

Challenges and Measures to Counteract Passport Data Falsification in Indonesian Migrant Workers: A Review of the Circular Letter of the Director General of Immigration of the Republic of Indonesia Number: IMI-GR.01.01-0252 of 2023

Ari Arianto^{1*}, Muhammad Sya'roni Rofii²
Universitas Indonesia, Jakarta, Indonesia
Email: ariarianto02@gmail.com

*Correspondence

ABSTRACT

Keywords: Passport, Data Falsification, Indonesian Migrant Workers, Directorate General of Immigration.

The phenomenon of passport ownership with false data by Indonesian Migrant Workers who are working abroad is a problem that is difficult to eliminate, because there are still many prospective workers who think that the bureaucracy of making passports is difficult. The purpose of this study is to identify the challenges and countermeasures against passport data falsification in Indonesian Migrant Workers, through a review of the Circular Letter of the Director General of Immigration of the Republic of Indonesia Number: IMI-GR.01.01-0252 Year 2023. This research uses a qualitative secondary research approach that allows a researcher to compare other researchers' perspectives on the same case, in order to provide additional understanding. The research findings show that there are still many Indonesian Migrant Workers who are not aware of the dangers that may arise from using passports with fake identities, from being exposed to legal problems, losing their employment rights, to the threat of not being recognized for their citizenship status. In the conclusion, this research found that although the Directorate General of Immigration tries to use more persuasive regulations, these efforts also need to be accompanied by the application of immigration control functions as a form of prevention in preventing the increase of non-procedural Indonesian Migrant Workers.



Introduction

Becoming Migrant Worker, perhaps for most people, remains an interesting thing to do, especially for people who come from countries like Indonesia. The limited number of jobs available every year, the number of unemployed in Indonesia which is still quite high, and the hope of getting a better livelihood and higher wages, are some of the reasons for Indonesian Prospective Migrant Workers to look for work in other countries (Hasbiyalloh et al., 2024). Even in 2023, the Indonesian Migrant Workers Protection Agency (BP2MI) noted that there are around 270 thousand Indonesian Migrant Workers working abroad (Pratiwi, 2024).

Based on the Regulation of the Indonesian Migrant Worker Protection Agency of the Republic of Indonesia Number 7 of 2022 concerning the Pre-Employment Process for

Prospective Indonesian Migrant Workers in Article 2, Article 6 and Article 9, to be able to work abroad as an Indonesian Migrant Worker in accordance with the procedures, there are several requirements and administrations that must be met by a prospective Indonesian Migrant Worker. The requirements that must be completed are, for example, at least 18 years old, have a marital status certificate, have a certificate of husband or wife permission and parental or guardian permission known by the village head or village head, have training and work competency certification, have a health certificate and national health insurance membership card, have documents required by the recipient country, have travel documents in the form of an active and valid Indonesian Passport and have a work visa, have an assignment letter or work agreement, have proof of participation in Employment Social Security, and also have a permit from the Minister or appointed official (Indonesian Migrant Workers Protection Agency, 2022).

Regarding the completeness of the registration requirements that must be met, it turns out that there are still Non-Procedural Indonesian Migrant Worker Candidates in the process. Non-Procedural Indonesian Migrant Worker Candidates themselves are Indonesian Migrant Workers who use non-procedural methods to be able to meet the necessary administrative requirements for registration, such as by using forged identity documents (Kurnianingrum, 2023). The Non-Procedural Indonesian Migrant Worker Candidates, in general, use non-procedural methods due to the emergence of a negative assumption, that to collect the requested administrative requirements, it takes a long time, due to the complexity of the bureaucratic process in Indonesia (Gaol et al., 2023). In addition, many of the Indonesian Migrant Worker Candidates are more interested in the assistance offered by non-procedural Indonesian Migrant Worker delivery service providers, because it is considered easier for the Indonesian Migrant Worker Candidates in the registration process (Perova & Purnamasari, 2019).

Non-Procedural Indonesian Migrant Worker delivery service providers usually offer assistance services for Indonesian Migrant Worker Candidates, so that these prospective migrant workers can quickly complete the administration of the required registration requirements. However, the method is usually in the form of a non-procedural method, such as by increasing the age of the prospective worker by changing his identity document (Nguyen, 2021). In addition, the person also offers services related to the passport making process for Prospective Indonesian Migrant Workers. Usually, non-procedural Indonesian Migrant Worker delivery service providers offer to use fake data and identity documents or identity documents owned by other people, to make it easier for prospective migrant workers not to have difficulties in the passport making process (Soraya, 2021).

In addition to being considered to have violated the provisions of the law as stated in Law No. 6 of 2011 concerning Immigration Article 126, related to the use of unauthorized data and providing information with incorrect data to obtain travel documents (Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, 2011). The existence of forms of fraud in the passport making process is also considered a vulnerability for the prospective migrant workers themselves. Theoretically, vulnerability

can be interpreted as a description of a vulnerable and dangerous situation, so that a human can try to reduce the impact and risks that may arise, but it must still be underlined that a vulnerability can occur beyond human prediction and control (Finema, 2010). In such cases, a form of vulnerability can be seen from the condition of prospective migrant workers, who may ultimately be threatened because they do not have the ability to deal with the dangers and negative impacts that may arise, from the use of false identities and data written on the passports of these migrant workers when they have started working abroad (Constable, 2024).

Passport is an official travel document issued by the authorities in a country to its citizens, with the purpose of being a sign of identity and proof of citizenship for a person when abroad (Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, 2011). With the emergence of forms of document forgery carried out by Non-Procedural Indonesian Migrant Worker Candidates during the passport making process, it is feared that if at any time the Indonesian migrant worker candidates get legal problems in the recipient country, then the migrant worker candidates will lose their protection rights due to the data difference between the passport and the identity data and original documents they have (Soraya, 2021).

In many cases in Hong Kong, for example, these migrant workers are also threatened with losing their rights in the form of unpaid wages, if they have problems with their employers or the company where they work. This is because the migrant workers cannot claim their rights before the laws of the receiving country, as a result of the data discrepancy between the passport and the real identity data that the migrant workers have in Indonesia (Constable, 2024). In the worst possible scenario, the use of non-procedural methods carried out by these non-procedural Indonesian Migrant Workers to be able to work abroad, makes these migrant workers vulnerable to becoming victims of the Crime of Trafficking in Persons (TPPO) (Kurnianingrum, 2023).

The state has the authority to provide directions to relevant government institutions, to increase the resilience of vulnerable parties, because humans are creatures who are vulnerable to a sense of dependence, and therefore the state has an obligation to be able to reduce, improve, and provide solutions to the forms of vulnerability that arise in society (Kohn, 2014). In this regard, the Directorate General of Immigration of the Republic of Indonesia (Ditjen Immigration) is trying to use more persuasive methods in its efforts to reduce the number of Non-Procedural Indonesian Migrant Workers working abroad, namely by implementing a zero rupiah fee for Prospective Indonesian Migrant Workers who want to work abroad (Ministry of Law and Human Rights of the Republic of Indonesia, 2020). In addition, the Indonesian Migrant Worker Candidates also no longer need a letter of recommendation from the relevant Ministry or Institution, to be able to apply for a passport (Directorate General of Immigration, 2023).

The two things mentioned above are regulated in the Circular Letter of the Director General of Immigration of the Republic of Indonesia Number: IMI-GR.01.01-0252 of 2023 and the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2020 which regulates the requirements and procedures for the

application of a zero rupiah tariff for applicants who apply for a 24-page passport. The persuasive methods that the Directorate General of Immigration is trying to carry out are based on the fact that many Indonesian Migrant Worker Candidates choose non-procedural ways to obtain passports, due to reasons such as the length of the passport process due to the many administrative requirements and completeness that must be met, as well as insufficient funds to make passports (Humas Ditjen Imigrasi RI, 2023). Based on this, the Directorate General of Immigration is trying to make it easier for these prospective migrant workers to get passports. This is so that the prospective migrant workers can work abroad as a legal Indonesian Migrant Worker and in accordance with applicable procedures.

Examining the introduction that has been compiled above, the questions that arise are:

1. What is the importance for an Indonesian Migrant Worker to have a passport with identity and data that matches the original identity document he or she has in the passport making process? These questions will be discussed in this article by trying to identify:
 - a) The importance of a passport as a sign of identity and proof of citizenship for a person when abroad;
 - b) The risks that arise from the use of false identities, when a prospective Indonesian Migrant Worker makes a passport and uses it to be able to work abroad;
2. What actions must be taken to complement the persuasive efforts being carried out by the Directorate General of Immigration through the policy of providing zero rupiah rates and providing ease of passport requirements for prospective Indonesian Migrant Workers? These questions will be discussed in this article by:
 - a) Identifying the Circular Letter of the Director General of Immigration of the Republic of Indonesia Number: IMI-GR.01.01-0252 of 2023, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2020 which regulates the requirements and procedures for the application of a zero rupiah tariff for applicants who apply for a 24-page passport, as well as other regulations related to the process of making an Indonesian passport for Prospective Indonesian Migrant Workers;
 - b) Identify the immigration supervision function, which is implemented by the Directorate General of Immigration during the interview process and examination of the required documents for each passport applicant, to ensure the authenticity and validity of the data and information provided.

Method

In conducting this study, the researcher uses a qualitative secondary research approach as his research method. In general, qualitative secondary research can be interpreted as a form of research, which is systematic and analytical in its approach to the use of pre-existing data, with the aim of providing an additional or different understanding of the problem (Largan & Morris, 2019). Qualitative secondary research, using a

combination of various types of data and documents to allow one researcher to compare with other researchers' perspectives on the same case (Hodder in Largan & Morris, 2019). In this way, researchers have the opportunity to find additional ideas or findings on previous studies, by raising and exploring new research questions (Hinds, Vogel & Clarke-Steffen in Largan & Morris, 2019).

A qualitative secondary research approach is used by researchers to provide additional understanding of the efforts made by the Government of Indonesia through the Directorate General of Immigration, to overcome the vulnerabilities owned by Indonesian Migrant Workers, related to the use of passports with data that does not match their original identity. The data sources to be used are secondary data derived from books, articles, scientific journals, laws and regulations, reports, and news, which are considered relevant and appropriate to be able to answer research questions. With so many data sources available, it is very important for researchers that the results of their data searches prioritize quality over quantity. This can be done by, checking the correctness of the data to be used, and reducing data that is considered irrelevant to the topic and question of the research (Scott in Largan & Morris, 2019),

In the process of data analysis, researchers try to understand and process the data that has been collected in order to turn it into something that can be used to answer research questions (Kvale in Largan & Morris, 2019). In this process, the researcher seeks to compile all previously identified data related to the importance of using real identity in the passports of Indonesian Migrant Workers, vulnerabilities that may arise from the use of passports with inappropriate identities for Non-Procedural Indonesian Migrant Workers, examples of vulnerabilities that arise from Non-Procedural Indonesian Migrant Workers in Hong Kong, as well as countermeasures carried out by the Directorate General of Immigration. Researchers then began to look for relationships between the data, and conducted analysis with the aim of finding useful findings to answer research questions.

Results and Discussion

The Importance of Passport as a Sign of Identity and Proof of Citizenship

A passport is a document issued by the government of a country, to be used as proof of identity and citizenship status of its citizens, either when they are abroad or when they are about to re-enter the country (Dehm, 2018). Passports generally contain information about the owner's personal identity, such as name, photo, date of birth, and nationality. In addition, passports also contain other important data including passport numbers, signatures, and other information needed as security features to assist in the identification process (ICAO, 2024).

In this case, the passport is considered to have a role in maintaining the security and control of movement between countries carried out by every individual traveling internationally, as well as an administrative requirement that must be met by a person to be able to apply for an entry visa to a country (Portals International Limited, 2020). Passports are an important document for everyone who wants to travel abroad, including migrant workers (Kouba & Baruah, 2019). Without a passport while abroad, a person cannot be recognized for his citizenship status and the person concerned cannot access

his rights such as making remittances, opening bank accounts, renewing employment contracts, etc. (Soraya, 2021).

Under international law, a country has the right to protect its citizens in other countries, as long as it can prove its citizenship status (Starke in Rachman, 2021). One way to prove it is to have a passport, as an official document that shows the citizenship status of a person. The use of real identity data on passports is very important, because the similarity of identity between the data written in the passport and the original identity document owned by a person can facilitate the process of identifying the citizenship status of a country to its citizens (Envoy Global, 2023). So that when the migrant worker gets problems in the recipient country, he can still fight for his rights, by asking for legal protection from his country of origin (Nuraeny, 2023).

Regarding the protection of migrant workers from Indonesia, one of the government institutions responsible for this is the Directorate General of Immigration. The agency is tasked with preventing the issuance of non-procedural passports, in order to prevent human trafficking activities involving prospective Indonesian migrant workers (Regional Office of the Ministry of Law and Human Rights of West Kalimantan, 2023). Passports in Indonesia, issued by the Government of the Republic of Indonesia through the Directorate General of Immigration, to Indonesian citizens to be able to travel out of and back into Indonesian territory. The data written on the passport must also be consistent with the population data owned by a prospective Indonesian Migrant Worker, because it is related to the identity and personal information recognized by the recipient country (Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, 2011).

If the information on the Indonesian Migrant Worker's passport is not correct, in addition to being considered to have violated the provisions of the law as stated in Law No. 6 of 2011 concerning Immigration Article 126, related to the use of unauthorized data and providing information that the data is not correct to obtain travel documents (Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, 2011). It is feared that it will make it difficult for Indonesian Migrant Workers when they experience legal problems in the recipient country, because they are considered to have different identities (Kanim Jakarta Utara, 2023). When there is doubt about the travel documents and citizenship status of an Indonesian Citizen (WNI), the person concerned is required to be able to provide other evidence that can legally and convincingly show that the person concerned is an Indonesian citizen (Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, 2011).

Every Prospective Indonesian Migrant Worker and Indonesian Migrant Worker has the right to be able to have a travel document (Government of the Republic of Indonesia, 2017). This aims to realize equal rights and opportunities for every Indonesian Migrant Worker. With the hope that these workers will become administratively legal Indonesian Migrant Workers, in order to get a decent job, and be more legally protected. However, it needs to be underlined that these Indonesian Migrant Workers also have an obligation to obey the applicable laws and regulations, both domestically and abroad (Undang-Undang (UU) Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti

Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang, 2023).

Risks of Using Fake Identity in Passports by Prospective Indonesian Migrant Workers

Non-Procedural Indonesian Migrant Workers who are already in and working abroad are considered more threatened if they get problems there at any time, because these migrant workers have different data listed on their passports, residence permits, work contracts, and original identity documents (UNODC, 2024). The existence of data discrepancies gives rise to the thinking from the recipient country that migrant workers who are working in their country are different people, which results in these migrant workers being considered to have violated the rules, and making their position weak in the eyes of the receiving country's law (Soraya, 2021).

In the case of Hong Kong, many of the migrant workers claimed to have a different real identity than the data written on their passports, such as with their names, cities of origin, or dates of birth, which did not match. The Indonesian Migrant Workers have passports officially issued by the Indonesian immigration authorities, but the data written in them is not the real identity of the migrant workers (Constable, 2024). This can happen because in the process, these migrant workers use the services of non-procedural service providers who offer assistance to prospective Indonesian migrant workers, so that they can quickly complete the administration of the required registration requirements (Kurnianingrum, 2023).

The mode usually carried out by the non-procedural service provider agent is to increase the age of the prospective worker by changing his identity document (Nguyen, 2021). In addition, these individuals also offer passport making services for prospective Indonesian Migrant Workers, by offering to use fake data and identity documents or identity documents owned by other people, to facilitate the way for these migrant workers so that they do not have difficulties in the process of making passports. Migrant workers who use non-procedural service provider agents usually only receive their passports at the time of departure to the recipient country, without having time to check their identity data in their passports (Nuraeny, 2023). In the end, the migrant workers have no other choice but to use the passport they already have, even though they have a different identity, because they have to leave for the destination country (Perova & Purnamasari, 2019).

To minimize the occurrence of passport data falsification, the Directorate General of Immigration carries out a form of security by using a more integrated immigration data management system (Kanim Palangkaraya, 2018). As a result of the implementation of a more integrated immigration system, non-procedural Indonesian migrant workers who use fake data, experience difficulties when trying to replace their passports because they have to use their real identity data. As happened in Hong Kong, for example, Indonesian migrant workers working there are more vulnerable to being considered criminals, and are threatened with imprisonment from the Hong Kong government on charges of

falsifying identity documents. This is because when Indonesian Migrant Workers want to improve the data on their passports, the Indonesian migrant workers must also change all the documents they have in Hong Kong, such as work contracts, residence permits, etc. (Constable, 2024). The good intentions of the migrant workers to comply with the regulations of the Indonesian Government, became a negative thing for him, because based on the regulations of the Hong Kong Government, Indonesian migrant workers can be charged with fraud for falsifying identity data on passports (Utami, 2016).

For Indonesian Migrant Workers who survive by using false data on their passports, they end up living in Hong Kong without having a valid identity card and passport, because they cannot replace their passports. When they are sick, the migrant workers cannot get health services, because they cannot show their valid identity documents to the hospital. In addition, when the migrant workers wanted to carry out the remittance process, the migrant workers did not have access to the remittance process at the bank, because they did not have a valid identity card and passport (Soraya, 2021). Passports are an important document for everyone who wants to travel abroad, including migrant workers. A passport is considered an internationally recognized identity document, and also has an important role for its owner. Without a passport while abroad, a person cannot be recognized for their citizenship status (Starke in Rachman, 2021).

Passports are considered a means to ensure protection for Indonesian Migrant Workers who are working abroad. However, many problems experienced by many Indonesian Migrant Workers are related to false identities listed on their passports. This makes migrant workers there vulnerable to becoming victims of human trafficking, as well as vulnerable to becoming victims of the policies of the recipient country related to immigration and employment issues (Kanwil Kemenkumham Kalbar, 2023). As a form of protection for migrant workers, the Directorate General of Immigration is trying to apply biometric technology in its efforts to reduce Indonesian Non-Procedural Indonesian Migrant Workers who use fake identity data. Biometric data is stored with the aim of ensuring that the passport holder is really the rightful owner and entitled to the passport (Kanim Batam, 2023). However, even though it has been recorded biometrically, there is still an opportunity for the migrant workers to continue to use other people's data in the passport making process. As long as there are still non-procedural worker delivery service providers who assist Indonesian Migrant Worker Candidates in obtaining population documents such as birth certificates, ID cards, family cards, etc., then there is still a possibility for these prospective workers to be able to get a passport using the population document provided by the non-procedural worker delivery service provider (Constable, 2024).

With the many administrative requirements that must be met, the length of the process that must be taken, and the absence of fees, it is considered a factor that encourages prospective Indonesian Migrant Workers to take non-procedural actions in their efforts to obtain passports (Gaol et al., 2023). As one of the requirements that must be met to be able to work abroad, a passport is an important thing for an Indonesian Migrant Worker. However, due to incomplete supporting documents, usually the

prospective migrant workers will be assisted by non-procedural worker delivery service providers to complete passport documents. One way that is usually done is to claim to be another person through the use of birth certificates and original identity cards owned by someone in the passport application process. As a result, the owner of the original identity of these documents cannot apply for a passport because the data has been used by someone else to make a passport (UNODC, 2024).

The crime of passport forgery is a criminal act that not only harms the state, but is also considered an act that can harm the migrant workers themselves. Forms of data falsification in the process of making passports are considered to have violated the provisions of the law as stated in Law No. 6 of 2011 concerning Immigration Article 126, related to the use of unauthorized data and providing information with incorrect data to obtain travel documents (Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, 2011). The phenomenon of falsification of administrative documents, as well as the provision of incorrect information, both verbally and in writing, in the process of making passports, is one of the types of immigration crimes that often arise, because it involves Indonesian Migrant Workers which is one of the types of jobs that are in demand by the Indonesian people (Hasbiyalloh et al., 2024).

Immigration crimes in the form of falsifying data on passports can be committed by individuals or with the help of non-procedural worker delivery service providers, either for their own interests or for the benefit of others (Nuraeny, 2023). A person or an entity can be found guilty of fraud and falsification of documents in the process of issuing a passport. Crimes like this refer to the creation, sale or use of fake identity documents, such as identity cards, birth certificates and passports (U.S. Government Accountability Office, 2024). So that the imposition of criminal sanctions on immigration violators is considered a necessary thing to prevent and eradicate unlawful acts that can harm the state and society. In addition, the existence of this form of enforcement is also needed to maintain and ensure that every Indonesian Migrant Worker who will go out to work in another country, can comply with all applicable immigration regulations, both while still in Indonesia, or while in the recipient country (Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, 2011). Although in reality, the current imposition of prison sanctions and fines to perpetrators and other parties involved is considered ineffective and significant, in reducing the number of Non-Procedural Indonesian Migrant Workers, so that in the end the Directorate General of Immigration seeks to use a more persuasive way in dealing with the problem (Public Relations of the Directorate General of Immigration of the Republic of Indonesia, 2023).

Circular Letter of the Director General of Immigration of the Republic of Indonesia Number: IMI-GR.01.01-0252 of 2023, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2020, and Immigration Supervision Function of the Directorate General of Immigration

Many of the Indonesian Migrant Worker Candidates use non-procedural methods, due to the emergence of a negative assumption, that to collect the requested administrative

requirements, it takes a long time, due to the complexity of the bureaucratic process in Indonesia (Gaol et al., 2023). The existence of forms of fraud in the passport making process is considered a vulnerability for prospective migrant workers. This vulnerability can be seen from the condition of prospective migrant workers, who in the end may be threatened because they do not have the ability to face the dangers and negative impacts that may arise, from the use of false identities and data written on their passports when they have started working abroad (Nuraeny, 2023).

In general, the Directorate General of Immigration will further tighten the rules related to making passports for Prospective Indonesian Migrant Workers. This arises as a result of the discovery of forms of violations, such as the use of false identities or the involvement of non-procedural worker delivery service providers in the process of submitting passport applications (UNODC, 2024). However, by looking at facts and information in the field, to prevent this, the Directorate General of Immigration tries to use a more persuasive way, namely by reducing administrative requirements that must be met, as well as eliminating the cost of making passports for prospective migrant workers.

The Circular Letter of the Director General of Immigration of the Republic of Indonesia Number: IMI-GR.01.01-0252 of 2023 and the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2020, were issued as an answer from the Directorate General of Immigration to the assumption that the bureaucratic process of making passports is difficult and is considered one of the sources of the emergence of Non-Procedural Indonesian Migrant Workers. Through these two new regulations, the Directorate General of Immigration seeks persuasively to be able to influence the thinking of prospective Indonesian migrant workers, to prefer a process that is in accordance with applicable procedures and regulations, by offering convenience in the passport making process. This was done by the Directorate General of Immigration with the aim of increasing the number of Procedural Indonesian Migrant Workers working abroad (Public Relations of the Directorate General of Immigration of the Republic of Indonesia, 2023).

The state has the authority to provide direction to relevant government institutions, to increase the resilience of vulnerable parties, because humans are vulnerable creatures to a sense of dependence, and therefore the state has an obligation to be able to reduce, improve, and provide solutions to the forms of vulnerability that arise in society (Kohn, 2014). In this regard, the Directorate General of Immigration seeks to use more persuasive methods in its efforts to reduce the number of Non-Procedural Indonesian Migrant Workers working abroad, namely by implementing a zero rupiah fee for prospective Indonesian Migrant Workers who want to work abroad (Ministry of Law and Human Rights of the Republic of Indonesia, 2020). In addition, the Indonesian Migrant Worker Candidates also no longer need a letter of recommendation from the relevant Ministry or Institution, to be able to apply for a passport.

To apply for a passport, Prospective Indonesian Migrant Workers no longer need recommendations from relevant ministries and institutions (Directorate General of Immigration, 2023). The policy from the Directorate General of Immigration aims to

make it easier for Indonesian Migrant Workers to be able to work abroad through channels that are in accordance with applicable procedures. There is an assumption that in order to increase the number of Procedural Indonesian Migrant Workers working abroad, the Directorate General of Immigration must further simplify the requirements and process of making passports, so that more prospective Indonesian Migrant Workers are interested in using methods that are in accordance with procedures in making passports (Public Relations of the Directorate General of Immigration of the Republic of Indonesia, 2023).

There was an increase in the number of Procedural Indonesian Migrant Workers who went to work abroad, from 21,005 people in 2022, to 28,927 people in 2023, or an increase of 37.71% from the previous year. In addition, there was a decrease in the number of complaints from Non-Procedural Indonesian Migrant Workers, from 189 complaints in 2022, to 172 complaints in 2023, or a decrease of 8.99%. Then in August 2024, there was a decrease again to 143 complaints, or a decrease of 16.86%. The complaints reported by Non-Procedural Indonesian Migrant Workers are dominated by cases of Non-Procedural Indonesian Migrant Workers who are repatriated to Indonesia (Badan Perlindungan Pekerja Migran Indonesia, 2024).

As an additional step used as a complement to the persuasive efforts being carried out by the Directorate General of Immigration, through the policy of providing a zero rupiah rate, as well as providing ease of passport requirements for prospective Indonesian Migrant Workers, this can be done by controlling and supervising the process of issuing passports (Kanim Batam, 2020). The control and supervision process can be carried out by the Directorate General of Immigration through all Immigration Offices spread throughout Indonesia. The Immigration Officer on duty can conduct an interview process related to the correctness of the data provided by the Indonesian Migrant Worker Candidate, as well as verify and see the data match between the attached identity documents, with the information provided during the interview process (Kanim Jakarta Utara, 2023). Immigration officers also have the right to reject a person's passport application, if there is a form of violation such as incompatibility of the applicant's data with the attached documents, incomplete data attached, and considered to have provided incorrect information during the interview process, for example by providing convoluted information, using someone else's identity, to the reason for going abroad to meet his family, even though the real goal is to work there (Kanim Batam, 2023).

Based on data recorded in the Immigration Information System (SIMKIM) at the Directorate General of Immigration, most of the rejections of passport applications are due to indications as Non-Procedural Indonesian Migrant Worker Candidates (Geken, 2023). Rejected applications are usually at the stages of file examination, interview process, and data adjudication. With the process of verifying documents and interviewing prospective Indonesian Migrant Workers, it is considered as one of the ways from the Directorate General of Immigration to be able to reduce the risk of the emergence of Non-Procedural Indonesian Migrant Workers who use incorrect data to be able to work abroad. The verification process is needed to ensure that the documents attached by the

Indonesian Migrant Worker Candidates contain the original data of the applicant and are in accordance with applicable regulations, so that in the future, the passport that has been issued is not misused by other parties (Kanim Jakarta Utara, 2023).

There are concerns that the policy of providing convenience in making passports can also make it easier for irresponsible individuals to carry out illegal practices in the passport application process for prospective Indonesian Migrant Workers. However, in practice, the Directorate General of Immigration also remains selective in approving passport applications from prospective Indonesian Migrant Workers. This can be seen from the number of passport application rejections carried out by the Directorate General of Immigration in 2023. In that year, the Directorate General of Immigration had rejected 10,138 passport applicants who were suspected of becoming Non-Procedural Indonesian Migrant Workers abroad (Geken, 2023). The refusal action was carried out not because it wanted to make it difficult for prospective Indonesian Migrant Workers to work abroad, but rather as a protection effort from the Directorate General of Immigration so that these workers could be more legally protected and could avoid the Crime of Trafficking in Persons (TPPO) (Regional Office of the Ministry of Law and Human Rights, West Kalimantan, 2023). On the one hand, the Directorate General of Immigration wants to provide ease of passport making services for prospective Indonesian Migrant Workers, but on the other hand, the immigration supervision function is also needed as a preventive effort to prevent Non-Procedural Indonesian Migrant Workers who will work abroad.

Conclusion

The phenomenon of passport ownership with false data by Indonesian Migrant Workers who are working abroad is a problem that is difficult to eliminate, because there are still many prospective workers who think that the bureaucracy of making passports is difficult and takes a long time. So that many of the Prospective Indonesian Migrant Workers are still interested in using the services of non-procedural service providers in the process of making passports, because they are considered easier and more practical. Although indeed the method used is a method that is not in accordance with the procedure, because it involves the use of resident identity documents that do not match the original identity of the passport holder.

Many Indonesian Migrant Workers are unaware of the dangers that may arise from using passports with inappropriate identities. Starting from the threat of legal action from the recipient country because it is considered to use fake identity data to enter and work in their country, the threat of losing their employment rights such as unpaid wages or not being able to use health facilities because they are considered individuals with a different identity than those recorded in their passports, to the threat of doubting their citizenship status by their country of origin because they have data differences between the original identities written on their identity document, with data written on the passport. All of these things put Indonesian Migrant Workers in a weak position, because of the many forms of vulnerability that Indonesian Migrant Workers can feel either when they are still

processing their passport applications in Indonesia, or when they have started working in their destination country.

The emergence of the Circular Letter of the Director General of Immigration of the Republic of Indonesia Number: IMI-GR.01.01-0252 of 2023 and the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2020, is considered as one of the more persuasive ways of the Directorate General of Immigration, in order to overcome the problem of identity forgery, as well as the use of other non-procedural methods, carried out by Prospective Indonesian Migrant Workers, in the process of making their passports so that they can go to work abroad. The existence of this regulation is expected to attract more Indonesian Migrant Worker Candidates, to use legal means, because of the ease in passport requirements and fee exemption. So that in the next few years, the Directorate General of Immigration can increase the number of Procedural Indonesian Migrant Workers, as well as reduce the number of Non-Procedural Indonesian Migrant Workers working abroad. Although it must still be emphasized that in addition to offering convenience for prospective migrant workers who will make passports, the Directorate General of Immigration also emphasizes its immigration supervision function as a form of prevention in its efforts to prevent the increase in non-procedural Indonesian Migrant Workers, as well as the emergence of the Crime of Trafficking in Persons (TPPO).

Bibliography

- Badan Perlindungan Pekerja Migran Indonesia. (2024). *Data Penempatan dan Perlindungan Pekerja Migran Indonesia Januari s.d Agustus 2024*. <https://bp2mi.go.id/statistik-detail/data-penempatan-dan-pelindungan-pekerja-migran-indonesia-periode-januari-agustus-2024>
- Constable, N. (2024, March 8). The Role Of “Real But Fake” Passports In Asian Migration And Labor Precarity. *UC Press Blog, University of California Press*. <https://www.ucpress.edu/blog/61738/the-role-of-real-but-fake-passports-in-asian-migration-and-labor-precarity/>
- Dehm, S. (2018). Passport. In *International Law's Objects* (pp. 342–356). Oxford University Press. <https://doi.org/10.1093/oso/9780198798200.003.0029>
- Envoy Global. (2023, January 5). Visa vs. Passport: What Is the Difference? *Envoy Global*. <https://resources.envoyglobal.com/global-immigration-compass/passport-versus-a-visa/#:~:text=A%20passport%20is%20used%20to,a%20passport%20for%20re%2Dentry.>
- Finema, M. A. (2010). The vulnerable subject: anchoring equality in the human condition. In *Transcending the Boundaries of Law* (1st Edition, p. 15). Routledge-Cavendish.
- Gaol, D. L., Yuniarti, A., Dewanto, P. A., Asyidiqi, H., Astriani, H. N., Nugraha, F. F., & Ramdhani, M. A. (2023). *Assesment on Migration Policy Gaps at Sub-National*

Level: Case Studies on The Implementation of Policies of Protection For Indonesian Migrant Worker in The West Nusa Tenggara Province, Central Java Province, and South Sulawesi Province.

Geken, F. R. E. (2023, June 22). Cegah TPPO, Imigrasi Tolak 10.138 Paspor Pekerja Migran Ilegal. *Bloomberg Technoz*. <https://www.bloombergtechnoz.com/detail-news/8991/cegah-tpo-imigrasi-tolak-10-138-paspor-pekerja-migran-ilegal>

Hasbiyalloh, B., Denney, L., Adianti, C., & Pramono, B. K. (2024, March 11). *Political economy analysis of Indonesian migrant workers' vulnerabilities to exploitation in Malaysia's palm oil sector*. Odi Global. <https://odi.org/en/publications/political-economy-analysis-of-indonesian-migrant-workers-vulnerabilities-to-exploitation-in-malaysias-palm-oil-sector/>

Humas Ditjen Imigrasi RI. (2023, August 30). Siaran Pers : Dukung Pekerja Migran Indonesia Menjadi Legal, Ditjen Imigrasi Permudah Persyaratan Paspor dan Berlakukan Nol Rupiah. *Ditjen Imigrasi RI*. https://www.imigrasi.go.id/siaran_pers/2023/08/30/siaran-pers-dukung-pekerja-migran-indonesia-menjadi-legal-ditjen-imigrasi-permudah-persyaratan-paspor-dan-berlakukan-nol-rupiah?lang=id-ID

ICAO. (2024). *Facilitation Panel (FALP). Amendments to Annex 9 — Facilitation*. <https://www.icao.int/Meetings/FALP/Documents/FALP13-2024/FALP13-WP4.EN.pdf>

Kanim Batam. (2020, December 18). Kerja di luar negeri? Pastikan menjadi Pekerja Migran Indonesia yang Prosedural. *Kanim Batam*. <https://kanibatam.kemenkumham.go.id/berita/2020/12/kerja-di-luar-negeri-pastikan-menjadi-pekerja-migran-indonesia-yang-prosedural>

Kanim Batam. (2023, July). Hasil Sinergi Imigrasi Batam dengan Polda Kepri dan Instansi-Instansi Terkait. *Kanim Batam*. <https://kanibatam.kemenkumham.go.id/berita/2023/07/hasil-sinergi-imigrasi-batam-dengan-polda-kepri-dan-instansi-instansi-terkait>

Kanim Jakarta Utara. (2023, July 4). Imigrasi Jakarta Utara Tolak 45 Penerbitan Paspor Terduga Pekerja Migran Ilegal. *Kanim Jakut*. <https://jakartautara.imigrasi.go.id/2023/07/04/imigrasi-jakarta-utara-tolak-45-penerbitan-paspor-terduga-pekerja-migran-ilegal/>

Kanim Palangkaraya. (2018, September 21). Imigrasi Terapkan Sistem Informasi Keimigrasian Online di 67 Kantor Perwakilan RI. *Kanim Palangkaraya*. <https://imigrasipalangkaraya.com/2018/09/21/imigrasi-terapkan-sistem-informasi-keimigrasian-online-di-67-kantor-perwakilan-ri>

Kanwil Kemenkumham Kalbar. (2023, May 24). Upaya Preventif dan Represif Kemenkumham Cegah PMI Ilegal di Kalimantan Barat. *Kanwil Kemenkumham Kalbar*. <https://kalbar.kemenkumham.go.id/berita-kanwil/berita-utama/6701-upaya-preventif-dan-represif-kemenkumham-cegah-pmi-ilegal-di-kalbar>

- Kohn, N. A. (2014). Vulnerability Theory and the Role of Government. *The Yale Journal of Law and Feminism*, 26(1), 1–28.
- Kouba, S., & Baruah, N. (2019). *Access to the labour market for admitted migrant workers in Asia and related corridors*. ILO Regional Office for Asia and the Pacific. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/documents/publication/wcms_669748.pdf
- Kurnianingrum, T. P. (2023). Strengthening The Protection of Migrant Workers From Human Trafficking. *Info Singkat*, 15(11), 21–25. https://berkas.dpr.go.id/pusaka/files/info_singkat/Info%20Singkat-XV-11-I-P3DI-Juni-2023-214-EN.pdf
- Largan, C., & Morris, T. (2019). *Qualitative Secondary Research: A Step-By-Step Guide*. SAGE Publications Ltd. <https://doi.org/10.4135/9781529682816>
- Nguyen, O. K. (2021). Migration Management and Safe Migration along the Indonesia-Malaysia Corridor. *E-International Relations*, 1–9. <https://www.e-ir.info/2021/06/26/migration-management-and-safe-migration-along-the-indonesia-malaysia-corridor/>
- Nuraeny, H. (2023). Legal Protection Against Acts of Violence: Evidence from Indonesian Migrant Workers. *Journal of Law and Sustainable Development*, 11(11), e1844. <https://doi.org/10.55908/sdgs.v11i11.1844>
- Perova, E., & Purnamasari, R. S. (2019). Why do Indonesian Men and Women Choose Undocumented Migration? Exploring Gender Differences in Labor Migration Patterns. *Policy Brief*, 7(7), 1–4. <https://documents1.worldbank.org/curated/en/755481570767778537/pdf/Why-do-Indonesian-Men-and-Women-Choose-Undocumented-Migration-Exploring-Gender-Differences-in-Labor-Migration-Patterns.pdf>
- Penjelasan Atas Undang-Undang Nomor 6 Tahun 2011 Tentang Keimigrasian, Pub. L. No. 6, Pemerintah RI (2011).
- Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 7 Tahun 2022 Tentang Proses Sebelum Bekerja Bagi Calon Pekerja Migran Indonesia, Pub. L. No. 7, Badan Perlindungan Pekerja Migran Indonesia 1 (2022).
- Peraturan Menteri Hukum Dan HAM RI Nomor 9 Tahun 2020 Tentang Syarat Dan Tata Cara Pengenaan Tarif Nol Rupiah Dan Nol Dollar Amerika Terhadap Pelayanan Keimigrasian Yang Mengajukan Paspor 24 Halaman Dan Berlaku Selama 5 (Lima) Tahun, Pub. L. No. 9, Kemenkumham RI (2020).
- Portals International Limited. (2020). *The Foundations of a Passport*. <https://portalsinternational.com/wp-content/uploads/2023/10/The-Foundations-of-a-Passport.pdf>

- Pratiwi, F. S. (2024, January 17). Jumlah Pekerja Migran Indonesia pada 2023 Melonjak 37%. *DataIndonesia.Id*. <https://dataindonesia.id/tenaga-kerja/detail/jumlah-pekerja-migran-indonesia-pada-2023-melonjak-37>
- Rachman, F. E. (2021). The Protection of Foreigners in International Law. *Journal La Sociale*, 2(1), 18–24. <https://doi.org/10.37899/journal-la-sociale.v2i1.264>
- Surat Edaran Direktur Jenderal Imigrasi RI Nomor: IMI-GR.01.01-0252 Tahun 2023, Pub. L. No. IMI-GR.01.01-0252, Ditjen Imigrasi RI (2023).
- Soraya, Y. (2021). Juridical Analysis of Indonesian Migrant Workers From The Perspectives of Labor and Immigration Law. *Proceedings of the 2nd International Conference on Fundamental Rights, I-COFFEES 2019, 5-6 August 2019, Bandar Lampung, Lampung, Indonesia*. <https://doi.org/10.4108/eai.5-8-2019.2308669>
- Undang-Undang (UU) Nomor 6 Tahun 2011 Tentang Keimigrasian, Pemerintah Pusat (2011).
- Undang-Undang (UU) Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang, Pemerintah Pusat (2023).
- UNODC. (2024). *Smuggling of Migrants: The Harsh Search For a Better Life*. UNODC. <https://www.unodc.org/toc/en/crimes/migrant-smuggling.html>
- U.S. Government Accountability Office. (2024). *Significant Vulnerabilities in the Passport Issuance Process*. U.S. Government Accountability Office. <https://www.gao.gov/products/gao-09-681t>
- Utami, R. (2016, June 6). 18 WNI diperiksa Imigrasi Hong Kong. *Antara News*. <https://www.antaraneews.com/berita/565502/18-wni-diperiksa-imigrasi-hong-kong>