

Criminal Act Of Travel Document Fraud Reviewed Based On Law Number 6 Year 2011 On Immigration

[¹] Teuku Putra Azis; [²] Muhammad Hatta*; [³] Jumadiah

Faculty of Law, Universitas Malikussaleh, Aceh, Indonesia

Blang Pulo, Lhokseumawe, Aceh 24351

Email: muhammad.hatta@unimal.ac.id

* *Corresponding Author*

Citation: Azis, T.P. et.al., 2022. Criminal Act Of Travel Document Fraud Reviewed Based On Law Number 6 Year 2011 On Immigration. *Int' Journal of Law, Environment, and Natural Resources (INJURENS)*, 2 (1), 1-18.

Academic Editor: M. Yasir Said

Received: 20 June 2022

Revised: 30 June 2022

Accepted: 2 July 2022

Published: 6 July 2022

Publisher's Note: Scholar Center stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



Copyright:

© 2022 by the authors. Submitted for open access publication in International Journal of Law, Environment, and Natural Resources (INJURENS) under the terms and conditions of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 license (CC BY NC SA 4.0). For more information visit (<http://creativecommons.org>).

Abstract: *The crime of document fraud committed by Malaysian foreign nationals is charged with Article 126 letter c and Article 127 of Law Number 6 of 2011 concerning Immigration. The form of immigration crime committed was passport forgery so that the perpetrator was sentenced to 1 year in prison and a fine of IDR 1.000.000. However, the sentence is considered too low so that it does not provide a deterrent effect to the perpetrators of immigration crimes. Supposedly, the judge can decide on a heavier sentence based on the provisions in Article 126 letter c and Article 127 of Law Number 6 of 2011 concerning Immigration.*

Keywords: *Crime, Fraud, Travel Document, Immigration Act*

1. INTRODUCTION

Foreigners who wish to enter the Indonesian territory should have complete travel documents such as passport and visa. All of these administrations will first be verified by the immigration authorities as the gatekeepers for the entry of foreigners into Indonesia (Nugroho, 2017). This is also related to the duties and functions of immigration, one of which is to carry out administrative supervision while at the Immigration Checkpoint (Tempat Pemeriksaan Imigrasi-TPI) and field supervision after going through the data validation process at the TPI.

Every foreign citizen must be able to show their travel documents to the immigration officer in order to be justified in entering the territory of Indonesia (Akbar, 2015). The failure to show them can cause someone to be rejected by the immigration authorities and returned to their country of origin. The requirement for administrative

completeness for foreigners is an order from the laws in force in Indonesia that must be followed and obeyed (Pratama, 2021). This is confirmed in Article 13 of the Immigration Law which stipulates that there are several reasons for immigration to refuse foreigners, for example bringing fake travel documents, having their names on the ban list, not being able to show visas and so on (Ariadno, 2012).

One of the cases handled by the Class II Immigration Office of TPI Lhokseumawe was the case of document falsification by a Malaysian foreign national named Muhammad Imran Bin Abdul Manan. Class II Immigration Office of TPI Lhokseumawe as a technical Implementing Unit under the Ministry of Law and Human Rights of Aceh, carries out its functions and responsibilities in accordance with the mandate of the Immigration Law, where the Immigration Function is part of state government affairs in providing Immigration services, law enforcement, security state, and facilitators of community welfare development.

Although the Class II Immigration Office of TPI Lhokseumawe has carried out its duties, functions and roles in accordance with existing laws and regulations, cases of document falsification such as that of Muhammad Imran Bin Abdul Manan still occur. Criminal acts of document falsification or immigration crimes can harm the Indonesian state and also have a bad impact on the Indonesian immigration system, especially in the jurisdiction of the Class II Immigration Office of TPI Lhokseumawe.

The Immigration Act categorizes falsification of travel documents as a criminal act or crime. Anyone who does it will be dealt with firmly in accordance with the applicable positive law so that the perpetrators can get a deterrent effect from the actions they have done. The Immigration Act provides very strict penalties relating to immigration crimes. This is confirmed in the provisions of Article 126 letter c and Article 127 of the Immigration Law which states that anyone who knowingly provides invalid data or incorrect information to obtain a Travel Document of the Republic of Indonesia for himself or another person shall be punished with imprisonment for a maximum of 5 years and a maximum fine of IDR 500.000.000.000 (five hundred million rupiah)."

Although the law has stipulated the maximum penalty for the crime of counterfeiting travel documents for the Republic of Indonesia, empirical facts still show that there are acts of foreign nationals who commit these crimes irresponsibly. This can be seen in one of the actions of a Malaysian who falsified documents to be able to stay in the Lhokseumawe jurisdiction. The case of a Malaysian citizen by the name of Muhammad Imran Bin Abdul Manan occurred on April 25, 2014 which was alleged to have violated Article 126 Letter (c) of the Immigration Law.

Law enforcement against foreigners who commit criminal acts of forgery is an interesting thing to study from a normative perspective in the Lhokseumawe jurisdiction. This is because despite the threat of punishment for immigration crimes is very heavy, there are still perpetrators who commit these crimes by falsifying documents for entering Indonesian territory. The second thing that is also interesting in this study is that the judge determines the degree of punishment that is classified as light for the perpetrator, which is one year, whereas de jure the judge can only set a

maximum sentence of five years in prison. This study aims to analyze the crime of document falsification in terms of Law no. 6 of 2011 concerning Immigration.

2. METHODS

This research is qualitative by using a legalistic, doctrinal or normative approach. Qualitative research method is used to describe a fact, document and other descriptive information about a phenomenon or problem that occurs in the community (Maanen, 1979; McCracken, 1998). In this study, all facts and laws related to the crime of falsifying travel documents will be reviewed in depth and comprehensively based on Law no. 6 of 2011 concerning Immigration.

The normative approach aims to find, explain, study, analyze and systematically present certain facts, principles, concepts, theories, laws so as to find new knowledge and ideas to be suggested for change or renewal (Rowe, 2009). In a legalistic research approach, there are several types of research approaches, namely the statute approach, legal history (historical approach), case approach and comparative approach (Hatta, 2018; Yaqin, 2007). However, this study only uses a case approach and a statute approach with the aim of reviewing the criminal act of falsifying travel documents based on Law no. 6 of 2011 concerning Immigration.

3. RESULTS AND DISCUSSION

3.1. Crime of Falsification of Travel Documents Based on Law No. 6 of 2011 Concerning Immigration

With regard to the provisions on identity falsification and the provision of false information, the Immigration Law provides very strict sanctions. This is confirmed in Article 126 letter c and Article 127 of the Immigration Law. In the provisions of Article 126 letter c, it is stated that any person who knowingly provides invalid data or incorrect information to obtain a Travel Document of the Republic of Indonesia for himself or for another person shall be sentenced to a maximum imprisonment of 5 (five) years and a maximum fine of IDR 500,000,000,000 (five hundred million rupiah).

Based on these provisions, several things can be understood as follows (Lamintang, 2011):

1. The word whoever, this shows that anyone who intentionally does something prohibited as referred to in Article 126 letter c will be subject to punishment. So in this case it is not limited whether the person committing the crime or violation is an Indonesian resident or a foreign citizen. In the absence of these restrictions, it is certain that both foreigners and Indonesians who commit the crime of providing false information can be subject to criminal sanctions. Therefore, falsification of documents or the provision of false information is prohibited and will have consequences in the form of imposing penalties on perpetrators who commit violations.

2. An act intentionally, this shows that the act was intentional or not by someone who is a foreign citizen or an Indonesian citizen. This element is one of the most important elements that must be considered by law enforcement in order to ensnare the perpetrators under the provisions of this Article. In most of the formulations of criminal acts, the element of intent or what is called *opzet* is one of the most important elements. In connection with this intentional element, if in a formulation of a criminal act there is a deliberate act or commonly referred to as *opzettelijk*, then this intentional element dominates or includes all other elements placed behind it and must be proven.
3. Deliberately providing invalid data or incorrect information. This is an element that is also important to pay attention to in order to be able to impose punishment on the perpetrators. So, since at the level of investigation at Immigration, there must first be whether or not there is data or information provided by the perpetrator as false information. It is important to trace the documents or information provided in order to ensure that the action was really carried out irresponsibly. Thus, for the perpetrators, legal action can be taken through litigation or also known as *projusticia* through legal instruments and state tools that have been prepared to settle and decide with legal instruments applicable in Indonesia, both in the form of material law and formal law.
4. Sentenced to a maximum of 5 (five) years and a maximum fine of IDR 500,000,000,000 (five hundred million rupiah)." This provision provides instructions to law enforcement that anyone who commits the crime of falsifying travel documents in the territory of the Republic of Indonesia may be subject to a maximum sentence of 5 years in prison and a maximum fine of IDR 500,000,000 as a consequence of the crime of forgery. This punishment is very strict and clearly stipulated so that it can be a lesson for those who violate it. Law enforcers can choose to prosecute the perpetrator by using two types of punishment, namely physical punishment in the form of imprisonment for the perpetrator and a fine. This is of course closely related to the amount that will be demanded by the public prosecutor and also very dependent on the considerations of the panel of judges who try and decide according to the facts revealed at trial.

According to Ramli Lahay, criminal sanctions given to perpetrators who violate the provisions stipulated in the Immigration Law have the following objectives (Hikmawati, 2016):

- a. To provide a deterrent effect for the perpetrator and as a form of retaliation for the crime he/she committed. In principle, the punishment given to the perpetrator is a reaction from the rule makers to the perpetrator in the form of punishment. This misfortune is intentionally given to the maker of the offense or criminal act by the state as a result of his/her actions.
- b. So that the perpetrator must be responsible for every action and deed. It can be understood that with this action, the perpetrator is expected to be responsible so that the actions he/she does are disturbing people.
- c. In order to have a psychological impact on other people who witnessed the punishment served by the perpetrator. This is actually a very broad goal so that their families who are in their home countries can convey information on the punishment to other people so that they

are more careful in using documents and providing information at the immigration office with the aim of providing self-protection so as not to fall into things that are contrary to the laws and regulations in force in the Republic of Indonesia.

The second legal basis relating to document falsification can be found in the Immigration Law as regulated in Article 127 which states that "Everyone who intentionally and unlawfully keeps a fake or falsified Republic of Indonesia Travel Document with the intention of being used for himself or another person shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 500,000,000,000 (five hundred million rupiah). Based on these provisions, several things can be concluded as follows (Sukartono, 2021):

1. Any person who intentionally, this element becomes the element that determines who commits a crime, whether foreigner or person residing in Indonesia who commits a criminal act as referred to in Article 127 will be threatened with a predetermined penalty. The word is not specifically foreigners or Indonesians, because using the word any person means that anyone who commits a crime can be charged with the punishment as referred to above.
2. Against the law, meaning that the storage of forged documents is carried out against the law or not which is not justified by the rule of law so that the consequences are punished for those who do it. Such unlawful acts can be carried out by native Indonesians or foreigners who are in the territory of Indonesia and can be subject to the threat of punishment that has been regulated by positive law in Indonesia. The public prosecutor when making the indictment needs to prove this unlawful element so that the perpetrator can be punished with the existing punishment.
3. Storing fake or falsified Travel Documents of the Republic of Indonesia, meaning that there is an act that is carried out, namely storing travel documents. Travel documents in this case can be in the form of a passport or visa or other documents which are one of the requirements for a foreigner when entering the Republic of Indonesia. The storage of these documents is prohibited by the legal provisions in force in Indonesia with the aim that these documents are not used as documents for living in the territory of Indonesia.
4. Sentenced to a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 500,000,000.00 means that those who commit a crime by keeping fake documents for the purpose of being used for themselves or others may be threatened with a maximum criminal sentence of 5 years in prison and a maximum fine of Rp. 500,000,000. This provision is the highest limit specified in a legal product. The sentence that will be imposed will depend on the number of demands demanded by the Public Prosecutor and the judge's considerations based on the facts revealed at the trial. Judges who will consider the severity or lightness of a sentence. That's why in the trial there were those who were named with mitigating reasons and some were called as reasons that became the basis for the sentence to be heavier.

Based on the two provisions as described above, it can be understood that in relation to document falsification and providing false information, it is regulated in Article 126 letter c and Article 127 of the Immigration Law. The maximum penalty for

both types of crime is regulated by the same amount, although substantively the forms of criminal acts of the two regulations have different elements that must be met.

Based on the two provisions above, the following table will describe the elements of Article 126 letter c and Article 127 of the Immigration Law as follows:

No	Article	Elements of Crimes	Sentence
1	Article 126 letter c	<ol style="list-style-type: none"> 1. Whoever; 2. Provide invalid data or incorrect information; 3. to obtain a Travel Document of the Republic of Indonesia for him/herself or another person 	Maximum sentence of 5 years in prison or a maximum fine of IDR 500,000,000
2	Article 127	<ol style="list-style-type: none"> 1. Whoever; 2. Falsifying Travel Documents; 3. Making a fake Travel Document of the Republic of Indonesia; 4. With the intention of being used for him/herself or others 	Maximum sentence of 5 years in prison or a maximum fine of IDR 500,000,000

3.2. The Mechanism of Settlement of the Crime of Falsification of Travel Documents

3.2.1. The Litigation Settlement (Projusticia)

In general, the case settlement process in the context of Indonesian society is known by two patterns, namely the litigation pattern and the non-litigation settlement pattern. The pattern of litigation settlement is identical to the settlement of a case using legal instruments provided by the state through the courts (Amarini, 2016). The projusticia process is more directed to law enforcement by using law enforcement in accordance with the duties and functions that have been mandated by the provisions of the legislation.

In the context of resolving immigration criminal cases, litigation is one of the settlement patterns that can be used by immigration law enforcers, be it PPNS in the immigration environment, prosecutors, judges and correctional officers. The pattern of litigation settlement carried out by immigration officers is by using the means of criminal procedural law as the formal law and using criminal law enforcement as a component in its enforcement.

Efforts made by the Class II Immigration Office of Lhokseumawe City against the crime of falsifying documents are by projusticia or law enforcement. In principle, law enforcement is an act of implementing abstract legal provisions contained in every legal product so that its existence can be practically felt by the community (Wahab, 2005).

Meanwhile, Satjtipto Rahardjo, as quoted by Sri Putyatmoko, said that law enforcement is law enforcement oriented to the actual realization of legal desires in empirical reality (Rahardjo, 2010). In the process of law enforcement, of course, it involves various sectors that are related.

The crime that becomes the main focus in this discussion is related to the crime of passport counterfeiting committed by foreigners. As a result of this action, the perpetrator is considered to have violated the provisions of Article 126 and Article 127 letter c of the Immigration Law so that the perpetrator is sentenced for having committed the crime of falsifying immigration documents, in this case is a passport.

Law enforcement against Malaysian foreigners is due to the fact that they have fulfilled the criminal element they did, namely providing incorrect or false information to obtain a passport from the Immigration Office. The method used by the perpetrators in committing the crime of forgery is by applying for a passport to Immigration by using a fake ID card and family card (Kartu Keluarga-KK). Actually, the perpetrator is a Malaysian citizen who lives in the Lhokseumawe jurisdiction with the aim of Learning Qur'an in Dayah.

If analyzed comprehensively, the perpetrators can not only be imposed with the provisions stipulated in the Immigration Law, but the perpetrators can also be imposed with the penalties provided for in the Population Administration Law. This is because the perpetrators use fake ID cards and KK to apply for passports. In the Population Administration Law as regulated in Article 93 which stipulates that any resident who knowingly falsifies letters and/or documents to the Implementing Agency in reporting Population Events and Important Events shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of IDR 50.000.000.000 (fifty million rupiah). This means that the perpetrator has falsified the population data as a condition to apply for a passport so that it can also be charged with this article. However, based on the existing facts, the perpetrators were only charged with the Immigration Law as the focus of this study.

Efforts made by immigration law enforcement in terms of processing the perpetrator's actions are by taking the projusticia method through litigation. The use of this method is also known as a form of crime prevention using repressive means. To take action and enforce the law, the case of the Malaysian citizen was brought to the Lhoksukon District Court. This is because the locus (place) of the case is in the jurisdiction of North Aceh where the perpetrator used to live in Dayah that is located in the jurisdiction of North Aceh.

Before being brought to the District Court as a place for criminal and civil cases to be examined, there are several efforts made by the immigration authorities against the perpetrator of falsifying travel documents as follows:

a. Summons by the Immigration Service

Immigration officials have the authority to summon and ask for information on people suspected of falsifying travel documents to the immigration office with the aim of checking whether or not the crime has been committed. The evidence

obtained by the immigration authorities submitted to the Lhoksukon District Prosecutor's Office is a passport which is the result of a forgery committed by the perpetrator so that the perpetrator must be held accountable for his actions. The passport is used by the perpetrator to enter and leave the country of Indonesia. The investigation process carried out by PPNS continues to coordinate with the police in order to provide security against the detention of the suspect.

- b. Submission of Files to the Lhoksukon District Prosecutor
After the investigation process, the Immigration PPNS submitted the case file to the Public Prosecutor who has the authority in accordance with their respective jurisdictions. In this case, the Lhoksukon District Prosecutor's Office as the institution authorized to delegate the case of falsification of documents to the Lhoksukon District Court.
- c. Delegating the case to the Lhoksukon District Court.
The Lhoksukon Court is a judicial institution authorized to hear and decide cases of document falsification committed by Malaysian foreign national. This is because the perpetrator was in North Aceh, so the Public Prosecutor transferred the case to the Lhoksukon District Court.
- d. Taking into the Correctional Institution
As the end point of the process in the criminal justice system is the correctional institution. In this institution, the perpetrator who was originally a defendant during the case examination process in court changed his status to a prisoner or in other language as an inmate. Through this institution, perpetrator got guidance and coaching to become good human being so that when he leaves prison he will become ordinary person who has good morals.

The case of forgery committed by Foreign Citizen was decided by the Lhoksukon District Court with Number 146/PID.B/2014/PN.LS. Based on the examination of the case at the trial which was conducted openly to the public, the Panel of Judges who tried him had decided with the following verdicts:

- a. Stating that the defendant Muhammad Imran Bin Abd Manan has been legally and convincingly proven guilty of committing a crime. Deliberately using the Travel Document of the Republic of Indonesia in the form of a fake or falsified Passport to enter and exit the territory of Indonesia, as stated by the public prosecutor in the first indictment;
- b. The defendant Muhammad Imran Bin Abd. Manan is therefore sentenced to imprisonment for 1 (one) year and a fine of IDR 1,000,000.00 (One Million Rupiah) provided that if the fine is not paid, then it is replaced with imprisonment for 1 (one) month;
- c. To stipulate that the period of detention of the accused is deducted entirely from the sentence imposed;
- d. Order the accused to remain in custody;
- e. Establish evidence in the form of 1 (one) Indonesian passport Number A5847065 in the name of Muhammad Imran and 1 (one) KTP of Asahan Regency Number:

- 1209090712880002 in the name of Muhammad Imran.
- f. Confiscated or destroyed:
- 1) One Malaysian passport Number A2335893 in the name of Muhammad Imran In Abd Manan
 - 2) Student Identity Card Number: 6212/P/.DH/2012 in the name of Tgk.M.Imran.
 - 3) One Malaysian probationary driving licence , Number: K.P.881207565635 in the name of Muhammad Imran Bin Abd Manan returned to the defendant.
- g. Encumber the defendant to pay court fees of IDR 5,000.00 (Five Thousand Rupiah).

Based on the dictum of the decision as mentioned above, it shows that at the empirical level in the field, the immigration authorities have carried out projusticia legal actions in the form of law enforcement by using the means of the criminal justice system Imposition of criminal sanctions for Malaysian named Muhammad Imran Bin Abd. Manan is one of the concrete evidence of criminal law enforcement carried out by the immigration authorities. The punishment imposed on the perpetrator was because based on the examination at the trial, it was legally proven and convinced that the perpetrator had falsified the passport documents used to enter and exit Indonesian territory by using fake documents.

Examination at the trial panel of judges examines by digging in depth information whether or not the criminal elements as referred to in Article 126 letter c are fulfilled. Based on the examination, the criminal elements that became the main concern of the judge who examined him were the element of intentionally giving false information to obtain travel documents.

The sentencing of the perpetrators has fulfilled and is in accordance with the provisions of the laws and regulations in force in Indonesia. However, the punishment given to the perpetrators is very light, only 1 year and a fine of IDR 1,000,000. The lightness of the sanctions given to the perpetrator may not cause a deterrent effect for him who cause others to do the same in the future because the sentence given is very low.

Even though one of the goals of sentencing is to have a bad impact or a deterrent effect for perpetrators, besides that, it can prevent perpetrators (special prevention) from doing the same thing in the future and have a positive impact on the wider community or also known as general prevention (Wahab, 2005). The law actually legally has the authority to impose a verdict of more than one year against perpetrator who is the Malaysian citizen. This can be seen in the provisions of Article 126 letter c and Article 127 of the Immigration Law.

These two provisions clearly state that the maximum penalty that can be imposed on the perpetrator is 5 years in prison and a maximum fine of IDR 500,000,000. So, the judge may choose to impose a sentence of between five years and below and not more than five years, because if it exceeds five years, it is beyond their authority or what is often known as *ultra petita*. Likewise, the judge can choose a sentence of less than IDR. 500,000,000 to be imposed on the perpetrator.

There is an opportunity for the judge to impose a sentence of 1 year and IDR 1,000,000 because there is no minimum limit in the provisions of Article 126 letter c and Article 127 of the Immigration Law. These provisions only determine the maximum limit that can be imposed by the judge, while the minimum limit is not clearly regulated. The consequence that arises from the absence of this limit is that the judge may choose a sentence of less than one year and can also determine a sentence of less than IDR 1,000,000.

According to the author, this is one of the weaknesses of the Immigration Law which regulates the falsification of travel documents in the territory of Indonesia. While the existence of a higher penalty can influence people not to commit the crime of falsifying immigration documents. By not being given the minimum limit, it can cause the regulation of immigration crimes to not be effective. According to Soekartono, there are several reasons that cause a rule of law to run effectively, which are because of the legal factor, the legal factor being a factor that helps push a rule of law to run effectively (Sukartono, 2021). If the existing rules have not been able to provide a deterrent effect to the perpetrators, it is certain that the same actions will occur in the future. The same practice could have been carried out by other people because a less severe punishment was imposed so that it had not yet had a positive impact on the application of the law. In the context of immigration provisions, it can be said that there are still weaknesses in terms of the regulations that regulate them. The weakness that the author means here is because it only regulates the maximum limit and does not regulate the minimum limit. Therefore, the judge's guide as a law enforcer who has the authority to make a decision is not bound by a minimum limit. Other factors can be caused by infrastructure, law enforcement and the legal culture of the community (Lahay, 2021).

According to Ramli Lahay, dealing with the punishment is actually not the authority of the immigration authorities. Immigration through its officers is only authorized to carry out investigations into cases of falsification of travel documents. The party entitled to make a prosecution comes from the authority of the Public Prosecutor and the sentencing becomes the authority of the judge who hears the case. The second effort made by the immigration authorities against violations of immigration provisions is prevention. Prevention efforts are an initial step taken to prevent violations and crimes from occurring (Arief, 2008).

3.2.2. Administrative Settlement

In addition to legal action in the form of law enforcement against Malaysian foreigner as described above, other actions which are then given to the perpetrator are administrative actions. This effort is a preventive measure. Countermeasures or prevention in the field of immigration are carried out with security measures against immigration documents, so that passports, visas and other immigration documents that have been issued legally and officially are not misused by unauthorized parties.

The immigration authorities have taken two administrative actions against Malaysian foreign perpetrator, first, by entering the name of the perpetrator into the list

of deterrence names. According to Ramli Lahai, adding to this list of deterrence names has a very important role so that the perpetrators cannot return to Indonesia at any time (Lahay, 2021). This is because every time a foreigner enter Indonesia, the immigration officer will see whether or not the person's name is included in the base list. If the identified person is found on the deterrence list, then at that time the immigration authorities will not allow him/her to enter Indonesian territory again. This step is to prevent the perpetrators from re-entering Indonesia because they have committed crimes before.

The second administrative action taken by the immigration authorities against foreigner who falsify their passports is by deporting him to his country of origin (Sukartono, 2021). The perpetrator was not returned to his home country after serving the sentence decided by the Lhoksukon District Court for 1 year in prison and a fine of 1 million rupiah. This means that in the case of forgery, he was only deported, but the perpetrator is required to first serve a prison sentence as determined by the Lhoksukon District Court.

The following are the types of non-litigation actions in immigration related to elements of providing incorrect information in immigration documents, including (Syahrin, 2018):

- a. Administrative actions related to the application and use of immigration documents.
- b. Prevention and deterrence
- c. The requirement to reside in a certain place in the territory of Indonesia
- d. Deportation.

Actions taken against foreigners who are in the territory of Indonesia, when carrying out activities that are dangerous or reasonably suspected to be dangerous for security and public order or do not respect or comply with applicable laws and regulations, administrative actions taken can be in the form of (Anugerah, 2019):

- a. Restriction, change, or cancellation of permission of staying. This is a concrete step that can be taken to prevent the perpetrators from carrying out any activities in the territory of Indonesia. With the limitation of the permit, if the perpetrator is still carrying out the action in the territory of Indonesia, then the status of residence can be considered as an illegal and unconstitutional act and contrary to the applicable law.
- b. Prohibition of being in one or several certain places in the territory of Indonesia;
- c. The need to be in one or several certain places in the territory of Indonesia;
- d. Expulsion or deportation from Indonesian territory or refusal to enter Indonesian territory.

With the increasing practice of counterfeiting crimes committed by foreigners residing in Indonesia, many efforts have been made by Lhokseumawe immigration. What is currently the main focus of Lhokseumawe immigration in overcoming the crime of document falsification is tightening supervision at the TPI. Human resources at immigration are trained carefully and appropriately to analyze data provided by

foreigners or Indonesians as false data or not. So far, the practice of giving false information by people leaving and entering Indonesia is often based on the inaccuracy of officers in checking in detail every information provided (Lahay, 2021). The same thing was revealed by Sukartono where accuracy has a very important role to determine whether a document is fake or not. Sometimes the result of the lack of thoroughness of the officers can lead to foreigners entering Indonesia by providing false information.

To detect false information, what also needs to be done is to look at the suitability of the signatures listed on each document. The officer is required to confirm the data provided by looking at the presence or absence of a different signature (Sukartono, 2021). If a suspicious signature is found, the information will be further deepened regarding the validity of a given administrative document.

In addition to indications of different signatures, forms of document falsification that occur at Immigration also occur in the form of using fake stamps. According to Ramli, the use of fake stamps is because it is easy for someone to have fake stamps made so that they can easily be obtained. Even though related to the use of fake stamps, it also gets important attention in the Immigration Law and provides very strict sanctions to those who do it.

Sanctions that can be imposed on people who use fake stamps are explicitly regulated in Article 129 of the Immigration Law. The provision also provides a maximum penalty of 5 years in prison for people who carry fake stamps to be used on travel documents. The practice of document falsification of any person who intentionally and unlawfully produces, possesses, keeps, or trades a stamp or other means used to ratify the Republic of Indonesia Travel Document or other Immigration Documents.

4. CONCLUSIONS

The regulation of the crime of falsifying travel documents is regulated in Article 126 letter c of the Immigration Law. Violations of these provisions are subject to very strict sanctions, which are threat of 5 years in prison and a maximum fine of IDR 500.000.000 (five hundred million rupiah). This provision combines imprisonment with fines. This severe punishment is intended to prevent the perpetrator from misusing the documents provided. The form of violation committed by foreigner originating from Malaysia is the provision of false information with the aim of obtaining immigration documents so that he can carry out activities within the jurisdiction of the Class II Immigration Office of Lhokseumawe City. Such action is contrary to the Immigration provisions as referred to in Article 126 letter c of the Immigration Law. As a consequence of these actions, immigration officers take legal action through litigation (judicial).

The efforts that have been made by the Class II Immigration Office of Lhokseumawe City against the perpetrators of immigration crimes who violate Article 126 letter c is to use the criminal justice system. The first step is to conduct a comprehensive investigation of whether or not the crime has been committed. This is

done by the Immigration PPNS investigator with the aim of obtaining complete information and evidence so that it can be transferred to the Public Prosecutor. The Public Prosecutor who delegates to the District Court by filing an indictment so that it is examined, tried and decided. Based on the examination conducted by the Lhoksukon District Court, the perpetrator was declared legally and confidently committing a crime of document falsification and providing false information to obtain immigration documents and was sentenced to 1 year in prison and a fine of IDR 1,000,000.

Acknowledgement: " The completion of this publication manuscript cannot be separated from the assistance and support of various parties. I would like to express my deep and sincere gratitude to my research supervisor, especially to Madam Dr. Siti Anisah S.H., M.Hum as the supervisor of the Final Project or Undergraduate Thesis. It is an honor to be given the opportunity for writers to become a student of her guidance because her advice and direction the writer can finish the manuscript of this publication immediately. Hopefully for all the goodness and knowledge given to the writer, she will be given the ease and fluency in carrying out all her affairs and continue to get extraordinary achievements in her life. I am extremely grateful to my parents for their prayers, caring and sacrifices for educating and preparing me for my future. I am very much thankful to my sisters, my friends and all persons for their support and valuable prayers".

Funding: "This research received no external funding".

Conflicts of Interest: The authors declare no conflict of interests

REFERENCES

Books

- Arief, B. N. (2008). *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru*. Kencana.
- Lahay, R. (2021). *Prosedur Pemeriksaan Pelaku Tindak Pidana Imigrasi Lhokseumawe*. Imigrasi Lhokseumawe.
- Lamintang, P. (2011). *Dasar-Dasar Hukum Pidana Indonesia*. Citra Aditya.
- McCracken, G. . (1998). *The Long Inter*
- Rahardjo, S. (2010). *Penegakan Hukum Progresif*. Kompas Media Nusantara.
- Rowe, S. E. (2009). *Legal Research, Legal Analysis, and Legal Writing: Putting Law School into Practice*. SSRN ELibrary, 1193(2000), 1–19.
- Sukartono. (2021). *Peranan Inteldak Imigrasi Lhokseumawe dalam Penanganan Tindak Pidana Imigrasi*. Imigrasi Lhokseumawe.
- Wahab, A. (2005). *Kejahatan Mayantara (Cybercrime)*. Refika Aditama.

Journals

- Akbar, A. R. (2015). Explaining Crimmigration in Indonesia: A Discourse of the Fight Against People Smuggling, Irregular Migration Control, and Symbolic Criminalization. *Indonesia Law Review*, 5(3), 276–290.
- Amarini, I. (2016). Penyelesaian Sengketa Yang Efektif Dan Efisien Melalui Optimalisasi Mediasi di Pengadilan. *Jurnal Kosmik Hukum*, 16(2), 88.

- Anugerah, N. R. (2019). Law Enforcement Efforts Against Immigration Crimes. *JLBP: Journal Of Law And Border Protection*, 1(2), 85–101.
- Ariadno, M. K. (2012). Indonesian Case on Illegal Migrant. *Jurnal Hukum Internasional*, 9(2), 245–278.
- Hatta, M. (2018). The Position of Expert Witnesses in Medical Malpractice Cases in Indonesia. *Al-Ahkam: Jurnal Pemikiran Hukum Islam*, 29(1), 47–72.
- Hikmawati, P. (2016). Pidana Pengawasan Sebagai Pengganti Pidana Bersyarat Menuju Keadilan Restoratif. *Jurnal Ilmu Hukum*, 7(1), 74.
- Maanen, J. Van. (1979). Reclaiming Qualitative Methods for Organizational Research: Preface. *Administrative Science Quarterly*, 24, 520–526.
- view. Sage. Nugroho, O. C. (2017). Penegakan Hukum Terhadap Orang Asing Di Kantor Imigrasi Kelas I Denpasar Dan Kelas I Khusus Bandara I Gusti Ngurah Rai. *De Jure: Jurnal Penelitian Hukum*, 17(2), 231–247.
- Pratama, H. I. (2021). Law Enforcement on Criminal Acts of Abuse of Immigration Stay Permit on Foreign Citizens. *Law Science and Field*, 11(1), 170–175.
- Syahrin, M. A. (2018). The Immigration Crime and Policy: Implementation of PPNS Authorities on Investigation. *JILS (Journal of Indonesian Legal Studies)*, 3(2), 175–194.
- Yaqin, A. (2007). Legal Research and Writting Malaysia. *Malayan Law Journal SDN BHD*, 1, 10.