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Abstract

The development of information technology has driven bureaucratic reform in various sectors of public service, including the field of immigration. One innovation by the Directorate General of Immigration is implementing the Molina application (Residence Permit and Immigration Status Service Module), which aims to simplify the residence permit service process for foreigners in Indonesia. However, the implementation of this application still faces various challenges, both from legal, technical, and social aspects. This study aims to analyze the legal framework and implementation of the Molina application and evaluate the extent to which it can provide legal certainty in residence permit services, particularly at the Special Immigration Office Class I TPI Batam. The research methods used are normative and empirical juridical, emphasizing statutory and sociological (socio-legal) approaches. Data was obtained through literature review and field research through interviews with immigration officers and service users. The analysis was conducted using responsive law theory (Philippe Nonet & Philip Selznick) as the grand theory, legal system theory (Lawrence M. Friedman) as the middle theory, and the theory of legal certainty (Sudikno Mertokusumo) as the applied theory. The results show that, normatively, the Molina application has not yet been fully supported by precise and uniform technical regulations, which have the potential to create legal uncertainty in its implementation. In terms of implementation, the application has improved efficiency but still faces obstacles in technical aspects, human resource readiness, and a legal culture that does not yet provide optimal support. Therefore, it is recommended that the government and relevant agencies update regulations, provide human resource training, and educate the public to realize a digital-based immigration service that is reliable, fair, and sustainable.

Keywords: Molina Application, Residence Permit For Foreigners, Legal Certainty.

INTRODUCTION

Immigration is key in preserving national sovereignty, mainly by controlling foreigners' ingress and egress and overseeing their conduct within Indonesian borders. The role of immigration transcends mere administrative documentation of cross-border travel; it also includes security, law enforcement, and legal assurance for all foreigners in Indonesia. In the age of globalisation, the movement of individuals across borders is intensifying, necessitating immigration to deliver prompt, efficient services while guaranteeing legal certainty. The Indonesian government acknowledges the significance of bureaucratic reform in public services, particularly immigration. A significant initiative involves digitalising information technology services, as Presidential Regulation Number 95 of 2018 stipulates about the Electronic-Based Government System (SPBE). This digitalisation aims to enhance transparency, efficiency, and accountability within governmental services. This innovation in the immigration field is embodied in the Molina application (Stay Permit and Immigration Status Service Module), which aims to streamline the administrative processes for foreign stay permits (Kartika, 2022).

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Residence permit requirements are governed by Law Number 6 of 2011 on Immigration. This legislation mandates that all foreigners possess a valid resident permit, which may be a visit residence permit, a limited residence permit (ITAS), or a permanent residency permit (ITAP). This rule guarantees that foreigners' presence aligns with national legislation and supports national development and security interests (legislation No. 6 of 2011). In practice, residency permits serve as a crucial instrument that encompasses an administrative aspect and influences the investment climate, labour force, and social stability (Fadli, 2020). Despite Molina's anticipated provision of legal certainty, the practical implementation of the application encounters several challenges. Technical constraints, including limited internet connectivity, unstable application systems, and insufficient human resource readiness, frequently impede its effectiveness (Wahyuni, 2021). From a regulatory standpoint, the adaptation of implementing regulations to digital-based systems is inconsistent, resulting in potential legal uncertainty. The absence of socialisation and digital literacy among immigration officers and service users presents significant challenges.

The Batam Class I Special Immigration Office (TPI) was selected as the research site because of its strategic positioning. Batam, located near Singapore and Malaysia, is a significant entry point for foreign visitors. This situation presents complex immigration challenges, including violations of residence permits, abuse of permits, and cross-border human trafficking. Assessing Molina's effectiveness in Batam is essential for establishing legal certainty and order in immigration. This study employs three theoretical frameworks. Nonet and Selznick's (1978) Responsive Legal Theory posits that law should be adaptable to social change and the needs of society. Friedman's (1975) Legal System Theory, which analyses law through structure, substance, and legal culture, necessitates evaluating Molina's implementation in terms of institutions, regulations, and societal behaviour. The Legal Certainty Theory (Mertokusumo, 2010) underscores the necessity of clear, consistent, and effectively enforceable regulations. The analysis of Molina's implementation will be more comprehensive, both normatively and empirically, by employing these three theoretical perspectives. Prior studies, including Kartika (2022) on digital immigration services, Fadli (2020) regarding the role of information technology in residence permits, and Wahyuni (2021) addressing administrative challenges in digitising immigration, have established a robust academic foundation. Nevertheless, these studies have not specifically examined Molina's implementation from a legal standpoint nor incorporated a case study in Batam. This study seeks to address the existing gap by conducting a legal analysis of the Molina application and its role in ensuring legal certainty for residence permit services for foreigners in Indonesia. This research is significant in both academic and practical contexts. It contributes to the literature on immigration law and the digitalisation of public services. The research findings aim to offer policy recommendations for the Directorate General of Immigration, specifically focused on enhancing the quality of digital services that are responsive, transparent, and ensure legal certainty for users.

RESEARCH METHOD

This study employs a synthesis of normative and empirical legal methodologies. The normative legal approach was employed to analyse the legislative regulations about residence permit services for foreigners, specifically with the execution of the Molina application. This normative analysis examines relevant laws and regulations, including Law Number 6 of 2011 on Immigration, Minister of Law and Human Rights Regulation Number 27 of 2014 on Residence Permits, and Presidential Regulation Number 95 of 2018 on Electronic-Based Government Systems (SPBE), as the foundation for the implementation of digitalised public services. Simultaneously, the empirical juridical technique was employed to examine the practical application of these legal requirements. The research site was the Class I Special Immigration Office (TPI) in Batam. Empirical data were collected via interviews with immigration officers utilising the Molina application and service users (foreign nationals and their legal representatives) who sought residence permits through the system.

The categories of data utilised comprise:

- 1. Primary data, specifically the outcomes of interviews and field observations concerning the execution of the Molina application.
- 2. Secondary data include primary legal materials (statutory regulations), secondary legal materials (books, journals, prior research findings), and tertiary legal materials (legal dictionaries, encyclopedias, official papers from the Directorate General of Immigration).

Data gathering methods were implemented through:

1. A literature review to acquire a conceptual and regulatory foundation for immigration and legal certainty.

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2. Field research utilising structured and semi-structured interviews with cops and users of the Molina application.

The data were subsequently subjected to qualitative analysis. Normative data were examined using legal interpretation (legal hermeneutics), whilst empirical data were assessed using a socio-legal method that integrates legal elements with socio-cultural contexts. The analysis was conducted using three main theoretical frameworks: responsive legal theory (Nonet & Selznick, 1978) as a grand theory, Friedman's (1975) legal system theory as a middle theory, and legal certainty theory (Mertokusumo, 2010) as an applied theory. This methodological approach aims to thoroughly analyse the legal frameworks and execution of the Molina application, while assessing its effectiveness in achieving legal certainty in foreign residence permit services in Indonesia.

RESEARCH RESULT

1. Legal Regulations for the Molina App

The Molina app operates under the framework of Law Number 6 of 2011 regarding Immigration, which stipulates that all foreigners are required to hold a valid residence permit. The law is reinforced by several derivative regulations, including Minister of Law and Human Rights Regulation Number 27 of 2014, which addresses Residence Permits for Foreign Citizens, and Minister of Law and Human Rights Regulation Number 24 of 2016, which outlines the Procedures for Granting and Extending Residence Permits via Electronic Systems. The implementation of the Molina app is consistent with the government's digitalization policy, as outlined in Presidential Regulation Number 95 of 2018 regarding Electronic-Based Government Systems (SPBE). Although there is a legal foundation, studies indicate that the regulations concerning Molina are ambiguous and lack consistency. The absence of technical regulations specifically addressing the detailed mechanisms for utilizing the Molina app is notable, particularly regarding data security standards, digital service procedures, and the legal protection afforded to users. This introduces a possibility of legal ambiguity, as immigration officers and the public frequently interpret the regulations in varying ways on the ground.

2. Implementation of the Molina Application at the Class I Special Immigration Office TPI Batam

Field research findings demonstrate that the deployment of the Molina application has significantly yielded numerous advantages. The program streamlines the residence permit administration process, allowing applicants to upload papers and submit applications online without the necessity of physical presence at the immigration office. Secondly, the approach enhances transparency as users may observe each phase of the program via a registered account. Molina advocates for the amalgamation of biometric data and residence permit status, thereby enhancing the oversight of foreigners in the Batam region, recognized as an international gateway. Nonetheless, the efficacy of Molina's execution remains suboptimal. Interviews indicated persistent delays in service attributable to network interruptions or system instability. Numerous immigration officers recognized the constraints of utilizing the program, owing to insufficient technical training. From the user's perspective, many foreigners have language barriers and struggle with comprehending digital processes, thereby continuing to depend on third-party support, such as immigration service agents.

3. Barriers and Solutions to Implementing the Molina Application

The research found three primary areas of impediments to the implementation of the Molina application.

- a. Technical impediments, encompassing internet connectivity interruptions, restricted application capacity, and recurrent system failures during concurrent user access.
- b. Administrative impediments, specifically the absence of complete harmonization between digital systems and manual regulations, and the continued existence of bureaucratic procedures that necessitate manual execution despite the implementation of Molina.
- c. Human resource challenges arise from immigration agents who are inadequately trained in utilize the program and from foreigners who possess insufficient knowledge of its operation.

The report proposes many measures to surmount these challenges. First, the government must revise the technical regulations governing the use of Molina to eliminate legal ambiguity. Second, it is essential to enhance the capacity of the technological infrastructure, including the application's network and servers. Third, enhanced training and outreach initiatives are essential for both immigration officials and service recipients. Molina has the potential to serve as a valuable digital tool in ensuring legal certainty in residence permit services for foreigners in Indonesia.

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DISCUSSION

1. Legal Regulations for the Molina App

Typically, Molina is legally based on Law No. 6 of 2011 concerning Immigration and several derivative technical regulations. However, this study found that existing regulations do not explicitly address the governance of app-based services. As a result, the legal certainty that written regulations should guarantee has not been fully realized. According to Sudikno Mertokusumo's (2010) theory of legal certainty, a new law is considered to provide certainty if its regulations are clear, consistent, and predictable. The current situation with Molina actually creates uncertainty because immigration officers often interpret the rules differently. Furthermore, the lack of regulatory clarity has implications for the protection of app users' personal data. With Molina being digitally based and integrating biometric data, strict regulations regarding data security are essential. However, the study shows that there are no specific regulations guaranteeing this aspect. This raises the potential for new legal issues, such as data misuse or information leaks. These findings support Wahvuni's (2021) research, which states that the gap between manual regulations and digital systems often leads to legal disharmony. In fact, if left unchecked, this situation could undermine the legitimacy of public services. Meanwhile, Kartika (2022) emphasized the need for specific regulations governing digital systems to align with the principles of state administrative law. Therefore, the Molina regulation still requires regulatory updates to ensure its application functions are fully compliant with the principle of legal certainty. Furthermore, when linked to responsive legal theory (Nonet & Selznick, 1978), the Molina regulation should be adaptive and able to respond to the needs of service users. Unfortunately, the regulation is currently stuck in a rigid and formalistic approach to autonomous law. Therefore, immigration regulatory reform that integrates digital services is an urgent need, not only to support public services but also as a means of realizing substantive justice.

2. Implementation of the Molina App at the Batam Class I Immigration Office

The implementation of Molina in Batam has had a positive impact on service acceleration and transparency. Residence permit applicants can directly monitor the status of their applications through the app, a process previously complex with manual systems. This aligns with the spirit of good governance, which demands accountability and openness in public services. From the perspective of responsive legal theory, this demonstrates that technology can be a tool for the state to be more responsive to the needs of foreigners who demand certainty and efficiency. However, Molina's effectiveness remains limited due to technical constraints and legal culture. According to Friedman's (1975) legal system theory, law is influenced by three elements: structure, substance, and culture. Structurally, the Batam Immigration Office faces limitations in technological infrastructure and human resources. Substance-wise, legal regulations do not fully support digital services. Culturally, both officers and foreigners still struggle to adapt to the new system. This has resulted in Molina's suboptimal implementation.

This situation is similar to the findings of Fadli's (2020) research, which found that although technology accelerates residence permit services, many foreigners still rely on third parties due to a lack of understanding of digital systems. In other words, digitizing services without improving the public's digital literacy will only create new dependencies, not legal independence. Furthermore, this study also found that some immigration officers have not fully mastered the application. This lack of training impacts the low quality of service. However, within a responsive legal framework, law enforcement officers are not only enforcers of regulations but also mediators between the interests of the state and the public. Therefore, the role of immigration officers as "legal actors" must be strengthened through continuous education and training. Furthermore, Batam's position as a border city adds to the complexity of implementing Molina. The high influx of foreigners requires a reliable, fast, and efficient service system. If the application fails to meet these needs, the risk of residence permit violations will increase. Therefore, the effectiveness of Molina in Batam must be continuously evaluated to ensure it truly supports the immigration function as a guardian of national sovereignty and a facilitator of economic development.

3. Barriers and Solutions to Molina Implementation

Barriers to Molina implementation can be grouped into technical, administrative, and human resource aspects. Technical barriers such as limited internet networks and application servers indicate the need for greater investment in digital infrastructure. Administrative barriers in the form of overlapping regulations between manual and digital

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procedures indicate an incomplete legal transition. Meanwhile, human resource barriers indicate that digital bureaucratic reform has not been accompanied by increased capacity among officials and users.

From the perspective of legal certainty theory, these barriers undermine Molina's legitimacy as a legal instrument. Laws that should provide predictability have instead become a source of uncertainty due to inconsistent application. As a result, foreigners remain skeptical of the application's effectiveness, leading some to opt for manual channels or use intermediaries. To address these barriers, this study recommends three main measures. First, regulations must be updated to align with digital systems, including aspects of data security and the legitimacy of electronic documents, and second, technological infrastructure must be improved, particularly in border areas with high foreign influx, such as Batam. Third, strengthening human resources and providing outreach, both through intensive training for officials and outreach to foreigners on how to use the application. This solution aligns with the recommendations of Kartika (2022), who emphasized the need for regulatory evaluation, and Wahyuni (2021), who highlighted the importance of officer training. By combining regulatory, technical, and cultural approaches, Molina's implementation can be significantly improved. Furthermore, Molina's success will also support the national agenda of realizing digital bureaucratic reform. Digital transformation in public services is not merely a technical issue, but also a shift in legal paradigms and work culture. If these obstacles can be overcome, Molina has the potential to become a model for the digitalization of public services in other sectors in Indonesia.

CONCLUSION

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- 1. The legal provisions regarding the Molina application for foreign residence permit services in Indonesia have a sufficient normative basis through Law Number 6 of 2011 concerning Immigration and various derivative regulations, including regulations of the Minister of Law and Human Rights and internal policies of the Directorate General of Immigration. However, in practice, there are still gaps in technical norms and a lack of optimal harmonization between legal substance and digital service requirements, resulting in procedural ambiguity and a lack of legal protection for residence permit applicants.
- 2. The implementation of the Molina application at the Batam Class I Special Immigration Office (TPI) has generally contributed to increased efficiency and transparency in foreign residence permit services by digitizing a structured application process. However, the effectiveness of this implementation is still limited by the readiness of the implementing structure, misunderstandings between officers and users, and procedural asynchronous processes between units. This indicates that digitalization cannot fully guarantee substantive legal certainty without institutional reform and a supportive legal culture.
- 3. Obstacles to implementing the Molina application include technical constraints such as network disruptions and system integration, legal constraints such as overlapping authority and unclear technical regulations, and sociological constraints such as officer resistance to technology and low user digital literacy. To address these issues, strategic solutions are needed through regulatory and SOP updates, increased human resource capacity, modernization of system infrastructure, and strengthening of legal culture through outreach and active user involvement in the service process.

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