan, X., ... & Cheng, M. (2020). Optimal design and operation of regional multi-energy systems with high renewable penetration considering reliability constraints. *IEEE Access*, 8, 205307-205315.