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IMMIGRATION SANCTIONS AGAINST PUBLIC ORDER VIOLATIONS BY FOREIGN TOURISTS IN INDONESIA

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The Ngurah Rai Immigration Office, Bali has tightened the supervision of foreign nationals since the beginning of 2024 in order to maintain the tourism ecosystem in Bali which is currently recovering after being affected by the COVID-19 pandemic. Based on the data provided by the Bali Regional Office of the Ministry of Law and Human Rights, a total of 340 foreigners were deported during 2023. Furthermore Ngurah Rai Immigration Office states that a total of 37 foreigners have been deported during the first quarter of 2024.

We hereby summarize the types of immigration sanctions on foreigners for public order violations

Immigration sanctions in general

In general, Immigration sanction is regulated in Law No. 6 Year 2011 concerning Immigration. Immigration sanction is defined as an administrative action outside the judicial process.

Article 75 of Law No. 6 Year 2011 regarding Immigration sets out the authorization of Immigration Officers to carry out Immigration Administrative Actions (TAK) against Foreigners in Indonesia who carry out dangerous activities and are reasonably suspected of endangering security and public order, or do not respect or obey laws and regulations.

The Immigration Administrative Actions referred include:

1. Inclusion in the Prevention or Deterrence list;
2. Restrictions, changes or cancellation of Stay Permit;
3. Prohibition from being in one or several certain places in the territory of Indonesia;
4. Requirement to reside in a certain place in the territory of Indonesia;
5. Imposition of burden fees; and/or
6. Deportation from Indonesian territory.

These sanctions are imposed after the results of an inspection by officers.

Type of sanctions

-Foreigners who overstay for less than 60 days shall be given sanctions in the form of a fine of IDR 1,000,000/day. If the foreigner does not pay the fine, he/she will be subject to deportation and detention.

-If a foreigner overstays for more than 60 days, he/she shall be immediately subject to deportation and detention.

-The provisions for overstay sanctions are stated in Article 78 of the Immigration Law. Costs arising from the deportation process are borne by the foreigner's guarantor. However, if the said foreigner does not have a guarantor, the costs are borne by the foreigner and, if he/she is unable to fulfil such, then such cost shall be paid by his/her family.

-If the family also cannot afford it, the country's representatives shall therefore pay such costs.

How to prevent sanctions: the Dos and Don'ts Card in Bali

The Law and Human Rights Ministry in cooperation with the Bali immigration office has issued the dos and don'ts card which are handed to tourists once they reach I Gusti Ngurah Rai International Airport, Bali.

The card contains information on requirements as a tourist and acts that are prohibited in the tourism island, local laws and norms, especially after recent cases involving disrespectful foreign tourists that took national news headlines.

We hereby summarize the dos and don'ts which could come in handy in Bali:

Obligation (the Dos)

- a.Honor the sanctity of temples and sacred religious symbols.
- b.Respect customs, traditions, arts, and culture, as well as the local wisdom of the Balinese community.
- c.Wear gracious, reasonable, and appropriate clothing when visiting holy places, tourist attractions, and public places, and during activities in Bali.
- d.Act cordially in sacred areas, tourist areas, restaurants, shopping areas, highways, and other public places.
- e.Accompanied by a licensed tour guide when visiting tourist attractions as they hone the understanding of natural conditions, customs, traditions, and local wisdom of the Balinese people.
- f.Perform foreign currency exchange at authorized money changer (KUPVA) providers, both banks and non-banks, marked with a license number and a QR code logo from Bank Indonesia.
- g.Make payments using the Indonesian Standard QR Code.
- h.Making transactions using the Rupiah currency.

- i. Drive in compliance with the laws and regulations in force in Indonesia and have a valid international or national driving license, follow traffic laws, dress modestly, wear a helmet, and not operate vehicles under the influence of alcoholic beverages and/or illegal drugs.
- j. Use official four-wheeled or two-wheeled transportation under the auspices of a business entity or motor vehicle leasing association.
- k. Staying in legal accommodation business places that have permits in accordance with the provisions of the laws and regulations.
- l. Comply with all special provisions/rules that apply to each tourist attraction and tourist activity.

What's Prohibited (the Don'ts)

- a. Entering the main and middle courtyards of holy places or sacred places such as temples, except for the purpose of praying by wearing Balinese traditional clothing.
- b. Climbing any sacred tree.
- c. Behaviours that desecrates holy places and sanctified places, temples, sacred temple objects, and religious symbols, such as climbing sacred buildings and taking pictures in immodest clothes or worse, without clothes.
- d. Littering and polluting lakes, springs, rivers, seas, and public places.
- e. Use single-use plastics such as plastic bags, polystyrene (Styrofoam), and plastic straws.
- f. Expressing harsh words, impolite behaviour, being rowdy, and acting aggressively towards state officials, government, local communities, and fellow tourists directly or indirectly through social media, such as spreading hate speech and hoaxes.
- g. Working and or conducting business activities without having official documents issued by state officials.
- h. Engaging in illegal activities that exploit the local Bali flora and fauna, cultural artifacts, and sacred objects, and trading in illegal goods, including illegal drugs.

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To learn how we can help you to solve your IP issues, please contact our firm:

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