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# Differences Flow Of Detention In Immigration Office Of Soekarno Hatta And The Immigration Detention House Of Jakarta

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### Abstract

Migration Violations committed by foreign nationals must be subject on Immigration Administrative Actions (TAK). Foreigners who are subject to TAK are placed in the Immigration Detention Room located at The Immigration Office such as The Immigration Office of Soekarno Hatta, while in the Detention Room, foreign are attempted to be deported but if 30 days pass, they will be transferred to Rudenim for detention. This research method uses normative-empirical methods in conducting observations to clarify what function of each both. The results of this research are the differences in the flow of detention between The Soekarno Hatta detention room and Rudenim of Jakarta. Suggestion that can be given from this research should be to optimize the detention room facilities at The Immigration Office.

**Keywords :** Immigration, Immigration Detention House, Immigration Office

### A. Introduction

Immigration is the case of the traffic of people entering or exiting the territory of Indonesia and its supervision to maintain the establishment of state sovereignty. Immigration in this case performs its function in providing immigration services, law enforcement, state security, and facilitators of community welfare development. The state has a basic principle of immigration that anyone passing through the territory of Indonesia must have a valid and valid pedestrian document. Foreigners residing in Indonesia have certain purposes to live in The Territory of Indonesia. Immigration as the gatekeeper of the country in carrying out immigration functions, often finds violations - immigration violations committed by both foreign nationals and Indonesian citizens. To maintain the sovereignty of WNA countries that will enter Indonesia must apply the principle of *Selective Policy* of course the benefits of the policy to protect the national interest. This principle states that only foreigners who have benefits and benefits and do not endanger security or public order are allowed into Indonesian territory. For this reason, Indonesia has issued a rule that has been regulated in Law Number 6 of 2011 on Immigration. Foreigners who will enter and reside in the territory of Indonesia are regulated in the law regarding, visas, travel documents, entry signs, residence permits, immigration supervision, and Immigration Administrative Measures. Based on immigration laws that have been established foreigners entering Indonesian territory must have a valid and official travel document issued by officials from a country, other international organizations



containing the in Indonesia commit violations of violating laws and regulations or committing criminal acts. This can certainly cause losses and unrest in Indonesian society. Such violations can be the falsification of travel documents involving the identity of the holder, the misuse of visas that are Free Of Visit Visas intended to travel in Indonesia but foreigners use it to work without immigration advice, and some live in Indonesia using expired visas or also called *Overstay*.

Immigration violations that occur are not spared from immigration actions, either in the form of deportation or immigration administration actions, or pro Justicia. Immigration action against foreigners who commit immigration violations begins with the arrest by immigration officers of foreigners who commit violations, then taken to the immigration office and placed in the Immigration Detention Room. After 30 (thirty) days of detention in the Immigration Detention Room. during the placement period in the Immigration Detention Room, the officer seeks the foreigner to be subject to Immigration Administrative Measures in the form of checks, the imposition of burden charges, prohibition to be in one territory of Indonesia, and deportation. If there is no further action, then the Detainee must be transferred to the Immigration Detention House for the detention of the foreigner, during the period of detention of the Immigration Detention House attempting to carry out deportation measures and cooperate with the embassy of the foreigner's home country. In addition to the detention room, Rudenim main job is to carry out some of the main duties of the Ministry of Law and Human Rights in the field of detention of foreigners who violate the laws and regulations imposed by immigration measures that have received a decision on repatriation or deportation. Rudenim also has 4 (four) main functions, namely: the implementation of the task of deposition, isolation, and deportation, the implementation of repatriation and proposing prevention tasks, the facilitation of the placement of foreigners to third countries, and the implementation of administrative management. In addition to carrying out this function, the Immigration Detention House also provides facilities to foreigners who are in the form of basic needs during the period of detention. The period of detention for foreigners is quite long, which is 10 years since detainee is suspended. Detention rooms and immigration detention houses in this have contrasting differences. In addition to its different locations, there are differences in the flow of detention in the detention room of the immigration office. One of them is in the Detention Room of the Special Class I Immigration Office of TPI Soekarno - Hatta and the Jakarta Immigration Detention House.

The Theories Used in this study are Concept of the immigration detention room and the concept of immigration detention house.

1. The detention room is a place located in the immigration office and the Directorate General of Immigration. Immigration detention room located in the immigration office in the form of an iron room. Usually, the detention room is occupied by foreigners who are subject to TAK and wait for the transfer to RUDENIM and only temporary for 30 days or even less than 30 days (interview with Mr. Grady AnggaPrasady, 2021).
2. The immigration detention house is a special and separate place where place to store troubled foreigners who violate the provisions of applicable immigration rules and foreigners awaiting deportation to their home countries (interview

with Mr. Dharma Bayu Aji, 2021). Another concept of the Immigration Detention House is to provide comfort and provide solutions for detainees during the period of detention. In 2004 the term designation of the Immigration Detention House is Immigration Quarantine, the early name change is predicted several things, namely:

- a) People who have been charged with TAK or violated the law will be deported back to their home country which means the detainee requires the temporary shelter to await the deportation process to their home country
- b) Detainee who has been placed in the Immigration Detention House will remember the miss of his hometown during the period of detention. Sugiyo Oldarina Asri Herawaty, Detention and Deportation, BPSDM KUMHAM Press (Depok: BPSDM KUMHAM Press, 2020).

The Problem based on this, it can be concluded the formulation of the problem in the form of the difference between the immigration detention room of the immigration office class I special TPI Soekarno - Hatta with the Jakarta Immigration Detention House and researcher wants to examine how the immigration detention room differs from the immigration detention house.

## **B. Research Methods**

The preparation of this study uses an empirical normative juridical approach, a type of mixed research that examines applicable legal provisions by comparing conditions in the field (Waluyo, 2002, p. 15). The approach used in this study is the statute *approach*. According to Peter Mahmud Marzuki, a legal approach is an approach that is done by analyzing rules and regulations related to the problems or conditions of a law (Peter Mahmud Marzuki, 2011, p. 93). The data collection method used is data secondary and primary data. Primary data in the form of field studies (*field research*) at the Jakarta Immigration Detention House and the Detention Room of the Special Immigration Office of TPI Soekarno - Hatta. While secondary data are normative juridical theories in the form of rules and principles of positive law (Peter Mahmud Marzuki, 2011, p. 93). The method of data collection in the preparation of this study is literature data in the form of applicable laws and regulations, observations, and interviews (Bachtiar, 2019). The data analysis technique used is to adjust the selection of articles that contain legal rules that govern certain problems following the conditions on the ground. Then make a systematic comparison of primary data with secondary data so that the results of an analysis can be made using articles and legal principles and legal rules and principles relevant to the field conditions that occur (Bachtiar, 2019).

## **C. Discussions**

### **1. Detention**

The difference in Detention Room With Immigration Detention House Based on Law. In terms of the concepts discussed above can be seen that the two have a distinctive difference. Here's the description in a table based on the law.

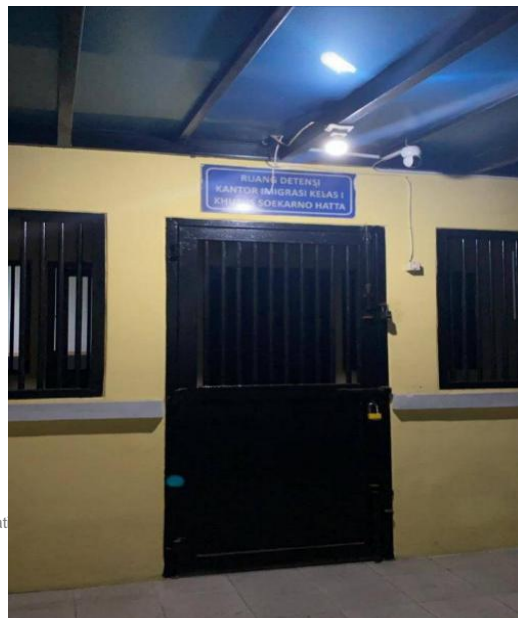
information	Immigration detention room	Immigration detention house
Period	Maximum of 30 days(article 208 paragraph (2) PP number 31 of 2013 concerning the Implementation of Law No. 6 of 2011 on Immigration)	Maximum of 10 years(article 214 Paragraph (2) pp number 31 of 2013 concerning the implementation of Law No. 6 of 2011 concerning immigration)
Function	<ol style="list-style-type: none"> <li>1. Foreigners who do not have a valid Residence Permit or have a residence permit that no longer applies</li> <li>2. be in the Territory of Indonesia without having a valid Travel Document</li> <li>3. foreigners subject to NO i.e. cancellation of Residence Permit</li> <li>4. Foreigners await deportation</li> <li>5. foreigners waiting for departure from Indonesia because they are denied entry.</li> </ol> (article 208 paragraph (1) PP number 31 of 2013 concerning the Implementation of Law No. 6 of 2011 on Immigration)	<ol style="list-style-type: none"> <li>1. be in the Territory of Indonesia without having a valid Residence Permit or having a Residence Permit that no longer applies</li> <li>2. foreigners residing in the Territory of Indonesia without having a valid Travel Document</li> <li>3. foreigners are subject to Immigration Administrative Measures in the form of cancellation of Residence Permits</li> <li>4. Foreigners await deportation</li> <li>5. removal from the Immigration Detention Room.</li> <li>6. If the capacity of foreigners in the Immigration Detention Room has reached its maximum limit</li> <li>7. the principle of effectiveness and efficiency is intended in terms of being placed in the Immigration Detention House.</li> </ol> (articles 209 and 210 PP number 31 of 2013 concerning the Implementation of Law No. 6 of 2011 on Immigration)
Position	Located at the immigration office and directorate general of immigration and immigration checkpoints  (article 82 of Law number 6 of 2011 on Immigration)	Located in the capital of a provincial country, district or city (article 81 paragraph (1) of Law number 6 of 2011 on Immigration) Led by a head called KARUDENIM (article 82 paragraph (1) of Law number 6 of 2011 on Immigration)
Hal lainnya	<ol style="list-style-type: none"> <li>1. Only keep foreigners who violate immigration rules and wait for transfer to RUDENIM</li> <li>2. Does not have an ORTA structure and is under the supervision of the intelligence and immigration enforcement section at the immigration office.</li> <li>3. Not given permission to leave unless the stranger is sick, about to give birth, or is still a child                              (article 83 paragraph (2) of Law number 6 of 2011 on Immigration)</li> </ol> - Makeshift facilities only	<ol style="list-style-type: none"> <li>1. Can be used as a place for victims of trafficking and human smuggling crimes                              (article 87 of Law number 6 of 2011 on Immigration)</li> <li>2. Because it is led by a head, it has its own ORTA.                              (Decree of the Minister of Justice and Human Rights of the Republic of Indonesia number M.01.PR.07.04 of 2004 concerning the organization and working arrangements of the Immigration Detention House                              And Permenkumham No.M.HH-11.OT.01.01.2009 on ORTA Home Immigration Detention Center)</li> <li>3. Facilities are sufficient</li> </ol>

information	Immigration detention room	Immigration detention house
		4. There are entertainment facilities and places of worship.

Criteria for Residents of Immigration Detention Rooms and Immigration Detention Houses: 1. the criteria for residents of the Immigration Detention House are (a). the foreigner is in the territory of Indonesia but does not have a valid residence permit or residence permit that is no longer valid (b). residing in the sovereign territory of the State of Indonesia without the existence of a valid travel document (c). the foreigner is subject to administrative measures of immigration or TAK in the form of cancellation of residence permits because they have committed acts that violate the laws and regulations and have tried to disrupt public order and security (d). pending deportation (e). a transfer is being made from the Immigration Detention Room; 2. The criteria for residents of the Immigration Detention Room are (a). the foreigner is in the territory of Indonesia but does not have a valid residence permit or residence permit that is no longer valid (b). residing in the sovereign territory of the State of Indonesia without the existence of a valid travel document (c) the foreigner is subject to administrative measures of immigration or TAK in the form of cancellation of residence permits because they have committed acts that violate the laws and regulations and have tried to disrupt public order and security (d). pending deportation (e). to wait for departure outside the territory of Indonesia because the foreigner was denied entry by the officer

Placement of Detainee to Immigration Detention House without placement from immigration detention room: a. The existence of *Overcapacity* in the Immigration detention room at the Immigration Office due to the number of foreigners who have been charged immigration administrative measures carried out by officers in carrying out field supervision and the joint operation of the Foreigner Supervision Team (TIMPORA). b. the existence of principles on efficiency and effectiveness that should initially be placed into the Immigration Detention House, for example: in the case of foreigners who are subject to TAK due to not having valid and valid travel documents while in Indonesia. Ibid.

The difference in The Flow of Detention Room Of Immigration Office Class I Special TPI Soekarno - Hatta With Jakarta Immigration Detention House. In addition to the position, function, and time period, the difference can also be seen from the flow of detention in of the Immigration TPI Soekarno - Immigration Here is an explanation The Flow of the Immigration Office Soekarno - Hatta With Detention House. Flow Immigration Office Soekarno - Hatta

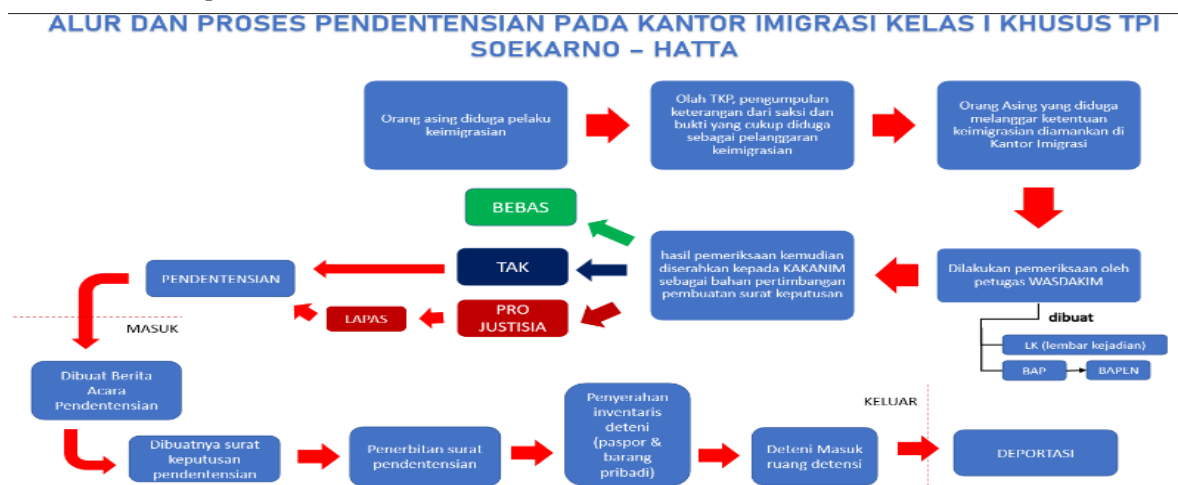


the Detention Room Office Class I Special Hatta With Jakarta Detention House. of the Difference in Detention Room of Class I Special TPI Jakarta Immigration of Detention Room Of Class I Special TPI

The picture above is one of the detention rooms located in the Immigration Office Class I Special TPI Soekarno - Hatta. There are two detention rooms there. The first detention room is located behind the immigration office, while the second detention room is located inside the immigration office in the form of a room in the intelligence and immigration enforcement section of the Special Immigration Office of TPI Soekarno - Hatta. The Detention Room located in the Immigration Office can accommodate fewer than 20 foreign nationals who are subject to TAK if it has exceeded its cotton (Overcapacity) then the Immigration Office can request temporary detention to the Immigration Detention House with the status of détente as temporary détente because the détente should be in the Immigration Detention Room for 30 days before finally handing over the détente to the Immigration Detention House.

**2. Difference flow**

As for the flow of detention in the detention room located in the immigration Office Class I Special TPI Soekarno – Hatta as follow.





Based on the image, the flow of detention to foreigners is carried out: a. the foreigner violated the provisions of the law - immigration invitations; b. The stranger is still in the examination stage for pro Justicia; c. The foreigner is subject to NO. Furthermore, the decision of the detention was made from the decision of the head of the office in this case the Special Class I Immigration Office of TPI Soekarno - Hatta which was forwarded to the Head of the Intelligence And Immigration Enforcement Section of the Special Class I Immigration Office of TPI Soekarno - Hatta. The flow of detention at Jakarta Immigration Detention House. Here is the flow of the detention of Jakarta Immigration Detention House and SOP of detention at Jakarta Immigration Detention House.



No.	Kegiatan	Pelaksana			Mutu Baku			Keterangan
		Kepala Seksi Keamanan dan Ketertiban	Kepala Subseksi Ketertiban	Pemangku Jabatan Fungsional	Kelengkapan	Waktu	Output	
1.	Menerima Deteni dari Seksi Registrasi, Administrasi dan Pelaporan serta memberikan disposisi atau arahan tindak lanjut	Mulai			berita acara serah terima deteni	5 menit	disposisi penempatan deteni	
2.	Memeriksa kelayakan ketersediaan dan menentukan kamar Deteni serta menugaskan petugas jaga untuk pengawasan penempatan				a. formulir kesehatan; b. data kamar layak dan siap pakai.	10 menit	kartu blok Deteni	
3.	Memberitahukan hak dan kewajiban Deteni				formulir informasi tentang hak dan kewajiban	10 menit	formulir pernyataan telah mengerti tentang hak dan kewajiban	
4.	Melakukan pengawasan, menempatkan Deteni di kamar serta menyusun konsep Berita Acara Penempatan				a. kartu blok deteni; b. aist keamanan; c. masker; d. sarung tangan; e. kunci kamar.	10 menit	a. penempatan Deteni di kamar; b. konsep Berita Acara Penempatan.	
5.	Menerima laporan dan konsep Berita Acara Penempatan				a. komputer; b. jaringan; c. printer.	5 menit	konsep Berita Acara Penempatan	
6.	Menerbitkan Berita Acara Penempatan				a. komputer; b. jaringan; c. printer;	5 menit	Berita Acara Penempatan	Berita Acara Penempatan memuat: a. hari, tanggal, jam; b. pejabat yang menandatangani; c. data Deteni; d. kasus; dan e. penempatan kamar.

7.	Penyusunan pelaporan penempatan Deteni secara periodik				a. komputer; b. jaringan; c. ATK; d. printer .	60 menit	laporan	a. laporan periodik disusun setiap bulan; b. laporan ditujukan kepada Direktur Pengawasan dan Penindakan Keimigrasian, Direktur Intelijen Keimigrasian, Direktur Kerja Sama Keimigrasian; c. tembusan kepada Kepala Kantor Wilayah u.p Kepala Divisi Keimigrasian.
8.	Penandatanganan dan penyampaian pelaporan				laporan	5 menit	laporan yang telah ditandatangani	

Based on the flow, then the flow of detention is carried out against foreigners: a. move from immigration office detention room; b. move from another RUDENIM; c. foreigners who completed their criminal term in LAPAS / RUTAN; d. stateless foreigners; e. strangers waiting for deportation; f. foreigners who are subjected to TAK.

The detention of foreigners is carried out by officers of the Administrative Registration and Reporting Section, the receipt of the detention that will be placed in the Immigration Detention House must complete the administrative file and conduct a search of the detainee from his body to his luggage. In carrying out searches of goods that are not allowed under the include communication devices in the form of (mobile phones, laptops, tablets, money, travel documents and other items that can endanger others both artists and other detainees that are in the cells of other objects including (scissors, knife, and other sharp objects). After that the detention will be taken biometric data and fingerprints and recorded in the registration book that the person concerned is the new detention of residents of Jakarta Immigration Detention House. After completion in the registration process of the Head of Registration, Administration and Reporting Section, the Head of Subsection reported to the Health department to check his health whether the person concerned has a history of diseases that will be potentially contagious in the Immigration Detention House, if the concerned has health problems will then be followed up by health workers for further examination but if the person concerned does not have a history of disease it will be placed into the previously designated Detention Room.

Deportation and repatriation are two different things. Deportation is the act of forcibly removing foreigners from Indonesian territory. repatriation itself is the act of returning a foreigner from the territory of the Republic of Indonesia to the country of origin or to a third country. Deportation actions can only be carried out by authorized officers in this case are officers in the field of placement, security, repatriation, and deportation who are in the Jakarta Immigration Detention House. After the



repatriation or deportation of officers report to superiors to make an antidote to foreigners who have just been deported.

#### **D. Conclusion**

The difference in the flow of detention between the detention room located in the Immigration Office Class I Special TPI Soekarno - Hatta and the Jakarta Immigration Detention House is very different. We can review the tasks and functions of each of them. The Immigration Detention Room itself has a period of 30 days to accommodate foreigners. While there the foreigner will be processed further due to the consequences of immigration administrative measures. This Immigration Administration action is none other than that the foreigner has violated Indonesian laws and endangered or caused unrest in the community so that the actions given by officers to foreign nationals are problematic. If within 30 days this foreign national is still waiting for his return or deportation. SoekarnoHatta Immigration Office cooperates with the Jakarta Immigration Detention House in carrying out the detention. Because from the beginning the two have similarities in carrying out temporary placements for foreigners subject to immigration administrative measures. The detention imposed on foreigners lasts for 10 years since the detention was imposed. In addition to differences in position, function, and time period, differences can be seen in the sections that receive and record and the process of receiving detention, namely: a. in the detention room located at the Immigration Office Class I Special TPI Soekarno - Hatta conducted by officers of the immigration office Inteldakimsoekarno-hatta; b. at the immigration detention house is carried out by the Registration, Administration, and Reporting section of the Jakarta Immigration Detention House. The advice I can give you is better to optimize the detention room facilities in the immigration office so that in carrying out immigration detention room main tasks and missions can run smoothly and create a standard SOP or rule in the process of receiving detention in the detention room at the immigration office so as not to be confused.

#### **References**

- Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian  
Peraturan Pemerintah Nomor 31 Tahun 2013 Tentang Pelaksanaan Undang – Undang Nomor 6 Tahun 2011 Tentang Keimigrasian  
Keputusan menteri kehakiman dan HAM RI nomor M.01.PR.07.04 Tahun 2004 tentang organisasi dan tata kerja Rumah Detensi Imigrasi  
Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia. *Peraturan Menteri Hukum Dan Hak Asasi Manusia Republik Indonesia NOMOR M.HH-11.OT.01.01TAHUN 2009*, n.d.  
Peraturan Menteri Hukum dan HAM RI No. M.05.IL.02.01 Tahun 2006 Tentang Rumah Detensi Imigrasi  
Peraturan Direktur Jenderal Imigrasi No. F-1002.PR.02.01 Tahun 2006 tentang Tata Cara Pendetensian Orang Asing  
Permenkumham No. M.HH-11.OT.01.01.2009 tentang ORTA Rumah Detensi Imigrasi Pusat  
M. Iman Santoso, Pengertian Migrasi dan Pendekatan Teori Pipa, Bahan Kuliah ke-1, Mata Kuliah Transnational Organized Crime (untuk kalangan sendiri), Diktat Kuliah Pendidikan Khusus Keimigrasian Angkatan II, Akademi Imigrasi, Jakarta, 2012,  
Bambang Waluyo, Penelitian Hukum dalam Praktek, (Jakarta : Sinar Grafika, 2002),  
Peter Mahmud Marzuki, Penelitian Hukum, (Jakarta : Kencana Prenada Media Group, 2011)  
Bachtiar, Metode Penelitian Hukum, UNPAM Press 2019,, UniversitasPamulangBachtiar. (2019).

Metode Penelitian Hukum. *Universitas Pamulang*, 65.

Oldarina Asri Herawaty, S. (2020). Pendetensian dan Deportasi. In *BPSDM KUMHAM Press*. BPSDM KUMHAM Press.

Peter Mahmud Marzuki. (2011). *Penelitian Hukum*. Kencana Prenada Media Group.

Waluyo, B. (2002). *Penelitian Hukum dalam Praktek*. Sinar Grafika.

Wawancara bersama Bapak Grady Angga Prasady, Ketua Tim Intelijen Imigrasi Kantor Imigrasi Kelas I Khusus TPI Soekarno Hatta pada hari Jumat (9 April 2021), Pukul 10.00 WIB

Wawancara bersama Bapak Bayu Dharma Aji, Kepala Sub Seksi Penertiban Rumah Detensi Imigrasi Jakarta pada hari Kamis (8 April 2021) melalui media Zoom, Pukul 10.30 WIB

Observasi ruangdetensi yang beradadi Kantor ImigrasiKelas I Khusus TPI Soekarno-Hatta PKL tahun 2020