

# COMPARATIVE STUDY OF INDONESIAN AND MALAYSIAN IMMIGRATION ACTION POLICIES TOWARDS IMMIGRATION PERMIT ABUSE

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## Keywords

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## ABSTRACT

*The era of globalization, driven by advancements in science and information technology, has created a borderless world, transforming human relationships from national to international, and significantly impacting various aspects of human life. Globalization has promoted the movement of people between countries, including Indonesia and Malaysia, affecting the demographics, economy, culture, and social aspects of both countries. In this context, immigration regulations play a crucial role in controlling the flow of people and reflecting a country's legal sovereignty within its territorial boundaries. This study is a normative juridical research focusing on the analysis and comparison of immigration regulations and policies in Indonesia and Malaysia, using a Statutory and Comparative approach. Indonesian immigration policy, regulated in Law Number 6 of 2011 on Immigration, focuses on controlling the flow of people entering and leaving Indonesian territory to maintain state sovereignty. Meanwhile, Malaysian immigration policy, regulated in Malaysian Law Number 155 of 1959/63 on Immigration, covers crucial aspects such as entry and exit requirements, monitoring of foreigners, and law enforcement related to immigration violations. The immigration action policies of Indonesia and Malaysia towards immigration permit abuse have several similarities and differences. Although both countries have similar policies in handling immigration permit abuse, the implementation and law enforcement may differ depending on the specific context and conditions in each country.*

## INTRODUCTION

The current era of globalization encourages a high rate of population displacement around the world, which causes various effects both positive and negative (Musa, 2017). Globalization is a process of interconnection between countries that takes place along with ideological, political, social, and cultural progress. Advances in science and information technology have changed the dynamics of international interaction in various dimensions. This phenomenon has a great impact on the survival of individuals in a country, as it covers various aspects of human life. With the global flow of information and communication technology, countries become as if they are borderless, interdependent and connected to each other. This changes the pattern of human relations from national to international, adhering to international principles and norms. International law gives each country the right and

jurisdiction to regulate cross-border traffic, including the movement of individuals, goods, and activities within its territory (Wahyudin, 2004).

The development of globalization has indeed encouraged the movement of people from one country to another, including from Indonesia to Malaysia and vice versa. This phenomenon has various impacts, both individually and in society. Individually, this move can affect demographics, such as a person's age, gender, education, and work background. For example, someone who moves to another country may get a new job that is different from their previous job, or may continue their education in that country. In terms of society, this movement can also affect the demographics of a country or region. For example, if many young people move from an area, then the demographics of that area will tend to age. Or, if many people with higher education levels are moving, then the average education level in the region may decrease. This move could also affect the economy, culture, and society in both countries. For example, a company in the destination country may gain new workers, while the home country may lose workers. In addition, people who move may bring their culture and values to the new country, which can affect the culture and society of the country (Only, 2021).

In the geographical context, Indonesia, as the largest archipelagic country in the world with about 17 thousand islands and a coastline of 81 thousand kilometers, has abundant resource potential, especially in the maritime sector, and is directly adjacent to ten countries (Setiawan, 2019). However, this wealth and strategic position also attract foreigners to visit with various interests, including the exploitation of natural resources, which can be a threat to the country's sovereignty and trigger increased vigilance and the need for information technology to mitigate these threats (Setiawan, 2019). Supervision of the entry and exit of Foreign Citizens (WNA) is the duty and responsibility of the state in controlling so as not to cause a negative impact on the state, and in this case, Immigration establishes Immigration Intelligence which has the main task and function in the field of immigration supervision by applying intelligence methods and methods (Sari, 2023).

Malaysia, known for its wealth of natural resources and strategic position, attracts many people from different countries, including Indonesia, to come and go. The diversity of natural resources such as palm oil, rubber, and various endemic animal species, as well as its geographical position in the south of the Malacca Peninsula, make Malaysia a center for international shipping and trade. This flow of foreigners has of course had various impacts on Malaysia. Positively, this can enrich the culture and advance the Malaysian economy. However, on the other hand, it can also cause various negative impacts such as social and environmental problems that must be carried out wisely by individuals, communities, and the government of the country.

The security of a country is highly dependent on the security and order of its people. Public security and order are dynamic conditions that are a prerequisite for the implementation of national development to achieve national goals. This condition is characterized by the assurance of security, order, and law enforcement, as well as the creation of peace that supports the community's ability to prevent and overcome all forms of law violations and other disturbances. In this context, immigration regulations play an important role in regulating the traffic of people in and out of a country's territory (Karunia & Hilmy, 2022). Every country has the right to grant permission or prohibit a person from entering or leaving its territory. This reflects the legal sovereignty of a country within its territorial territory. Foreigners entering the territory of a country must submit and obey the laws applicable in that country. There are four important things related to the entry of foreigners into other countries, namely the obligation of the receiving country to grant entry permits, the right of the country to refuse certain groups, the obligation of the country to grant permission with certain conditions, and the right of the country to prohibit all foreigners according to its will.

As the front line in the detection and early warning of threats, state intelligence is required to have reliable, professional, objective, and neutral personnel, as well as act based on facts and data that override personal and factional interests (Married and Lesbian, 2018). Based on Law Number 17 of

2011, intelligence is defined as knowledge, organization, and activities related to the formulation of national policies and strategies, which are based on information analysis for early detection and warning, as well as countermeasures against any threat to national security (Married and Lesbian, 2018). In the immigration function, supervision is an activity mechanism to control and ensure that duties are carried out in accordance with regulations, which include foreigners and locals, related to issues such as falsification and misuse of travel documents, and supervision of foreigners is carried out from their entry, location, and exit from Indonesia, including immigration law enforcement and visa application processes (Hendrawan et al., 2022) (Meganingratna et al., 2021).

International law gives each country the right and authority to exercise its jurisdiction over people, things, and acts that occur in its territory, including formulating rules related to traffic between countries. Public security and order in a country are a prerequisite for the implementation of national development, and to realize this, the rule of law is needed, including regulations related to immigration. Immigration has the authority to supervise the traffic of people in and out of the territory of a country (Mulyawan et al., 2018). Every country has the right to grant permission or prohibit a person from entering or leaving the country, and any foreigner entering the territory of a country will be subject to and obey the laws applicable in that country. There are four important things regarding the entry of foreigners into other countries: a country is obliged to grant permission to all foreigners to enter; a country is obliged to allow the entry of all persons with the right to refuse certain groups; a country is bound to grant permission to foreigners to enter under certain conditions; and a country has the full right to ban all foreigners at its will (Ramdani et al., 2022).

Along with the development of laws and regulations, the term immigration has been officially used by the Indonesian government since March 31, 1992 based on Law of the Republic of Indonesia (RI) Number 9 of 1992 concerning Immigration, which was then replaced by Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration after being valid for 19 years. Immigration is defined in Article 1 number 1 of the Republic of Indonesia Law Number 6 of 2011 as a matter of traffic of people entering or leaving Indonesian territory and its supervision in order to maintain the upholding of state sovereignty. Residence permits, which are permits granted to foreigners to be in Indonesian territory, are often abused, so that there are many cases of misuse of residence permits, and these permits are granted by Immigration Officials or Foreign Service Officials in accordance with the visas that have been granted and have been regulated in the Immigration Law (Rumagit, 2022).

The Directorate General of Immigration plays an important role in the formation of policies related to permits to enter and exit Indonesian territory, as well as the granting of visas and residence permits for foreign citizens, which are closely related to the existence of foreign investors in Indonesia. Foreign investors can be in Indonesia after obtaining an entry permit from the Directorate General of Immigration of Indonesia. In safeguarding the nation's sovereignty and dignity, Immigration has an important role in carrying out checks and supervision on foreigners entering a country, including granting approvals, entry permits, or refusals, as well as enforcing immigration laws for those who violate the rules, such as misuse of visitor visas (Muhlisa & Roisah, 2020). The pattern of illegal migration in Indonesia, especially on the border islands, has an impact on the emergence of transnational and organized crime involving several countries and their legal systems. Data shows an increase in the number of illegal immigrants in Indonesia, which requires serious anticipation and handling from the government (Dhib, 2019). Law enforcement in the field of immigration is carried out through an out-of-court mechanism called immigration administrative action, which is an administrative sanction imposed by immigration officials against foreigners who violate regulations. This authority is given to immigration officials to deal with foreigners who carry out dangerous activities or do not respect the laws and regulations in Indonesia (Ananda et al., 2021).

Based on the description of the background, the study aims to analyze and compare the immigration policies of the two countries, including how Indonesia and Malaysia handle the misuse of immigration residence permits. This study also aims to identify the types of immigration residence

permit abuse, as well as evaluate the effectiveness of immigration measures in preventing and dealing with this problem. In addition, based on these findings and analysis, this study can provide recommendations to improve immigration policies and actions to be more effective.

## **METHODS**

This research is a type of normative juridical research that focuses on the analysis and comparison of existing regulations and policies in Indonesia and Malaysia related to immigration actions, especially against the misuse of immigration residence permits. This study examines and compares the various laws and regulations that apply in the two countries, as well as the enforcement measures and sanctions applied to violations. The purpose of this study is to gain a deeper understanding of how these two countries regulate and handle immigration issues, as well as to provide insights and recommendations for policymakers in the field of immigration. In this study, the Statute Approach is used. The Statute Approach that is examined is how the legal rules are the focus and is the main theme of a research that has the characteristics of Comprehensive, All-inclusive, & Systematic. A Comparative Approach is also used in this study which is carried out by comparing regulations and laws, as well as the application of laws and regulations applicable in the two countries (Indonesia & Malaysia) to cases of misuse of immigration residence permits.

This study uses the Library Research method, where the researcher searches for a theoretical basis related to the research problem. This aims to help researchers get an overview and information from other studies that are the same or related to the problem being studied. The material for this study was obtained from; (1) Primary Legal Materials, which are legal materials that contain and contain norms (rules), basic regulations, legislation, legal materials that have not been codified, jurisprudence, treaties, and legal materials that are still valid from the colonial era; (2) Secondary Legal Materials, which are materials that explain Primary Legal Materials, such as legal research, legal scientific works, and so on; (3) Tertiary Legal Materials, which are materials that provide clues or explanations about Primary and Secondary Legal Materials, for example legal dictionaries, cumulative indexes, and encyclopedias.

This research is a normative legal study whose main focus is the study of both international and national legal instruments, official documents, literature, and previous research results relevant to this study. The method used in collecting data for this research is a document study, where data is collected through literature search to obtain secondary data and theoretical material while studying it. The data obtained from literature research is then analyzed to produce arguments that function as answers to research problems. The analysis was carried out by several methods including descriptive, comparative, evaluative, and argumentative methods, so that an objective analysis of the answers to the problems in this study could be prepared.

## **RESULTS**

### **A. Indonesia's Immigration Policy**

In carrying out immigration functions, the role of the Minister and Immigration Officer is very important. They are on duty at various important points such as Immigration Checkpoints and cross-border posts, maintaining state sovereignty by supervising the traffic of people entering and exiting Indonesian territory. The Director General has great responsibility in compiling and managing the Immigration Management Information System. This system functions as an important means of carrying out immigration functions, both inside and outside the territory of Indonesia. Every individual entering or exiting the territory of Indonesia is required to have a valid and valid Travel Document. For foreigners, they must have a valid and valid Visa, unless otherwise specified under this Act and international treaties. This shows how important the role of Immigration Officials is in conducting checks at Immigration Checkpoints.

The Government of Indonesia has the authority to carry out international cooperation in the field of immigration with other countries and/or with international bodies or organizations. This cooperation can cover a wide range of aspects, including information exchange, law enforcement, and policy development. In addition, the law also includes provisions regarding foreigners staying in Indonesia beyond the time limit specified in their visas, a phenomenon known as "overstay". In this case, action can be taken against the individual, including immigration administrative actions such



as deportation. Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration replaces Law Number 9 of 1992 concerning Immigration. This change reflects the evolution in immigration policies and practices in Indonesia since then. This change is expected to answer all challenges and problems that have not been covered in the previous immigration law, so that the implementation of immigration duties and functions as the gatekeeper of the country can be carried out more professionally.

Although the Immigration Law is the supreme law in the field of immigration, there are several other regulations that are also relevant and must be followed. This includes the 1945 Constitution of the Republic of Indonesia and various applicable government and ministerial regulations. This law is part of a broader legal framework that regulates immigration issues in Indonesia. Therefore, in implementing and understanding immigration law, not only the Immigration Law is a reference, but also other regulations that are interrelated and supportive in its implementation. Foreigners entering Indonesian territory are required to go through an inspection by the Immigration Officer at the Immigration Checkpoint. Immigration officials are in charge of checking the arrival of foreigners from abroad, including checking the completeness of passports and visas. Every foreigner who enters Indonesia will receive selective immigration services and supervision. This selective principle means that only foreigners can provide benefits for the welfare of the people, nation and state of the Republic of Indonesia, and do not endanger security and order, and are not hostile to both the people and the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution which is allowed to enter Indonesian territory.

In order to regulate the traffic of foreigners entering and exiting Indonesian territory, the Government of Indonesia has regulated the principles, service procedures, and supervision as stipulated in Law Number 6 of 2011 concerning Immigration. There are several important principles that need to be considered in the implementation of immigration functions, which are as follows:

1. The principle that Indonesia is a nonimmigrant state: This principle is not intended to restrict or deny the presence of foreigners in Indonesian territory. Rather, this principle aims to limit as much population addition as possible through a citizenship process based on immigration rights.
2. Principle of Selective Policy: Immigration facilities for foreigners must pay attention to their benefits for development efforts and efforts to realize welfare for the Indonesian nation.
3. The principle of balance between welfare (prosperity) and security: This principle emphasizes the balance between supervision, control, and service. Foreigners are guests and must be treated appropriately in legal and social relations. However, this does not reduce the obligation of foreigners as guests to behave reasonably in accordance with their interests, so that the security interests for the community and the state are always carried out reasonably.
4. The principle of the right of movement: Everyone within the territory of the Republic of Indonesia is guaranteed and protected their rights to travel, including the right to communicate, as long as they do not endanger themselves or the special interests of the State.
5. The principle that immigration as part of the implementation of state administration must always run on the general principles of good state administration. In carrying out the immigration function, the Indonesian government also establishes a service system and supervision of the entry and exit of people into and out of Indonesian territory.

## **B. Malaysian Immigration Policy**

Malaysian Law No. 155 of 1959/63 on Immigration applies throughout Malaysia, with the exception of section VII. Although there are no specific details about the content of this part VII (Mahdi, n.d.), the law covers important aspects of immigration supervision, such as entry and exit requirements, surveillance of foreigners, and law enforcement related to immigration violations. Given Malaysia's strategic position in Southeast Asia and its important role in regional migration issues, the law is likely to also include provisions on international cooperation in the field of immigration (Karunia & Hilmy, 2022).

The Director General of Immigration and the Deputy Director General of Immigration are appointed by the Yang di-Pertuan Agong, or the King of Malaysia, for the purpose of implementing this law. This appointment shows how important their role is in the implementation and enforcement of immigration laws in Malaysia. They are responsible for ensuring that all aspects of immigration law, including entry and exit from the country, surveillance of foreigners, and enforcement of immigration violations, are carried out effectively and efficiently.

The Minister is authorized to appoint the Director of Immigration and other senior immigration officers. This appointment is important to ensure the implementation and enforcement of immigration laws in Malaysia. Everyone entering or leaving Malaysia must go through an inspection by immigration officers. These checks aim to ensure compliance with immigration laws and regulations, as well as to maintain the country's security and sovereignty. The Director-General has the authority to prohibit entry, or revoke any Pass or Permit. This shows that the Director-General has significant authority in controlling the entry and exit of people from Malaysia, which is an important part of maintaining the security and sovereignty of the country. In addition, the Director General also has the authority to restrict entry to Malaysia. This means that the Director-General may impose certain restrictions related to the entry of individuals or groups into Malaysia, based on certain considerations in accordance with applicable immigration laws and policies.

An Entry Permit is issued to enter and stay in Malaysia. This permit is an important part of the immigration process, allowing individuals to legally enter and stay in the country for a certain period of time. Immigration officers have the authority to conduct checks on people arriving in Malaysia, either by sea or at authorized airports. These checks aim to ensure compliance with immigration laws and regulations, as well as to maintain the country's security and sovereignty. People living in Malaysia illegally can be deported. This indicates that the Malaysian government has the authority to take legal action against individuals who violate immigration laws, including detention and deportation. Immigration officers have the authority to detain persons ordered for deportation, affirming their important role in immigration law enforcement. Section VII of the Act includes provisions specific to East Malaysia, indicating that there are special considerations or adjustments in the immigration laws applicable in the region, perhaps based on the specific social, economic or political context in East Malaysia.

### **C. Immigration Action Policy of the State of Indonesia on the Misuse of Immigration Residence Permits**

Based on Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration, immigration actions against the abuse of immigration residence permits have several important points. Immigration officials are authorized to carry out Immigration Administrative Actions against Foreigners who are in Indonesian Territory who carry out dangerous activities and should be suspected of endangering security and public order or disrespecting or disobeying laws and regulations. This Immigration Administrative Action can be in the form of inclusion in the list of Prevention or Deterrence; restriction, modification or cancellation of the Residence Permit. This law also covers various other aspects such as entry and exit requirements for Indonesian territory, immigration supervision, and law enforcement related to immigration violations. In addition, the law also includes provisions on international cooperation in the field of immigration, given Indonesia's strategic position in Southeast Asia and its important role in regional migration issues.

Prevention is defined as a temporary prohibition on people from leaving Indonesian Territory based on Immigration reasons or other reasons prescribed by law. This means that the government has the authority to prevent individuals from leaving Indonesian territory if it deems it necessary, either on immigration grounds or other reasons prescribed by law. This prevention is one of the instruments used by the government in controlling the movement of people and ensuring compliance with applicable immigration laws and regulations. Deterrence is defined as a prohibition imposed on foreigners from entering Indonesian Territory on immigration grounds. This means that the Indonesian government has the authority to prevent foreign individuals from entering the country's territory if it deems it necessary, based on immigration grounds. This deterrence is one of the instruments used by the government in controlling the movement of people and ensuring compliance with applicable immigration laws and regulations.

Immigration Administrative Actions are administrative sanctions imposed by Immigration Officials against Foreigners outside of judicial proceedings. These actions can include various forms, such as detention, deportation, or revocation of a residence permit. This action is enacted in response to violations of immigration laws committed by foreigners, such as engaging in activities that are dangerous or reasonably suspected of endangering security and public order, or disrespecting or disobeying laws and regulations. Thus, Immigration Administrative Actions are an important instrument in immigration law enforcement in Indonesia. Human smuggling is defined as an act aimed at seeking profit, either directly or indirectly, for oneself or others, which involves bringing a person or group of people, either organized or unorganized, who does not have the legal right to

enter the territory of Indonesia or leave the territory of Indonesia and/or enter the territory of another country for which the person does not have the right to enter the territory lawfully. This law confirms that human smuggling is an illegal act and can be subject to legal sanctions.

Based on Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration, deportation is defined as a forced act to remove foreigners from Indonesian territory. Deportation is usually carried out after the legal or administrative process has been completed and the person has been declared to have violated immigration laws. Deportation is carried out by immigration officials and is a form of Immigration Administrative Action. Deported Foreigners are usually returned to their home country. This deportation is one of the government's efforts to maintain the country's sovereignty and security from potential threats that may be posed by foreigners who violate immigration laws.

#### **D. Malaysia's Immigration Action Policy on the Misuse of Immigration Residence Permits**

Based on Immigration Act Number 1959/63 (Act 155)n concerning Immigration, misuse of immigration residence permits by foreigners is considered a serious violation of the law. Immigration measures may be imposed against individuals who violate these provisions, including detention, revocation of residence permits, or deportation. This process is usually carried out after the legal or administrative process has been completed and the individual has been declared to have violated immigration law. Misuse of this immigration residence permit can take various forms, such as working without a valid work permit, staying longer than the period allowed by the visa, or using the visa for purposes that are not in accordance with the provisions of the visa. This action aims to maintain the integrity of the immigration system and protect national interests.

The Director-General has the authority to prohibit entry, or revoke any Pass or Permit, as provided in Article 9. This means that the Director-General may take action to prevent certain individuals from entering Malaysia, or revoke their permission to be in the country, if deemed necessary. In addition, the Director-General also has the authority to restrict entry into Malaysia in general, as provided in Article 9A. This means that the Director-General can take measures to limit the number of people allowed to enter the country in certain situations. These two powers give the Director-General significant control over the entry of individuals into Malaysia, and enable them to take the necessary measures to protect the interests and security of the country.

An Entry Permit is a document issued to allow a foreign individual to enter and stay in Malaysia, as stipulated in Article 10. This permit is an important part of the immigration process and must be obtained before a foreign individual can enter the country. However, misuse of the Entry Permit, such as using the permit for purposes not as specified in the permit, or staying longer than the period permitted by the permit, is considered a serious violation of the law. The consequences of this misuse, as provided for in Article 14, may be the revocation of the Entry Permit and related certificates. This cancellation may be made by the Director General and may result in the individual being deported or barred from entering Malaysia in the future.

Foreign nationals who enter or stay in Malaysia illegally may be subject to legal sanctions, including deportation. This is regulated in Articles 15, 31, 32, and 33. These sanctions were imposed as an effort to maintain the integrity of the immigration system and protect national interests. These violations include, but are not limited to, entering without a valid visa, staying longer than the period allowed by the visa, or working without a valid work permit. This deportation sanction is usually carried out after the legal or administrative process has been completed and the foreigner has been declared to have violated immigration law.

Foreign nationals who have been ordered deported may be detained, as provided for in Article 34. This detention is part of the legal and administrative process carried out before deportation. Immigration officers have the authority to detain foreigners ordered for deportation, in accordance with Article 35. This detention is usually carried out in an immigration detention room and aims to ensure that the foreigner does not flee before the deportation process is carried out. During the period of detention, the foreigner is under the supervision of immigration officers, who are responsible for ensuring that legal and administrative processes are followed correctly.

Foreign nationals who return to Malaysia illegally after deportation may be subject to legal sanctions, as stipulated in Article 36. These sanctions were imposed as an effort to maintain the integrity of the immigration system and protect national interests. These violations include, but are not limited to, entering without a valid visa, staying longer than the period allowed by the visa, or working without a valid work permit. This deportation sanction is usually carried out after the legal

or administrative process has been completed and the foreigner has been declared to have violated immigration law. During this process, the foreigner may be detained to ensure that they do not flee before the deportation process takes place.

Falsification or alteration of endorsements or immigration-related documents is a serious violation of the law and is punishable, as provided in Article 55D. These violations include various actions, such as creating, altering, or using false or altered immigration documents, or giving the documents to others. The sanctions imposed can be fines, imprisonment, or both, depending on the severity of the violation and the applicable law. The purpose of these sanctions is to maintain the integrity of the immigration system and prevent the misuse of immigration documents that can damage the security and stability of the country.

#### **E. Comparison of Immigration Action Policies of Indonesia and Malaysia on the Abuse of Immigration Residence Permits**

The Immigration policies of Indonesia and Malaysia have some similarities and differences. Here is a summary of the key points:

##### **1. Indonesia's Immigration Policy**

The Ministry and Immigration Officials have an important role in allowing the entry and exit of foreign nationals into Indonesian territory. The Director General of Immigration is responsible for the Immigration Information Management System, which is essential for immigration functions both inside and outside Indonesia. The Directorate General of Immigration has the authority to carry out international cooperation in handling immigration problems with other countries and/or international bodies. The law includes provisions for foreigners who exceed the visa deadline, with actions that may include immigration administrative measures such as deportation. This law replaces the old immigration law from 1992, reflecting the evolution of immigration policies and practices. In addition to the Immigration Law, there are other rules such as the Constitution of the Republic of Indonesia from 1945 and various government and ministerial regulations that also regulate immigration issues.

##### **2. Malaysia Immigration Policy**

Immigration Law No. 155 of 1959/63 applies throughout Malaysia, with certain exceptions in Part VII. The Director General of Immigration and the Deputy Director General were appointed by the King of Malaysia, demonstrating their important role in the enforcement of immigration laws. The Minister is responsible for appointing the Director of Immigration and other senior immigration officers. The Director-General has the authority to prohibit entry or revoke Passes or Permits, demonstrating great authority in controlling the entry and exit of foreigners from Malaysia. An Entry Permit is issued to enter and stay in Malaysia. Illegal residents can be deported, with immigration officers having the power to detain foreigners ordered to be deported. Section VII of the law includes provisions specific to East Malaysia, indicating possible adjustments to immigration laws based on the specific social, economic or political context in East Malaysia.

##### **3. Indonesia's Action Against the Misuse of Immigration Residence Permits**

Under Law No. 6 of 2011, immigration officers may take Immigration Administrative Measures against foreigners who engage in dangerous activities or are suspected of endangering public safety and order, or those who do not respect or comply with the law. The Directorate General of Immigration or the appointed Immigration Officer has the authority to prevent individuals from leaving Indonesian territory or denying entry of foreigners to Indonesia for immigration reasons. Immigration Administrative Actions can be in the form of detention, deportation, or revocation of residence permits. Human smuggling is considered illegal and punishable. Deportation is a forced act of removing foreigners from Indonesia, usually after the legal or administrative process is completed.

##### **4. Malaysia's Action Against Immigration Residence Permit Misuse**

According to Law No. 155 of 1959/63, the misuse of immigration residence permits by foreigners is considered a serious violation of the law. Immigration action may be taken against individuals who violate these provisions, including detention, revocation of residence permits, or deportation. The Director General has the authority to prohibit the entry or cancellation of the Pass or Permit in accordance with Article 9.

Table 1. Comparison of the Savage Immigration Actions of Indonesia and Malaysia on the Misuse of Immigration Residence Permits



Category	Indonesia	Malaysia
Immigration Policy	<ul style="list-style-type: none"> <li>- The Ministry and Immigration Officials have an important role in allowing cool people to enter and exit individuals.</li> <li>- The Directorate General of Immigration has the authority to carry out international cooperation in handling immigration problems</li> <li>- The law includes provisions for foreigners who exceed the visa deadline.</li> <li>- There are other rules such as the Constitution of the Republic of Indonesia from 1945 and various government and ministerial regulations that also regulate the traffic of people in and out of Indonesian territory.</li> </ul>	<ul style="list-style-type: none"> <li>- Immigration Law No. 155 of 1959/63 applies throughout Malaysia, with certain exceptions in Part VII.</li> <li>- The Director General of Immigration and the Deputy Director General are appointed by the King of Malaysia.</li> <li>- The Minister is responsible for appointing the Director of Immigration and other senior immigration officers.</li> <li>- The Director General has the authority to prohibit entry or cancel Passes or Permits.</li> <li>- An Entry Permit is issued to enter and stay in Malaysia.</li> <li>- Illegal residents can be deported.</li> <li>- Part VII of this law includes provisions specific to East Malaysia.</li> </ul>
Action against Immigration Residence Permit Abuse	<ul style="list-style-type: none"> <li>- Based on Law No. 6 of 2011, immigration officials can take Immigration Administrative Measures against foreigners who engage in dangerous activities.</li> <li>- The Directorate General of Immigration or the designated Immigration Officer has the authority to prevent individuals from leaving Indonesian territory or denying entry to Indonesia for reasons .</li> <li>- Immigration Administrative Actions can be in the form of detention, deportation, or cancellation of residence permits.</li> <li>- Human smuggling is considered illegal and punishable.</li> <li>- Deportation is a forced act to remove foreigners from Indonesia.</li> </ul>	<ul style="list-style-type: none"> <li>- According to Law No. 155 of 1959/63, misuse of a residence permit by a foreigner is considered a serious violation of the law.</li> <li>- Immigration measures may be taken against foreigners who violate these provisions, including detention, revocation of residence permits, or deportation.</li> <li>- The Director General has the authority to prohibit entry or cancel the Pass or Permit in accordance with Article 9.</li> </ul>

## CONCLUSION

Based on the results of this study, it is concluded that Indonesia's immigration policy, which is regulated in Law Number 6 of 2011 concerning Immigration, focuses on monitoring the traffic of people entering and leaving Indonesian territory to maintain the country's sovereignty, with immigration officials playing an important role in carrying out this function. The Director General has the responsibility to develop and manage the Immigration Management Information System, which is an important means of carrying out immigration functions, with every individual entering or exiting Indonesian territory required to have a valid and valid Travel Document. The Indonesian government also has the authority to conduct international cooperation in the field of immigration, including information exchange, law enforcement, and policy development, as well as the handling of foreigners living in Indonesia beyond the time limit specified in their visas, a phenomenon known as "overstay".

Malaysia's immigration policy is regulated in Malaysian Law Number 155 of 1959/63 on Immigration, covering important aspects such as entry and exit requirements, supervision of foreigners, and law enforcement related to immigration violations. The Director General of Immigration and the

Deputy Director General of Immigration, appointed by the King of Malaysia, as well as the Director of Immigration and other senior immigration officers appointed by the Minister, play an important role in the implementation and enforcement of immigration laws in Malaysia. The Director-General has authority in controlling the entry and exit of persons from Malaysia, including the authority to prohibit entry or cancel any Pass or Permit. Entry Permits, which are issued to enter and stay in Malaysia, and checks by immigration officers on people arriving in Malaysia, are integral to this process. The Malaysian government also has the authority to take legal action, such as deportation, against individuals living in Malaysia illegally.

Indonesia's immigration action policy against the misuse of immigration residence permits is regulated in Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration. Immigration officials are authorized to carry out Immigration Administrative Actions against Foreigners who are in Indonesian Territory who carry out dangerous activities and should be suspected of endangering security and public order or disrespecting or disobeying laws and regulations. This action may be in the form of inclusion in the Prevention or Deter list; restriction, modification or cancellation of the Residence Permit. The Director-General has the authority to prohibit entry, or revoke any Pass or Permit. In addition, the Indonesian government has the authority to prevent individuals from leaving Indonesian territory if it deems it necessary, either on immigration grounds or other reasons prescribed by law. People living in Indonesia illegally can be deported, indicating the Indonesian government's authority to take legal action against individuals who violate immigration laws.

Malaysia's immigration action policy against the misuse of immigration residence permits is regulated in Malaysian Law Number 155 of 1959/63 concerning Immigration. Misuse of an immigration residence permit, such as working without a valid work permit, staying longer than the period permitted by the visa, or using the visa for purposes not conforming to those specified in the visa, is considered a serious violation of the law and may be subject to immigration measures such as detention, revocation of the residence permit, or deportation. The Director-General has the authority to prohibit entry, or revoke any Pass or Permit, demonstrating significant control over the entry of individuals into Malaysia. Entry Permits are issued to allow foreign individuals to enter and stay in Malaysia, but misuse of Entry Permits is considered a serious violation of the law. Individuals who enter or stay in Malaysia illegally may be subject to legal sanctions, including deportation, and individuals who have been ordered deported may be detained. Falsification or alteration of endorsements or immigration-related documents is also a serious violation of the law and is punishable.

The immigration policies of Indonesia and Malaysia against the misuse of immigration residence permits have several similarities and differences. In Indonesia, based on Law No. 6 of 2011, immigration officers can take Immigration Administrative Measures against foreigners who engage in dangerous activities or are suspected of endangering public safety and order, or those who do not respect or comply with the law. These actions can be detention, deportation, or revocation of residence permits. On the other hand, in Malaysia, according to Law No. 155 of 1959/63, misuse of an immigration permit by a foreign individual is considered a serious violation of the law and is subject to immigration measures such as detention, revocation of residence permits, or deportation. The Director General has the authority to prohibit entry or cancel any Pass or Permit. While the two countries have similar policies in dealing with immigration visa abuse, their implementation and enforcement may differ depending on the specific context and conditions in each country.

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