

Legal Analysis of Passport Application Efforts by Attaching False Documents as a Requirement for Population Data

Deky Aprian¹, Dr. Bambang Waluyo, SH, MH.²

¹Master of Law Program, Faculty of Law, State University Veteran, Jakarta, Indonesia
deky.aprian28[at]gmail.com

²Lecturer at the Faculty of Law, UPN "Veteran" Jakarta, Indonesia
bwbambangwaluyo[at]gmail.com

Abstract: *In the use of travel documents of the Republic of Indonesia in practice there are still many that are misused by their holders, thus causing a threat to the Indonesian state originating from outside the territory of Indonesia. The purpose of this study was to determine the criminal law enforcement process for attempts to use fake residence documents in the passport application process at the Immigration Office. This research is empirical normative research. A conclusion was reached Immigration law is part of the positive legal rules that exist in Indonesia and is part of state administrative law that runs government in a narrow sense. The essence of immigration itself, is a series of activities in the provision of services and law enforcement as well as safeguarding traffic in and out of people from and into the territory of the Republic of Indonesia, as well as monitoring the presence of foreign nationals in the territory of the Republic of Indonesia The provisions of the Immigration Law confirm that Immigration officials have the right to refuse a person to leave Indonesia's territory in the event that the person does not have a valid travel document and is still valid. Several legal provisions that can be used to ensnare perpetrators of document forgery in making passports, including the provisions of the Criminal Code (KUHP) and legal provisions contained in the immigration laws and regulations.*

Keywords: Passports, Fake Documents, Population Data, Crime

1. Introduction

National defense is one of the important indicators in running the country in realizing the country's goals, maintaining national defense has many obstacles in its implementation. One of the obstacles is that there are many threats that threaten a country, these threats can be in the form of military and non-military. military threats are threats that use armed and organized force, nowadays, non-military threats also appear. In essence, non-military threats are threats that use non-military factors that are considered to have the ability to endanger the sovereignty of the state, the territorial integrity of the country and the safety of the entire nation.¹The non-military threats that can threaten the Indonesian state in this era of globalization are very diverse and have a very big impact on the Indonesian state, threats to a country can come from outside or from within the country itself. One of the non-military threats that could threaten the Indonesian state is in the form of Indonesian travel documents. Travel documents of the Republic of Indonesia are passports of the Republic of Indonesia and travel documents such as passports of the Republic of Indonesia.²Travel documents of the Republic of Indonesia have a role in guaranteeing the rights possessed by travel document holders in traveling between countries. The use of travel documents of the Republic of Indonesia has the potential to pose a threat to the Indonesian state. regarding this matter, threats that can arise from misuse of travel documents of the Republic of Indonesia.

In the use of travel documents of the Republic of Indonesia in practice there are still many that are misused by their holders, thus causing a threat to the Indonesian state originating from outside the territory of Indonesia. Threats originating from abroad have many dimensions, threats with economic dimensions originating from outside the territory of Indonesia are one of the threats that can be caused by the misuse of travel documents of the Republic of Indonesia because considering the liberation of the world economy has made many individuals take advantage of this to dominate the economies of developing countries. Indonesia is one of the countries with a large number of foreign workers, so that in the use of travel documents the Republic of Indonesia is used as a tool to dominate the Indonesian economy, one of which is providing employment opportunities to Indonesian citizens as household assistants in several major countries in Indonesia. world. With many Indonesian citizens interested in becoming Indonesian workers to work abroad, this will further strengthen diplomatic relations between the two countries. The closer diplomatic relations between the two countries make it easier for developed countries to invest in Indonesia and in doing so can threaten the Indonesian economy, because the Indonesian economy has been weakened by the growing development of foreign investment in the country and weakening Indonesian companies themselves because they are losing the market. with foreign companies investing in Indonesia.

Non-military threats originating from within Indonesia are threats in the form of activities that are still in the national scope and have a major impact on a country, travel documents of the Republic of Indonesia are one of the factors that can cause a threat originating from within the country, the issuance of travel documents The Republic of

¹ Jerry Indrawan. 2015. Studi Strategis dan Keamanan. Jakarta: Nadi Pustaka. P. 69.

² Indonesia. Undang-Undang tentang Keimigrasian. UU No. 6 Tahun 2011. LN Tahun 2011 Nomor 52, Pasal 1 angka 15.

Indonesia has the potential to pose a non-military threat to the sovereignty of the Indonesian state. One form of military threat that can be prevented by non-material means is the prevention of terrorism, terrorism is a serious threat that can threaten the sovereignty of the Indonesian state. To strengthen the handling of terrorism, especially after the Bali Bombing, President Megawati's administration formed a special anti-terrorism unit, namely the Counter-Terrorism Desk. This desk was formed based on Presidential Instruction No. 4 of 2002 and is under the coordination of the Coordinating Minister for Political, Legal and Defense and Security Affairs. With this special desk, it is hoped that coordination between stakeholders in countering terrorism, such as the Indonesian National Police (Polri), the Indonesian National Army (TNI), the national intelligence agency, and other government officials can run more effectively.³ Based on this, one of the government officials who have the task of tackling this is immigration, because on average terrorism itself originates from international syndicates. So that immigration has the duty and authority to regulate the traffic of people entering and leaving Indonesia. this is in accordance with what is stated in Law Number 6 of 2011 concerning Immigration Article 1 number 1 Immigration is a matter of traffic of people entering or leaving the Indonesian Territory as well as their supervision in order to maintain the upholding of state sovereignty.⁴ The role played by immigration in preventing the threat of terrorism in Indonesia in the form of issuing travel documents of the Republic of Indonesia to Indonesian citizens is carried out in a professional and optimal manner, and the supervision carried out on foreigners when entering Indonesian territory must be increased and carried out optimally. So that Indonesian citizens do not become members of international terrorism organizations and then cannot carry out acts of terrorism in Indonesia because the lack of equipment is due to the obstruction of international terrorism when they enter Indonesian territory through the Immigration Checkpoint.

How a country will regulate its territory cannot be interfered with by other countries without its consent. This is the territorial principle, which gives every nation (state) the right to determine its own destiny. The legal basis for equality of sovereignty and the position of the State can be found in article 1 paragraph (2) of the Charter of the United Nations regarding the objectives of this organization, namely, to promote friendly relations between nations based on respect for the principle of equal rights and the right of nations to determine his own fate. Article 2 paragraph (1) further states that this United Nations organization is based on the principles of equality of the sovereignty of all its members.

Basically, to ensure that the enforcement of human rights is represented fairly and is not misused as an instrument of

interest, the state must reconstruct its perception of the concept of state sovereignty. The state should no longer adopt the concepts of absolute sovereignty and autarchy as reflected in the Westphalia version of sovereignty, but each country should be more moderate in responding to their country's sovereignty. The terminology of moderate here means in several ways. Each state must view the concept of state sovereignty moderately in the sense that it is not only the culmination point of its power, but also as a determinant factor which becomes the point of consideration of its policy formulation. This applies to both domestic and international level policies. By viewing state sovereignty as a factor of policy determination, a country will be more careful in formulating the level of representation of its policies towards certain substantial human rights values that have been approved by the international community.

Judging from the case of travel document falsification, it is not uncommon for the intention of Passport Falsification or identity falsification to sometimes get support from other parties, and it is also suspected that the support came from the officer himself. And the most frequent cases related to document falsification are about TKI who want to work abroad. Usually they are lured to get a job abroad, but sometimes they fake their identity in order to make it easier for them to go to the destination country for work. For such matters can be subject to passport cancellation regulated in Law No. 6 of 2011 concerning Immigration (Immigration Law) and Government Regulation No. 31 of 2013 concerning Implementing Regulations for the Immigration Law (PP No. 31/2013). However, regarding such acts that have included false information in making a passport, then it could be subject to criminal sanctions as regulated in the Criminal Code (KUHP), namely Article 266 of the Criminal Code and Apart from the Criminal Code, criminal sanctions for providing false information in processing a passport is also regulated in Article 126 letter C of the Immigration Law.

The position and existence of PPNS in the criminal justice system can be seen from the provisions of Article 1 paragraph (1) of the Criminal Procedure Code, which states that investigators are state police officers of the Republic of Indonesia or certain civil servants who are given special authority by law to carry out investigations. In addition, it is stated in the provisions of Article 1 number 11 of Law No.2 of 2002 concerning the police, which are certain civil servant officials who are appointed as investigators and have the authority to carry out criminal investigations within the scope of the law as their respective legal basis. -Each. And it can also be found in the respective laws which are the legal basis for PPNS to carry out investigations. For example in Article 89 of Law Number 15 Year 2001 Concerning Trademarks which confirms that certain Civil Servant Officers at the Directorate General of Intellectual Property Rights are given special authority as investigators as referred to in Law Number 8 of 1981 concerning Criminal Procedure Law, to carry out criminal investigations in the field of Marks.

The application of criminal law is the application of criminal law rules for acts that violate these rules. In a criminal case, the facts or actions committed by the defendant are

³ Leonard Sebastian, "The Indonesian Dilemma: How to Participate in the War on Terror Without Becoming a National Security State", dalam Kumar Ramakhrisna and See Seng Tan (Eds.), After Bali: The Threat of Terrorism in Southeast Asia, (Singapore: Institute of Defence and Strategic Studies, 2003), p. 381.

⁴ Indonesia. Undang-Undang tentang Keimigrasian. UU No. 6 Tahun 2011. LN Tahun 2011 Nomor 52, Pasal 1 angka 1.

determined first, then a suitable sentence is determined for those facts so that by means of interpretation it can be seen whether the result of the defendant's act was subject to criminal sanctions.⁵

The public prosecutor charged the defendant with Article 126 letter A of Law No. 6 of 2011 on Immigration and charged the defendant Cut Cynthiara Alona Binti Teuku Umar alias Synthiara Alona with a 4 (four) month imprisonment reduced while the defendant is in temporary detention with orders that the defendant was still detained, and a fine of Rp. 10,000,000. (Ten million rupiah) subsidiary 2 (two) months imprisonment On the basis of legal facts at the trial as well as evidence and evidence presented at trial, also on the basis of the indictment of the public prosecutor who has fulfilled the elements of Article 126 letter A Law No. 6 concerning Immigration according to the indictment, the judge examining this case decides to have chosen 1 (one) of 3 (three) types of decisions known in the criminal procedure law, namely convictions, acquittal decisions, and decisions free from all lawsuits. Particularly in this case the judge sentenced the defendant named Cut Cynthiara Alona because it was proven legally and convincingly to use a fake Indonesian passport out of Indonesian territory for the purpose of Singapore and returned to Indonesia. Alona, with imprisonment for 3 (three) months and a fine of Rp. 10,000,000, - (ten million rupiah) provided that if the fine is not paid, it will be replaced by imprisonment for 2 (two) months. The verdict handed down by this judge was lighter than what was demanded by the public prosecutor, namely the imprisonment of 4 (four) months was reduced while the defendant was in temporary detention with an order for the defendant to remain detained, and a fine of Rp. 10,000,000. (Ten million rupiah) subsidiary 2 (two) months in prison.⁶

So it can be said that PPNS is an investigator, in addition to a POLRI investigator who has a position and plays an important role in carrying out investigations, in relation to enforcing criminal law. Meanwhile, PPNS has the authority to investigate based on the law which is its legal basis, so that the investigation is limited to the extent that it concerns criminal acts regulated in that law.

Based on the Law as its legal basis, PPNS can be formed within certain government agencies, such as: Customs, Immigration, Forestry, Directorate General of Intellectual Property Rights, and so on. So that when viewed further from an institutional perspective, PPNS is not a subordination of the police agency which is part of the Criminal Justice System. As it is known that the criminal justice system in Indonesia recognizes 5 (five) sub-criminal justice system institutions as the five denominations of law enforcers, namely the Police Agency (Law No.2 of 2002), the Prosecutor's Office (Law No. 49 of 2009 concerning the Second Amendment to Law No. 2 of 1986), Correctional Institutions (Law No. 12 of 1995) and Advocates (Law No. 18 of 2003).

Even though PPNS is given the authority to investigate in accordance with the law which is its legal basis, however,

the existence of PPNS outside the criminal justice subsystem must not interfere with the existing criminal justice system and a provision is needed that regulates how to conduct investigations by PPNS so as not to cause it overlaps with investigations conducted by police investigators, which are part of the criminal justice subsystem.

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Even though PPNS is given the authority to investigate in accordance with the law which is its legal basis, however, the existence of PPNS outside the criminal justice subsystem must not interfere with the existing criminal justice system and a provision is needed that regulates how the investigation is carried out by PPNS so that it does not cause It overlaps with investigations conducted by police investigators, which are part of the criminal justice subsystem. Regarding this, the Criminal Procedure Code regulates how investigations are carried out by PPNS so that investigative authorities do not overlap with police investigators, among others:

- 1) The investigator as referred to in Article 6 paragraph (1) letter b (PPNS) has the authority in accordance with the law which is their respective legal basis and in carrying out their duties is under the coordination and supervision of the investigator as stated in Article 6 paragraph (1) letter a (Police).
- 2) For the purpose of investigations, Police investigators provide instructions to certain civil servant investigators and provide necessary investigative assistance (Article 107 paragraph (1) of the Criminal Procedure Code)
- 3) Certain civil servant investigators must report to Polri investigators about the existence of a criminal act that is being investigated, if a civil servant investigator finds strong evidence to submit the crime to the public prosecutor (Article 107 paragraph (2) KUHAP)

⁵Op. Cit, p.6

⁶Op. Cit, p.8

- 4) If a civil servant investigator has finished carrying out an investigation, the results of the investigation must be submitted to the public prosecutor. The method of submitting the results of these investigations to the public prosecutor is carried out by civil servant investigators through the National Police investigators (Article 107 paragraph (3) of the Criminal Procedure Code)
- 5) If a civil servant investigator stops an investigation that has been reported to the National Police investigator, the termination of the investigation must be notified to the Police investigator and the public prosecutor (Article 109 paragraph (3) KUHAP).

So from these provisions it can be said that PPNS in carrying out their duties as investigators must coordinate with Police investigators before carrying out an investigation so that there is synchronization or unity of understanding and movement and what actions are taken in carrying out investigations and therefore, police investigators must play an active role in providing assistance and guidance to PPNS. In carrying out their duties as investigators. Thus, with the synchronization and supervision of Polri investigators, it is hoped that it will not cause a problem with the existing criminal justice system, namely in relation to police investigators.

2. Problem Identification

Based on the description above, the formulation of the problem of this research is:

- 1) What is the role of immigration law in efforts to apply for a passport by filing forged document requirements?
- 2) How is the Criminal Law Enforcement Process for Efforts to Use Fake Population Documents in the Process of Submitting Passports at the Immigration Office?

3. Literature Review

Previous research aims to obtain comparison and reference material. In addition, to avoid the notion of similarities with this study. So in this literature review the researcher includes the results of previous research as follows:

- 1) Ade Ari Setiawan; *PEMIDANAAN TERHADAP ORANG MEMBERIKAN KETERANGAN PALSU UNTUK MEMPEROLEH PASPOR (Studi Kasus Putusan Nomor 8/Pid.Sus/2019/PN.Pml)*; The results of the research, (1) The form of punishment of a person who provides incorrect information to obtain a passport based on the Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration is included in one of the formulas for criminal acts contained in Article 123 juncto Article 126 letter of the Immigration Law. Provides incorrect information in Decision Number 8 / Pid .Sus / 2019 / PN.Pml, the defendant AAWA as a legal subject (every person) is sentenced to 7 (seven) months imprisonment and a fine of Rp.10,000,000, - (ten million rupiah) provided that the defendant does not pay the fine, then it can be replaced by imprisonment for 1 (one) month. The efforts of the Class II Pemalang Imgrasi Office in preventing criminal acts of providing false information to obtain passports include preventive, repressive, non-litigation efforts, and administrative

sanctions in the form of a suspension of granting a passport application for a period of 6 (six) months. These administrative sanctions also need to be integrated with maximizing the application of criminal sanctions as regulated in the Criminal Code.

- 2) Jerold, Suhaidi & Isnaini; *Upaya Imigrasi dalam Penerapan Sanksi Pidana Terhadap Pengguna Dokumen Perjalanan Palsu*; From the research results that cases of falsification of the Republic of Indonesia Travel Documents (passports), can be classified as four forms of falsification of the Republic of Indonesia Travel Documents (passports): original documents obtained illegally (using false or incorrect data), original documents that have experienced amendments, fully falsified documents (duplications), original documents used by others (Impostors). The articles used in the criminal act of passport forgery are article 119, article 126, article 127, article 129. Countermeasures to prevent falsification of the Republic of Indonesia Travel Documents, such as by: issuing electronic passports (e-passports), processing photos and fingerprints recording applicant data, interview process when the applicant applies for a passport, granting passport security features.

4. Research Methods

The research method used in this research is empirical normative research method. Empirical normative research method is a combination of normative legal approaches with the addition of empirical elements. Empirical normative research methods regarding the implementation of normative legal provisions in action in any particular legal event that occurs in a society.

According to Kelsen, law is a system of norms. Norms are statements that emphasize the "should" or *das sollen* aspects, by including some rules about what to do. Norms are deliberative products and human action. Laws containing general rules serve as guidelines for individuals behaving in society, both in relationships with fellow individuals and in relation to society. These rules become a limitation for society in burdening or taking action against individuals. The existence of these rules and the implementation of these rules creates legal certainty.⁷

5. Results/ Findings

- 1) **The Role of Immigration Law Against Efforts to Apply for Passports by Filing Requirements for False Documents**

Immigration law is part of the positive legal rules that exist in Indonesia as stated by Ngurah Mas Wijaya Kusuma⁸ that immigration law is part of state administrative law that runs government in a narrow sense. The essence of immigration itself, is a series of activities in providing services and law enforcement as well as safeguarding traffic in and out of

⁷*Opcit*, Peter Mahmud Marzuki.

⁸Ngurah Mas Wijaya Kusuma, Pelaksanaan Undang-Undang Nomor 6 Tahun 2011 Tentang Keimigrasian Mengenai Tanggung Jawab Penjamin Atas Keberadaan Dan Kegiatan Orang Asing Di Bali, Jurnal Magister Hukum Udayana, Vol. 7, No. 3 Tahun 2014, p. 6.

people from and into the territory of the Republic of Indonesia, as well as monitoring the presence of foreign citizens in the territory of the Republic of Indonesia, so operationally the role of immigration can be translated into the concept of the Tri Function Immigration. This concept would like to state that the immigration system, both in terms of immigration law culture, immigration law material (legal regulations), immigration law facilities and infrastructure, in its operation must always contain Tri Functions, namely:⁹

- a) Community service function: Is a function of government administration or state administration that reflects the service aspect, and from that aspect immigration is required to provide excellent service in the field of immigration for both Indonesians and foreigners.
- b) Law enforcement function: Upholding all immigration law rules related to the existence of every person who is in the jurisdiction of Indonesia, whether Indonesian citizens or foreigners. Operationally, law enforcement carried out by the Immigration institution also includes refusal to grant entry permits, departure permits, and immigration permits. All of these constitute a form of projectional law enforcement, namely the authority to carry out immigration criminal investigations.
- c) Security function: Immigration functions as the gatekeeper of the country, in the sense that Immigration is the first and last institution in filtering the arrival and departure of people entering and leaving Indonesian territory. Implementation of security functions addressed to foreigners includes:
 - Select each purpose of arrival of foreigners through inspection of visa applications;
 - Cooperating with other state security forces, in particular providing supervision regarding immigration law enforcement;
 - Conducting intelligence operations in the interests of state security;
 - Implement prevention and deterrence.

The Immigration Office is a technical implementation unit in the field of immigration within the Regional Office of the Ministry of Law and Human Rights of the Republic of Indonesia which is under the Head of the Regional Office and must also be responsible to the Head of the Regional Office. As stated in Law number 6 of 2011 article 4 (paragraph 1), that Immigration establishes an Immigration office in a regency, city or sub-district to carry out its functions. Provision of immigration documents, in this case the Travel Documents of the Republic of Indonesia (DPRI), is basically a manifestation of protection of human rights to travel abroad with any purpose and purpose as long as they do not conflict with the provisions of the prevailing laws and regulations. Immigration is obliged to provide Travel Documents of the Republic of Indonesia (DPRI) to every citizen of his country who will travel abroad as long as there are no burdensome things. This obligation is also a manifestation of respect for human rights.

⁹Ahmad Yulianto Ihsan. 2016. "Penegakan Hukum Keimigrasian Menurut Undang-undang Keimigrasian", Artikel Journal of Legal and Policy Studies STIH Iblam.Vol. 2 No. 1 Tahun 2016, p. 12.

The provisions of Article 16 of Law Number 6 Year 2011 concerning Immigration confirm that the Immigration Officer refuses a person to leave Indonesian Territory in the event that the person:

- a) Do not have a valid travel document; and
- b) Required for the purposes of investigation and investigation at the request of the authorized official; or his name is listed in the Prevention list. In addition, the Immigration Officer also has the authority to refuse the Foreigner to leave the Indonesian Territory in the event that the Foreigner still has obligations in Indonesia which must be completed in accordance with the provisions of the laws and regulations.

2) Criminal Law Enforcement Process for Efforts to Use Fake Population Documents in the Process of Submitting Passports at the Immigration Office

Including a false identity in making a passport is an act that is prohibited by law. Several legal provisions that can be used to ensnare the perpetrators of document forgery in making passports, including the provisions of the Criminal Code (KUHP) and the legal provisions contained in the immigration law, namely Law Number 6 Year 2011 concerning Immigration and Regulations. Government Number 31 of 2013 concerning Implementing Regulations for the Immigration Law.

First, the act of entering false information into the passport is an act that can be subject to criminal sanctions as stipulated in Article 266 of the Criminal Code:

- Anyone who orders to include false information in an authentic deed regarding something whose truth must be stated by said deed, with the intention of using or ordering someone else to use the deed as if the statement is in accordance with the truth, will be threatened if the use of said use could cause harm, by punishment maximum imprisonment of seven years.
- Whoever deliberately uses the deed will be punished as if its contents are in accordance with the truth, if because of that use it may cause losses.

In addition, the provisions of Article 126 letter c of Law Number 6 of 2011 concerning Immigration also prohibit the act of entering false identities into making passports. The provisions of the Paal state that: "Anyone who deliberately provides invalid data or information that is not true in order to obtain Travel Documents of the Republic of Indonesia for himself or others, shall be punished with imprisonment of up to 5 (five) years and a maximum fine of Rp. 500,000,000 (five hundred million) Rupiah. "

For passports made using fake identities, apart from being subject to criminal sanctions, the Immigration authorities are also authorized to cancel the passports. The cancellation of passports that use fake identities is based on the reasons as stipulated in Article 64 of Government Regulation Number 31 of 2013, that the cancellation of travel documents of the Republic of Indonesia can be done in the event that:

- a) The travel documents of the Republic of Indonesia were obtained illegally;
- b) the holder provides false or untrue information;

- c) the holder passed away during the passport issuance process;
- d) not taken within 1 (one) month from the date of issue; or errors and damage during the publishing process.

The provisions of Article 64 of Government Regulation Number 31 of 2013 indicate that one of the actions that results in a passport being canceled is if its manufacture uses false information. The information which was falsified in the production could be in the form of information which contained a number of identity cards or documents, namely:

- a) A valid identity card (KTP) or a certificate of moving abroad;
- b) Family card;
- c) Birth certificate,
- d) Marriage certificate or marriage book,
- e) A diploma, or baptism certificate;
- f) Indonesian citizenship certificate for foreigners who obtain Indonesian citizenship through citizenship or submitting a statement to choose citizenship in accordance with the provisions of laws and regulations;
- g) Letter of name change determination from the competent official for those who have changed names; and
- h) Old ordinary passport for those who already have an ordinary passport

Regarding the passport cancellation mechanism, the Immigration Law states that it will be regulated in a Government Regulation, but Article 70 of Government Regulation Number 31 of 2013 states that: "Further provisions regarding technical procedures for application, granting, withdrawal, cancellation, revocation, and replacement of ordinary passports. and travel documents such as passports are regulated by a Ministerial Regulation." Based on the directions from the provisions of the Immigration Law and its Implementing Regulations, the Minister of Law and Human Rights (MENKUMHAM) of the Republic of Indonesia issued Ministerial Regulation Number 8 of 2014 concerning Ordinary Passports and Travel Laksana Passports, which among other things regulates the cancellation of passports which violate the provisions. current regulation.

The provisions of Article 30 of MENKUMHAM Regulation Number 8 of 2014 confirm that in the event of a passport cancellation for reasons of being illegally obtained or the holder providing false or untrue information, then the usual passport holder will be examined and an examination report is made. The official passport inspection report as referred to is carried out by the appointed Immigration Officer within 2 (two) days from the date of receipt of an ordinary Passport cancellation request. The official passport inspection report is submitted to the Head of the local Immigration Office for inspection in order to give a decision to cancel an ordinary passport. The decision to cancel the passport is usually carried out within 1 (one) day from the date of receipt of the examination report. In the event that the Head of the Immigration Office agrees to the cancellation of an ordinary Passport, the Immigration Officer will cut the ordinary Passport and it will be published in the editing report.

Furthermore, the provisions of Article 32 state that in case of cancellation due to the reason the holder has passed away or

because of an error and it was damaged during the issuance process, this will be followed up by making a cancellation report. For ordinary passports that are canceled on the grounds that they are not taken within 1 (one) month from the date of issuance, the applicant can be given an ordinary passport through the procedure for submitting an application for an ordinary passport replacement. Likewise, for ordinary passports that were canceled due to errors and damage during the issuance process, the person concerned is immediately given an ordinary passport without going through the application submission procedure.

In the case of an ordinary passport that is canceled on the grounds that it was obtained illegally or the holder provides false or untrue information, the provisions of Article 33 of MENKUMHAM Regulation Number 8 of 2014 confirm that the Head of the local Immigration Office can order the Immigration Civil Servant Investigator to carry out an investigation of the applicant. The investigation order as referred to is contained in the cancellation decision letter. The development of the investigation process as referred to, is reported to the Minister through the Director General of Immigration and included in the Immigration Management Information System.

Then based on Article 17 of the Government Regulation of the Republic of Indonesia Number 92 of 2015 concerning the Second Amendment to Government Regulation of the Republic of Indonesia Number 27 of 1983 concerning Implementation of the Criminal Procedure Code, Investigations according to the special provisions of criminal procedure as referred to in certain laws as referred to in Article 284 paragraph (2) KUHAP is implemented by investigators, prosecutors and other authorized investigating officials based on statutory regulations.

When it is identified that there is forgery or entering false information in making a passport, then the one who is most responsible both administratively, civil and criminally is the owner of the passport concerned. In addition, the agent who is entrusted with processing the passport also has the potential to take responsibility for the issuance of the passport using false credentials as long as the person concerned deliberately falsifies documents, either personally or through conspiracy with the passport owner. In a number of cases of Indonesian Migrant Workers (TKI) that occurred in NTT, it was pointed out that the employment agency agents tended to manipulate the identity of prospective migrant workers who were employed abroad, including, among others, name, age, domicile address, and so on. Therefore, if it is proven that the employment agency was involved in making passports using a false identity, then they are also criminally responsible.

Then, if the passport applicant is processing a passport for the first time, then his identity is falsified in supporting documents because it is handled by a third party (broker), then the immigration computer network does not matter. Therefore, the immigration office is always careful and scrutinizes the validity of the supporting documents for passports, such as National Identity Cards (KTP), Family Cards (KK), birth certificates / diplomas, and other supporting documents. In practice, there is indeed a third

party who is given an identification card by the Immigration Division of the KUMHAM Regional Office to facilitate passport processing. The person is an agent of the sponsoring company for the passport creation, and if that person is involved in falsifying supporting documents then he or she should be prosecuted.

6. Conclusion

Immigration law is part of the positive legal rules that exist in Indonesia and is part of state administrative law that runs government in a narrow sense. The essence of immigration itself, is a series of activities in the provision of services and law enforcement as well as safeguarding traffic in and out of people from and into the territory of the Republic of Indonesia, as well as monitoring the presence of foreign nationals in the territory of the Republic of Indonesia. The provisions of the Immigration Law confirm that Immigration officials have the right to refuse a person to leave Indonesia's territory in the event that the person does not have a valid travel document and is still valid.

Including a false identity in making a passport is an act that is prohibited by law. Several legal provisions that can be used to ensnare perpetrators of document forgery in making passports, including the provisions of the Criminal Code (KUHP) and legal provisions contained in the immigration laws and regulation

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Author Profile



Deky Aprian, SH¹

Nickname: Deki
Place / date of birth: Jakarta, April 4, 1988
Male gender

Islam
Indonesian citizenship
Marital status
Height / weight: 165 cm / 73 Kg
Address: Perumahan Binong Permai Blok H 6 no 14 Rt 10/15 Kel. Binong Kec. Curug Kab. Tangerang
No. Phone: 081282457788

Background

1994 - 2000: SDN 02 Jatake Tangerang
2000 - 2003: SMPN 1 Tangerang
2003 - 2006: SMAN 8 Tangerang
2007-2011: Bachelor of Laws from Syekh Yusuf Islamic University (UNIS Tangerang)
2017 - 2020: Master of Law, UPN Veteran Jakarta



Prof. Dr. BAMBANG WALUYO, SH, MH.²

Lecturer at the Faculty of Law, UPN "Veteran" Jakarta

1. Biodata

Islam, Marital Status, Rank of Main Attorney (IV / e), Position of Deputy Attorney General for Development, Hobbies in Reading and Sports.

2. Formal Education

SDN graduated in 1969 in Magetan
SMPN graduated in 1972 at Maospati Magetan
SMAN graduated in 1975, at the Faculty of Law, Islamic University of Indonesia Yogyakarta, graduated in 1982
Law and Management Business Institute, Jakarta graduated in 2002
Doctorate, Hasanuddin University Makassar, South Sulawesi, Graduated in 2015

3. HISTORY OF PLACE OF DUTY AND OFFICE:

Young Research Assistant, in 1986
Head of Sub Division of Program Development, in 1987
Adjunct Prosecutor, in 1989 the Head of Report and Distribution at the Center for Research and Development, in 1996
Head of Research, in 1999
General Staff of the Attorney General, in 2003

Head of the Attorney General's Office of Education and Training, in 2004
Head of Civil Service bureau, in 2005
Chief prosecutor for Tinggi Gorontalo, in 2009
Director of Legal Efforts for Pidum Execution and Examination, in 2010
Head of Research and Development Center, in 2010
Head of the Central Java High Prosecutor's Office, in 2011
Head of the Indonesian Prosecutor's Office for Education and Training, in 2012
Junior Attorney General of Development, in 2013

4. HISTORY OF FOREIGN DUTIES:

Drug Diversion Study Tour in Australia, 2010

5. EDUCATION AND TECHNICAL TRAINING:

Hiukum Research Personnel Education, 1983
Pre-Service Training Education, 1984
Attorney Formation Education, 1989
Position Anaisis, 1990
Smuggling Special Attorney Training, 1991

6. EDUCATION AND STRUCTURAL TRAINING:

SPADYA training at the Prosecutor's Education and Training Center, 1994
SPAMEN training at LAN Jakarta, 1997
Leadership Training at LAN Jakarta, 2011
Jakarta National Defense Institute Training, 2013